

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 17 MARCH 2015 at 9.30 a.m.

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:

Margaret Anderson, Director of Social Work Services
Paul Ferguson, Revenue Manager
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Jennifer Litts, Head of Housing
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Neighbourhood Services
Alan Rodger, Planning and Environment Manager
Bryan Smail, Chief Finance Officer
Valerie Thomson, Customer Liaison Officer

ALSO ATTENDING:

Maureen Campbell, Chief Executive, Falkirk Community Trust,
Lesley O'Hare, Culture and Libraries Manager, Falkirk Community Trust,
Ian Scott, Chair, Falkirk Community Trust

EX134. APOLOGIES

No apologies were intimated.

EX135. DECLARATIONS OF INTEREST

Councillor Mahoney declared a non-financial interest in items EX141 and 143 as a member of the Friends of Kinneil and Historic Scotland but did not consider that this required him to recuse himself from consideration of the items having had regard to the objective test in the Code of Conduct.

EX136. MINUTES

Decision

The minute of meeting of the Executive held on 24 February 2015 was approved

**EX137. JOINT CONSULTATIVE COMMITTEE – 17 FEBRUARY 2015
FLEXIBLE WORKING POLICY**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting a revised Flexible Working Policy for approval.

A Flexible Working Policy, aimed at ensuring a consistent approach to the management of flexible working options was considered by the Joint Consultative Committee on 12 November 2014 (ref JCC29). As part of its deliberations the Committee sought further information on Voluntary Reduced Working Time requests. The Committee reconsidered the Policy together with the information requested at its meeting on 17 February 2015 (ref JCC38). The Committee agreed to amend the draft Policy, in regard to temporary part-time working arrangements and referred the amended Policy to the Executive for consideration.

Decision

The Executive agreed the adjusted Flexible Working Policy and its immediate implementation.

Councillors D Goldie, G Goldie and Gow joined the meeting during the previous item.

EX138. REVIEW OF FALKIRK COMMUNITY TRUST

The Executive considered a report by the Chief Finance Officer setting out proposed terms of reference for a policy development panel review of Falkirk Community Trust and requesting that the Executive establish a panel to undertake the review.

Council noted, at its meeting on 12 January 2015 (ref FC66), that it was timely to review and develop the relationship between the Council and Falkirk Community Trust and requested that the Executive be invited to establish a policy development panel for that purpose.

The report set out proposals for the review including terms of reference. A scoping document, setting out the work of the panel, will be developed by the panel at its first meeting.

Decision

The Executive agreed:-

- (1) the proposed terms of reference for the policy development panel and that these terms of reference will be developed by the policy development panel in the form of a scoping document, and
- (2) to establish a panel of 5 members with 3 places reserved for members of the Administration and 2 from the Opposition, the panel to be chaired by Councillor C Martin with the remaining nominations to be intimated to the Chief Governance Officer.

Councillor Dr C R Martin joined the meeting during consideration of the previous item.

EX139. LOCAL HOUSING STRATEGY 2014 UPDATE

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting an update on the 2014 Local Housing Strategy and proposing that, in future, such reports are published on the Council's website.

Council agreed its Local Housing Strategy (LHS) for 2011-2016 in 2011. The LHS sets out the strategic direction for tackling housing need and demand and informs future investment in housing and related services. Progress in regard to achieving the 6 outcomes set out in the LHS was set out in the report.

Progress for the period 2011 to 2013 was reported to the Executive on 18 March 2014 (ref EX136). It was recommended that, in future, the information is published on the Council's website and not reported formally.

Decision

The Executive agreed to:-

- (1) note the progress to date in delivering the Local Housing Strategy;
- (2) authorise officers to prepare a Local Housing Strategy for the period 2017/2022 for approval in late 2016, and
- (3) the update on Local Housing Strategy outcomes for 2015 and 2016 being published on the Council's website.

EX140. FALKIRK LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY GUIDANCE

The Executive considered a report by the Director of Development Services presenting 3 Local Development Plan Supplementary Guidance Notes for approval.

The Executive authorised, on 25 February 2014 (ref EX46), the preparation of, and consultation on, 16 Supplementary Guidance Notes to assist in the interpretation of the Council's proposed Local Development Plan. To date 10 Notes have been prepared, consulted upon and approved by the Executive. A further 3 have been

prepared and consulted upon namely:- SG02 Neighbourhood Design Guide; SG03 Residential Extension and Alterations; and SG14 Spatial Framework and Guidance for Wind Energy Development.

The report summarised each of the Guidance Notes, provided details on the feedback from consultations and proposed amendments to SG02 and SG14.

The Guidance Notes were appended for approval.

Decision

The Executive agreed:-

- (1) the following Supplementary Guidance Notes, including modifications in response to consultations as detailed in appendix 1, and to submit these to Scottish Ministers for approval, along with the Falkirk Local Development Plan:**

SG02 Neighbourhood Design Guide

SG03 Residential Extensions and Alterations

SG14 Spatial Framework and Guidance for Wind Energy Development

- (2) to authorise the Director of Development Services to make minor adjustments to text arising from change of circumstances.**

EX141. THE ANTONINE WALL - A LOCAL ACTION PLAN

The Executive considered a report by the Director of Development Services presenting the Antonine Wall Local Action Plan for approval.

The Antonine Wall Management Plan 2014-19, approved by Historic Scotland and the 5 Local Authorities partners (East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire Councils), outlines the long term vision for the wall and includes aims and actions for all partners over the period of the plan. A Local Action Plan for the Falkirk Council area was set out together with detail on the implementation of the Action Plan through the Falkirk Council Antonine Wall Corporate Working Group. The aim of the Action Plan is to develop fully the social and economic potential of the wall in the Falkirk Council area.

Local Authority Working Groups have responsibility for the implementation of each Local Action Plan.

Decision

The Executive agreed the Antonine Wall Local Action Plan as appended to the report and the activities of the Council's Corporate Working Group to develop and implement the Action Plan.

EX142. ECONOMIC STRATEGY AND PROMOTION

The Executive considered a report by the Director of Development Services proposing that a policy development panel is established to review and develop the Council's Economic Strategy.

The Council's Economic Strategy, My Future's in Falkirk was last updated in 2010 (Ref ESD32) to reflect changes in the economic environment and, in particular, the consequences of the recession of 2008. It is now proposed that the Strategy is reviewed to reflect changes in the interim in regard to the economic environment, business needs, opportunities and challenges with a view to presenting a strategy for the next 5 to 10 years, with the Falkirk Economic Partnership acting as a steering group for the process.

The Executive was invited to establish a policy development panel (PDP) to review the current strategy and develop an updated strategy by September 2015.

The report also summarised a review of the design imagery used to promote the area which would be further developed to reflect the outcome of the PDP review.

Decision

The Executive agreed to:-

- (1) the development of an updated Economic Strategy;**
- (2) establish a 5 member policy development panel to co-ordinate Council input to the strategy with 3 places reserved for members of the Administration and 2 from the Opposition, the panel to be chaired by Councillor D Goldie with the remaining nominations to be intimated to the Chief Governance Officer;**
- (3) note the work proposed to develop refreshed marketing material for economic promotion, and**
- (4) receive a progress report in May 2015 with a finalised economic strategy in August 2015.**

EX143. KINNEIL ESTATE, BO'NESS

The Executive considered a report by the Director of Development Services presenting the Kinneil Estate Masterplan for 2015-2025 for approval.

The Kinneil Estate Masterplan for 2015-2025 had been developed by Falkirk Community Trust following consultation with key partners including Falkirk Council, Historic Scotland, Friends of Kinneil and Bo'ness Community Council. The Masterplan sets out a framework to conserve, enhance and develop the estate over the next 10 years. A draft Masterplan was appended for consideration.

Decision

The Executive agreed:-

- (1) the final draft of the Kinneil Estate Masterplan 2015-2025 as set out in appendix 1 of the report;**
- (2) to note the consultation undertaken with key stakeholders, and**
- (3) to request annual progress reports on delivery of the Masterplan.**

EX144. TREASURY MANAGEMENT STRATEGY 2015/16

The Executive considered a report by the Chief Finance Officer presenting a Treasury Management Strategy 2015/16 for consideration prior to referral to Council.

In terms of the CIPFA Code of Practice for Treasury Management, Council is required to agree an annual Treasury Management Strategy. The recommended strategy for 2015/16 was presented. The Strategy set out:-

- the economic and interest rate outlook;
- debt outstanding at 1 April 2015;
- the long term borrowing requirement for 2015/16;
- borrowing and investment strategies;
- Treasury Indicators and management advisers; and
- Member and officer training.

Decision

The Executive agreed to recommend to Council that it:-

- (1) adopts the Borrowing Strategy for 2015/16 as set out in the report;**
- (2) adopts the Investment Strategy for 2015/16;**
- (3) approves the list of “Permitted Investments” as set out in section 6 of the report, and**
- (4) approves the Treasury Indicators as set out in section 7 of the report.**

EX145. SCOTTISH NATURAL HERITAGE GREEN INFRASTRUCTURE PROJECT: RIVER CARRON CONNECTIONS

The Executive considered a report by the Director of Development Services setting out a proposal for submission to Scottish Natural Heritage (SNH) for inclusion in its Green Infrastructure Project programme.

The (SNH) Green Infrastructure project is aimed at creating multi-functional green networks within urban areas, improving quality of life, promoting health and physical activity, economic growth and investment and opportunities for community engagement. Public and third sector organisations have been invited to submit

proposals for inclusion within this 5 year European Regional Development Fund project.

A proposal, River Carron Connections, was set out. This project, comprising 11 individual projects, was costed at approx. £2.2m. Up to 40% funding could be available from the Green Infrastructure Project, with the remaining 60% to be provided by the Council and partners. Projects would be tailored to match the available funding. The Executive was invited to approve the proposal in principle and to authorise the Director of Development Services to complete the submission to SNH. It was anticipated that SNH would advise on the outcome of those the bids made in June 2015.

Decision

The Executive agreed:-

- (1) the River Carron Connections proposal in principle for submission to Scottish Natural Heritage's Green Infrastructure Project, and**
- (2) to authorise the Director of Development Services to co-operate with partner agencies and complete the submission.**

At this stage, Councillor Spears declared a non-financial interest in the following item as a former employee of BP but did not consider that this required him to recuse himself from consideration of the item having had regard to the objective test in the Code of Conduct.

EX146. BUSINESS SUPPORT – INVESTMENT FUNDING

The Executive considered a report by the Director of Development Services setting out proposals in regard to business support investment funding.

Three funds are available through the Council to support businesses in the area:- the East of Scotland Loan Fund, the BP Loan Fund and the Business Grant Scheme.

The Council is a member of the East of Scotland Loan Fund which offers loans up to £100,000 to new and growing, small and medium sized businesses. A similar fund is set up in the West of Scotland. It was intended that a pan-Scotland Fund is created and that the respective funds are restructured into a single fund. The report summarised the proposal and the anticipated benefits for Falkirk Council.

The BP Loan Fund was established in 2001 in partnership with BP to provide unsecured loans of up to £10,000 at 6% interest to anyone looking to start up or grow a business in the Falkirk Council area. The fund has been managed by Falkirk Council since 2012. The report set out a proposal that BP conclude its involvement in the fund and that a new Start Up Loan Company is established.

The Small Business Grant Scheme was established by Council in October 2012 to assist businesses invest for growth. The report summarised the success of the Scheme and proposed revisions to eligibility criteria for the Scheme.

Decision

The Executive agreed to:-

- (1) progress Falkirk Council's membership of the pan-Scotland Loan Fund replacing its current membership of the East of Scotland Loan Fund;**
- (2) note the establishment of the Start Up Loan Company loan fund and to review the BP Loan Fund, and**
- (3) implement changes to the eligibility criteria for the Small Business Grant Scheme, as set out in section 4 of the report.**

EX147. COMMUNITY LINKS AND SMARTER MEASURES FUNDING APPLICATIONS

The Executive considered a report by the Director of Development Services providing an update on bids made for funding Sustrans, Transport Scotland and Cycling Scotland.

Council had been invited to bid for funding from Sustrans Community Links funding stream for projects aimed at enhancing pathways in 2015/16. Four bids were made for 2015/16 and were set out in the report. Should the funding be awarded match funding would be required to progress the projects further.

In addition, bids were made to Transport Scotland for measures which promote and encourage sustainable travel, and to Cycling Scotland for projects to encourage cycling in schools.

Decision

The Executive agreed:-

- (1) to approve bids and acceptance of grants from the bodies listed within the report and, following notification of successful applications, authorise officers to seek match funding from appropriate sources;**
- (2) that, if any of the bids to Sustrans are unsuccessful, officers be authorised to continue with these projects, as approved resources allow, including seeking match funding;**
- (3) that, subject to the Chief Finance Officer being satisfied that funds for acquisition are available, the Director of Development Services and the Chief Governance Officer be authorised to enter into negotiations and thereafter conclude a bargain for the acquisition of land or rights of access necessary for the projects listed in the report (irrespective of success in the current round of bidding), with each of the transactions being at a purchase price considered satisfactory to the Director of Development Services; and**

- (4) in principle, the outcome of negotiations for access agreements which are to be concluded for Carronshore Bridge, Bo'ness to Blackness Phase 3 and Victoria Park.**

EX148. CENTRAL DEMOLITION LIMITED, LAND AT HIGH BONNYBRIDGE

The Executive considered a report by the Director of Development Services seeking authority to conclude the transaction for the sale of land at High Bonnybridge to Central Demolition Limited at a purchase price of £280,000.

The Executive authorised, on 18 June 2013 (ref EX36), the disposal of land at High Bonnybridge to Central Demolition Ltd. The land had been valued at £350,000. On the basis of the proposed transaction, which involved the purchases upgrading a nearby football pitch and pavilion, the Council would receive a capital receipt of £146,000.

Since then, the land has been revalued at £280,000 as a result of the reduction in developable area arising from Historic Scotland's requirements to impose a buffer zone protecting the line of the Antonine Wall. Additionally, the agreed costs to the purchaser for the upgrading works have increased from £204,000 to £232,000. As a consequence the net capital receipt to the Council, should the Executive agree to amend the purchase price to reflect the revised valuation, will be £48,000.

Decision

The Executive authorised the Director of Development Services to arrange for conclusion of the transaction with Central Demolition Limited on the basis of the amended purchase price of £280,000 as detailed in paragraphs 3 and 4 of the report.

EX149. 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 items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraphs 8 & 12 of Part 1 of Schedule 7A to the said Act.

EX150. KINSHIP CARE – PROPOSED REVIEW OF POLICY AND PROCEDURES

The Executive considered a report by the Director of Social Work Services recommending an amendment to the Kinship Care Policy and Procedures.

Following an enquiry by the Equalities and Human Rights Commission (EHRC) in regard to the equity of payments to approved kinship carers of looked after children compared to allowances paid to foster parents, the Kinship Care Policy was reviewed. The enquiry, made to a number of Local Authorities, has implications for all Scottish Local Authorities and a response is being co-ordinated by Social Work Scotland and COSLA, with the Scottish Government. At the request of the Scottish Government an interim position is sought pending a longer term solution.

The report provided background together with the legal and financial implications.

Decision

The Executive agreed to:-

- (1) note the enquiry that Falkirk Council have received from Equality and Human Rights Commission (EHRC) in relation to equity of payment to kinship carers of looked after children with foster carers, the potential for EHRC to use its enforcement powers and the legal and financial implications arising from the proposed amendment to the current Kinship Care Policy and Procedures;**
- (2) the amendment to the current Kinship Care Policy and Procedures on an interim basis to make payments in terms of Section 22 of the Children (Scotland) Act 1995 with a view to ensuring Kinship Carers income is broadly comparable with foster care allowances, effective incrementally from 1 April 2015;**
- (3) authorise the Director of Social Work Services, or duly authorised officers on her behalf, to continue working with Social Work Scotland; COSLA and Scottish Government to contribute to a longer term solution, and**
- (4) request the Director of Social Work Services and thereafter the Director of Children's Services to update the Executive as the situation progresses.**

EX151. IRRECOVERABLE DEBTS 2014/15

The Executive considered a report by the Chief Finance Officer recommending that irrecoverable debts in regard to Council Tax, Housing Benefit Overpayments, Non Domestic Rates, Sundry Accounts and Payroll Overpayments are written out of the 2014/15 accounts.

In terms of Financial Regulations, debts not exceeding £5,000 can be written out of the accounts by the Chief Finance Officer. For debts exceeding £5,000, Executive approval is required.

Details were given of debts exceeding £5,000 in regard to Council Tax, Housing Benefit Overpayments, Non Domestic Rates, Sundry Accounts and Payroll Overpayments and approval was sought to write off these debts.

Decision

The Executive agreed that:-

- (1) Council Tax debts in excess of £5,000 totalling £22,156.12 as detailed in appendix A of the report be written out of the accounts in 2014/15, subject to further recovery action being taken should the opportunity arise;**

- (2) rent debts in excess of £5,000 totalling £11,333.88 as detailed in appendix B of the report be written out of the accounts in 2014/15, subject to further recovery action being taken should the opportunity arise;
- (3) Housing Benefit Overpayments in excess of £5,000 totalling £50,441.88 as detailed in appendix C of the report be written out of the accounts in 2014/15, subject to further recovery action being taken should the opportunity arise;
- (4) Non-Domestic Rates debts in excess of £5,000 amounting to £766,810.91 as detailed in appendix D of the report be written off, with an appropriate adjustment to the Rate Income Return for 2014/15, subject to amendments should further information on the debtors concerned become available;
- (5) Sundry Accounts debts in excess of £5,000 totalling £71,807.36 (Inclusive of VAT) as detailed in appendix E of the report be written out of the accounts in 2014/15, subject to further recovery action being taken should the opportunity arise, and
- (6) payroll debts in excess of £5,000 totalling £116,666.00 as detailed in appendix F of the report be written out of the accounts in 2014/15.