

INDEX

Committee Meetings	<u>Date</u>	<u>Page Nos</u>
1. Performance Panel	20 November 2014	350 – 356
2. Planning	27 November 2014	357 – 367
3. Scrutiny	1 December 2014	368 – 376
4. Executive	2 December 2014	377 – 388
5. Civic Licensing	3 December 2014	389 – 396
6. Planning On-Site	8 December 2014	397 – 399
7. Special Planning	8 December 2014	400 – 401
8. Appointments	11 December 2014	402 – 404
9. Pensions	11 December 2014	405 – 411
10. Appeals	12 December 2014	412 – 413
11. Audit	15 December 2014	414 – 417
12. Scrutiny	8 January 2015	418 – 425
13. Executive	13 January 2015	426 – 434
14. Civic Licensing	14 January 2015	435 – 438
15. Planning	28 January 2015	439 – 442
16. Appointments	29 January 2015	443 – 444
17. Education Executive	3 February 2015	445 – 448
18. Special Executive	3 February 2015	449 – 450
19. Performance Panel	5 February 2015	451 – 458
20. Planning On-Site	9 February 2015	459 – 460
21. Joint Consultative	17 February 2015	461 – 463
22. Civic Licensing	18 February 2015	464 – 467
23. Scrutiny	19 February 2015	468 – 473

Approved Minutes of Outside Organisations to which Council appoints representatives (1 December 2014 to 15 February 2015)	<u>Date</u>	<u>Page Nos</u>
1. Forth Valley NHS Board	16 December 2014	1 – 9
2. Transitional Board	9 January 2015	10 – 19
3. COSLA – Leaders' Update (Public summary issued by COSLA. Minutes not available)	January 2015	20 – 23

FALKIRK COUNCIL

MINUTE of MEETING of the PERFORMANCE PANEL held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 20 NOVEMBER 2014 at 9.30 AM.

CORE MEMBERS: Rosie Murray
Baillie Joan Paterson
Depute Provost John Patrick (Convener)

MEMBERS

ATTENDING: Jim Blackwood
Tom Coleman
Gerry Goldie
Brian McCabe

OFFICERS: Fiona Campbell, Head of Policy Technology and Improvement
Alex Finlay, Business Development Manager
Jack Frawley, Committee Services Officer
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Jennifer Litts, Head of Housing
Stuart Ritchie, Director of Corporate and Neighbourhood Services

PP9. MINUTE

Decision

The minute of the meeting of the Performance Panel held on 26 September 2014 was approved.

PP10. PERFORMANCE PANEL REPORTING SCHEDULE 2015

The panel considered a report by the Chief Governance Officer presenting a proposed timetable of meetings and reporting schedule for 2015. The report provided background on the reporting schedule for 2014 which had been reviewed, at the request of members, to have services report twice annually. The proposed schedule followed the revised format.

Decision

The panel agreed:

- (1) the timetable of meetings of the Panel for 2015; and**
- (2) the reporting schedule for 2015.**

Baillie Paterson and Councillor Murray left the meeting during consideration of the following item.

PP11. CORPORATE AND NEIGHBOURHOOD SERVICES SCRUTINY REPORT

The panel considered a report by the Director of Corporate and Neighbourhood Services setting out the performance for the service from April to September 2014. Stuart Ritchie gave an overview of the report.

The panel congratulated all staff involved with the implementation of the Council's new refuse collection service.

The panel asked how the Council compared nationally in regard to cleanliness. Stuart Ritchie stated that the Local Environmental Audit and Management System (LEAMS) was used as the standard measure of cleanliness across Local Authorities. Three inspections were carried out across the year and the results collated to provide the Council's LEAMS average. The three inspections comprised one self assessment, one Keep Scotland Beautiful inspection and one peer Council inspection. A score of 67 was recognised good practice through LEAMS and in the Falkirk Business Improvement District a score of 79 had been achieved. Stuart Ritchie stated that nationally there were a number of Councils grouped with a score in the region of 73 – 77.

Members asked if any surplus resources from the refuse collection service could be diverted to town centres to maintain and improve their cleanliness. Stuart Ritchie stated that street cleaning is carried out in line with the Environmental Protection Act 1990, which designates town centres as the highest priority zone. Street cleaning was being reviewed and the service were looking at the beats, frequency of cleaning and the type of cleaning carried out i.e. manual sweeping or with machinery. The review would even out resources and the findings reported to members.

The panel asked how the service would ensure that the completion date of external contractors work was being captured and recorded accurately. Stuart Ritchie stated that external contractors would include the completion of works date in the invoice, which would be verified against the services own inspection dates for the completion of works.

The panel asked if financial penalties had been considered for external contractors who completed work late. Stuart Ritchie stated that late completion was not a significant issue and that correcting the recording process would improve figures.

Members asked how much work was outstanding in order to meet the Scottish Housing Quality Standard (SHQS) by the deadline of 2015 and if door entry systems were included. Stuart Ritchie advised that work was nearing completion in compliance with the deadline and that exemptions applied to some properties i.e. non-traditional or off the gas grid housing. In order to meet the SHQS capital programme funding had been used to make the required improvements. Stuart Ritchie stated that door entry systems were within the scope of the SHQS.

The panel asked for information on how the service contributed to the corporate goal 'Further developing a thriving, sustainable and vibrant economy'. Stuart Ritchie stated that the Council was committed to being an employer of choice and was developing its use of Modern Apprentices and Skillseekers.

Members sought further information on the new reporting tool which had been launched by the service. Stuart Ritchie stated that although it was a new concept in the course of one month hundreds of direct reports had been made in relation to a variety of issues including: roads faults; street cleaning requests, and housing repairs. The service was looking at smarter ways of working and the customer survey had revealed that customers increasingly contacted the service online.

The panel asked for an update on work undertaken in regard to mobile working. Stuart Ritchie advised that over the summer and autumn of 2014 proofs of concept trials had been carried out with some elected members, some chief officers and some building maintenance staff. These proofs of concept trials were aimed at user experience. As well as this, a technological assessment had been carried out to examine if a roll out of mobile working was possible. No data would be held on mobile devices and so if the hardware was lost data would remain secure. Mobile working would benefit staff and elected members allowing data capture at source to send on to central offices for action. Further, documents like reports could be accessed online which would reduce the Council's paper and print use. Stuart Ritchie stated that a report would be submitted to the Executive on the required funding and implementation timescales when available.

Members asked if the percentage of rent loss due to voids was outwith target across the Council area. Jennifer Litts stated that area demand was one factor which impacted the loss due to voids percentage. In areas with less demand the service was working to improve the situation. Different marketing strategies were being looked at and some larger properties were being considered for reconfiguration. Jennifer Litts stated that the Council performed well in its peer group for percentage of rent loss due to voids and that only a small amount of the total stock was void.

The panel asked for information on the Council's European Strategy and access to funding. Fiona Campbell stated that the strategy was being reviewed as it was a few years old and the service wanted to ensure the strategy was fit for purpose. The Council maintained a flexible approach in order to benefit from as much European funding as possible. She advised that a report would be submitted to the 2 December 2014 meeting of the Executive on the Leader European funding programme for 2014-2020.

Members asked for an update on the progress of the development of the strategy to encourage the social economy. Stuart Ritchie stated that the third sector was involved and that it had been picked up through the Community Planning Partnership. He expected that a strategy would be presented to members in the first quarter of 2015.

The panel asked how the Workforce Strategy review would be presented to members. Stuart Ritchie advised that a report had been submitted to the Executive on 11 November 2014 which presented an update on steps taken to add flexibility into the workforce. Further, some information had been presented to the special meeting of Council on 12 November 2014 as part of the Revenue Budget Framework 2015/16 – 2017/18 report.

Members asked about support for people who were hard to reach following the introduction of welfare reforms. Stuart Ritchie stated that the service had commissioned Jump Research to look at the situation regarding hard to reach people and that this would be included as part of a wider report on welfare reform to the Executive. Jump Research had looked at services provided from the customers perspective and highlighted the importance of a single point of contact. Stuart Ritchie stated that the Council's 13 Tenancy Sustainment Officers were suited to performing this role. Jump Research also highlighted that it was important to communicate with customers in plain English avoiding technical language where possible.

The panel asked for information on the review of depot provision. Stuart Ritchie advised that the review considered depots across the service and included depots owned by the Council and those which were leased. The review examined if there was a better way of providing depots and what their purpose was. Hubco were examining the space requirements of the service and options available.

Members asked how many visits to the Council's website were made from mobile devices and what impact this had on staff. Stuart Ritchie advised that roughly 180,000 visits per month were made from mobile devices. Regarding staff workloads he stated that faults reported online generated repair lines and that all services had to ensure the website was kept up to date and relevant.

The panel asked if the website had affected how complaints were made, when they were made and how many were made. Stuart Ritchie stated that very few complaints were made in person at one stop shops and that customers more often made complaints using the telephone or online. Increased use of online reporting had not led to an increase in the total number of complaints.

Members asked what work had been carried out to develop a rent policy to address income maximisation and welfare reform issues. Stuart Ritchie stated that the rent policy would be updated to reflect the impact of the welfare reform act but had been delayed while waiting on confirmation of what circumstances the policy would need to cover. The policy had been due in October 2014 but Stuart Ritchie expected that it would be completed in the first quarter of 2015. The Rent Arrears Improvement plan had been developed and submitted to the housing regulator. Work was also carried out by the Council's Tenancy Sustainment Officers. Jennifer Litts advised that the service worked with new tenants to reduce the likelihood of people entering arrears and that the number of tenants with less than 13 weeks of arrears had been reduced.

The panel asked about signposting other services to people who could benefit. Jennifer Litts stated that Tenancy Sustainment Officers were able to refer people on to other services, if the individuals agreed, and that this ensured the service did not lose contact with people. Positive feedback had been received from clients about this work and the use of a single point of contact.

Decision

The panel noted the performance statement.

Baillie Paterson and Councillor Murray rejoined the meeting during consideration of the following item.

Baillie Paterson and Councillor Goldie left the meeting during consideration of the following item.

PP12. DEVELOPMENT SERVICES SCRUTINY REPORT

The panel considered a report by the Director of Development Services setting out the performance for the service from April to September 2014. Rhona Geisler gave an overview of the report.

Members asked what strategies were in place to deal with unemployment, including those for youth unemployment and those for people who had been unemployed for more than a year. Rhona Geisler stated that the service had a number of strategies in place. Programmes were tailored to attract as much external funding as possible and a well established methodology was in place for doing so. Some of the specific projects undertaken by the service targeted the hard to reach unemployed, those who had been affected by the criminal justice system and the long term unemployed. The service worked with employers to encourage them to hire people who had been affected by long term unemployment.

The panel asked if planning had been in dialogue with Network Rail prior to the construction phase of bridge re-decking. Rhona Geisler advised that planning had not been part of the process but that the roads team were involved and were liaising to minimise the impact of the work on communities.

Members asked about the Business Gateway service and business activity in the area. Rhona Geisler stated that Falkirk had similar numbers of small and medium-sized enterprises to those nationally but also had a number of large employers in the area.

The panel asked why the portfolio management plan task had been rated as a tick when occupancy levels of the non-operational property portfolio were were 92.5% against a target of 95% and above. Rhona Geisler advised that the figure was subject to fluctuations and that the 92.5% occupancy level was within target margins.

Members asked for information on rental income increases from 2009 to 2014. Rhona Geisler stated that she would provide members with this information after the meeting.

The panel asked for an update on the Denny Town Centre project having reached phase two. Rhona Geisler advised that offers were under consideration and that a report would be submitted to the Executive in due course.

The panel asked if the performance indicators for planning applications decision making timescale included major applications. Rhona Geisler advised that major applications were included within the appropriate category, householder and non householder.

Members asked if there was a resourcing issue in the trading standards team as the performance indicator for business advice requests for consumer protection completed within 14 days was off target. Rhona Geisler advised that the trading standards team had four staff within it and that underperformance was due to a recording issue. The recording system was being refined to better segregate categories of advice given, which would lead to an improvement in performance.

The panel asked what percentage of properties in Denny town centre were occupied. Rhona Geisler stated that she would provide members with this information after the meeting.

Members asked why the percentage of road network that should be considered for maintenance treatment was lower than the Scottish benchmark. Rhona Geisler explained that this was a good direction of travel and indicated that local performance was better than the national average.

The panel asked who had been consulted on the draft contaminated land strategy. Rhona Geisler advised that in the strategy the service looked to balance its regulatory duty with the promotion of appropriate developments. During consultation the service had engaged with a variety of key stakeholders.

Members asked who had been liaised with in creating the amended designs for Denny town centre CCTV provision. Rhona Geisler advised that the service had a role in the CCTV group as planners. Fiona Campbell stated that the Council liaised with Police Scotland and reviewed camera placement regularly to ensure they were located in the most effective places.

The panel asked for further information on the zero waste strategy. Rhona Geisler stated that the service had liaised with colleagues in Corporate and Neighbourhood Services to implement new litter receptacles which would allow for more effective segregation of waste.

Members asked about the reduction in energy consumption outcome and the cost of low wattage lamps. Rhona Geisler stated that the service monitor carbon emission levels and were looking at ways to reduce emission levels. She advised that the use of low wattage lamps would pay back over seven years and that LED bulbs were longer lasting than traditional bulbs.

The panel asked how the service monitored recycling contracts. Rhona Geisler stated that the normal contract monitoring arrangements applied and that inspectors were present on site.

The panel asked when public consultation would be carried out in regard to the proposed new Council headquarters. Rhona Geisler stated that work on the new Council headquarters was entering phase two and that the timing of public consultation was a matter for decision by members.

Members asked for information on house building targets for 2015. Rhona Geisler stated that she would provide members with this information after the meeting.

The panel asked for information on the impact to the local transport strategy following media announcements of changes to local bus provision. Rhona Geisler stated that the service was undertaking work to encourage the shift toward walking as a transport mode and that services could be reviewed where necessary.

Members asked for information on how many Freedom of Information requests were received by the service annually. Rhona Geisler advised that she would provide members with this information after the meeting.

The panel asked if there was a particular reason for the decreased staff turnover figure. Rhona Geisler stated that due to the wider job market situation external recruitment had significantly reduced which had a stabilising effect on service staff numbers.

Members asked how the target for percentage of complaints classified as “not upheld” of “partially upheld” was set. Rhona Geisler stated that this was a corporate target.

The panel asked for information on the work carried out by the service in regard to sickness absence. Rhona Geisler advised members of the success of the reporting and monitoring system which had been piloted in the Roads team. The service took care and time to monitor and deal with sickness absence effectively. Rhona Geisler stated that she held monthly one to one meetings with departments to address any issues and work towards improved levels.

Decision

The panel noted the performance statement.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 27 NOVEMBER 2014 at 9.30 A.M.

COUNCILLORS: Baillie William Buchanan (Convener)
Colin Chalmers
Adrian Mahoney
Craig Martin
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
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer

P89. APOLOGIES

Apologies were intimated on behalf of Councillors Carleschi and Meiklejohn

P90. 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/14/0140/PPP, P/14/0349/FUL, P/14/0336/FUL and P/14/0214/FUL (minute P94, P95, P96 and P97).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/14/0349/FUL (minute P95) but he would take part in consideration of planning applications P/14/0140/PPP, P/14/0336/FUL and P/14/0214/FUL (minute P94, P96 and P97) as he was sufficiently familiar with the sites.

P91. OPENING REMARKS

Prior to further consideration of business, and following information presented by the Development Manager, the Convener, with the consent of all members present, agreed to continue consideration of planning application P/14/0336/FUL (minute P96) to a future meeting to allow appropriate property owner notification to be undertaken.

P92. REQUEST FOR SITE VISIT

Having heard requests by members for a site visit, the Committee agreed to the continuation of planning application P/14/318/FUL (minute P100) and that further consideration of the application would take place a Special meeting of the Committee on 8 December 2014 following the site visit.

P93. MINUTES**Decision**

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

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

P94. DEMOLITION OF EXISTING STABLES AND DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY FK6 5LH FOR MR STEVEN RUSSELL – P/14/0140/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P81 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 seeking planning permission in principle to demolish an existing stables and ménage and to develop the land for residential purposes at Home Farm, Drove Loan, Head of Muir, Denny.

Decision

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

- (1) Plans and particulars of the matters specified below 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 the Planning Authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:-
 - (a) the siting of the building(s);
 - (b) the design of the building(s);
 - (c) the external appearance of the building(s);
 - (d) details of the access arrangements;
 - (e) details of landscaping of the site; and
 - (f) details of proposed boundary treatment.

- (2) As part of any application for Matters Specified in Conditions, details of the following shall be submitted to the Planning Authority and only the approved details shall be implemented:-
 - (a) siting, size, height, design and external appearance, including all external finishing materials, of the proposed development;
 - (b) details of access arrangements;
 - (c) details of all boundary fences;
 - (d) details of surface water and foul drainage arrangements;
 - (e) details of landscaping of the site and future maintenance of landscaping; and
 - (f) a scheme for protecting the new dwellinghouses from noise transportation noise.

- (3) As part of any application for Matters Specified in Conditions, details of the provision of lighting along the access road and future maintenance of the lighting shall be submitted to the Planning Authority. The approved details shall be implemented before occupation of any of the dwellinghouses and thereafter retained and maintained.

Reason(s):-

- (1) To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (2) To ensure that an appropriate level of detail is considered prior to work commencing on site.
- (3) To safeguard the interests of the users of the private access road.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01.
- (2) 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.
- (3) The applicant is requested to complete and return the attached Agricultural Questionnaire.
- (4) In the event that any made ground, suspect substances or odours are encountered during any site works/operations following the commencement of the development, the applicant is advised to cease all work on the affected part of the site, notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. The applicant is advised to only recommence the development with the prior written approval of the Planning Authority.
- (5) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

P95. CONSTRUCTION OF UNDERGROUND ATTENUATION TANK ON LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP – P/14/0349/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P78 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 to construct an underground attenuation tank for the receipt of surface water from a housing development currently under construction at a site on land adjoining to the east of 53 Hazel Road, Auchincloch Drive, Banknock.

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) Within one month of completion of the attenuation tank, or any other timescale that may be agreed in writing by the Planning Authority, the application site shall be fully reinstated in accordance with details approved in writing by the Planning Authority.
- (3) The existing tree protection fencing as indicated on drawing no. 3611/800 Revision C shall not be removed until the development is completed and no level changes, excavation or storage of materials, vehicles, plant or machinery shall occur within the fenced off area.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the visual amenity of the area.
- (3) To prevent damage to trees to be retained.

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, 02C and 05A.
- (3) The applicant is advised to cease all work on the affected part of the site if unexpected contamination is encountered following the commencement of the development. In such circumstances the applicant is advised to notify the Planning Authority, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.

- (4) The applicant is advised to ensure that noisy works which are audible at the site boundary are only conducted within the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

Deviation from these hours is not permitted unless in emergency circumstances and with the prior written approval of the Environmental Protection Unit.

- (5) The applicant is advised to ensure that all construction related traffic, parking and manoeuvring (turning etc) is within the development site and all such vehicular movements are undertaken outwith the times of school children walking to and returning from school.

In accordance with the decision taken at minute item (P91) earlier in the meeting, NOTED that the following item had been continued.

P96. DEMOLITION OF FORMER SCOUT HALL AND ERECTION OF 3 DWELLINGHOUSES AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR GRS HOMES LTD - P/14/0336/FUL (CONTINUATION)

Councillor Mahoney re-entered the meeting during consideration of the following item of busess.

P97. DEMOLITION OF EXISTING VALET BAY AND ERECTION OF 4 NO. SINGLE STOREY COMMERCIAL UNITS (UNIT 1-3 CLASS 1 AND UNIT 4 CLASS 3) AT RUMFORD SERVICE STATION, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR N & N JAMAL PROPERTIES - P/14/0214/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P80 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 an existing car wash facility within an existing petrol station forecourt and the erection of four new single storey commercial units with associated parking at Rumford Service Station, Maddiston Road, Rumford, Falkirk.

The Committee agreed to refuse planning permission on the basis that the development would result in overdevelopment of the site leading to increased traffic congestion and associated vehicular manoeuvres in the vicinity of the shared southern access to the detriment of road safety.

P98. DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK FK2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 10 September and 29 October 2014 (Paragraphs P57 and P74 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 development of land for residential use with associated car parking, servicing, landscaping and access at Firs Park, Firs Street, Falkirk.

Councillor Chalmers, seconded by Councillor Turner, moved that the application be refused on the grounds that it was contrary to Policies ED05, SC02 and SC06 of the Falkirk Council Local Plan and the adverse impact on road safety and the amenity of the area.

By way of an amendment, Councillor C Martin, seconded by Bailie Paterson, moved that Committee be minded to grant planning permission in principle in accordance with the recommendations within the report.

On a division, 3 Members voted for the motion and 7 for the amendment.

Decision

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

- (a) **Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.**
- (b) **The satisfactory completion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require the making of a financial contribution (index linked from the date of any minded to grant decision) to require:-**
 - (i) **on-site provision of 15% affordable housing;**
 - (ii) **financial contribution of £78,260 towards off-site open space provision in accordance with Falkirk Council's "Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance" and £30,000 towards improvements at Victoria Park, Falkirk to compensate for the loss of the former provision at Firs Park;**
 - (iii) **financial contribution towards education capacity improvements at schools and children's nurseries in the catchment area of the site and required as a result of the proposed development; and**

- (iv) financial contribution of £10,000 to allow future footpath links between the application site and the surrounding area.
- (c) The undertaking of an amended Transport Assessment to consider post- development off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.
- (d) Acceptance by the Director of Development Services of the findings of the amended Transport Assessment with regard to the outstanding safety audit.
- (e) And thereafter, on satisfactory conclusion of (a) and (b) above, to remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions relating to:-
 - Site layout;
 - Building design and height;
 - Vehicular and pedestrian access provision;
 - Contaminated land; and
 - Construction impacts.

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(s) 01-05.

P99. AMENDMENT TO PLANNING PERMISSION F/2004/0663 (SUBSTITUTION OF HOUSETYPE PLOT 207-238) WHICH INCORPORATES AN ADDITIONAL 6 DWELLINGS ON LAND SOUTH WEST OF 8 KIRKLAND DRIVE, KIRKLAND DRIVE, STONEYWOOD FOR OGILVIE HOMES – P/14/0471/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the substitution of the house types on 26 previously approved housing plots (detached dwellinghouses) (planning permission F/2004/0663) and the incorporation of six additional dwellinghouses of a mix of detached, semi detached and terraced properties on land south west of 8 Kirkland Drive, Stoneywood, Denny.

Decision

The Committee agreed that it is MINDED to GRANT planning permission subject to the satisfactory conclusion of a legal agreement/planning obligation in respect of an education contribution in the sum of £15,600 (index-linked) towards the future upgrade of Denny Primary School.

Thereafter, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) The proposed development shall be carried out in accordance with the remedial measures and validation procedures detailed in the Remediation Statement prepared by Mason Evans Partnership Limited, dated January 2001, approved by the Planning Authority in respect of planning application ref: F/2004/0663.
- (3) Before the development commences, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details to be submitted 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) The height, location and construction of all proposed walls, fences and other means of enclosure;
 - (iv) Soft and hard landscaping works;
 - (v) A proposed scheme for subsequent management and maintenance; and
 - (vi) Proposals to provide for public access and related facilities within the open space areas.

Thereafter, the development shall be carried out in accordance with the approved details and a timescale(s) to be approved in writing by the Planning Authority. No existing planting shall be removed prior to approval of the scheme of landscaping works.

- (4) Before the development commences, a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained (if relevant) and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
- (5) The residential units shall be protected so that externally generated noise does not cause internal noise levels to exceed 45dB(A) Leq 1 hour for the time between 0800 hours and 2000 hours and 35dB(A) Leq 1 hour for the time between 2000 hours and 0800 hours.
- (6) All driveways shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road. The first two metres of each driveway adjoining the public road shall be paved.
- (7) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

P100. ERECTION OF A SINGLE 500KW WIND TURBINE WITH TIP HEIGHT 77M AND ACCESS TRACK AT SITE TO THE SOUTH WEST OF POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON FOR MR ROBBIE TAYLOR - P/14/0318/FUL

P101. ERECTION OF 34 DWELLINGHOUSES AND ASSOCIATED WORKS ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FOREST LTD - P/14/0276/MSC

The Committee considered a report by the Director of Development Services on an application for approval of matters specified in conditions relating to the previous grant of planning permission in principle (P/09/0475/OUT) for residential development for the erection of 34 semi detached and terraced dwellinghouses at a site directly to the south of Manuel Burn and east of a small tributary on land to the north east of Burnside, Vellore Road, Maddiston.

Councillor McLuckie, seconded by Baillie Buchanan, moved that the application be approved in accordance with the recommendations in the report.

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

On a division, 7 Members voted for the motion and 3 for the amendment.

Decision

The Committee agreed to approve matters specified in conditions 1-7 of planning permission in principle P/09/0457/OUT.

FALKIRK COUNCIL

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 1 DECEMBER 2014 at 9.30 AM.

COUNCILLORS:

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

OFFICERS:

Fiona Campbell, Head of Policy, Technology and Improvement
Nigel Fletcher, Joint Acting Director of Education
Jack Frawley, Committee Services Officer
David MacKay, Pupil Support Service Manager
David McGhee, Head of Resources and Procurement
Kenny McNeil, Educational Resources Manager
Colin Moodie, Depute Chief Governance Officer
Anne Pearson, Curriculum Support Manager
Andrew Wilson, Policy and Community Planning Manager

ALSO ATTENDING:

David Flynn, Chief Superintendent, Police Scotland
Amy McGregor, Performance Support, Police Scotland
Mandy Paterson, Chief Inspector, Police Scotland

S43. APOLOGIES

No apologies were intimated.

S44. DECLARATIONS OF INTEREST

Councillor Black declared a non-financial interest in S52, as a director of Falkirk Towns LTD and considered that this required her to recuse herself from consideration of the item having regard to the objective test in the Code of Conduct.

S45. MINUTE

Decision

The minute of the meeting of the Scrutiny Committee held on 31 October 2014 was approved.

Councillor McLuckie entered the meeting during consideration of the following item.

S46. 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 for the period April to September 2014. The report by the local commander provided additional information on road traffic collisions.

The committee asked how often Police Scotland would report to committee in 2015. Colin Moodie stated that at the meeting of Council on 8 October 2014 a six weekly timetable of meetings for the committee had been agreed. As there would be less meetings of the committee in the coming year both Police Scotland and the Scottish Fire and Rescue Service would report twice annually.

Chief Superintendent Flynn gave a short presentation which provided a summary of his report.

The committee asked how detected crimes were defined. Chief Superintendent Flynn stated that a detected crime was one for which Police Scotland had detected the perpetrator and charged them. However, as the matter was then passed to the procurator fiscal not all cases would progress to court as a sufficiency of evidence was required to take action.

Members asked about the challenge of gathering evidence in cases of domestic abuse. Chief Inspector Paterson stated that there were a number of issues in this regard. In some cases after making an initial report the victim may be unwilling to proceed to prosecution and that due to the nature of domestic abuse incidents there were often no supporting witnesses. However, investigations would look at other sources of evidence such as background noise on the phone call to the police, injuries sustained and the statements of neighbours. Chief Superintendent Flynn advised that if the police had to release an accused person due to lack of evidence then a safety plan was put in place for the victim.

The committee asked how reorganisation had impacted on local resources. Chief Inspector Paterson stated that following reorganisation a number of specialist services were now more available to local operations including: Police Scotland Mounted Branch; the Operational Support Unit, and other support services. Central Scotland Police was resourced by 868 officers prior to reorganisation. Chief Superintendent Flynn stated that following reorganisation there were 625 officers in Forth Valley Division and that these officers were supplemented by officers from the East Regional Resource Unit and centralised resources. For special events local officers could be called to support colleagues in other areas, for example to police international football matches and this arrangement was reciprocal. Further, it was stated that the number of officers would not decrease but that reorganisation had created flexibility to police where demand arose. Although there had been changes to the structure of the police force, the number of frontline officers was the same as before reorganisation.

Members asked for information on community policing and retaining local knowledge. Chief Inspector Paterson stated that an Inspector had been specifically selected to work in Grangemouth because of their background local knowledge. Community Investigation Units had provided increased local ownership and utilised local knowledge.

The committee asked about the use of 'Stranger Danger' talks in schools. Chief Inspector Paterson stated that historically reporting increased following the delivery of these talks in schools and that the police investigated all reports fully. She further stated that in cases where information was being shared through social media that it was important people pass information on to the police.

Members asked about work done with young people on domestic abuse. Chief Inspector Paterson stated that school based officers were involved in education work to increase the awareness young people had of the issue and promoted positive relationships. Officers also worked with abusers, as in many cases these young people were reflecting behaviours witnessed at home. Chief Superintendent Flynn stated that Police Scotland were one of a number of partners involved in this work and that schools, social work and the voluntary sector all had an important role to play.

The committee asked what had caused the reduction in shop lifting. Chief Inspector Paterson stated that the Community Investigation Unit had been key to the reduction as they had carried out dedicated work to target shop lifters. They had worked to break individuals' offending cycles. Early intervention with high risk repeat offenders was found to be effective.

Members asked how complaints made about the police were responded to. Chief Superintendent Flynn advised that all complaints were responded to in writing. Although only a small number of complaints were upheld, the police viewed all complaints as an opportunity to learn lessons and reflect on how people felt they were treated. Each complainant received a full written explanation and a written apology would be issued where appropriate. In cases where complaints were upheld disciplinary action could be taken.

The committee asked which groups most often made complained about the police. Chief Inspector Paterson stated that complaints were received from a mixture of groups with many coming from individuals who had been charged or from people complaining on their behalf.

Members asked for further information on the work with young people to prevent low level disruption. Chief Inspector Paterson stated that every crime file for a person under 18 years old was reviewed by the public protection unit. They then decided whether to refer to the Reporter or intervene with diversionary actions. Chief Superintendent Flynn stated that early and effective intervention was important and was delivered through partnership. Young people at risk of offending were referred to SACRO.

The committee asked for further information on the level of repeat offending by registered sex offenders. Chief Superintendent Flynn stated that he would provide members with this information after the meeting.

Members asked for further information on circumstances which led to adult at risk referrals. Chief Inspector Paterson stated that referrals were made in a variety of instances concerning individuals identified as adults at risk. These could include being the victim of crime, domestic abuse or bogus workmen.

The committee asked what role the night time economy played in the number of petty assaults. Chief Inspector Paterson stated that analytical work was carried out regularly in this area and that around half of all violence took place in private accommodation. Where a number of violent crimes occurred near licensed premises license checks were

carried out. The police had responded to concerns about the town centre, charging 70 people for drug use and issuing 40 fixed penalty notices for minor anti-social behaviour incidents. She also referred to the success of using the mounted police; that staffing would be doubled for the festive period, and that 3 extra crews would be on duty after midnight on Saturdays.

Members asked for information about the change to the drink drive limit in Scotland on 5 December 2014. Chief Superintendent Flynn stated that many people who had been breathalysed recently would produce a fail after the implementation of the lowered limit at their current level. He stated that Police Scotland would maintain its focus on the causation factors of car crashes.

Decision

The committee noted:-

- (1) the performance on the local policing plan, and**
- (2) the additional information provided on road traffic collisions.**

S47. AUDIT REPORT – PROCUREMENT IN COUNCILS

The committee considered a report by the Director of Corporate and Neighbourhood Services which provided a summary of the Audit Scotland 'Procurement in Councils' report.

The report outlined the key messages contained in the Audit Scotland report, highlighted references to the Council and summarised the Council's current position against each Audit Scotland recommendation. David McGhee provided an overview of the report.

The committee asked what benefit Scotland Excel brought to the Council. David McGhee highlighted Scotland Excel's knowledge of suppliers and the use of national contracts.

Members asked for information about the reporting of contracting savings achieved through contract awards. David McGhee stated that there was a weekly bulletin for contract approval which included local financial benefits.

The committee expressed concern that when Scottish Government funding for Scotland Excel expires in 2016 that the deficit would be passed on to Councils. David McGhee advised that Scotland Excel's future funding position was not clear. Any change to the funding position would be reported to members. Scotland Excel were having to actively look at their running costs. David McGhee advised that more information on the funding position was expected in the next 12 to 18 months.

Members asked about the Council's use of national contracts. David McGhee advised that the default position was to use national contracts but that each case was evaluated to ensure participation was appropriate. The 90% participation rate was higher than most other Councils.

The committee asked about environmental improvements. David McGhee stated that sustainability was a key focus and that the Council was only the second local authority to get a gold award for timber related products purchasing. A documented process was in place to evidence that raw materials were drawn from sustainable sources.

Decision

The committee:-

- (1) noted the report, and**
- (2) agreed to refer to the Executive the issue of procurement training.**

S48. ATTAINMENT OF LOOKED-AFTER AND VULNERABLE CHILDREN

The committee considered a report by the Joint Acting Director of Education Services which provided information on the attainment of looked-after children, school leaver destinations for looked-after children and action within the authority.

Nigel Fletcher provided an overview of the report.

The committee asked why the attainment of looked-after children in Falkirk was less than the national average. Nigel Fletcher advised that it was difficult to identify local trends as the number of children involved was so small that a yo-yo effect could occur. Whereas the national statistics, being drawn from a larger sample, appeared more stable, he did not think local performance was lagging behind other Councils. Further, the statistics provided a snapshot of a cohort's attainment rather than tracking their progress through their educational journey. Nigel Fletcher stated that academic attainment may not be the most appropriate pathway for all children. The Council utilised vocational qualifications and schemes like the Duke of Edinburgh and John Muir awards to provide opportunities for looked-after children to succeed. There were broader outcomes such as leaver destination which could provide a better measure of the success of the Council taking on the role as corporate parent.

Members asked if the Council could learn from others best practice. David MacKay advised that he was involved in local and national groups which shared best practice. Officers from other Councils were due to visit the area to take learning from the practice in Falkirk. The service tried to build capacity within looked-after children to engage in lifelong learning. Looked-after children at home performed less well academically than those looked-after away from home but looked-after away from home could face reintegration issues when returning to the community.

The committee asked for a report at the end of the academic year on the progress of the 16+ School Transitions Group and nurture groups. David MacKay advised that there was an ex looked-after child on the scrutiny group and that they act as the representative of looked-after children on the group.

Decision

The committee continued consideration of whether the subject matter of the report is suitable for inclusion in the Council's scrutiny plan to the next meeting to allow consideration of all the reports requested on 14 August 2014.

S49. MANAGING TALENT AND PROMOTING LEADERSHIP IN SCHOOLS

The committee considered a report by the Joint Acting Director of Education Services which provided an update on issues relating to the recruitment process, appointment of senior managers in schools and Education Services' strategy for ensuring that schools are led and managed effectively. Anne Pearson provided an overview of the report.

The committee asked about the level of interest in and number of applicants for school management posts. Anne Pearson stated that the issue of low numbers of suitable candidates for head teacher posts was a national one.

Members discussed issues of supply for school leadership posts and that teachers who accepted early retirement from the Council are unable to take up these vacancies. They noted that it would be for members make policy changes. Nigel Fletcher stated that the difficulty of supply was a national issue. The service was dedicated to ensuring that the best teachers were in front of classes in Falkirk and that this was a major driver in increased levels of attainment. The committee requested that information be provided on the impact of preventing former teachers who took early retirement from the Council providing supply. Nigel Fletcher advised that a report would be provided to a future meeting.

The committee discussed that Falkirk had been held up nationally for the use of assessment centres. Nigel Fletcher stated that the service wanted to ensure that any candidate selected for final interview was capable of filling the post successfully.

Decision

The committee continued consideration of whether the subject matter of the report is suitable for inclusion in the Council's scrutiny plan to the next meeting to allow consideration of all the reports requested on 14 August 2014.

S50. FOLLOWING THE PUBLIC POUND 2013/2014 MONITORING REPORT - COMMUNITY DEVELOPMENT

The committee considered a report by the Joint Acting Director of Education Services which provided an update on the work of external organisations in receipt of funding which provide services in relation to community development, and which fall within the Following the Public Pound (FPP) reporting and monitoring arrangements. The report covered the period 1 April 2013 to 31 March 2014.

The report provided information on the key aims of community development and an overview of the funded organisations which contributed to community development. An individual report was appended for each of the organisations which received funding. Each report set out the service provided, the agreed outcomes/objectives and performance information.

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

(a) Denny Community Support – CLD Project

Kenny McNeil provided an overview of the report advising that the organisation received £29,536 of Council funding. The project was assisted by 35 volunteers.

The committee discussed that future funding was a risk for all FPP organisations and that work to secure external funding should be encouraged.

Decision

The committee approved the report and acknowledged the progress made by Denny Community Support – CLD Project in meeting Council priorities.

(b) Dennyloanhead Community Project – CLD Project

Kenny McNeil provided an overview of the report advising that the organisation received £33,209 of Council funding. The annual footfall survey showed an increase in weekly users of the centre, from 730 last year to 777 this year.

Decision

The committee approved the report and acknowledged the progress made by Dennyloanhead Community Project – CLD Project in meeting Council priorities.

(c) Powerstation (Whitecross) – CLD Project

Kenny McNeil provided an overview of the report advising that the organisation received £45,120 of Council funding.

The committee asked what duration external funding had been secured for. Kenny McNeil advised that he would provide members with this information after the meeting.

Decision

The committee approved the report and acknowledged the progress made by Powerstation (Whitecross) – CLD Project in meeting Council priorities.

(d) Workers Education Association – CLD Project

Kenny McNeil provided an overview of the report advising that the organisation received £57,635 of Council funding.

Decision

The committee approved the report and acknowledged the progress made by the Workers Education Association – CLD Project in meeting Council priorities.

(e) CVS Falkirk & District

Andrew Wilson provided an overview of the report advising that the organisation received £133,148 of Council funding. He stated that areas of concern had been highlighted to the Chief Executive of CVS Falkirk & District.

The committee expressed concern that the organisation was not representing best value.

Decision

The committee requested that CVS Falkirk & District attend a future meeting of the committee to provide further information on specific aspects of the service provided.

S51. FORTH VALLEY FAMILY SUPPORT SERVICE

The committee considered a report by the Director of Corporate and Neighbourhood Services which provided an update on the initial pilot and subsequent procurement of Forth Valley Family Support Service by Forth Valley Alcohol and Drug Partnership.

The committee asked if addiction to gambling received enough attention in the local area. Fiona Campbell stated that she would provide members with information on the local situation after the meeting.

Decision

The committee approved the report and acknowledged progress by Forth Valley Alcohol and Drug Partnerships in meeting Council priorities.

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

S52. FOLLOWING THE PUBLIC POUND (FPP): COMMUNITY SAFETY

The committee considered a report by the Director of Corporate and Neighbourhood Services which provided an update on the work of external organisations in receipt of funding from the Community Safety budget, and which fall within the FPP reporting and monitoring arrangements. The report covered the period 1 April 2013 to 31 March 2014.

The report provided information on the contribution to key outcomes, an overview of organisations which received funding and an assessment of individual organisations performance. An individual report was appended for each of the organisations which received funding. Each report set out the service provided, the agreed outcomes/objectives and performance information.

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

(a) SACRO – Restorative Acceptable Behaviour Service

Andrew Wilson provided an overview of the report advising that the organisation received £28,706 of Council funding.

The committee discussed that SACRO had successfully reduced their running costs following a previous request by members.

Decision

The committee approved the report and acknowledged progress by SACRO – Restorative Acceptable Behaviour Service in meeting Council priorities.

(b) Specialized Security Taxi Marshalling Service

Andrew Wilson provided an overview of the report advising that the organisation received £28,706 of Council funding.

The committee asked about the low level of reserves. Andrew Wilson advised that this was because the organisation fully utilised the funding it received.

Members discussed that they felt the remit of the organisation was in line with policing priorities and suggested that Police Scotland could make a contribution.

Decision

The committee approved the report and acknowledged progress by Specialized Security Taxi Marshalling Service in meeting Council priorities.

S53. SCRUTINY PANEL UPDATE – PARTICIPATION AND ENGAGEMENT STRATEGY

The committee considered a report by the Director of Corporate and Neighbourhood Services which provided an update on the arrangements for the scrutiny panel on consultation and engagement and a review of guidance for future scrutiny panels.

Decision

The committee agreed

- (1) the scope and framework for the scrutiny panel on consultation and engagement, and**
- (2) noted the intended review of guidance for members on the scrutiny committee.**

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 2 DECEMBER 2014 at 9.30 am.

COUNCILLORS:

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

OFFICERS:

Robin Baird, Waste Strategy Co-Ordinator
Rose Mary Glackin, Chief Governance Officer
Robert McMaster, Head of Roads & Design
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Pete Reid, Manager (Growth & Investment)
Stuart Ritchie, Director of Corporate & Neighbourhood Services
Bryan Smail, Chief Finance Officer

ALSO ATTENDING:

Provost Reid

EX79. APOLOGIES

No apologies were intimated.

EX80. DECLARATIONS OF INTEREST

No declarations were made.

EX81. MINUTE**Decision**

The minute of meeting of the Executive held on 11 November 2014 was approved.

EX82. ORDER OF BUSINESS

In accordance with Standing Order 14.2(i), the convener varied the order of business from that shown on the agenda. The following items have been recorded in the order they were taken at the meeting.

EX83. SCRUTINY PANEL – CONCLUSIONS AND RECOMMENDATIONS: APPOINTMENT OF ELECTED MEMBERS TO OUTSIDE ORGANISATIONS

The Executive considered a report by the Chief Governance Officer presenting the scrutiny committee's recommendations in regard to a scrutiny panel review of elected member participation on outside organisations.

The scrutiny committee established a scrutiny panel, in November 2013, to examine the appointment of elected members to external organisations and the process for reporting to the Council. The panel reported its findings to the committee on 31 October 2014 (ref SC42) and these, together with a recommendation from the committee in regard to reporting to Council, were presented to the Executive for consideration.

The panel, comprising Provost Reid and Councillors Black and McLuckie, met on 3 occasions and had, as part of its review, issued three surveys to inform its deliberations.

The panel recommended the following three principles in regard to the appointment of elected members to outside bodies, namely:-

- (i) where there is a strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;
- (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and
- (iii) where the organisation does not operate at a strategic level and is not funded/part-funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.

The panel also considered that appropriate training should be provided, by the Council, or the organisation, when an appointment is made to ensure that the Council's representative is fully able to undertake their role.

The panel provided a summary of its recommendations in regard to each of the Council's appointments to those outside organisations within the scope of its review having applied the principles set out above.

The panel's recommendations were considered and approved by the scrutiny committee on 31 October 2014 and these, together with a recommendation from the scrutiny committee that reporting back should take place and should be done through the inclusion of outside organisations' minutes in the Minute Volume were before the Executive.

In terms of the Scheme of Delegation the appointment of members to outside bodies is reserved for Council and as such the Executive was invited to consider the committee's recommendations and refer these to Council.

Provost Reid, as both chair of the panel and convener of the scrutiny committee provided an overview of the work of the panel and of the recommendations before the Executive.

Decision

The Executive agreed to recommend to Council that:-

- (1) the following principles be adopted in regard to the appointment of elected members to outside organisations:**
 - (i) where there is strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;**
 - (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and**
 - (iii) where the organisation does not operate at a strategic level and is not funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.**
- (2) based on these principles, Council considers the recommendations in respect of current appointments, set out in appendix 5 of the appended report;**
- (3) when appointments are made training should be available – by the organisation and/or Council to ensure that the elected members are fully able to undertake the role of Council representative; and**
- (4) reporting back should take place and should be done through the inclusion of outside organisations' minutes in the minute volume.**

EX84. DENNY TOWN CENTRE REGENERATION CAPITAL GRANT FUND APPLICATION

A motion regarding an application for capital grant funding for Denny Town Centre had been referred to the Executive by Council on 12 November 2014 (ref FC49).

With no mover for the motion, the motion was dropped.

Decision

The motion was dropped.

Noted that the entirety of the additional funds awarded by the Scottish Government would be spent on the Denny Town Centre Regeneration Project and that the total project cost amounted to £7.6m.

Councillor Gow joined the meeting during the previous item.

EX85. REFFERALS FROM JOINT CONSULTATIVE COMMITTEE – 12 NOVEMBER 2014

- **RISK MANAGEMENT BY RISK ASSESSMENT**
- **POLICY & PROCEDURE FOR THE MANAGEMENT OF OCCUPATIONAL HEALTH MONITORING & SURVEILLANCE**

The Executive considered a report by the Director of Corporate and Neighbourhood Services seeking approval of the Risk Management by Risk Assessment policy and the policy and procedure for the Management of Occupational Health Monitoring and Surveillance which had been referred to the Executive for approval by the Joint Consultative Committee on 12 November 2014 (ref JCC31)

Decision

The Executive approved the Risk Management by Risk Assessment policy and the policy and procedure for the Management of Occupational Health Monitoring and Surveillance.

EX86. WELFARE REFORM UPDATE

The Executive considered a report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer providing an update on how the Council is responding to the welfare reform changes.

The report provided an update on:-

- Size criteria mitigation
- Discretionary Housing Payments (DHPs) (non size criteria cases)
- DHP and universal credit

- Single fraud investigation and the introduction of the Fraud and Error Service
- The Welfare Funds (Scotland) Bill;
- The introduction and role of Tenancy Sustainment officers
- Research carried out to understand customer support requirements;
- The introduction of a pilot project to improve support for customers with complex needs (Buildings Resilience);
- The roll out of Universal Credit and the roll out of Universal Support – Delivered Locally; and
- The future of Housing Benefit in light of the publication of the Smith Commission report.

In regard to size criteria mitigation, the Scottish Government had significantly increased the Discretionary Housing Payments (DHP) funding available to Local Authorities with a commitment to enable social landlords to fully mitigate the housing benefit loss in 2014/15. In September 2014, £12m was made available to 20 Councils including Falkirk Council. A further £3m will be available to Local Authorities in May 2015 when the actual DHP spend for 2014/15 is known.

The projected Housing Benefit loss due to size criteria restrictions is currently projected to be £1,345,017. The total confirmed funding for 2014/15 is £1,213,695, resulting in a projected shortfall of £131,322. At the current time there has been no confirmation that funding will be made available to offset the projected shortfall.

Decision

The Executive agreed:-

- (1) to note the content of the report and the future changes to benefits and the impact this will have on Council services;**
- (2) to note the update on size criteria mitigation and that the Discretionary Housing Payments Policy approved in May 2013 will not apply for cases relating to size criteria restrictions as described in section 2 of the report;**
- (3) to note the findings of the work undertaken to understand our customer requirements and that a report on the outcomes of the work arising from this report will come back to Members in due course;**
- (4) to take the opportunity to attend an Elected Members' Mental Health Awareness session; and**
- (5) to note the timescales for roll out of Universal Credit and to engage with the Department of Work and Pensions to explore how Universal Support – Delivered Locally could be delivered and the implications for Council services and citizens in receipt of support.**

EX87. FALKIRK COUNCIL BIODIVERSITY DUTY REPORT 2011 – 2014

The Executive considered a report by the Director of Development Services presenting the Council's Biodiversity Duty Report 2011-14.

In terms of the Nature Conservation (Scotland) Act (2004), "it is the duty of every public body and office holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions". This is the Biodiversity Duty. The Wildlife and Natural Environment Act (2011) requires all public bodies to report on the delivery of their Biodiversity Duty every 3 years. The deadline for the submission of the first report to the Scottish Government is 31 December 2014.

An overview of the Falkirk Council Biodiversity Duty report for 2011-14 was provided together with the report.

Following approval by the Scottish Government, the report will be available on the Council's website and in hard copy on request.

Decision

The Executive agreed:-

- (1) the Biodiversity Duty Report as appended to the report; and**
- (2) that it be submitted to the Scottish Government and made publicly available prior to the reporting deadline of 31 December 2014.**

EX88. TOURISM STRATEGY UPDATE

The Executive considered a report by the Director of Development Services providing an update on the development of a tourism strategy.

The Executive established a policy development panel, on 17 June 2014 (ref EX27), to develop a tourism strategy and requested that a draft strategy be submitted by November 2014.

A draft strategy was provided, however the panel now sought authority to further consult on the terms of the draft, in particular with the tourism trade, in order to develop the document. It was anticipated that the panel would submit a final draft strategy to the Executive in February/March 2015 following consultation.

Decision

The Executive agreed to:-

- (1) extend the timetable for agreeing a tourism strategy;**
- (2) approve the draft strategy as appended to the report, for consultation; and**

- (3) **authorise the Director of Development Services to undertake further consultation and update the strategy for the Executive's consideration and approval in February/March 2015.**

EX89. NATIONAL ROADS DEVELOPMENT GUIDE

The Executive considered a report by the Director of Development Services proposing that Council adopts the National Roads Development Guide, with local variations, as the standard for roads within new housing developments.

The Council's current guidance standards for roads had been in place since 1997 and, as a consequence of significant national and local policy changes in the period since then, is no longer fit for purpose.

It was proposed that Council adopt the National Policy Development Guide as its guidelines for roads within new housing developments – subject to the incorporation of local variations. The proposed variations were set out in appendix to the report.

Decision

The Executive agreed to:-

- (1) **adopt the National Roads Development Guide for roads within new housing developments in the Falkirk Council area subject to inclusion of the local variations identified in the appendix to the report; and**
- (2) **authorise the Director of Development Services to make local variations to the document in future, arising from local experience, new legislation and any relevant changes to future design standards.**

EX90. TREASURY MANAGEMENT INTERIM REVIEW 2014 - 15

The Executive considered a report by the Chief Finance Officer presenting a mid-year review of the Council's Treasury Management function.

Council approved its Treasury Management strategy for 2014/15 at its meeting on 14 May 2014 (ref FC6). A summary of the mid-year review of the strategy was provided together with the position of the Treasury Management Prudential Indicators.

The report provided an update in regard to:-

- the economic and interest rate outlook;
- the borrowing strategy; and
- the investment strategy

Decision

The Executive agreed to:-

- (1) note the progress of the Council's Treasury Management strategy for 2014/15;
- (2) note the changes to the credit methodology set out section 4 of the report; and
- (3) refer the report to Council for consideration.

EX91. MOBILE WORKING

The Executive considered a report by the Director of Corporate and Neighbourhood Services detailing a project to introduce mobile and flexible working throughout the Council.

The Executive agreed a technology strategy on 18 March 2014 (ref EX138) which set out the need for a secure approach to mobile and flexible working. A project to consider and test technology which would provide flexible and collaborative working was set out.

The report summarised the concept of mobile and flexible working - where work is considered an activity rather than place - summarised its benefits and set out the estimated costs and timescale for the roll out of the project.

It was anticipated that the project would deliver practical benefits including:-

- freeing staff from deskbound working;
- the reduction of current fixed and allocated workstations across the estate thereby allowing rationalisation of the Council's property portfolio;
- an improvement in the costs of and efficiency of working practices;
- the sharing of working practices across Services; and
- the delivery of services within a Public Sector Network (PSN) compliant environment.

In addition it was anticipated that financial benefits would be realised:-

- by providing virtual desktop infrastructure;
- through the administration of IT through servers and by centralising the resolution of IT issues;
- through management of the procurement of software and application licencing;
- by reducing back office overhead costs; and
- through the rationalisation of assets.

It was estimated that the cost of the project would be £1,770,000. The report summarised the elements contributing to this, highlighting the project management issues and risks associated with delivering the project together with a timetable for project delivery.

Decision

The Executive agreed:-

- (1) to note the content of the report;**
- (2) that the Director of Corporate and Neighbourhood Services will take forward the project in accordance with the proposed works detailed in paragraph 4 of the report; and**
- (3) to note that any contracts awarded will be in full compliance with Contract Standing Orders.**

EX92. LEADER EUROPEAN FUNDING PROGRAMME 2014 – 2020

The Executive considered a report by the Director of Corporate and Neighbourhood Services recommending that Falkirk Council undertakes the role of the accountable body on the Kelvin Valley and Falkirk LEADER programme Local Action Group.

Falkirk Council joined the then Kelvin Valley Local Action Group (LAG) on 14 January 2014 (ref EX105) to form the Kelvin Valley and Falkirk LAG in order to access funding from the LEADER European funding programme 2014-2020. It was now proposed that Falkirk Council undertake the role of accountable body within the LAG from the LEADER programme. The role is separate from the Council's role on the LAG board and is restricted to administering the financial and staffing systems which support the LAG Board. The report set out the benefits to Falkirk Council and the commitment involved, including recruitment, from existing resources, of support staff.

Decision

The Executive agreed:-

- (1) subject to successful internal recruitment, to undertake the role of accountable body for Kelvin Valley and Falkirk 2014-2020 LEADER programme;**
- (2) to note that a service level agreement will be formalised with the Scottish Government in regard to the service to be provided; and**
- (3) to request that Kelvin Valley and Falkirk LEADER Local Action Group confirms it will resource the LEADER staff to fully support the functions of the accountable body, within the budget conditions set by the Scottish Government.**

EX93. EUROPEAN STRUCTURAL AND INVESTMENT FUNDS

The Executive considered a report by the Director of Development Services providing an update on European Structural and Investment Funds (ESIF) and setting out opportunities and challenges for the Council.

The European Commission (EU) adopted a partnership agreement with the UK in October 2014 on the use of European Union Structural and Investment Funds (ESIF) 2014-20 to help tackle unemployment and boost competitiveness and economic growth through support for innovation, training and education. The ESIF in the UK are:-

- European Regional Development Fund (ERDF);
- European Social Fund (ESF);
- European Maritime and Fisheries Fund (EMFF); and
- European Agricultural Fund for Rural Development (EAFRD).

The Scottish Government developed an Operating Programme for ERDF and ESF in partnership with local authorities and partner agencies and it is anticipated that £1.3bn of EU funding will be available across the programme.

Funds for the Operational Programme will be targeted through investment priorities known as strategic interventions. Of the 14 strategic interventions in the 2014–2020 Operating Programme, local authorities will have a lead partner role in 3, namely:-

- Business competitiveness;
- Employability pipelines; and
- poverty and social inclusion (enhanced employability pipelines)

The report highlighted the key responsibilities of lead partners together with the current position in regard to the 3 strategic interventions set out above.

Decision

The Executive agreed to:-

- (1) note the proposed structure and model of delivery for the new European Structural and Investment Funds Programme 2014-2020;**
- (2) Falkirk Council acting as a lead partner in the strategic interventions outlined in section 2 of the report;**
- (3) in principle, provide the match funding required to access the maximum allocation available to Falkirk Council, subject to final decisions on resources to be made available as part of the budget setting process;**
- (4) authorise officers to proceed and submit the proposed programme of interventions as outlined in section 3 of the report;**

- (6) note the management and administrative requirements involved in delivering the programme;
- (7) seek technical assistance support to ensure compliance; and
- (8) receive a full report once the programmes and national agreement have been finalised.

EX94. FREE CAR PARKING INITIATIVES FALKIRK TOWN CENTRE

The Executive considered a report by the Director of Development Services recommending the continuation of the “Free after Three” and festive free car parking initiatives in 2014/15.

The Executive agreed on 14 January 2014 (ref EX109) to introduce a “Free after Three” car parking initiative in its Falkirk town centre car parks until the start of the festive free parking period beginning on 8 December 2014.

As a consequence of the introduction of the “Free after Three” initiative parking revenues had decreased by £44,000. It was projected that by the end of the festive free parking period this would increase to £74,000. The loss is unbudgeted and will contribute to the budget overspend.

An evaluation, by Falkirk Delivers, of the “Free after Three” initiative was provided together with a summary of the costs and implications of four options before the Executive for consideration in regard to car park initiatives:-

- maintain both “Free after Three” and festive free car parking initiatives;
- maintain annual “Free after Three” initiative but withdraw festive free car parking
- maintain festive free car parking but do not continue “Free after Three” initiative; and
- do not proceed with either initiative.

Decision

The Executive agreed to:-

- (1) note the impact and evaluation of the “Free After Three” initiative on Falkirk town centre businesses and shoppers;
- (2) note the impact of both the “Free After Three” and free festive car parking initiatives on annual revenue budgets at £79k annually;
- (3) continue both initiatives during 2014/15; and
- (4) consider the longer term prospect for these initiatives at the Council budget setting meeting on 11 February 2015.

EX95. EXCLUSION OF PUBLIC

The Executive agreed in terms of s50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

EX96. URGENT BUSINESS

The convener stated that, in accordance with Standing Order 9.1, he had determined that an additional item of business should be added to the agenda, namely a report by the Director of Development Services concerning a contract. The convener was of the opinion that the item should be considered as a matter of urgency because of the proposed timescales involved.

EX97. CONTRACT FOR THE PROVISION OF DRY RECYCLATE SEGREGATION AND RESALE SERVICE

The Executive considered a report by the Director of Development Services concerning a contract.

This item is exempt from publication on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 DECEMBER 2014 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Gordon Hughes
Baillie Joan Paterson
Provost Pat Reid (Convener)
Ann Ritchie
Sandy Turner

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Jack Frawley, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer (for items 1 – 5 and 17 (CL101 – 105 and CL117))

CL101. APOLOGIES

An apology was intimated on behalf of Baillie Buchanan.

CL102. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non financial interest in items 7 and 12 (CL 107 and CL112) by virtue of having prior knowledge of the matters, in consequence of which she recused herself from consideration of the items, having regard to the objective test in the Code of Conduct.

CL103. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 5 November 2014 was approved.

CL104. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN OCTOBER 2014 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 October 2014 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL105. CIVIC LICENSING ENFORCEMENT – OCTOBER 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 October 2014.

Decision

The committee noted the report.

CL106. 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.

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

CL107. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

Inspector D Gibson and Sergeant I McGregor, Police Scotland, 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 advising of the background to the application. The appendices detailed (a) the consultations undertaken and responses received; (b) the applicant's record; (c) a letter from the applicant, Mr McC, in support of his application, and (d) a letter of objection from Police Scotland.

The Licensing Co-ordinator confirmed that the applicant, Mr McC had been cited to attend the meeting but was unable to attend due to work commitments. In his absence the committee considered the information before it.

Inspector Gibson spoke in amplification of the objection made by Police Scotland.

Inspector Gibson and Sergeant McGregor left and were then recalled to the meeting.

Decision

The committee agreed to refuse to grant the private hire car driver licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

Councillor Hughes entered the meeting during consideration of the foregoing item of business and took no part in the decision.

Councillor Ritchie re-entered the meeting following consideration of the foregoing item of business.

CL108. APPLICATION FOR THE VARIATION TO LATE HOURS CATERING LICENCE NO.245

Mr C and Mr R, directors of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the variation to late hours catering licence no.245 (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Decision

The committee agreed that a departure from policy was justified in the circumstances of the application and consequently to grant the variation to late hours catering licence no.245 for Wednesday 24 December 2014 and Wednesday 31 December 2014 subject to the standard conditions and the additional condition that no hot food will be sold on the premises after 1.30am.

CL109. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Ms S, together with the day-to-day manager, Ms A, entered the meeting.

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) detailing the consultations undertaken and the responses received; (c) detailing the experience/training of the applicant, and (d) attaching as appendix 1, the licence of skin piercing and tattooing conditions.

The Licensing Co-ordinator circulated photographs of work carried out by the applicant.

Ms S and Ms A 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.

CL110. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr McI, 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 McI 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.

Councillor Ritchie left the meeting during consideration of the following item of business.

CL111. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr McA, 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 McA 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.

CL112. APPLICATION FOR THE RENEWAL OF A TAXI 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 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 M 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.

Councillor Ritchie re-entered the meeting following consideration of the foregoing item of business.

CL113. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE AND TAXI 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 taxi driver licence and 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 C 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 and the taxi operator licence for a period of one year subject to the standard conditions and with a warning letter.

Having been advised by the Licensing Co-ordinator that the applicant had previously held a temporary street trader 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.

CL114. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE NO. 234

The applicant, Mr A, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence no.234 (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Questions were then asked by members of the committee.

Decision

The committee agreed that there remained justification to depart from Council policy with regard to these premises and to renew late hours catering licence No.234 for a period of three years.

CL115. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE NUMBER 229

The committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence no. 229 (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Decision

The committee agreed to continue consideration of the matter to a future meeting to allow the applicant to attend.

CL116. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE

The applicant, Ms D, entered the meeting.

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

Ms D spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the street trader licence for a period of one year subject to the standard conditions.

Councillor Ritchie left the meeting following consideration of the foregoing item of business.

CL117. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1572

The licenceholder, Mr F, and the Licensing Enforcement Officer entered the meeting.

The committee considered a report by the Chief Governance Officer (a) highlighting a letter of complaint submitted by Mr G in respect of the licenceholder; (b) advising of the background to the hearing, and (c) attaching as an appendix a report by the Chief Governance Officer submitted to the 5 November 2014 meeting of the committee.

The licenceholder, Mr F, advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

The Licensing Co-ordinator advised that the complainant was unable to attend the meeting of the committee and spoke in amplification of the complaint.

Questions were asked of the Licensing Co-ordinator by members of the committee. The licenceholder stated that he had no questions for the Licensing Co-ordinator.

Mr F was then heard in relation to the complaint.

Questions were asked of the licenceholder by the Licensing Co-ordinator and members of the committee.

Both parties were invited to sum up.

The Convener agreed to an adjournment at 11.20 a.m. The meeting reconvened at 11.40 a.m. with all members present as per the sederunt with the exception of Councillor Ritchie.

The licenceholder, Mr F, the Licensing Co-ordinator and the Licensing Enforcement Officer, left and were then recalled to the meeting.

Decision

The committee agreed:

- (1) to suspend taxi driver licence no.1572 for a period of one week to commence at 9am on Friday 5 December 2014, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (d) on the basis that condition no. 27 of the taxi driver licence had been contravened, and**

- (2) that the applicant should undergo a medical examination for the purpose of satisfying the licensing authority that he is physically fit to drive a taxi (with particular regard to managing the wheelchair accessible facilities), in accordance with section 13 (5) of the said Act.**

FALKIRK COUNCIL

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on
MONDAY 8 DECEMBER 2014 commencing at 9.30 a.m.**

COUNCILLORS:

Baillie William Buchanan (Convener)
John McLuckie
Baillie Joan Paterson
Sandy Turner

OFFICERS:

Stuart Henderson, Environmental Health Officer
Julie Seidel, Planning Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Karen Quin, Solicitor
Bernard Whittle, Development Management Co-ordinator

P102. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Chalmers, Nicol and Meiklejohn.

P103. ERECTION OF A SINGLE 500KW WIND TURBINE WITH A MAXIMUM TIP HEIGHT OF 77 METRES, WITH ASSOCIATED ACCESS TRACK AND INFRASTRUCTURE AT SITE TO THE SOUTH WEST OF POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON FOR MR ROBBIE TAYLOR - P/14/0318/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 November 2014 (Paragraph P100 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of a single 500kw wind turbine with a maximum tip height of 77 metres with associated access track and infrastructure at a site to the south west of Polmont Golf Club, Simpson Drive, Maddiston.

The Convener introduced the parties present.

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

Mr Taylor, the applicant, indicated that he did not have any comments to make on the application and understood that the agent would be able to provide the necessary clarification.

Ms Ellis, the applicant's agent, arrived at 9.45 a.m. and was then heard in relation to the application.

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

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

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

Ms McDavid, on behalf of Maddiston Community Council, an objector, was heard in relation to the application.

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

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

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

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

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

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

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

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

The objections included the following issues:-

- The unacceptable noise impact on surrounding residents and the adjacent Golf Club;
- That the site was in a valley and would transmit noise;
- The proposed turbine should be located closer to Whiterigg Farm;
- The health of adjacent residents would be unacceptably affected by the proposed turbine;
- That the proposal was too close to a residential area and wind turbines should be a minimum of 500 metres from residential properties;
- That the surrounding property prices would be adversely affected;
- The UK Noise Association recommended that wind turbines should not be sited within 1 mile of residential properties;
- That no assessment had been done on the accumulative noise effect;
- That the shadow flicker would affect surrounding properties;
- That the surrounding residential properties were not appropriately consulted;
- The unacceptable visual impact on an area of open countryside and residential properties;
- That the proposal was contrary to national and local policies; and

- The unacceptable impact on an animal sanctuary, riding school and open countryside.

Questions were then asked by Members of the Committee.

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

Councillor Hughes, 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 a special meeting of the Planning Committee to take place after this site visit on 8 December 2014.

