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**Volume 5
2013-2014**

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 FEBRUARY 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
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
Ian Dryden, Development Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
John McPeake, Trainee Planning Officer
John Milne, Senior Planning Officer
Anna Perks, Biodiversity Officer
Julie Seidel, Planning Officer
Antonia Sobieraj, Committee Officer
Russell Steedman, Network Co-ordinator

P124. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Chalmers.

P125. DECLARATIONS OF INTEREST

No declarations were made.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/13/0012/FUL and P/13/0663/VRC (minute P130 and P131) but he would take part in consideration of planning application P/13/0689/FUL (minute P129) as he was sufficiently familiar with the site.

- Councillor Meiklejohn informed the Committee that, while she had not attended the site visits, she would take part in consideration of planning applications P/13/0689/FUL, P/13/0012/FUL and P/13/0663/VRC (minute P129, P130 and P131) as she was sufficiently familiar with the sites.

P126. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/13/0741/FUL, P/13/0754/FUL, P/14/0009/ADV, P/13/0760/FUL and P/12/0546/FUL.

P127. MINUTES

Decision

- (a) The minute of meeting of the Planning Committee held on 29 January 2014 was approved; and
- (b) The minute of the meeting Planning Committee held On Site on 10 February 2014 was approved.

P128. DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS AND SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 25 June, 22 August and 18 September 2013 and 29 January 2014 (Paragraphs P46, P59, P84 and P116 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission in principle for the demolition of existing buildings and the development of land for residential purposes at Castings Community Sports and Social Club, Etna Road, Falkirk.

With reference to Standing Order 33, Baillie Buchanan referred to applications received from (1) Grahamston, Middlefield and Westfield Community Council, and (2) Andrew Bennie (Planning) Limited, the agent for the applicant, for admission to the meeting as deputations to be heard in relation to this item of business.

The Committee consented to hear the deputations.

Mr McKerrell, Chair, Grahamston, Middlefield and Westfield Community Council gave details of concerns by the Community Council on the loss of an important facility in the local area, the amount and suggested use of the proposed contribution and the insufficient level of community consultation. This was followed by Mr Bennie, Andrew Bennie (Planning) Limited, the agent for the applicant, detailing on the history of the site and the application.

Members then asked questions of Mr McKerrell and Mr Bennie.

With the consent of the meeting, Ms Jones, SportsScotland and Mr Finnie, Falkirk Community Trust, who were present as observers at the meeting, responded to Members questions.

The Committee thereafter reconvened normal business.

Baillie Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations detailed in the Report dated 13 August 2013 and subject to there being a requirement, in relation to paragraph 8.1(a), for the Council to consult with the local community as to where the developer contribution monies would be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies would be spent.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Turner, moved that the application be refused on the grounds that the development was contrary to Falkirk Council Local Plan Policies SC11 'Developer Contributions to Community Infrastructure' and COM.5 'Developer Contributions' and the terms of Policy INFO2 of the emerging Local Development Plan.

Councillor Turner gave notice of a further amendment.

On a division, 7 Members voted for the motion and 4 for the amendment.

In terms of Standing Order 20.7, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that Committee be minded to grant the application in accordance with the terms of the substantive motion but with an amendment to the effect that the level of the developer contribution be increased from £40,000 to £100,000.

On a division, 7 Members voted for the motion and 4 voted for the amendment.

Decision

The Committee agreed that it is MINDED to GRANT planning permission in principle subject to the following conditions:-

- (a) Approval of an appropriate legal agreement to secure financial mitigation in the sum of £40,000 from the applicant toward sports provision, it being noted that, in relation to the said sum of £40,000, the Council will consult with the local community in relation to where the developer contribution monies will be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies will be spent; and

- (b) Referral of any decision to approve to Scottish Ministers, due the presence of a registered hazardous installation and thereafter, on conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to:-
 - (1) As part of any application for Matters Specified in Conditions, a Contaminated Land Assessment shall be submitted for the written approval of the Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
 - (2)
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (3) Development shall not begin until a Drainage Assessment has been submitted to and approved in writing by the Planning Authority.
 - (4) The development hereby approved shall be limited to no more than 16 units.
 - (5) For the avoidance of doubt, any development proposal exceeding 16 units shall incur a requirement for commuted payment towards Education provision on a pro-rata basis of £900 per unit, details to be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1-2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To ensure that the development is adequately drained.
- (5) To allow the Planning Authority to control the capacity of the site in relation to educational provision in the area.

Informative(s):-

- (1) Plans and particulars of the matters listed above shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as Planning Authority has been given, and the development shall be carried out in accordance with that approval.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.

The Convener agreed an adjournment at 11.25 a.m. prior to consideration of the following item of business. The meeting reconvened at 11.40 a.m. with all Members present as per the sederunt.

P129. CHANGE OF USE FROM CLASS 1 (SHOP) TO HOT FOOD TAKE-AWAY (SUI-GENERIS) AT 52 HIGH STATION ROAD, FALKIRK FK1 5QX FOR MR & MRS IJAZ SARDAR - P/13/0689/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P118 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 change of use from a class 1 (shop) to a hot food take-away (sui-generis) at 52 High Station Road, Falkirk.

Decision

The Committee agreed to continue consideration for further information.

Councillor Mahoney left the meeting prior to consideration of the following item of business.

Councillor Nimmo left and re-entered the meeting during consideration of the following item of business.

P130. ERECTION OF DETACHED DWELLINGHOUSE ON LAND TO THE WEST OF BARRDEN, MARCHMONT AVENUE, POLMONT FOR APSIS SOLUTIONS (CONSTRUCTION) LTD - P/13/0012/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P117 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 detached dwellinghouse on land to the west of Barrden, Marchmont Avenue, Polmont.

Decision

The Committee agreed to refuse planning permission on the basis that the proposal is contrary to Falkirk Council Local Plan Policies SC3 'Housing Development in the Countryside', Policy SC8 'Infill Development and Subdivision of Plots' and EQ27 'Watercourses' in that the proposed development is not required for the pursuance of a countryside activity or involves the rehabilitation or conversion of existing rural buildings, a section of the Polmont Burn corridor would be lost to the residential development, there would be a detrimental impact on visual amenity, loss of trees and vegetation and the proposed building would be of an inappropriate scale and massing.

P131. AMENDMENT TO PLANNING PERMISSION P/07/1129/REM - CHANGE GROUND FLOOR COMMERCIAL UNITS TO RESIDENTIAL UNITS (COMPRISING 4 FLATS) ADJUSTMENT TO POSITION OF ENTIRE FLATTED BLOCK - 0.5 METRES TO THE NORTH AND 0.5 METRES TO THE EAST AT 1 - 11 (ODD) CROWN CRESCENT, LARBERT FK5 4XP FOR CALA MANAGEMENT LTD - P/13/0663/VRC (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P119 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for the amendment to planning permission P/07/1129/REM to change the ground floor commercial units to residential units (comprising 4 flats) and adjusting the position of the entire flatted block, 0.5 metres to the north and 0.5 metres to the east, at 1-11 (odd) Crown Crescent, Larbert.

Decision

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

- (1) The applicants submit to the Director of Development Services for approval, a marketing strategy for the four commercial units and following the grant of such approval, the applicants shall market the said commercial units for a period of not less than one year in line within the approved strategy. In the event that there has been no take up of the said commercial units within said period of one year, the developer shall be entitled to change the said ground floor commercial units to residential units (comprising four flats); and
- (2) 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 had been agreed in writing by Falkirk Council as Planning Authority.

Reason(s):-

- (1) To ensure that adequate opportunity is provided for commercial occupation as previously approved in planning permissions P/07/1129/REM and P/2002/0611.
- (2) As these drawings and details constitute the approved development.

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- 03.
- (3) For the avoidance of doubt the development shall comply with all conditions of planning permission P/07/1129/REM.

In accordance with the decision taking at the start of the meeting, **NOTED** the following three items had been continued to a future meeting to allow an inspection of the sites by Committee:-

P132. ERECTION OF REPLACEMENT FARMHOUSE AND OUTBUILDING ANNEXE, INCORPORATING GARAGE AND ESTATE OFFICE ON LAND TO THE WEST OF NETHERVIEW COTTAGE, BONNYBRIDGE FOR BLACK BULL ESTATES LTD - P/13/0741/FUL

P133. SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT 92 BANKHEAD CRESCENT, DENNYLOANHEAD, BONNYBRIDGE FK4 1RX FOR MR BARRY SAVILLE - P/13/0754/FUL

P134. DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS (RETROSPECTIVE) AT 84 HIGH STATION ROAD, FALKIRK FK1 5QX FOR REGENCY RACING - P/14/0009/ADV

Baillie Paterson left and re-entered the meeting during consideration of the following item of business.

P135. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION P/09/0457/OUT TO THE EXTENT THAT CLAUSE 5, THE REQUIREMENT THAT ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING IS REMOVED AND IS REPLACED WITH REQUIREMENT THAT 25% OF ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING ON LAND TO THE NORTH EAST OF BURNSIDE, MADDISTON, FALKIRK FOR MANOR FORREST LTD - P/13/0795/75M

The Committee considered a report by the Director of Development Services on an application to modify a planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to planning permission P/09/0457/OUT to the extent that clause 5 (the requirement that all residential units erected within the site will be affordable housing) be removed and replaced with the requirement that 25% of all residential units erected within the site will be affordable housing on land to the north east of Burnside, Maddiston, Falkirk.

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

By way of an amendment, Councillor C Martin, seconded by Councillor McLuckie, moved that Committee grant planning permission in accordance with the recommendations in the Report.

Councillor Turner gave notice of a further amendment.

On a division, 4 Members voted for the motion and 6 for the amendment.

In terms of Standing Order 20.7, the amendment became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that the application be refused on the grounds of there being no evidence that affordable units had to date been effectively marketed by the applicants and that there was insufficient information to merit a modification of the original consent.

On a division, 6 Members voted for the motion and 4 for the amendment.

Decision

The Committee agreed to modify the Section 75 Planning Obligation requiring 100% affordable housing and to reduce the requirement to 25% affordable housing.

In accordance with the decision taking at the start of the meeting, **NOTED** the following two items had been continued to a future meeting to allow an inspection of the sites by Committee:-

- P136. 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**
- P137. 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**

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PENSIONS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 6 MARCH 2014 at 9.30 A.M.

PRESENT:

Councillors:
 Jim Blackwood
 Steven Carleschi
 Tom Coleman
 Depute Provost Patrick (Convener)
 Dr Craig R Martin

Mary Keggan
 Alistair Redpath

ATTENDING:

Jason Koumides, Pensions Accountant
 Alastair McGirr, Pensions Manager
 Bruce Miller, Investment Manager, Lothian Pension Fund
 Bryan Smail, Chief Finance Officer
 Antonia Sobieraj, Committee Services Officer

**ALSO IN
ATTENDANCE:**

Bruce Miller, Investment Manager, Lothian Pension Fund
 Jim Rundell and Neil Cartlidge, Audit Scotland
 James Sparshott, Legal and General
 Clare Watson, Anthony Doherty and Gordon Rutter, Schroders
 Investment Management

PE79. APOLOGIES

Apologies were received from Councillor Campbell, Stirling Council and Councillor C Martin, Falkirk Council.

PE80. DECLARATIONS OF INTEREST

No declarations were made.

PE81. MINUTES**Decision**

- (a) The minute of the Meeting of the Pensions Panel held on 28 November 2013 was noted; and

- (b) **The minute of the Meeting of the Pensions Committee held on 12 December 2013 was approved..**

PE82. ANNUAL AUDIT PLAN - 2013/14

The Committee considered a report by the Chief Finance Officer presenting the Annual Audit Plan for 2013/14 as proposed by Audit Scotland in its capacity as Auditor of the Falkirk Council Pension Fund.

The Audit Plan included a summary of proposed audit activity and associated key milestones for unaudited final statements by 30 June 2014 and the audited annual report and accounts by 30 September 2014.

Decision

The Committee noted Annual Audit Plan for 2013/14, consistent with the audit of the Pension Fund Annual Report and Accounts for 2013/14.

PE83. LGPS (SCOTLAND) 2015

The Committee considered a report by the Chief Finance Officer summarising the major changes to the Local Government Pension Scheme, the common framework and implications of the Public Service Pensions Act 2013 with effect from 1 April 2015, and detailing the latest developments since the Panel's meeting in November 2013 in the implementation of the new scheme.

These changes included:-

- The scheme benefits based on the Career Average (CARE) rather than the Final Salary;
- The alignment of the Scheme Retirement Age with the State Pension Age as this increased from age 65 to 68; and
- The introduction of new governance arrangements.

The Public Service Pensions Act 2013 aimed to establish a common framework for public sector pensions in the UK and to ensure that the schemes were sustainable in the long term.

The report confirmed that negotiations in relation to the Local Government Pensions Scheme (LGPS) were the responsibility of the Scottish Local Government Pension Advisory Group (SLOGPAG), consisting of COSLA, Scottish Government and Trades Union representatives.

The finalised Heads of Agreement was published by the Scottish Public Pensions Agency (SPPA) in early January 2014 and was circulated to all Falkirk Fund employers for publicising to scheme members.

Consultation thereafter took place on the implementation of the new scheme as undernoted:-

- Draft Scheme Regulations - This 6 week consultation exercise, from 6 January to 16 February 2014, was designed to establish whether the regulations were generally fit for purpose and conformed to the terms of the Act and the Heads of Agreement. A joint response was submitted by Pensions Managers of the Scottish Funds;
- Governance Arrangements - This 6 week consultation exercise, from 23 December 2013 to 3 February 2014, aimed to stimulate debate relating to the various governance issues associated with the 2013 Act. The response, agreed by the Conveners of the Pensions Panel and Committee, was consistent with those submitted by the LGPS Fund Conveners' and the National Pension Fund Officers Groups. The key governance roles for the public service schemes included the Responsible Authority, the Scheme Manager, the Pension Board and the Scheme Advisory Board; and
- Pension Regulator's Draft Code of Practice - The Act extended the Pension Regulator's (TPR) role to provide regulatory oversight of public service pension schemes. To this end, a draft Code of Practice was issued for consultation on 10 December 2013. This reference document, for Scheme Managers and Pensions Boards, provided guidance on the Schemes appropriate management in key areas:- knowledge and understanding, conflicts of interest, management of risk, scheme administration and resolving member disputes.

The other pertinent responsibilities included communicating with scheme members, staff and employer training on the scheme's provisions and meeting ensuring the Regulator's Standards were met.

Decision

The Committee noted the latest developments in relation to the establishing of LGPS (Scotland) 2015.

PE84. ADDITIONAL VOLUNTARY CONTRIBUTIONS (AVC's)

The Committee considered a report by the Chief Finance Officer on the Additional Voluntary Contributions (AVC's) and consideration of the appointment of Prudential as an additional AVC Provider to the Pension Fund.

Additional Voluntary Contributions (AVC's) were introduced as part of the Local Government Pension Scheme since 1987 and provided the opportunity for Pension Fund members to build up benefits on a money purchase basis receiving tax relief on their contributions, which were in turn invested with an external manager (AVC Provider). The Provider generally offered a spread of investment funds ranging from a low risk cash fund to more volatile equity linked funds. On retirement, the accumulated AVC pot converted into an annuity or could be realised as a tax free lump sum.

The current AVC arrangement enabled member investment in three Standard Life Funds. These were Cash, Profits and Managed Funds. Members had the opportunity to spread investment across the Funds and switch between them. The local authority AVC market was specialised and Standard Life and Prudential were considered to be the only two credible providers.

The report highlighted that whilst Standard Life was a well-known institution with a strong financial rating and its approach to marketing AVC arrangements had been low key. Despite this it was considered that Standard Life could be retained as one of the Fund's AVC Providers.

Prudential was recognised as a leading provider in the AVC field. Hymans Robertson, the Fund's Investment Adviser, was therefore requested to comment on the proposed appointment of Prudential as joint AVC Provider to the Falkirk Fund. Feedback was positive and indicated their leading status player in the LGPS AVC market and their long term stability.

The appointment of Prudential was considered to offer Fund members greater AVC investment choice. This was supported by Hymans Robertson. In addition, the appointment would assist in refreshing the AVC facility and provide members a greater retirement saving opportunity.

Decision

The Committee noted the proposal to appoint Prudential as an additional AVC Provider.

PE85. ATTENDANCE AND TRAINING MATTERS

The Committee considered a report by the Chief Finance Officer on the Pension panel and Committee member attendance at Pension Fund related meetings/training events and to share the findings of the recent survey on training needs.

The Pension Fund's Training Policy recognised that those persons involved in the governance of the Fund should have the necessary level of skills and knowledge to carry out the necessary duties. This included detailing the expected number of Fund related meetings and training events to attend and reporting attendance information periodically to the Panel and the Committee as well as assessing training needs.

The report highlighted attendance at meetings between August 2012 and December 2013 together with training events during the same period. In addition, an online Panel and Committee member anonymized questionnaire prior to Christmas 2013 sought feedback on areas for further training. 66% of members completed the questionnaire providing valuable information.

Decision

The Committee noted the report and that further training would be provided as appropriate.

PE86. 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 following:-

- The Autumn Statement State Pension Review;
- The Pension Fund's Risk Register;
- The UK Infrastructure Investment;
- The Local Authority Pension Fund Forum (LAPFF) of 58 local authority Pension Funds and the workplan for 2014;
- The Fiduciary Duty of Trustees; and
- The Annual Pension and Investment Fund conference In Falkirk on 17 April 2014.

Decision

The Committee noted the report.

PE87. 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 December 2013, in accordance with their investment policies.

PE88. 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 December 2013.

Decision

The Committee noted the progress of the Pension Fund's private equity, infrastructure and credit markets programme for the quarter ending 31 December 2013.

PE89. 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.

PE90. INVESTMENT IN SOCIAL/AFFORDABLE HOUSING

The Committee considered a report by the Chief Finance Officer presenting an update on the latest developments regarding the possibility of the Fund making an investment in social and affordable housing.

At the Special Joint Meeting of the Committee and Panel on 10 September 2013 it was agreed as undernoted:-

- (1) That an investment in social housing should be progressed;
- (2) That a manager search be undertaken, consistent with procurement rules;
- (3) That the final decision to invest remain dependent on identifying a suitable manager and fund;
- (4) That whilst examining the market within the UK as a whole, any mandate to a suitably appointed manager should require that consideration is given to both the Scottish and local (pension fund area) dimensions;
- (5) That any investment should be made gradually and limited to not more than £30m; and
- (6) That the Chief Finance Officer would report on progress to the next round of Panel/Committee meetings.

The updated report provided an update on the Manager search initiated in November 2013 with proposals being invited through the Official Journal of the European Union (OJEU). Tender responses were received from the following Fund Managers:

- Aviva;
- Catalyst for Homes;
- Hearthstone;
- Horizon;
- Legal and General;

- Threadneedle Investments; and
- Invesco.

The tender submissions were now being evaluated by Hymans Robertson, the Pension Fund's investment advisers and further details formed an appendix to the report. The shortlist would include only those submissions meeting the minimum criteria. A maximum of four Fund Managers would be invited for interview. The interviews would be undertaken by Committee members at a special meeting of the Pensions Committee on 17 March 2014. The Committee agreed that the tender information and the suggested shortlist contained exempt information as defined in Paragraph 9 of Part 1 of Schedule 7 of the Local Government (Scotland) Act 1973 and resolved that, to the extent that there required to be discussion on the detail contained therein, it would be taken in private, and the document would not be available to the press or public.

Decision

The Committee noted the actions taken in relation to investment in social and affordable housing.

PE91. 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.

PE92. INVESTMENT MANAGEMENT FEES

The Committee considered a report by the Chief Finance Officer on the remuneration terms of the Fund's investment managers and the fees paid during the calendar years 2012 and 2013.

Decision

The Committee:-

- (1) noted the report; and
- (2) agreed that the Strategic Asset Allocation should, as far as possible, run in conjunction with the Fund Valuation process.

The Convener agreed an adjournment at 10.55 a.m. prior to consideration of the following item of business. The meeting reconvened at 11.05 a.m. with all Members present as per the sederunt.

The following subsequent items were then taken in public as detailed on the agenda.

PE93. FUND MANAGER REVIEW

The Committee received a presentation by James Sparshott of Legal and General.

The areas covered by the presentation included:-

- Fund Valuation and Distribution;
- Investment Views, Corporate Bonds, Rates and Currency Positions;
- Diversified Growth; and
- Portfolio Review.

The Convener thanked Mr Sparshott for his comprehensive presentation.

Decision

The Committee noted the presentation.

PE94. FUND MANAGER REVIEW

The Committee received a presentation by Clare Watson, Anthony Doherty and Gordon Rutter of Schroders.

The areas covered within the presentation included:-

- Global Equities;
- Stock Attribution; and
- Portfolio Review.

The Convener thanked Ms Watson, Mr Doherty and Mr Rutter for their comprehensive presentation.

Decision

The Committee noted the presentation.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on
MONDAY 10 MARCH 2014 commencing at 9.30 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener) (for applications
P/12/0546/FUL, P/13/ 0754/FUL and P/13/ 0741/FUL)
Colin Chalmers
John McLuckie (Convener) (for applications P/13/0760/FUL
and P/14/0009/ADV)
John McNally
Adrian Mahoney
Cecil Meiklejohn (for applications P/13/0760/FUL and
P/14/0009/ADV)
Malcolm Nicol
Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation (for
applications P/14/0009/ADV and P/12/0546/FUL)
Katherine Chorley, Assistant Planning Officer (for application
P/12/0546/FUL)
Kevin Collins, Transport Planning Co-ordinator (for application
P/12/0546/FUL)
Ian Dryden, Development Manager
Allan Finlayson, Senior Planning Officer (for applications
P/13/0760/FUL and P/14/0009/ADV)
Stuart Henderson, Environmental Health Officer (for applications
P/13/0760/FUL and P/12/0546/FUL)
Kirsty Hope, Assistant Planning Officer (for application
P/12/0546/FUL)
David Paterson, Planning Officer (for application
P/12/0546/FUL)
Julie Seidel, Planning Officer (for application P/13/ 0754/FUL)
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Karen Quin, Solicitor
Brent Vivian, Senior Planning Officer (for application P/13/
0741/FUL)

P138. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson.

P139. 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

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P136 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 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.

The Convener introduced the parties present.

The Senior Planning Officer (A Finlayson) outlined the nature of the application.

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

Mr Fernie, the applicant, was heard in relation to the application.

Mr McKerrell, on behalf of Grahamston, Middlefield and Westfield Community Council, was heard in relation to the application.

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

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

Mrs Archibald, an objector, was heard in relation to the application.

Mrs Halley, an objector, was heard in relation to the application.

Ms Caleary, an objector, was heard in relation to the application.

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

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

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

The objections included the following issues:-

- The inadequate parking provision and the road safety issues;
- The adverse impact on amenity from noise, odour, litter and anti-social behaviour;
- The vehicle noise and headlight glare from use of the car park;
- The close proximity of the car park;
- The adverse impact on the privacy of neighbouring properties;
- The disturbance from the building's demolition;
- The overprovision of retail and food uses in the surrounding area;
- The overdevelopment of the site; and

- The exacerbation of anti social behaviour from the proposed path links.

Questions were then asked by Members of the Committee.

Councillor Alexander, as 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 March 2014.

Members thereafter viewed the area at the back of the current building, the public walkway and the driveway of the neighbouring property.

P140. DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS (RETROSPECTIVE) AT 84 HIGH STATION ROAD, FALKIRK FK1 5QX FOR REGENCY RACING - P/14/0009/ADV

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P134 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 advertisement consent (in retrospect) for the display of non-illuminated advertisements at 84 High Station Road, Falkirk.

The Convener introduced the parties present.

The Senior Planning Officer (A Finlayson) outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

Depute Provost Patrick, as 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 March 2014.

Baillie Buchanan entered the meeting following consideration of the foregoing matter and took over the Convenership of the meeting.

P141. 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

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P137 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 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 introduced the parties present.

The Planning Officer (D Paterson) outlined the nature of the application.

The Head of Planning and Transportation outlined the nature of the Denny Eastern Access Road (DEAR) proposals.

Mr Shricke, the applicant's representative, was heard in relation to the application.

Mr Riddle, the applicant's representative, was heard in relation to the application.

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

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

The objections included the following issues:-

- The potential for excessive noise from the development and the impact on the amenity of the area during construction;
- The proposal was detrimental to visual amenity and would interrupt views from outwith the site;
- The adverse impact on the educational and medical care provision in the area;
- The overshadowing of adjacent properties; and
- The excessive traffic generation and the effect on road safety.

Mr Belbin, on behalf of Denny and District Community Council, was heard in relation to the application.

Questions were then asked by Members of the Committee.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

Councillor Oliver, as local Member for the area, was heard in relation to the application.

Councillor McCabe, as 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 March 2014.

Members thereafter viewed the site of the proposed new roundabout at Glasgow Road and the layout of the proposed development as it related to the physicality of the site features. This was followed by a stop at the north end of the proposed Denny Eastern Access Road (DEAR) where it joined the existing section adjacent to Denny High School.

P142. SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT 92 BANKHEAD CRESCENT, DENNYLOANHEAD, BONNYBRIDGE FK4 1RX FOR MR BARRY SAVILLE - P/13/0754/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P133 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 sub division of garden ground and the erection of a dwellinghouse at 92 Bankhead Crescent, Dennyloanhead, Bonnybridge.

The Convener introduced the parties present.

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

Mr Saville, the applicant, was heard in relation to the application.

Questions were then asked by Members of the Committee.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

Councillor Oliver, as 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 March 2014.

P143. ERECTION OF REPLACEMENT FARMHOUSE AND OUTBUILDING ANNEXE, INCORPORATING GARAGE AND ESTATE OFFICE ON LAND TO THE WEST OF NETHERVIEW COTTAGE, BONNYBRIDGE FOR BLACK BULL ESTATES LTD - P/13/0741/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P132 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 replacement farmhouse and an outbuilding annexe, incorporating a garage and an estate office on land to the west of Netherview Cottage, Bonnybridge.

The Convener introduced the parties present.

The Development Manager, followed by the Senior Planning Officer (B Vivian), outlined the nature of the application.

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

Mr McClurg, the applicant, was heard in clarification of the application.

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

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

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

The objections included the following issues:-

- There was no obvious necessity for the administrative offices and an owners private residence at the location, which would be better accommodated in a more central location;
- The existing farmhouse at Tomfyne had been alienated from the holding by binding it to an application for quarrying applications;
- There was no valid reason for excluding Doups farmhouse as alternative accommodation;
- The high visibility of the buildings;
- The disregard of the Council's design guide and no attempt to integrate with the surroundings;
- The prominent position without concealment, the external composition and the protruding frontage gable;
- The non comparable scale to the existing Tomfyne farmhouse;
- The drainage issues from the septic tank and the discharge to watercourses and the Auchincloch Burn;
- The plans for two houses for farm workers and an additional land purchase to expand the enterprise further thereby representing an undesirable surge of major building works and countryside residences;
- That the field was pasture and within a green belt; and
- That the proposal was contrary to Structure and Local Plan policy.

Questions were then asked by Members of the Committee.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

Councillor Oliver, as 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 March 2014.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 11 MARCH 2014 at 10.30 A.M.

COUNCILLORS:

Baillie William Buchanan
John McLuckie
Cecil Meiklejohn
Malcolm Nicol
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
Allan Finlayson, Senior Planning Officer
Iain Henderson, Legal Services Manager

PRC53. APOLOGIES

None.

PRC54. DECLARATIONS OF INTEREST

No declarations were made.

PRC55. MINUTES

Decision

The minutes of the meetings of the Planning Review Committee held on 21 January and 22 January 2014 were approved.

PRC56. OPENING REMARKS

The Convener welcomed everyone in attendance to the meeting of the Planning Review Committee and following a short introduction asked Mr Henderson, Legal Services Manager, to provide a summary of the procedure to be followed at the Committee.

Mr Henderson provided a brief summary of the background to the application, referring to the meeting held on 28 August 2013, the subsequent site inspection and the decision taken by members at that meeting to ask for written submissions. He then referred to the meeting held on 5 November 2013 where the Committee took the decision to hold a hearing to discuss the specified matters, namely:-

- (a) the processing and consideration of the original planning application and the treatment of the application site under the terms of the Local Plan;

- (b) the applicability and determination of contributions towards education provision both in respect of the original application and the renewal, and
- (c) the legal position relating to the determination of the renewal application and the assessment of the imposition of developers contributions.

The Committee noted that the agent for the applicant, Mr Bell, was in attendance. Officers of the Council were also in attendance, namely, Kevin Brown, Planning Officer attending as representative of the Director of Development Services; Richard Teed, Senior Forward Planning Officer attending as representative of the Director of Education, and Karen Quin, Senior Solicitor attending as representative of the Chief Governance Officer.

The Committee thereafter discussed the procedure to be followed at the hearing and agreed in terms of the regulations that they would allow the agent for the applicant to present his statement and then would invite officers of the Council to present their statements in terms of the specified matters. Thereafter, the Committee would lead discussion and questions before moving on to deliberation of the application.

PRC57. APPLICATION FOR REVIEW – HEARING ON PLANNING APPLICATION P/12/0241/PPP DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (RENEWAL OF PLANNING APPLICATION P/08/0617/OUT) AT LAND TO THE WEST OF 65 SLAMANNAN ROAD, LIMERIGG

The Committee considered documents relating to Planning Application P/12/0241/PPP for the development of land for residential purposes (renewal of planning application P/08/0617/OUT) at land to the west of 65 Slamannan Road, Limerigg.

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

In accordance with the decision made earlier in the meeting, the Committee then heard submission from Mr Bell, the agent for the applicant. Mr Bell was heard in support of the application, referring to the hearing statement and to the decision made at the Planning Committee meeting held on 25 February 2009 in relation to the grant of the original outline permission. Reference was made to paragraph 3 of the update report of 25 February 2009

The Committee then heard submission from Mr Brown on behalf of the Director of Development Services, who provided background in relation to the specified matters and in accordance with the submitted hearing statement. They then heard from Mr Teed on behalf of the Director of Education Services who outlined the advice that had been provided by Education Services in terms of a consultation response including information on the anticipated roll of Limerigg Primary school. This was in line with the submitted hearing statement. They then heard from Ms Quin on behalf of the Chief Governance Officer, who provided clarification on the legal position in relation

to the application of any education contribution. Again this was in line with the submitted hearing statement.

Mr Bell was then afforded an opportunity to provide a response to these submissions on behalf of the applicant.

Members of the Committee then asked questions of Mr Bell, Mr Brown, Mr Teed and Ms Quin. Clarification was provided by Mr Teed on the number of pupils currently at Limerigg Primary School, including the percentage of pupils attending the school who live outwith the catchment area.

Discussion centred around the original decision taken by the Planning Committee at the meeting on 25 February 2009, the terms of the reports and the decision notice which was issued following the meeting. It was noted that the decision notice had been issued in accordance with the minuted decision of the Committee and as such no reference was made to the requirement for any Section 75 obligation. Clarification was sought on the timeline for the awareness of this position, and it was noted that the applicant had not become aware of any issues until the application for renewal of the consent had been submitted. It was clear from the discussion that officers were aware of the position shortly after the decision notice was issued.

The Committee then proceeded to deliberate on the merits of the application, and took into account the following factors:-

- (a) Policy Com.5 – Developer Contributions of the Falkirk Council – Structure Plan;
- (b) Policies SC04 – Special Needs and Affordable Housing, SC13 – Open Space and Play Provision in New Residential and SC14 – Education and New Housing Development of the Falkirk Council Local Plan;
- (c) the terms of the Falkirk Council Supplementary Planning Guidance Note “Education and New Housing Development”;
- (d) the comments made by Education Services in relation to the application;
- (e) the Notice of Review and the statement in support of the application and the Hearing Statement submitted by the agent for the applicant;
- (f) the information provided by the representatives of the Director of Development Services, the Director of Education Services and the Chief Governance Officer both in their oral and written Hearing Statements;
- (g) the changes made in Policy since the original decision with specific reference to affordable housing and open space;
- (h) the original decision made in 2009 and the decision notice which had been issued by the Planning Authority, and
- (i) the areas in the Local Development Plan identified as sites for housing in Limerigg.

After extensive discussion, the Committee **AGREED:-**

- (1) that they were **MINDED to GRANT** Planning Permission in Principle subject to the satisfactory conclusion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 for the development and provision of 25% of the dwellinghouses to be erected on the site to be affordable housing units and thereafter, on conclusion of the said Obligation, grant planning permission in principle subject to conditions as deemed appropriate by the Director of Development Services to include conditions in relation to open space provision, contaminated land and flood risk assessment, and
- (2) to delegate to the Chief Governance Officer the preparation of the minded to grant decision notice.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 12 MARCH 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	

OFFICERS: Karen Algie, Head of Human Resources and Customer First
 Margaret Anderson, Director of Social Work Services
 Robin Baird, Waste Strategy Co-ordinator
 Fiona Campbell, Head of Policy, Technology and Improvement
 John Flannigan, Depute Chief Finance Officer
 Nigel Fletcher, Joint Acting Director of Education Services
 Arlene Fraser, Committee Services Officer
 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

ALSO Maureen Campbell, Chief Executive, Falkirk Community Trust

ATTENDING:**FC87. PROVOST'S REMARKS**

Provost Reid stated that, in accordance with Council's decision of 11 December 2013 (item FC67) to consider options for the audio recording of its meetings, the Group Leaders had agreed to engage an external provider, Tapestry AV, to make a recording of the meeting for evaluation purposes.

FC88. SEDERUNT

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

FC89. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

FC90. MINUTES AND INFORMATION BULLETIN

- (a) Special meeting of Falkirk Council held on 9 December 2013.

Decision

The minute of the special meeting held on 9 December 2013 was agreed as a correct record.

- (b) Meeting of Falkirk Council held on 11 December 2013.

Decision

The minute of the meeting held on 11 December 2013 was agreed as a correct record, subject to the following amendments:-

- Item FC74; final sentence; to read “Councillors Alexander and Spears rejoined the meeting during consideration of the previous item.”
- Appendix 1; Question 4; Answer to the original question – insert additional paragraph as follows:- “The portfolio holder responded that in regard to the second part of the question efforts would be made to ensure that the young adults would not miss out.”
- Appendix 1; Question 4; supplementary answer to read:- “The portfolio holder said that formal invitations had not been issued to any political party.”

- (c) Special meeting of Falkirk Council held on 12 February 2014 at 9.30 am.

Decision

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

- (d) Special meeting of Falkirk Council held on 12 February 2014 at 7.00 pm.

Decision

The minute of the special meeting held on 12 February 2014 was agreed as a correct record, subject to the following amendment at paragraph 4 on P44:-
 “In moving the following amendment in place of the motion, Councillor Oliver stated his dissatisfaction that the business had been scheduled to follow the Falkirk Community Trust business plan and the Council’s budget. The amendment, which was seconded by Councillor Meiklejohn, was that:-“.

- (e) Volume of Minutes – Volume 4 2013/2014.

Decision

The Volume of Minutes – Volume 4 2013/14 was noted.

- (f) Information Bulletin – Volume 4 2013/2014.

Decision

The Information Bulletin – Volume 4 2013/2014 was noted.

FC91. QUESTIONS

In terms of Standing Order 32.1, 6 written questions had been submitted to the Leader of the Council and/or the portfolio holders. All were answered at the meeting. The answers are recorded at Appendix 1.

Provost Reid; Baillie Paterson and Councillors Dennis Goldie, Gow and Nicol each declared a non financial interest in item FC92 as Directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the item, having had regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

FC92. FALKIRK COMMUNITY STADIUM LTD

Council considered a report by the Chief Executive setting out proposals for the winding up of Falkirk Community Stadium Limited (FCSL).

FCSL had been established, in a joint venture between Falkirk Council and Falkirk Football and Athletic Club (FFAC), in 2003 to construct and operate Falkirk Community Stadium. Following a demerger in 2009, FFAC took responsibility for all football related areas of the Stadium including the West and North Stands, and the Council as the single shareholder (and consequently the owner) of FCSL, took responsibility for all existing commercial activities and for the development of the entire site excluding stands.

The formal demerger in 2009 was affected in the most tax efficient manner given the circumstances prevailing at the time. Since then, the context within which FCSL operates has evolved; not least through establishment of the Helix project which has acquired a national and international profile and generated interest in adjacent development sites, the Tax Incremental Funding initiative which has the potential to support development in this key gateway location and the creation of Falkirk Community Trust. These developments have presented an opportunity to review the FCSL delivery model. The report set out a proposal to restructure the existing share capital; remove outstanding debt owed by FCSL to the Council and transfer assets from FCSL to the Council and Falkirk Community Trust. Following this FCSL would be wound up.

The report set out the financial, legal and HR implications of the proposal.

Councillor C Martin, seconded by Councillor Mahoney, moved that Council agrees:-

- (1) in principle to the proposals contained in the report and, in particular, paragraph 4 of the report;
- (2) subject to all necessary approvals and consents being agreed by the stakeholders involved, in particular Falkirk Community Trust, to authorise the Chief Executive or her nominee to take forward work required to implement the proposals; and
- (3) to instruct the Chief Executive to report back to a future meeting of Council for final approval of the detailed proposal noting that, in the event that the work referred to in paragraph (2) above would result in any significant changes being made to the proposals, such changes will be specifically drawn to the attention of Members.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved, in substitution for the motion, that Council:-

- (1) does not agree the proposals in principle, and agrees to continue this item to the next scheduled meeting of Council as there is insufficient detail for members to take an informed decision; and
- (2) instructs the Chief Executive to bring forward a detailed report on the proposal which should include, in particular, implications of the financial and legal aspects of the proposal, and confirmation that consultation has been carried out with the Office of the Scottish Charity Regulator.

In terms of Standing Order 22.4.1(i), a vote was taken by roll call, there being 31 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, Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (14) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie and Turner.

Decision

Council agreed the motion.

FC93. 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.

FC94. MOTION

Members' Conduct

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

“Council affirms the following principles:-

- All Council employees are entitled to a safe working environment free from harassment and bullying and where everyone is treated with dignity and respect.
- This should apply whether the source of the bullying or harassment is another employee or a Councillor.
- Employees should have access to means of having a complaint of harassment or bullying by a Councillor dealt with in an effective way.

Council agrees that while the current Dignity at Work Policy applies to Councillors, in reality it does not make adequate provision for the action to be taken where a Councillor is found to have engaged in bullying or harassing behaviour or provide the necessary support for a manager asked to investigate the actions of a Councillor.

Council accordingly agrees that the Dignity at Work Policy should be reconsidered with a view to incorporating the following changes:-

- (1) All complaints of bullying or harassment of an employee by a Councillor must be investigated by the Chief Officer of the Service of the employee making the complaint.
- (2) Where the outcome of the investigation is that bullying or harassing behaviour has taken place the outcome will be reported to Council.
- (3) Council will consider the appropriate action to be taken against the Councillor and, in particular whether a referral should be made to the Standards Commission.

Council requests the Chief Governance Officer and the Head of Human Resources to report to the next scheduled meeting of the Council with proposals for changes to the Policy to give effect to these changes.”

With the consent of the Provost, Councillor Dennis Goldie, seconded by Baillie Paterson, moved the terms of the motion, with the final paragraph extended as follows:-

“recognising that discussions with trade unions (and, if necessary, the JCC) will need to take place and that the report may include proposals or advice to Council on alternative mechanisms to address the issue identified in this motion”. It was also accepted that this work may not be completed by the next scheduled meeting of Council and that the report would be made to a further meeting of Council.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved, in substitution for the motion, that Council:-

- “(1) recognises that the Dignity at Work Policy October 2010 offers protections to staff; and
- (2) furthermore agrees that the Standards Commission’s primary role is to ensure the National Code of Conduct for elected members is implemented. Any political breaches of the Code should be reported and investigated by the Commission and they should be the sole body responsible for penalties.”

In terms of Standing Order 22.4.1(i), a vote was taken by roll call, there being 31 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, Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (14) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie and Turner.

Decision

Council agreed the adjusted motion.

Councillor Dennis Goldie left the meeting following consideration of the previous item.

FC95. EXCLUSION OF PUBLIC

Council agreed, in terms of s.50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 7A to the said Act.