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## FALKIRK COUNCIL

**MINUTE of MEETING of the EDUCATION EXECUTIVE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 JUNE 2015 at 9.30 AM.**

**COUNCILLORS:**

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

**REPRESENTATIVES  
OF RELIGIOUS  
BODIES:**

Hector Cairns  
Margaret Coutts  
Rev Michael Rollo

**CO-OPTEES:**

Jonathan Barclay (Pupil Representative)  
Helena Barton, (Pupil Representative)  
Mike Ablett (Parent Representative)  
Martin Craigen (Parent Representative)  
Margaret Smith (Teacher Representative)

**OFFICERS:**

Crawford Campbell, Schools Estate Co-ordinator  
Arlene Fraser, Committee Services Officer  
Gary Greenhorn, Head of Educational Support and Resources  
Mark Meechan, Community Learning and Development Manager  
Colin Moodie, Depute Chief Governance Officer  
Robert Naylor, Director of Children's Services  
Anne Pearson, Head of Education

**EE9. APOLOGY**

An apology was intimated on behalf of Councillor Alexander.

**EE10. DECLARATIONS OF INTEREST**

No declarations were made.

**EE11. OPENING REMARKS**

Councillor Martin welcomed Jonathan Barclay, pupil representative, to his first meeting of the Education Executive.

The Education Executive was advised that a number of Headteachers would be retiring on 26 June 2015. The Convener, the Education portfolio holder and members of the Education Executive passed on their thanks to those retiring for their commitment, hard work and dedication given during their employment with Falkirk Council.

**EE12. MINUTE****Decision**

**The minute of meeting of the Education Executive held on 28 April 2015 was approved.**

**EE13. FALKIRK COMMUNITY LEARNING AND DEVELOPMENT (CLD) ACTION PLAN**

The Education Executive considered a report by the Director of Children's Services providing details of an initial 3 year CLD Action Plan (2015-2018).

The report referred to the new Community Learning and Development (CLD) (Scotland) Regulations 2013 which place two obligations on the Council: to ensure that the need for CLD provision within the Council area is assessed, and that a 3 year plan be published by 1 September 2015.

The initial 3 year CLD Action Plan was attached as an appendix to the report.

**Decision**

**The Education Executive agreed:-**

- (1) the initial 3 year (2015-2018) CLD Action Plan;**
- (2) that Education Services publish the Action Plan by 1 September 2015, and**
- (3) that an update report is prepared that measures the progress in implementing/achieving the outcomes listed within the Action Plan and is brought to a future meeting.**

Councillor G Goldie joined the meeting during the previous item.

**EE14. SCHOOL ESTATE MANAGEMENT PLAN - CONDITION, SUITABILITY AND CAPACITY UPDATE 2014/15**

The Education Executive considered a report by the Director of Children's Services setting out the progress made during 2014/15 on the School Estate Management Plan (SEMP), which supports the Council's Corporate Asset Plan to secure best value and sound management of the education school property portfolio.

The SEMP is reviewed annually by Education Service's Property Team and submitted to the Scottish Government along with the outcome of the annual core facts data collection exercise, which assesses the condition, suitability and capacity of each property. The core facts data provides the service with a basis for prioritising and informing investment decisions in the school estate.

The report also summarised the major works carried out across the school estate during 2014/15 and the work planned for 2015/16. An assessment of the current estate, including the condition, suitability and sufficiency ratings of each school was also provided.

**Decision**

**The Education Executive:-**

- (1) noted the progress made in the implementation of the School Estate Management Plan (SEMP);**
- (2) noted the current condition, suitability and sufficiency ratings, and**
- (3) requested that the Director of Children's Services continue the process of implementation, monitoring and review of the plan.**

## FALKIRK COUNCIL

**MINUTE of SPECIAL MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 JUNE 2015 at 11.00 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

Margaret Anderson, Director of Social Work Services  
 Carl Bullough, Waste Manager  
 Colin Frame, Principal Surveyor (Strategic Projects)  
 Fiona Campbell, Head of Policy, Technology and Improvement  
 Rhona Geisler, Director of Development Services  
 Rose Mary Glackin, Chief Governance Officer  
 Alistair McGirr, Pensions Manager  
 Colin Moodie, Depute Chief Governance Officer  
 Robert Naylor, Director of Children's Services  
 Brian Pirie, Democratic Services Manager  
 Stuart Ritchie, Director of Corporate and Neighbourhood Services  
 Brian Smail, Chief Finance Officer

**ALSO**

**ATTENDING:**

Councillor Allyson Black

**EX13. APOLOGIES**

Apologies were intimated on behalf of Councillors Alexander and Nicol.

**EX14. DECLARATIONS OF INTEREST**

No declarations were intimated.

**EX15. MINUTE**

**Decision**

The minute of the meeting of the Executive held on 19 May 2015 was approved.

## **EX16. REVIEW OF CARE HOMES FOR OLDER PEOPLE**

The Executive considered a report by the Director of Social Work proposing the creation of a new purpose built care home.

The Housing and Social Care Committee agreed, on 6 November 2012 (ref HSC25), a review of the efficiency of residential and other high dependency services for older people. A driver for the review had been the physical environment of the Council's two care homes, Oakbank and Summerford House, which had been criticised by the Care Inspectorate as weak against quality standards.

The review considered that there was a need for the Council to maintain its current level of provision and looked at the feasibility of building a new facility on either of the current sites. A technical analysis concluded that while it was not feasible to build on the Oakbank site there was scope to build on the Summerford site. The capital cost of the provision is £3.729m with £3.459m provided for in the Capital Programme. It was proposed that the shortfall, £270k, would be met from the Social Work Repairs and Renewals fund. An anticipated £109k annual saving in running costs could be realised as a consequence of the proposal. Should the Executive agree to progress the proposal, a consultation with residents, families and staff will be carried out together with an Equality and Poverty Impact Assessment.

### **Decision**

**The Executive agreed to:-**

- (1) note the feasibility study which has been undertaken and the proposals set out in section 4 of the report;**
- (2) ask the Chief Executive to ensure that residents and families in both Summerford and Oakbank are consulted about how the new development can be taken forward in a way that minimises disruption to residents and meets their needs; and**
- (3) ask the Chief Executive to provide an update following the consultation and completion of the Equality and Poverty Impact Assessment in order to enable a final decision to be taken.**

## **EX17. BEREAVEMENT SERVICES POLICY DEVELOPMENT**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the outcome of the consultation exercise carried out on the policy development panel's recommendations in regard to bereavement services together with an update on the refurbishment of Falkirk Crematorium.

The Executive requested, on 18 March 2014 (ref EX134), a consultation on the recommendations arising from a policy development panel review of bereavement services and on issues raised by members at the meeting in regard to the maintenance of headstones.

The report summarised the responses from the subsequent consultation exercise and set out, in an appendix, recommendations in regard to the panel's original recommendations. In regard to headstone maintenance it was proposed that an inspection regime is established and that a memorial mason registration scheme is established to ensure that masons comply with the National Association of Memorial Masons' (NAMM) code of practice.

Additionally, the report set out the background to the proposed refurbishment of Falkirk Crematorium and the measures which will be put in place to minimise disruption during the estimated 12-16 week refurbishment.

## **Decision**

**The Executive agreed:-**

- (1) the recommendations set out in appendix 3 of the report subject to the adjustment of recommendations 2.1 and 2.2 as follows:-**
  - 2.1 that the details of headstone size and content would be required to be submitted in advance of its installation and approval would ultimately be at the discretion of the Director of the appropriate service. Whilst taking into account exceptional/unforeseen circumstances, family/history connections and any other reason, there will be a presumption that headstones will generally be of a size no larger than a height of 5ft (1524mm), width 3ft 8 inches (1117mm) and depth (thickness, excluding base stone) 5 inches (125mm)**
  - 2.2 headstones(that are drilled into the foundations) shall only be constructed of approved granite, stone or terrazzo materials;**
- (2) that officers prepare and implement a revised set of Cemetery Rules and Regulations based on the amended recommendations set out in appendix 3 of the report;**
- (3) the principle of establishing a Memorial Inspection regime of all its burial grounds;**
- (4) to establish a Memorial Mason Registration Scheme; and**
- (5) to note the proposed works to the Crematorium and that further updates will be provided as the project progresses.**

## **EX18. SCRUTINY PANEL CONCLUSIONS & RECOMMENDATIONS: FALKIRK COUNCIL COMMUNITY INVOLVEMENT STRATEGY**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the Scrutiny Committee's recommendations following a scrutiny panel review of the implementation of the Council's Community Involvement Strategy, 'Have Your Say'.

As part of its annual workplan the Scrutiny Committee had established a scrutiny panel to review the implementation of the Community Involvement Strategy and to make recommendations. The panel reported its conclusions and recommendations to the Scrutiny Committee on 14 May 2015 (ref S10) and the Committee had agreed to refer the recommendations to the Executive for consideration.

Councillor Black, chair of the Scrutiny Panel, presented the recommendations.

### **Decision**

**The Executive agreed the following recommendations from the Scrutiny Committee:**

- (a) to review the role, remit and membership of the Corporate Participation Group. This group has a central role in ensuring that there is a consistent approach to participation and engagement across the Council and promoting a best practice approach within Services;**
- (b) to develop a robust process for local community planning which sets out a defined process for the production of plans. This would include consideration of using ‘place shaping’ tools such as “Planning for Real” in a consistent manner;**
- (c) to develop a defined reporting framework for local community plans to ensure that reports on them are submitted to the Scrutiny Committee and then the Executive prior to submission to the Community Planning Leadership Board;**
- (d) to promote Have Your Say, the Plan for Local Involvement, and the principles set out within it more effectively, internally to Members and officers, and externally to communities and partner organisations. This would include producing a concise summary of the plan;**
- (e) to ensure appropriate training is put in place for officers to enable them to implement the principles set out in the plan, for example Plain English training, training in survey design etc;**
- (f) to record all consultation activity in a corporate database of consultation activities, drawing on Service Plans, Community Planning, to avoid duplication of consultation/engagement. The effectiveness and accessibility of the current data base will also be reviewed;**
- (g) to provide information to the public/specific stakeholders prior to and after they have informed, consulted or engaged with communities, including feedback. There should also be a clear process for advising Members about consultations that are taking place and feeding the results back to them;**
- (h) to provide more information on consultations, community engagement and Local Community Planning in the consultation section of the Council’s website;**



- (i) to explore different digital means of engaging with local and thematic communities. This could include the potential for using a bespoke online consultation platform such as Citizen Space. It would also include a review of how the Council's use of social media platforms could be expanded to support its engagement activities;
- (j) to provide guidance and training to Members and officers on the use of social media to ensure this is being used more actively but appropriately;
- (k) to ensure that appropriate methods are used to effectively consult and/or engage with hard-to-reach groups and consideration will be given to specific training on consulting and/or engaging hard-to-reach groups;
- (l) to consider the impact of the Community Empowerment Bill and the Council's response to this in August 2015;
- (m) to consider different ways of consulting on the budget employed by other Councils by August 2015 to inform the process going forward and include Councillors in this process; and
- (n) to ask Officers to report back to the Scrutiny Committee periodically on progress on the above

#### **EX19. LOCAL GOVERNMENT PENSION SCHEME – EMPLOYER DISCRETIONS**

The Executive considered a report by the Director of Corporate and Neighbourhood Services in regard to employers' discretionary powers as set out in the Local Government Pension Scheme (Scotland) Regulations 2014 and the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014.

A new version of The Local Government Pension Scheme 2015 was introduced on 1 April 2015. Under the regulations, all pension scheme employers, such as Falkirk Council, are required to prepare and publish a written statement indicating how they intend to exercise their discretionary powers in terms of the regulations. In doing, so employers must have regard to public perception and should not 'fetter their discretion'.

The proposed statement, setting out current and proposed policies was attached as an appendix to the report.

#### **Decision**

**The Executive agreed the Discretionary Policies for immediate implementation.**

#### **EX20. REVENUE BUDGET FRAMEWORK 2016-17 – 2018/19**

The Executive considered a report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer setting out the broad Revenue Budget framework for the period 2016-2019 together with an update on Business Transformation projects.

The report set out the budget setting timetable highlighting particular likely pressures in regard to

- Adult Health and Social Care Integration;
- Joint Resourcing;
- Participating budgeting;
- Service Restructure; and
- Commission for Local Tax Reforms.

The report also summarised the likely central government position in regard to funding local government and set out the estimated budget gaps in each of the next three financial years.

### **Decision**

**The Executive agreed:-**

- (1) the Budget Framework for 2016/17 – 18/19 as set out in the report, and**
- (2) to note the status of the Business Transformation programme and to request a further update after the recess.**

## **EX21. DENNY TOWN CENTRE REGENERATION UPDATE**

The Executive considered a report by the Director of Development Services providing an update on the Denny Town Centre Regeneration Project including options in regard to the development of phase 2.

The Executive agreed, on 24 February 2015 (ref EX125), to remarket the phase 2 site on the basis that the Council will take responsibility for any balance outstanding for phase 2's contribution to the Denny Eastern Access Road. One offer had been received, from County Properties (Northern) Limited. The report provided an assessment of the offer which included proposals for a 23,500sq ft single storey retail unit with a second 2000 sq ft retail block and set out 3 options for consideration:-

- (1) accept the offer; or
- (2) request that the bidder reviews and resubmits their proposals; or
- (3) reject the offer

Of these, option 2 was recommended.

A timetable for the completion of phase 1 of the project was set out. As part of the development, the Council's Automated Public Convenience (APC) in the town centre was to be relocated. However, it was now proposed that the facility is closed and that officers develop an alternative option for the town centre.

The report also summarised the outcome of a consultation on the siting of the War Memorial and recommended that it remain in the Memorial Garden at Broompark on a permanent basis.

Information about the price contained in the offer formed an appendix to the report. The Executive agreed that the appendix contained exempt information as defined in paragraph 6 of Part 1 of Schedule 7 of the Local Government (Scotland) Act 1973 and resolved that, to the extent that there required to be discussion on the detail contained therein, it would be taken in private, and the document would not be available to the press or public.

Councillor D Goldie, seconded by Councillor Blackwood, moved that the Executive:-

- (1) notes the progress of the Denny town centre regeneration project;
- (2) agrees to the closure of the Automated Public Convenience (APC) located on Stirling Street and that further proposals are developed for a comfort scheme for the town centre;
- (3) authorises the Director of Development Services to invite County Properties to provide a further submission confirming operator interest and reviewing the masterplan on the basis of the Design Guidance document provided, reporting back to the Executive on the revised proposal; and
- (4) notes the outcome of the survey on the final location for the War Memorial Plaques and agrees the continued and permanent siting in the Broompark Community Garden.

As an amendment, Councillor Coleman, seconded by Councillor Spears, moved the terms of the motion subject to the substitution of clause (3) with the following:-

- (3) rejects the offer from County Properties and agrees to withhold marketing of the Phase 2 site until completion of Phase 1.

On a division 8 members voted for the motion and 2 voted for the amendment, with voting as follows:-

For the motion (8) –Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, Dr C R Martin and Nimmo.

For the amendment (2) – Councillors Coleman and Spears.

## **Decision**

**The Executive agreed the motion.**

## **EX22. EXCLUSION OF PUBLIC**

**The Executive agreed in terms of Section 50A(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 Paragraph 6 of Part 1 of Schedule 7A to the said Act.**

**EX23. GRANGEMOUTH ENERGY & INVESTMENT PROJECT – UPDATE**

The Executive considered a report by the Director of Development Services providing an update on the Grangemouth Energy Project and advising of a proposal for investment.

The Executive agreed, on 13 January 2015 (ref EX109) to examine the potential development of an energy related project to deliver substantial energy cost savings to the Grangemouth Industrial Complex and wider area through the development of a district heating scheme. The report summarised progress to date. Mace consultants were appointed to develop a business case for the Scottish Government led project. The report also set out a proposal to progress a connection to the national power grid and set out the costs and benefits to the Council.

Proposals to establish a dedicated investment fund were set out. It was intended that the fund would attract supporting finance from the EU and both the public and private sectors and would be directed towards supporting investment in real estate development, energy projects, infrastructure projects and Council-led asset initiatives.

**Decision****The Executive:-**

- (1) noted the progress of the Grangemouth Energy Project and the development of an investment fund model for Falkirk and Grangemouth;
- (2) agreed to progress an application for a grid connection via National Grid to assist delivery of the Grangemouth energy network at a cost to the Council of up to £40,000 and subject to an agreement in suitable terms with Silva Renewables and Scottish Enterprise;
- (3) agreed to proceed with development of a business case for an investment fund in liaison with partners at a cost of £20,000, and
- (4) requested that officers report back in due course, recommending the next step.

**EX24. EXTERNAL REVIEW: OPEN SECRET**

The Executive considered a report by the Director of Social Work presenting a review of Open Secret together with options for future service delivery.

The Executive adjourned at 1.40 p.m. to allow members time to consider further documents submitted at the commencement of the meeting and reconvened at 2.30 p.m. with the same members present with the exception of Councillor D Goldie.

## Decision

The Executive agreed that officers put in place a commissioning and procurement process for the services outlined in the original report with a view to tendering these services over the coming months and the successful provider commencing the delivery of such services in April 2016.

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 JUNE 2015 at 1.00 P.M.**

**COUNCILLORS:**

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

**OFFICERS:**

Jack Frawley, Committee Services Officer  
Rose Mary Glackin, Chief Governance Officer  
Frances Kobiela, Senior Solicitor  
Isabel Renton, Senior Licensing Assistant  
Brian Samson, Enforcement Officer (for items 1 – 5 (CL29 – 33))

**ALSO ATTENDING**

Sergeant Iain McGregor, Police Scotland (for item 13 (CL41))  
Police Constable Andy Kane, Police Scotland (for item 13 (CL41))

**CL29. APOLOGIES**

Apologies were intimated on behalf of Councillors Hughes and Ritchie.

**CL30. DECLARATIONS OF INTEREST**

No declarations were made at this point in the meeting.

**CL31. MINUTE**

**Decision**

**The minute of the meeting of the Civic Licensing Committee held on 20 May 2015 was approved.**

**CL32. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN APRIL 2015 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 30 April 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

## Decision

The committee noted the report.

### CL33. CIVIC LICENSING ENFORCEMENT – APRIL 2015

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during April 2015.

The committee noted the report.

### CL34. 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.

### CL35. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

The applicant, Mr A, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of (i) the background to the application, and (ii) the consultations undertaken and the responses received, (b) detailing the applicants record, and (c) attaching as appendices, the late hours catering policy, the late hours catering conditions, a location plan, and a plan, informed by feedback from the Council's Estates Unit, indicating the area to be cleaned of litter and debris emanating from the shop in the proposed additional condition.

Mr A spoke in support of the application.

Questions were then asked by members of the committee.

## Decision

The committee agreed that a departure from policy was justified in the circumstances of the application and consequently to grant the late hours catering licence for a period of one year subject to the standard conditions and an additional condition that the licence holder be responsible for cleaning the area indicated in Appendix 4 of the report of litter and debris emanating from the premises.

Prior to consideration of the following item Provost Reid declared a non financial interest in item CL36 by virtue of having prior knowledge of the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Provost Pat Reid left the meeting and Baillie Paterson assumed the chair for the following item of business.

### **CL36. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr L, entered the meeting.

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

Mr L spoke in support of the application.

Questions were then asked by members of the committee.

#### **Decision**

The committee agreed:

- (i) that the applicant be given a final opportunity to take and pass the knowledge test;
- (ii) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised to refuse the licence without further reference to committee;
- (iii) that, should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;
- (iv) that, should the applicant pass both tests, the Chief Governance Officer is authorised to grant the taxi driver licence, and
- (v) that, should the applicant pass the knowledge test but fail the medical test, the application be considered at a future meeting of the committee.

Following consideration of the previous item Provost Reid re-entered the meeting and reassumed the chair.



**CL37. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr W, was not in attendance.

Having heard from the Licensing Co-ordinator that the applicant had been given the opportunity to attend but had declined to do so on the basis that he had another job, the committee determined to consider the application in his absence.

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

**Decision**

**The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that he has adequate knowledge of the area to which the licence relates and the layout of roads in the area.**

**CL38. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr U, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) setting out the medical requirements for taxi drivers; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record. The result of a recent eye examination undertaken by the applicant dated 4 May 2015 was tabled.

Mr U spoke in support of his application.

Questions were then asked by members of the committee.

**Decision**

**The committee agreed to grant the licence for a period of one year subject to the standard conditions and additional conditions that the licence holder:**

- (i) at all times will have a spare set of glasses available in the private hire care vehicle, and**
- (ii) must undergo an annual eye sight test and submit a copy of the test results to the licensing authority.**

**CL39. REQUEST FOR NOTICE OF EXEMPTION FROM CARRYING A GUIDE DOG, A HEARING DOG OR AN ASSISTANCE DOG**

The applicant, Mr H, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application from the licence holder for a notice of exemption from the requirement to carry a guide dog and a hearing dog or an assistance dog. The report set out the background to the application and the implications of the 'Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003.

Mr H spoke in support of his application.

Questions were then asked by members of the committee.

While the committee noted the submissions made by the licence holder, it considered the accompanying letter from his G.P. to be of limited assistance in determining whether medical grounds for an exception had been established. The committee was minded to grant a temporary exemption but to seek further medical advice.

**Decision**

**The committee agreed:**

- (i) to grant a notice of exemption from the requirement to carry a guide dog, a hearing dog or an assistance dog for a temporary period until 30 September 2015;
- (ii) to instruct officers to arrange for the licence holder to undertake a suitable medical test to determine the extent of his animal hair allergy, the cost of which is to be met by the Authority, and
- (iii) to remit the matter back to committee for consideration once the test results are available or prior to the expiration of the temporary licence, whichever is the earlier.

**CL40. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE FOR WHEELED REFUSE BIN/REFUSE CONTAINER CLEANING**

The applicant, Mr S, accompanied by Ms K, 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 for wheeled refuse bin/refuse container cleaning (a) summarising the consultations undertaken and responses received; (b) detailing the applicant's record, and (c) detailing the method of operation.

Mr S 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 wheeled refuse bin/refuse container cleaning for a period of one year subject to the standard conditions and additional conditions that the licence holder ensures that:

- (i) no waste water from the cleaning operation is discharged into any road, gulley or water course;
- (ii) rock salt is used on roads after any accidental spillages in the winter months in periods of frosty weather, and
- (iii) the vehicle is cleaned each evening at a designated wash bay to ensure that no odours should come from the vehicle when it is parked in a residential street.

### **CL41. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr C, was not in attendance. Sergeant I McGregor and Police Constable A Kane, Police Scotland entered the meeting.

Having heard from the Licensing Co-ordinator that the applicant had been properly cited the committee agreed to determine the application in his absence.

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

Sergeant McGregor spoke in objection to the application.

Questions were then asked by members of the committee.

### **Decision**

The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982:

- (i) Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that he has adequate knowledge of the area to which the licence relates and the layout of roads in the area, and
- (ii) 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.

## FALKIRK COUNCIL

**MINUTE of MEETING of the SCRUTINY COMMITTEE (EXTERNAL) held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 18 JUNE 2015 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Steven Jackson  
Charles MacDonald  
Brian McCabe  
John McLuckie  
Rosie Murray  
Depute Provost John Patrick

**OFFICERS:**

Fiona Campbell, Head of Policy, Technology & Improvement  
Matthew Davies, Service Manager  
Alice Keenan, Corporate Policy Officer  
Colin Moodie, Depute Chief Governance Officer  
Brian Pirie, Democratic Services Manager

**ALSO ATTENDING:**

Chief Superintendent John Hawkins, Police Scotland  
Amy MacGregor, Inspector, Police Scotland  
Mandy Patterson, Chief Inspector, Police Scotland

### **SE1. APPOINTMENT OF CONVENER**

Colin Moodie welcomed members to the meeting. Council agreed on 13 May 2015 (ref FC10) that the Scrutiny Committee (External) would consist of eight members with four drawn from the Administration and four not drawn from the Administration (subject to the provision that no member of the Executive may be a member of the Scrutiny Committee (External)). The Convener of the Committee will be a member of the Committee from the largest Opposition group appointed by the Committee.

Colin Moodie sought nominations for the position of Convener. Councillor Balfour, seconded by Councillor McCabe, nominated Councillor Jackson.

There being no other nominations Councillor Jackson assumed the chair for the remainder of the business.

### **SE2. APOLOGIES**

An apology was intimated on behalf of Councillor Hughes.

**SE3. DECLARATIONS OF INTEREST**

No declarations were made.

**SE4. POLICE SCOTLAND – FALKIRK AREA COMMAND PERFORMANCE REPORT**

The Committee considered a report by the Director of Corporate and Neighbourhood Services presenting the local police performance report by the Local Commander.

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

Chief Superintendent Hawkins gave a presentation on the detail of the report which covered the period from 1 April 2014 to 31 March 2015 and highlighted the performance of policing in the Falkirk Council area in accordance with the local policing plan priorities:-

- Protecting People and Places;
- Dealing with Antisocial Behaviour;
- Violent Crime;
- Disrupting Organised Crime;
- Crimes of Dishonesty; and
- Making Roads Safer.

The Committee discussed the reduction in the number of speeding offences and road safety issues in general. Members asked for information on the local approach to raising awareness in regard to road safety including bike safety and school road safety campaigns. Members then highlighted concerns in regard to road safety around schools at drop off/pick up times and sought clarity of Police Scotland's role in this. Members specifically highlighted instances of irresponsible parking and asked for Police Scotland's position on policing parking offences.

The Committee commented on local community engagement, highlighting the increase in police attendance at community council meetings and the value in this. Members remarked on the increase in the percentage of positive stop and searches conducted. Chief Inspector Patterson confirmed that the number of searches had decreased and the percentage of positive searches had increased attributably making to a proactive and intelligence led approach. Chief Superintendent Hawkins confirmed the force's emphasis on community engagement and highlighted a targeted partnership approach to tackling social issues, citing examples in the Grangemouth, Bo'ness, Bainsford and Camelon areas.

The Committee highlighted concerns over the instances recently when Falkirk Police station has been closed to the public during office hours. Chief Inspector Patterson confirmed that, due to staff absence the office had been closed on a number of occasions. Following a review the office will be staffed and open during office hours only.

Chief Superintendent Hawkins explained the force's approach to tackling high impact/high victim crimes. In response to a question in regard to the drop of 9% in the detection rate of acquisitive crime, he pointed to an increase in the detection rate of residential housebreaking as an example where such an approach, which had been successful.

The Committee discussed the impact of excessive alcohol consumption on victim vulnerability and sought information on the force's approach to both supporting victims of crime. Chief Inspector Patterson explained that a range of interventions, with a range of partners, are available and where vulnerability is identified the public protection unit will look to identify the most appropriate intervention. Similarly in custody, where a large proportion of detainees have substance issues a range of interventions are available, citing, for example, an increase in referrals of detainees with addiction needs to the SIGNPOST support organisation.

In regard to the reporting of performance the Committee sought clarity on why performance information was measured against the previous year and against the preceding 5 year average. Chief Superintendent Hawkins stated that comparisons against both were of value, noting that overall crime in Scotland was at a 40 year low. The Committee then discussed instances where the Prosecutor Fiscal takes determines that there a no proceedings on drugs supply cases put forward by the police. Chief Inspector Patterson explained that fiscal policy had changed in regard to the evidence required to prosecute. As a consequence the number of cases which fall has risen.

## **Decision**

**The Committee noted the performance of Police Scotland against the priorities set out in the Local Policing Plan.**

### **SE5. 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 who fall within the Following the Public Pound reporting and monitoring arrangements.

The report provided background on each organisation, highlighting their respective contribution to the Council's Single Outcome Agreement priority of Safer Communities.

An individual report was appended for each of the four organisations which receive funding. Each report set out the service provided, the agreed outcomes and objectives, and performance information for the period 1 April 2014 to 31 March 2015 together with information on their funding and the Council's contribution thereto.

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

(a) Falkirk Towns Ltd - Specialized Security - Taxi Marshalling Service

Alice Keenan provided an overview of the report, advising that Specialized Security received £36,000 of Council funding in the period (with total funding of £52,000) and provides a taxi marshalling service in Newmarket Street and Meadow Street and also the Safe Base initiative over the festive period.

The Committee praised the taxi marshalling service and its contribution to reducing anti-social behaviour in the town centre. Members also highlighted the multiagency approach to tackling alcohol related antisocial behaviour and in particular the Street Pastor initiative. The Committee sought clarification on the funding available for the marshalling services

### **Decision**

**The Committee approved the report and acknowledged the progress made by Falkirk Towns Ltd – Specialized Security in delivering Council priorities.**

(b) Sacro – Restorative Acceptable Behaviour Service

Alice Keenan provided an overview of the report, advising that Sacro received funding for two initiatives - £46,104 for the Restorative Acceptable Behaviour Service – Anti Social Behaviour and £81,296 for the Restorative Justice Service – Youth Service. The latter is reported on separately at (c) below.

The Restorative Acceptable Behaviour Service aims to divert young people from anti social behaviour and criminal activity, reduce the fear of crime and support and promote safer communities.

The Committee sought clarification on the services provided, in particular the referral mechanism and the client groups supported by the initiatives. Ms Keenan explained that referrals stem from a number of can originate as a result of anti social behaviour or offending and the majority of referrals are made by Council services. Members asked for further information on the partnership work with schools and the measures of intervention employed. Ms Keenan explained that there were specific initiatives set up in individual schools, for example an Alternative To Exclusion initiative at Falkirk High School and groupwork at St Mungo's high School and, while Sacro would liaise with each school, there was not a single one size fits all initiative for schools. Members then asked whether all headteachers were aware of the Service and its benefits. Ms Keenan, in reply, stated that the (former) Education Service was involved through the Community Safety Partnership and reiterated that Sacro would be willing to liaise with all schools.

Members then sought clarification on the funding available and questioned whether the service was meeting its agreed outcomes.

## Decision

**The Committee approved the report and acknowledged the progress made by Sacro – Restorative Acceptable Behaviour Service in meeting Council priorities.**

### (c) Sacro – Restorative Justice Service

Matthew Davies provided an overview of the report, advising that Sacro received £81,296 for the service which aims to provide victims of crime and anti social behaviour the opportunity to apologise to their victims and repair the damage they have done.

The Committee sought further detail on the outcomes and in particular questioned whether the agreed objective of receiving 120 referrals had been achieved. Mr Davies explained the referral process, the majority of which are received through the Youth Justice Referral Group. In 2014/15 106 referrals had been received, lower than the target of 120, and this, he attributed to lower than anticipated referral numbers in the earlier part of the year due to a redesign of the referral processes and on Government funding pressures.

## Decision

**The Committee approved the report and acknowledged the progress made by Sacro – Restorative Acceptable Justice Service in meeting Council priorities.**

### (d) Forth Valley Alcohol and Drug Partnerships – Contract to Scottish Families Against Drugs (SFAD) Forth Valley Family Support Service (FVFSS)

Fiona Campbell provided an overview of the report, highlighting the role of the Family Support Service, which provides support across the Falkirk, Clackmannanshire and Stirling Council areas and which was established in March 2014 following a pilot project in 2012/13. Each of the Councils in the Forth Valley contributed £20,000 in 2014/15 for the service which received 83 referrals in the period.

The Committee asked whether the number of referrals (83 compared to 100 in 2013/14) represented an effective use of the Council's limited funding. Ms Campbell confirmed that the Forth Valley Drug and Alcohol Partnership reviews the service quarterly and in particular monitor the uptake of the services provided.

In regard to funding, Ms Campbell confirmed that funding was available from each of the local authorities for 2015/16. The service was, she confirmed, staffed by Volunteers.



The Committee then sought further information on the service provider and the partners with which the service engages. Ms Campbell explained that, while the service has links with the Council's Social Work Services, through the Drugs and Alcohol Partnership, its main links are with organisations such as SIGNPOST. In regard to its outcomes, Ms Campbell explained that one of its roles was to help support new groups to form and become self-sustaining. Members then asked how the work, which was to support families, compared to the services provided by Alcoholics Anonymous and Narcotics Anonymous.

### **Decision**

**The Committee approved the report and acknowledged the progress made by Forth Valley Alcohol and Drug Partnerships – Contract to Scottish Families Against Drugs - Forth Valley Family Support Service.**

**DRAFT**

**MINUTE of MEETING of the COMMON GOOD SUB-COMMITTEE (FALKIRK) held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 19 JUNE 2015 at 9.40 AM.**

**COUNCILLORS:**

Depute Provost John Patrick (Convener)  
David Alexander  
Colin Chalmers  
Dennis Goldie  
Gerry Goldie

**OFFICERS:**

Hilary McArthur, Accountancy Services Manager  
Robin Millard, Building Design Manager  
Harry Forster, Committee Services Officer

**CGF5. APOLOGIES**

Apologies were submitted on behalf of Provost Reid and Councillor Meiklejohn.

**CGF6. DECLARATIONS OF INTERESTS**

No declarations were made.

**CGF7. MINUTE****Decision**

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

**CFG8. APPLICATION FOR FINANCIAL ASSISTANCE TO FALKIRK WAR MEMORIAL**

The Sub-Committee considered a report by the Director of Development Services advising of survey work undertaken into the condition of Falkirk War Memorial and the subsequent application to the War Memorial Trust for grant funding.

The report highlighted the remaining balance being sought from the Falkirk Common Good Fund and provided a summary of details of the conservation work to be undertaken.

**Decision**

Agreed to award £15,000 from the Falkirk Common Good Fund towards the conservation and restoration works to Falkirk War Memorial.

## FALKIRK COUNCIL

**MINUTE of the MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 22 JUNE 2015 at 9.30 a.m.**

**MEMBERS:** Councillor Tom Coleman  
Roseann Davidson (Convener)  
Councillor Rosie Murray  
Baillie Joan Paterson  
Depute Provost John Patrick  
Provost Pat Reid

**OFFICERS:** Margaret Anderson, Director of Social Work Services  
Gary Greenhorn, Head of Educational Planning & Resources  
Kenny McNeill, Educational Resources Manager  
Robert Naylor, Director of Children's Services  
Gordon O'Connor, Internal Audit Manager  
Mary Pitcaithly, Chief Executive  
Brian Pirie, Democratic Services Manager  
Ian Renton, HR Systems & Payroll Manager  
Amanda Templeman, Acting Depute Finance Officer  
Isabel Wright, Senior Auditor

**ALSO ATTENDING:** David Meechan and Jim Rundell, Audit Scotland

### **AC15. APOLOGIES**

An apology was intimated on behalf of Councillor Carleschi.

### **AC16. DECLARATIONS OF INTEREST**

Provost Reid declared a non-financial interest in item AC22 in regard to the accounts of Falkirk Temperance Trust as a member of the Trust Board, and took no part in the discussion and decision making in regard to, the their accounts as part of this item.

### **AC17. MINUTE**

#### **Decision**

**The minute of the meeting held on 20 April 2015 was approved.**

### **AC18. HEALTH AND SOCIAL CARE INTEGRATION – INTERNAL AUDIT AND ASSURANCE**

The Committee considered a report by the Internal Audit Manager summarising the audit and assurance arrangements for health and social care integration.

Scottish Government guidance recommends that the Health Board and Local Authority Chief Finance Officers foster an assurance process based on an open book approach, with mutual trust and honest discussion and the sharing of assumptions and risks associated with the delegated services. The guidance also recommends that, in the transitional period leading to the establishment of the Integration Joint Board (IJB) in 2016, the Transitional Board and partner Audit Committees consider reports from Internal Audit on the adequacy of the assurance processes.

The first of these (which was appended to the report), was considered by the Transitional Board on 5 June 2015. It set out assurance considerations for the Board and proposed that the Internal Auditors of Falkirk Council and NHS Forth Valley work, jointly, to provide the Board with assurance on transition arrangements.

In response to a question on whether the IJB would appoint a Chief Internal Auditor, Gordon O'Connor confirmed that this would be a decision for the Board on its formation in 2016, but that joint arrangements could be established with the lead roles alternating between health and Council Internal Audit teams.

The Committee then sought further information on integration progress. The Chief Executive confirmed that the timescales were tight and the Transitional Board would endeavour to keep overheads as low as possible. She cited, for example, that the IJB Chief Finance Officer post would not be fulltime. Further, she confirmed that a temporary IJB Chief Officer would be appointed over the summer.

## **Decision**

### **The Committee noted:-**

- (1) the recommendations set out in the 'Guidance for Integration Financial Assurance';**
- (2) the approach to seeking initial assurance set out at paragraph 2.4 and appendix 1 of the report;**
- (3) that the formal assurance and due diligence process will commence on the appointment of shadow Chief and Chief Finance Officers;**
- (4) that Internal Audit will contribute to arrangements for preparing the Strategic Plan, developing the approach to risk management, and for drafting key governance documents, as appropriate; and**
- (5) that the Internal Audit teams of Falkirk Council and NHS Forth Valley have worked well together and will support the joint delivery of Internal Audit services to the IJB.**

## **AC19. INTERNAL AUDIT: ANNUAL ASSURANCE REPORT 2014/15**

The Committee considered a report by the Internal Audit Manager on the Internal Audit programme for 2014/15.

The report summarised:-

- Internal Audit work completed in 2014/15, and the overall assurance on the Council's control framework based on that work;

- Internal Audit's performance against established key performance indicators; and
- an update on Internal Audit's compliance with the Public Sector Internal Audit Standards 2013.

The Committee discussed the combined review of Non Domestic Rates and Strategic Projects. Amanda Templeman confirmed that approx. £83m was levied in 2014/15 and that £68m was retained by the Council. The Committee, following a question, sought clarification on the process for monitoring the finances of Community Halls. Gary Greenhorn confirmed the current procedures, and advised that new procedures would be in place in August 2015. Gordon O'Connor confirmed that a review of community halls would be embedded in the 2015/16 Continuous Auditing workstream.

In response to a question on the limited assurance placed on the review of Business Gateway Contract Monitoring, Gordon O'Connor provided background and confirmed that new procedures were in place and that these would be followed up.

The Committee sought detail on those audits which were not taken forward as planned. Gordon O'Connor provided an overview.

### **Decision**

#### **The Committee noted:-**

- (1) that sufficient Internal Audit activity was undertaken to allow a balanced assurance to be provided;**
- (2) the Internal Audit provided substantial assurance on the Council's control framework for the year to 31 March 2015;**
- (3) that Audit Scotland will place formal reliance on the work of Internal Audit;**
- (4) the performance against Key Performance Indicators for the year to 31 March 2015 was as set out at paragraph 3.7; and**
- (5) that Quality Assurance and Improvement Programme outputs confirm no material non-conformance with the Public Sector Internal Audit Standards.**

Depute Provost Patrick left the meeting following this item.

### **AC20. ANNUAL GOVERNANCE STATEMENT 2014/15**

The Committee considered a report by the Chief Executive presenting the Annual Governance Statement for inclusion in the Council's 2014/15 Annual Accounts.

The report summarised:-

- the arrangements for reporting on the Council's governance framework for the year to 31 March 2015; and
- the six principles of good governance as defined in the 2007 CIPFA and SOLACE guidance 'Delivering Good Governance in Local Government'.

A draft Annual Assurance Statement was attached as an appendix.

Members then commented on the Statement, in particular the use of Freedom of Information Requests by elected members to receive information from Services and on the need for committee reports to be clear and concise.

In regard to engagement with stakeholders, members discussed the consultation undertaken on the 2015/16 budget. The Chief Executive, in response, confirmed that the 2016/17 budget consultation was currently being planned. She also confirmed that Council had requested a review of Standing Orders following the revision to the decision making structures in March 2015, and that this would be taken forward in accordance with Council's decision.

### **Decision**

**The Committee approved the draft Annual Governance Statement and noted:-**

- (1) the Council's compliance with requirements for an annual review of the effectiveness of the Council's system of internal control, and inclusion of an Annual Governance Statement in the Annual Accounts; and**
- (2) that the Annual Governance Statement will form part of the Council's 2014/15 Annual Accounts.**

## **AC21. REVIEW OF SYSTEMS OF INTERNAL CONTROL**

The Committee considered a report by the Chief Finance Officer presenting the findings of Audit Scotland's review of the Council's Systems of Internal Control

In accordance with Audit Scotland's Code of Audit Practice, the Council is required to demonstrate that the following measures are in place:-

- systems for recording and processing transactions on a sound basis for the preparation of financial statements and the effective management of assets and interests;
- systems of internal control for the purposes of providing the adequate means of preventing or detecting material misstatement, error, fraud, or corruption; and
- systems of compliance with established policies, procedures, laws, and regulations.

The audit concluded that the key controls within the Council's main financial systems were operating broadly satisfactorily.

The review also involved a follow up of the issues reported within the 2012/13 review. From the 12 issues and risks identified, 5 remained outstanding. These were, therefore, included in the 2013/14 action plan for monitoring purposes.

In regard to the 2014/15 Action Plan, members sought clarification on the process for dealing with outstanding debts and, in particular, the debt of £240k which had accumulated in relation to invoices outstanding for more than 6 years. Members also sought information on the management response relating to the procedures for dealing with invoices of less than £20. And, in regard to £32k overpayments to staff, the Chief Executive confirmed that arrangements were in place to ensure that these would be repaid.

### **Decision**

**The Committee noted the report and the proposed management actions.**

#### **AC22. FALKIRK COUNCIL ANNUAL ACCOUNTS 2014/15 AND FALKIRK TEMPERANCE TRUST ACCOUNTS 2014/15**

The Committee considered a report by the by Chief Finance Officer presenting Falkirk Council's Annual Accounts 2014/15 together with Falkirk Temperance Trust's Accounts 2014/15.

Members of the Committee commented favourably on the revised and streamlined format of the Accounts. The Committee then discussed the anticipated report by the Commission on Local Tax Reforms and discussed the likely timescale for any consequent reforms. Members also discussed the potential impacts of the recently announced UK Government revisions to the Scottish Budget.

In accordance with his declaration of interest, Provost Reid left the meeting during discussion on the Temperance Trust Accounts

### **Decision**

**The Committee agreed to refer the Annual Accounts to Council for consideration.**

Provost Reid rejoined the meeting following consideration of this item.

#### **AC23. EXTERNAL AUDIT PROGRESS REPORT**

The Executive considered Audit Scotland's Progress Report for 2014/2015.

The report summarised:-

- Audit Scotland's governance work which included reviews of Internal Controls and Governance, ICT and the National Fraud Initiative;
- the outcomes of national audit work, in particular a review of 'Developing Financial Reporting'; and
- progress against the 2014/15 audit plan.

### **Decision**

**The committee noted the report.**

## FALKIRK COUNCIL

### MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 25 JUNE 2015 at 9.30 a.m.

#### **COUNCILLORS:**

Baillie William Buchanan (Convener)  
Colin Chalmers  
Adrian Mahoney  
Craig Martin  
Cecil Meiklejohn  
John McLuckie  
Malcolm Nicol  
Sandy Turner

#### **OFFICERS:**

Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Elspeth Forsythe, Planning Officer  
Rose Mary Glackin, Chief Governance Officer  
Rhona Geisler, Director of Development Services  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Alexandra Lewis, Planning Officer  
Craig Russell, Roads Development Officer  
Alastair Shaw, Development Plan Co-ordinator  
Antonia Sobieraj, Committee Services Officer  
Brent Vivian, Senior Planning Officer  
Bernard Whittle, Development Management Co-ordinator

#### **P30. APOLOGIES**

Apologies were intimated on behalf of Baillie Paterson and Councillors Carleschi and Nimmo.

#### **P31. DECLARATIONS OF INTEREST**

Councillor Mahoney declared a non financial interest in item 9 (minute P39) by virtue of him being a member of Friends of Kinneil, a member of Historic Scotland and having made representations as an individual, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

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/14/0094/FUL, P/15/0102/FUL and P/15/0110/FUL (minute P34, P37 and P38) but he would take part in consideration of planning application P/14/0483/PPP (minute P35) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/15/0102/FUL and P/14/0729/FUL (minute P37 and P39) but he would take part in consideration of planning applications P/14/0483/PPP and P/15/0110/FUL (minute P35 and P38) as he was sufficiently familiar with the sites.

**P32. MINUTES**

**Decision**

- (a) **The minute of meeting of the Planning Committee held on 27 May 2015 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 8 June 2015 was approved.**

**P33. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (No TRO/DB/14/041) ORDER 2014 – SUMMERFORD, FALKIRK**

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (On-Street Parking Space for Disabled Persons) (No TRO/DB/14/041) Order 2014 - Summerford, Falkirk, setting out the consultation that has been undertaken, the objection received and the officer response thereto.

**Decision**

**The Committee agreed to make the Traffic Regulation Order referred to in the Report.**

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

**P34. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DE-LIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL**

With reference to Minutes of Meetings of the Planning Committees held on 25 March and 29 April 2015 (Paragraphs P132 and P10 refer), Committee (a) gave further consideration to reports to those meetings 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 use of land for an end of life vehicle decontamination and de-liquidising facility and storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge.

As the report sought to change a decision taken within the last six months, Standing Order 35 applied. As a preliminary point and prior to any discussion on the substance of the report, consideration was given to whether there were grounds to review or reconsider the decision previously reached. Following discussion and having had regard to advice from the relevant planning officer the Convener determined that the matter could be reconsidered because, in his view, Standing Order 35.1(ii) applied i.e. there had been a material change in circumstances since the decision was made on 29 April 2015.

The Development Management Co-ordinator then spoke to the report following which Councillor Turner, seconded by Councillor Meiklejohn, moved that consideration of the application be continued to the next meeting in August 2015 to obtain further detail on the screening proposals in terms of bunding and tree planting.

By way of an amendment, Councillor McLuckie, seconded by Baillie Buchanan, moved that Committee grant planning permission in accordance with the recommendations within the report subject to (1) the addition of a condition relating to the early provision of a temporary mesh fence to provide suitable screening prior to the planting and maturing of trees to address the visual impacts; and (2) amendment to the conditions to ensure that the screening and planting works were agreed and implemented within timescales considered appropriate to the Director of Development Services.

Councillor Chalmers gave notice of a further amendment.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 7 members present with voting as undernoted:-

For the motion (3) - Councillors Chalmers, Meiklejohn and Turner.

For the amendment (4) - Baillie Buchanan; Councillors C Martin, McLuckie and Nicol.

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

By way of a further amendment, Councillor Chalmers, seconded by Councillor Meiklejohn, move that the application be refused on the grounds that it is contrary to Policies EQ8, EQ19(2), ST18(4) and EP5(4) of the Falkirk Council Local Plan and, in addition, that it had an adverse impact on the amenity of the area.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 7 members present with voting as undernoted:-

For the motion (4) - Baillie Buchanan; Councillors C Martin, McLuckie and Nicol.

For the amendment (3) - Councillors Chalmers, Meiklejohn and Turner.

### Decision

The Committee agreed to grant planning permission subject to (1) the addition of a condition relating to the early provision of a temporary mesh fence to provide suitable screening prior to the planting and maturing of trees to address the visual impacts; and (2) amendment to the conditions to ensure that the screening and planting works were agreed and implemented within timescales considered appropriate to the Director of Development Services and 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) The north-west area of the site shall be used solely for either (a) the continued storage of the scrap metal existing on this part of the site at the date of grant of the planning permission or (b) the storage of vehicles in accordance with approved drawing 03D.
- (3) The permission insofar as it applies to the north-west area of the site shall be valid for a temporary period of two years until 25 June 2017 and at the end of that time, unless a further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition in accordance with details to be approved in writing by the Planning Authority.
- (4) No scrap material shall be stored at a height in excess of 5 metres above ground level.
- (5) Notwithstanding the approved plans, within one month of the date of the permission a scheme of soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
  - (ii) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;
  - (iii) The location of all proposed new trees, shrubs, hedges and grassed area;

- (iv) A schedule of plants, to comprise species, plant size and proposed numbers/density;
- (v) The profile of the bunding and the material to comprise the bunding;
- (vi) The provision of temporary mesh fencing (position, height and period of retention to be agreed with the Planning Authority); and
- (vii) A programme for implementation of the approved landscaping scheme and subsequent maintenance. Implementation to commence within three months of approval of the scheme.

Thereafter, the scheme of landscaping shall be carried out in accordance with the approved details.

- (6) Subject to conditions 9 of the permission, the existing woodland along the eastern site boundary shall be retained in perpetuity and managed in accordance with the submitted Woodland Management Plan prepared by Sid Nodes, Treescapes Scotland.
- (7) Within one month of the date of this permission, or any other timescales that may be agreed in writing by the Planning Authority, both the main and secondary site entrances shall be re-constructed with 10.5 metre kerbed radii to form bellmouths, of 6 metres minimum width.
- (8) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, both the main and the secondary site entrances shall be surfaced (and thereafter maintained) to ensure that no loose material is carried out, and no surface water is discharged, onto the public carriageway.
- (9) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, visibility splays measuring 2.4 metres x 90 metres at the secondary entrance, and 4.5 metres x 90 metres at the main entrance, shall be provided (and thereafter maintained), within which there shall be no obstruction to visibility above carriageway level.
- (10) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, the section of damaged carriageway at the main site entrance shall be reinstated in accordance with details to be approved in writing by the Planning Authority.
- (11) Before (a) the formation of the approved bunding or (b) any movement of the scrap metal stored on the north-west part of the site, details of the proposed method, programme and timescale in respect of these matters shall be submitted to and approved in writing by the Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

- (12) Within one month of the date of the permission, portacabin (D) as shown on approved drawing 03D shall be repositioned in a southerly direction, in accordance with an exact location to be approved in writing by the Planning Authority.

**Reason(s):-**

- (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.
- (2) To ensure that the use of the land is suitably controlled, in the interests of the amenity of the area.
- (3) To provide a suitable trial period to monitor any additional impacts as a result of the proposed extension area.
- (4-5) To safeguard the visual and residential amenity of the area.
- (6) To safeguard the visual amenity of the area.
- (7-10) To safeguard the interests of the users of the highway.
- (11) To safeguard the residential amenity of the area.
- (12) To remove the risk arising from a load bearing structure being located within the zone of influence of a recorded mine entry.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03D, 04, 05A, 06A, 07A, 08 and 09.
- (2) The applicant is advised that the required upgrade works to the site entrances will require Minor Roadworks Consent, issued by Falkirk Council Roads Services.
- (3) SEPA have advised that a Waste Management Licence is required to carry out waste management activities in the north-west part of the site.
- (4) The applicant is advised that noise would be regulated by SEPA if a Waste Management Licence is issued for the north-west area of the site. The Planning Authority would be notified of any such application for a Licence and would have the opportunity to provide comments on suitable controls /assessments in relation to the range of matters controlled by the waste management licensing regime including noise and hours of operation. The applicant is also advised that it is within the gift of SEPA to review any condition of an existing Waste Management Licence to suitably address any complaint received which they found to be justified.

- (5) The applicant is advised to contact SEPA prior to any importation of material or any remedial/excavation/ground preparation works (including any re-use of site won materials for bunds), as any importation, disposal or re-use of waste materials would be subject to Waste Management Regulations and require the appropriate approvals, including licensing and exemptions.
- (4) The applicant is advised to contact the Planning Authority immediately should any made ground, suspect odours or substances be encountered during any site works, as there would be a requirement to undertake a contaminated land risk assessment. The assessment would be subject to review and approval by the Planning Authority.
- (5) The following will be required to satisfy the terms of condition 5 of the planning permission:-
  - The planting of standard trees along the top of the bund at 4 metre centres, 10-12cms girth, 300-350cms height and double staked;
  - The planting of a second row of trees along the top of the bund, offset from the first row to create a double staggered row of trees;
  - The remaining trees to be planted as whips (125-150cms in height), planted in tubes at 2 metre spacings in a random mix;
  - The percentage of evergreens to be 25%;
  - The import of suitable topsoil to be spread evenly to a minimum depth of 450mm over the planting areas. Ground preparation details will be required to determine the precise depth of topsoil;
  - Completion of the bunding/planting as soon as practicable and prior to the relocation of the scrap metal to the lower level (with the exact timescale for completion to be agreed with the Planning Authority); and
  - The undertaking of a subsequent visual assessment to consider the need for bunding/planting at a higher level of the site.

Councillor Meiklejohn left the meeting prior to consideration of the following item of business and re-entered the meeting during consideration.

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

**P35. DISTRIBUTOR ROAD AND ASSOCIATED EARTH WORKS ON LAND TO THE NORTH OF SHAMISTLE, MADDISTON, FALKIRK FOR MANOR FORREST LTD & LAND OPTIONS WEST LTD - P/14/0483/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P23 refers), Committee (a) gave 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 planning permission in principle for the construction of

a distribution road and associated earth works measuring 7.3 metres in width with 2 x 2 metre wide verges and a 3 metre wide footway/cycleway linking to the recently constructed roundabout at the Parkhall housing development at Maddiston to an approved roundabout on the A801 on land to the north of Shamistle, Maddiston, Falkirk.

The Convener agreed a 5 minute recess prior to full consideration of this item of business to allow members to consider the terms of a letter dated 9 June 2015 from Maddiston Community Council which was circulated at the meeting.

Councillor McLuckie, seconded by Councillor Turner, moved that consideration of the application be continued to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.

By way of an amendment, Councillor Chalmers, seconded by Councillor Meiklejohn, moved that the application be refused in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 8 members present with voting as undernoted:-

For the motion (6) - Baillie Buchanan; Councillors Mahoney, C Martin, McLuckie, Nicol and Turner.

For the amendment (2) - Councillors Chalmers and Meiklejohn.

### **Decision**

**The Committee agreed that consideration of the application be continued to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.**

The Convener agreed an adjournment at 11.50 a.m. The meeting reconvened at 12 noon with all Members present as per the sederunt, with the exception of Councillor Mahoney.

### **P36. REQUESTS FOR SITE VISITS**

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/15/0101/FUL and P/15/0218/FUL.

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

**P37. CHANGE OF USE FROM DWELLINGHOUSE (CLASS 9) TO CHILDREN'S CARE HOME (CLASS 8) AT 102 OSWALD STREET, FALKIRK FK1 1QL FOR FTS CARE LTD - P/15/0102/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P24 refers), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the change of use from a detached dwellinghouse (class 9) to a residential children's care home (class 8) at 102 Oswald Street, Falkirk.

Councillor Chalmers, seconded by Councillor Turner, moved that Committee that the application be refused on the grounds that it is contrary to Policies SC7, SC15(4) and HSG09 of the Falkirk Council Local Plan in addition to the adverse impact on amenity, access, parking and traffic.

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

In terms of Standing Order 22.1 a vote was taken by roll call, there being 6 members present with voting as undernoted:-

For the motion (3) - Councillors Chalmers, Meiklejohn and Turner.

For the amendment (3) - Baillie Buchanan; Councillors C Martin and McLuckie.

In accordance with Standing Order 22.6, in the case of equality of votes, the Convener had a casting vote which he exercised in favour of the amendment.

### **Decision**

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) The 6 car parking spaces and the turning area indicated on approved plan 02A shall be provided for the lifetime of the development and the turning area shall be maintained, at all times, free of obstruction.**
- (3) Notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, no other use within this class shall be undertaken without the express prior consent of the Planning Authority.**



- (4) Prior to the implementation of the approved use of 2.4 metres high close boarded timber fence shall be erected along the full southern boundary of the site and maintained in this position for the duration of the approved use; the fence details shall be submitted to and approved in writing by the Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of the users of the public highway.
- (3) In order to retain proper control over the use of the property.
- (4) To protect the privacy of surrounding residential properties.

**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) 02A.
- (3) Should any made ground or suspect material be encountered during any site works, the applicant should inform the Planning Authority as there will be a requirement to undertake an appropriate environmental risk assessment in relation to contaminated land issues. An environmental risk assessment would require to be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority.
- (4) Registration of the Care Home with the Care Commission will be required.
- (5) The Council's Children's Services should be contacted regarding the establishment of a future relationship with this Service.

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

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

**P38. EXTENSION TO DWELLINGHOUSE AT 12 BLAIRLODGE AVENUE, POLMONT, FALKIRK FK2 0AD FOR MR WILLIAM MITCHELL - P/15/0110/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P21 refers), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the erection of a single storey rear extension to a dwellinghouse, measuring approximately 2 metres by 4.4 metres, and a front extension measuring 4.5 metres by 4.4 metres at 12 Blairlodge Avenue, Polmont, Falkirk.

**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 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; and
- (2) Prior to the occupation of the front extension, the window indicated on the proposed south elevation facing the boundary of no.11 Blairlodge Avenue, shall be obscured glazed in accordance with drawing 06B and shall be maintained as such in perpetuity.

**Reasons(s):-**

- (1) As these drawings and details constitute the approved development; and
- (2) To safeguard the privacy of the occupants of adjacent properties.

**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, 02, 03, 04, 05B, 06B, 07B, 08B, 09A and 10;
- (3) 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 08:00 - 18:00 Hours
  - Saturday 09:00 - 17:00 Hours

- **Sunday/Bank Holidays 10:00 - 16:00 Hours**

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

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

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

**P39. ERECTION OF SINGLE WIND TURBINE, 87 METRES TO TIP, CRANE PAD AND ANCILLARY INFRASTRUCTURE AT SITE TO THE NORTH OF UPPER KINNEIL BUNGALOW, LINLITHGOW FOR KINNEIL POWER LLP - P/14/0729/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P22 refers), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the erection of a single wind turbine, measuring 60 metres to hub and 87 metres to blade tip, crane hardstanding, paved assembly areas and car parking, a 4 metre access track routed from the turbine to the public road 220m to the west of the site all on farmland to the north of Upper Kinneil Bungalow, Linlithgow to the south west of Bo'ness.

**Decision**

**The Committee refused planning permission for the following reason:-**

The wind turbine, by virtue of its height and location would have an unacceptable visual impact on the setting of the Antonine Wall World Heritage Site, Kinneil House and its designated landscape setting and the South Bo'ness Special Landscape Area. The proposed development is therefore contrary to Policies ENV1, ENV2, ENV5, and ENV13 of the Falkirk Council Structure Plan, Policies ST20, ST21, EQ1, EQ14, EQ17, EQ20, EQ22 and EQ23 of the Falkirk Council Local Plan and Policies RW01, GN02, D07, D09, D12 and CG02 of the Falkirk Local Development Plan - Proposed Plan, as well as being contrary to the terms of SPP - Scottish Planning Policy, Falkirk Council Supplementary Planning Guidance Note - Spatial Framework and Guidance for Wind Energy Development and Falkirk Council Draft Supplementary Guidance 14 - Spatial Framework for Wind Energy Development.

In accordance with the decision taken earlier in the meeting, **NOTED** that the following items had been continued to a future meeting to allow an inspection of the sites by Committee:-

- P40. CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN GROUND, ERECTION OF OUTBUILDINGS AND FENCING (RETROSPECTIVE) AT CULLOCH VIEW, MOSSCASTLE ROAD, SLAMANNAN, FALKIRK FK1 3EL FOR MRS ROSALIND FERRIER - SMITH - P/15/0101/FUL
- P41. FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR, DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL

## FALKIRK COUNCIL

**MINUTE of JOINT MEETING of the PENSIONS COMMITTEE/BOARD held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 26 JUNE 2015 at 9.30 A.M.**

**PRESENT:**

Councillors:  
Tom Coleman  
Steven Carleschi  
Depute Provost John Patrick (Convener)

Councillor Colin Campbell, Stirling Council  
Andrew Douglas, Unison  
Ian McLean, Pensioner Representative

Councillor Archie Drummond, Clackmannanshire Council  
Susan Crook, Unison  
Sandy Harrower, UCATT  
Gordon Laidlaw, Scottish Autism  
Ed Morrison, Scottish Children's Reporter Administration's (SCRA)  
Tommy Murphy, GMB  
Jennifer Welsh, SEPA

**ATTENDING:**

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

**ALSO IN  
ATTENDANCE:**

Bruce Miller, Investment Manager, Lothian Pension Fund  
Jim Rundell, Audit Scotland  
Linda Selman, Hymans Robertson  
Vikram Bhaskar and Roger Ammoun, Grosvenor Capital  
Stephen Docherty and Julie Pine, Aberdeen Asset Management

**PE1. APOLOGIES**

Apologies were intimated on behalf of Councillor Blackwood and Herbie Schroder, Unite.

**PE2. DECLARATIONS OF INTEREST**

No declarations were made.

**PE3. MINUTE****Decision**

**The minute of the meeting of the Pensions Committee and Panel on 12 March 2015 was approved.**

**PE4. PENSIONS BOARD CONSTITUTION**

The Committee and Board considered a report by the Chief Governance Officer presenting a draft constitution for the Pension Board.

The report indicated that the Pensions Committee had previously agreed revised governance arrangements for the Falkirk Council Pension Fund in compliance with the Local Government Pension Scheme (Governance) (Scotland) Regulations 2015 and the Public Service Pensions Act 2013. The new arrangements included the establishment of a Pension Board from 1 April 2015 with responsibility for assisting the Scheme Manager (the Council) in accordance with the Pension Scheme Regulations and the requirements of the Pensions Regulator.

The draft constitution for the Pensions Board would assist in the administration of the Board and establish the Terms of Reference for its operation based upon the Governance Heads of Agreement and Model Constitution authorised by the Scottish Local Government Pensions Advisory Group (SLOGPAG).

**Decision**

**The Committee and Board noted the report and the draft constitution of the Pension Board.**

**The Committee approved the draft constitution of the Pension Board as detailed in the Appendix to the report.**

**PE5. GOVERNANCE ARRANGEMENTS**

The Committee and Board considered a joint report by the Chief Finance Officer and Chief Governance Officer advising of changes to the Fund's governance arrangements and seeking approval of a revised Governance Policy document.

The report advised that the Pensions Committee, following consultation with the former Pensions Panel and other key stakeholders, agreed to introduce revised governance arrangements for the Falkirk Council Pension Fund from 1 April 2015. The changes were agreed by the Committee on 11 December 2014 and ratified by Falkirk Council on 17 December 2014.

The main changes were as follows:-

- to dissolve the Pensions Panel from 1 April 2015;
- to establish a Pension Board from 1 April 2015;

- to maintain the existing structure of the Pensions Committee (i.e. 6 Falkirk Council members plus 3 co-opted members with one each drawn from Unions, Employers and Pensioners);
- to have a Pension Board of 4 Employer members and 4 Trades Union members;
- to appoint Trades Union members from Unison, GMB, Unite and UCATT; and
- to appoint employer members from each of Clackmannanshire Council, SEPA, SCRA and one other Scheduled or Admission Body with the Clackmannanshire Council place being shared with Stirling Council depending on which Council was already represented on the Pensions Committee.

The report detailed:-

- the appointed employer and Trades Union representatives following a nomination exercise to serve on the Pension Board;
- there being a resignation from the Committee;
- that members of the Board were requested to nominate one of their number to serve as Chair of the Board, to be rotated annually between the Trades Union and Employer sides; and
- the Fund Governance Policy document including the updated statutory Governance Compliance Statement to reflect the recent governance changes.

## **Decision**

**The Committee and Board noted:-**

- (1) the report;
- (2) the associated draft Governance Policy document as detailed in the Appendix to the report;
- (3) the correction to the Unison appointment on the Board to that detailed within the report to Susan Crook and not Margaret Cook; and
- (4) that Andy Douglas had been appointed by Unison to the Committee to replace Mary Keggan.

The Board (a) nominated Councillor Drummond to serve as Chair of the Board from the Employers side; (b) requested that the Trades Union nomination would be submitted to the Clerk to the Board, and (c) that both sides agree and thereafter notify the Clerk to the Board of which side would take the role of Chair first for a period of one year.

**The Committee agreed:-**

- (1) the nomination of Councillor Drummond as Chair to the Board from the Employers side and that the nomination from the Trades Union side would be submitted to the Clerk to the Board together with the rotational arrangements;

- (2) the draft Governance Policy document; and
- (3) that officers bring forward policy documents dealing with conflicts of interest and training arrangements.

**PE6. UNAUDITED ANNUAL REPORT AND ACCOUNTS - 2014/15**

The Committee and Board considered a report by the Chief Finance Officer on the Falkirk Pension Fund's Unaudited Annual Report and Accounts for 2014/2015 and (a) referring to the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, which required administering authorities to publish a Pension Fund annual report, recognising that Fund were separate from other accounts of the administering authority; (b) the various additional requirements of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2014, and (c) attaching as an appendix for inspection, a copy of the Fund's Unaudited Annual Report and Accounts for 2014/15.

**Decision**

The Committee and Board noted the publication of the Unaudited Falkirk Council Pension Fund Annual Report and Accounts 2014/15 detailed in the Appendix to the report.

The Committee approved the Annual Governance Statement contained within the Annual Report and Accounts.

**PE7. FUNDING UPDATE**

The Committee and Board considered a report by the Chief Finance Officer on the latest funding position in relation to the Pension Fund.

**Decision**

The Committee and Board noted the report detailing the funding position at 31 March 2015 as detailed in the Appendix to the report.

**PE8. GENERAL GOVERNANCE MATTERS**

The Committee and Board considered a report by the Chief Finance Officer presenting an update on various matters associated with the governance of the Falkirk Council Pensions Fund.

The report detailed that the new version of the Local Government Pension Scheme came into effect on 1 April 2015 and this included the undernoted key changes:-

- the career average accrual;
- the protection of final salary rights;



- that the scheme's normal retirement age was now equivalent to each member's own State Pension Age;
- the accrual rate of 49ths rather than 60ths;
- the member contribution rate for part time members being based on actual rather than full time pay;
- the overtime hours pensionable for part time members;
- the details of the 50/50 option;
- the no detriment underpin for older members;
- the employer discretions policy due by 30 June 2015; and
- the new governance arrangements.

The new pensions administration system became operational in March 2015. The system was maintained by external software providers and reduced reliance on a key individual for systems development. A degree of further development work was required, in particular in relation to the migration of the pensioner payroll to the Altair platform.

The other areas covered within the report comprised:-

- the risk register;
- the progress of the social and affordable housing investment with Hearthstone plc;
- the UK local infrastructure projects in collaboration with Lothian Pension Fund;
- the National Scheme Advisory Board;
- the Pensions Regular and the Code of Practice – Governance and Administration in Public Service Pension Schemes; and
- the work of the Local Authority Pension Fund Forum (LAPFF) and its Conference in Bournemouth from 2 to 4 December 2015 to be attended by Committee members Councillors Blackwood and Coleman.

## **Decision**

**The Committee and Board noted the report.**

## **PE9. PRESENTATION - ABERDEEN ASSET MANAGEMENT**

The Committee and Board received a presentation by Stephen Docherty and Julie Pine, Aberdeen Asset Management.

The presentation covered the undernoted:-

- Total assets;
- Global Equity;
- Risk in Portfolio;
- Performance and Attribution;
- Current Positioning;
- Portfolio Activity over 12 months; and

- Market Outlook.

The Convener thanked Mr Docherty and Ms Pine for their comprehensive presentation.

### **Decision**

**The Committee and Board noted the presentation.**

## **PE10. INVESTMENT STRATEGY REVIEW**

The Committee and Board considered a report by the Chief Finance Officer providing an update on the progress of the Pension Fund's Review of the Investment Strategy.

Appendix A to the report provided detail of the current Investment Strategy, the opportunities for risk reduction and further areas for consideration. Appendix B to the report described a draft Terms of Reference for the proposed Investment Sub Group to make recommendations regarding implementation of the Strategy, the range of asset classes, asset allocation and the managers to be deployed by the Fund.

### **Decision**

**The Committee and Board noted the report.**

**The Committee agreed:-**

- (1) that an Investment Strategy Sub Group be established to work with officers and advisers to make recommendations on the review of Investment Strategy to the Committee;
- (2) to seek nominations from the Committee to the Sub Group;
- (3) to seek nominations from the Board to attend the Sub Group; and
- (4) to invite the Sub Group to report to the Committee and Board in September 2015 on progress of the Investment Strategy Review.

NOTE: Whilst the report recommended limited numbers of nominations from the Committee and Board, the Committee agreed that due to the degree of interest from members higher numbers of members would be accommodated.

## **PE11. FUND MANAGER PERFORMANCE REVIEW**

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

- Aberdeen Asset Management;
- Baillie Gifford (Bond Mandate);
- Baillie Gifford (Diversified Growth);

- Legal and General Investment Management;
- Newton Investment Management;
- Schroder Investment Management (UK Equities); and
- Schroder Investment Management (Property).

#### **Decision**

**The Committee and Board noted the Fund Managers' performance and the action taken by them during the quarter to 31 March 2015, in accordance with their investment policies.**

### **PE12. PRIVATE EQUITY AND ALTERNATIVES UPDATE**

The Committee and Board considered a report by the Chief Finance Officer on the progress of the Pension Fund's private equity and alternatives programme arising from the investments programme for SL Capital (Standard Life), Wilshire Associates, Grosvenor Capital, M&G and Hearthstone for the quarter ending 31 March 2015.

#### **Decision**

**The Committee and Board noted the progress of the Pension Fund's Private equity, infrastructure and credit markets programme for the quarter ending 31 March 2015.**

### **PE13. PRESENTATION - GROSVENOR CAPITAL**

The Committee and Board received a presentation by Vikram Bhaskar and Roger Ammoun, Grosvenor Capital.

The presentation covered the undernoted:-

- Private Market Approach to Infrastructure;
- Customised Infrastructure Strategies, Overview and Portfolio;
- Comprehensive Alternative Investment;
- Drivers of Infrastructure Opportunities.

The Convener thanked Mr Bhaskar and Mr Ammoun for their comprehensive presentation.

#### **Decision**

**The Committee and Board noted the presentation.**

# **FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 3 AUGUST 2015 commencing at 9.30 a.m.**

## **COUNCILLORS:**

Baillie William Buchanan (Convener)  
Adrian Mahoney  
John McLuckie  
Malcolm Nicol

## **OFFICERS:**

Sharon Agnew, Senior Flooding Officer (for application P/15/0101/FUL)  
Stephen Beales, Roads Design Co-ordinator  
Douglas Blyth, Team Leader, Legal Services  
Bernard Whittle, Development Management Co-ordinator  
Katherine Chorley, Planning Enforcement Officer (for application P/15/0101/FUL)  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Brent Vivian, Senior Planning Officer (for application P/15/0218/FUL)

## **P42. APOLOGIES**

Apologies were intimated on behalf of Baillie Paterson and Councillors C Martin, Meiklejohn and Turner.

## **P43. FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR, DENNY FK6 5PJ FOR MR IRFAN HAMID – P/15/0218/FUL**

With reference to Minute of Meeting of the Planning Committee held on 25 June 2015 (Paragraph P41 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the formation of vehicle access at 14 Glowrorum Drive, Head of Muir, Denny.

The Convener introduced the parties present.

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

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

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

Mr Duncan, a supporter, was heard in relation to the application and indicated his support on the basis that there would be no impact from the development.

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

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

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

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

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

The objections included the following issues:-

- The failure of the supporting statement to address concerns with the previously withdrawn application;
- The previous planning permission P/08/0859/FUL was not 'extant' therefore development of the site remained vague and unknown;
- The lack of information on why the proposed access was required and what the ground was to be used for;
- That there were already two entrances to the ground;
- The reason for the application would appear to be for construction traffic;
- The road was not designed to cope with heavy construction traffic or any additional traffic;
- That construction traffic would cause a particular problem due to the limited turning area particularly problematic for large vehicles;
- That there was enough current traffic entering the quiet cul-de-sac;
- The considerable increase in traffic;
- That through access would result via Glowrurum Drive;
- The limited on-street parking;
- The impeding of cars using the existing parking area;
- The eyesore left from the demolished wall during the demolition of the previous property and the danger to users of the public path and no effort has been made to repair it;
- The previous permission required the existing boundary treatments to be made good and for the re-use of stone from the demolished dwellinghouse to be reused in construction of the new dwellinghouse but was disposed of;
- The three storey proposed would be out of character with the area;
- The detrimental effect on resident's quality of life and the quiet, peaceful enjoyment of their homes and the amenity of the area;
- The breach of the stone wall would result in an increase in noise and disruption to residents of Glowrurum Drive; and
- The concerns relating to the way leaves and rights and the planning application.

Questions were then asked by Members of the Committee.

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

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

Members thereafter viewed the site from the original entrance to the site from the unadopted lane to the west of the property and then visited the north vehicular access to the lane.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 19 August 2015.

**P44. CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN GROUND, ERECTION OF OUTBUILDINGS AND FENCING (RETROSPECTIVE) AT CULLOCH VIEW, MOSSCASTLE ROAD, SLAMANNAN, FALKIRK FK1 3EL FOR MRS ROSALIND FERRIER-SMITH – P/15/0101/FUL**

With reference to Minute of Meeting of the Planning Committee held on 25 June 2015 (Paragraph P40 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the change of use of land to form an extension to garden ground, the erection of outbuildings and fencing (retrospective) at Culloch View, Mosscastle Road, Slamannan, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (B Whittle) outlined the nature of the application.

Ms Ferrier-Smith, the applicant, was heard in relation to the application.

Mr Smith, the applicant's husband, was heard in relation to the application.

Mr Wylie, a supporter, was heard in relation to the application.

Mr Kelly, a supporter, was heard in relation to the application.

Mrs Constable, a supporter, was heard in relation to the application.

Mr Constable, a supporter, was heard in relation to the application

The issues of support included the following issues:-

- The vast improvement and beauty of the garden and to the benefit of the whole area; and
- That the problem of flooding in the area had nothing to do with the improvements to this garden.

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

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

The objections included the following issues:-

- The concerns over land raising;

- That no flood risk assessment had been provided;
- That the proposal did not accord with the policies Coastal Planning and Flooding, European Flood Directive 2009, Scottish Planning SSP7 or Local Plan Flood Policies;
- That an Environmental Impact Assessment may be required;
- The potential for increased flooding and the effect on the character of area, the functional flood plain and the landscape and AGLV (Area of Great Landscape Value);
- The detrimental effect on public amenity and to local residents enjoyment of their properties;
- The impact on road safety, the convenience of road users and access for emergency services;
- The risk to public and animal health from flood water contaminated with sewerage;
- That the site was described in the Council paperwork as a route back to the Culloch Burn for flood water and was also described as the lowest point at Mosscastle Road thereby acting as a collecting point for flood water and a route for flood water to reach the burn and reference being made to the refused planning permission P/08/0629/OUT;
- The drainage infrastructure passing through the site and the requirement for maintenance access
- That proper neighbour notification had not been carried out;
- That the decision on planning application P/08/0629/OUT showed that the site is unsuitable for development;
- That engineering works had been carried out without the consent of the SEPA; and
- The importance of consideration of the Falkirk Council Culloch Burn Slamannan Flood Study Report and associated topographical study, the Fairhust document submitted at Local Plan inquiry 2009, Slamannan Flood Files DVD 2000-2013 and the Falkirk Council biennial flood reports 1999-2007.

Questions were then asked by Members of the Committee.

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. The matter would be determined by the Planning Committee on 19 August 2015.

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 10 AUGUST 2015 at 9.30 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

Bryan Douglas, Licensing Co-ordinator  
Arlene Fraser, Committee Services Officer  
Rose Mary Glackin, Chief Governance Officer  
Brian Samson, Enforcement Officer (for items CL45 & CL46)

**CL42. APOLOGY**

An apology was intimated on behalf of Councillor Ritchie.

**CL43. DECLARATIONS OF INTEREST**

No declarations were intimated.

**CL44. MINUTE**

**Decision**

The minute of the meeting of the Civic Licensing Committee held on 17 June 2015 was approved.

**CL45. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MAY/JUNE 2015 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 May and 30 June 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

**Decision**

The committee noted the report.

Baillie Paterson entered the meeting prior to consideration of the following item of business.



**CL46. CIVIC LICENSING ENFORCEMENT – MAY/JUNE**

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during May and June 2015.

**The committee noted the report.**

**CL47. 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.

**CL48. APPLICATIONS FOR THE GRANT OF FIVE NEW PRIVATE HIRE CAR OPERATOR LICENCES**

Mr B, a director of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications received for the grant of five new private hire car operator licences (a) advising of the background to the applications, and (b) summarising the consultations undertaken and responses received.

Mr B spoke in support of the applications.

Questions were then asked by members of the committee.

**Decision**

**The committee agreed to grant the five private hire car operator licences for a period of one year, subject to the standard conditions.**

**CL49. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr A, entered the meeting.

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

Mr A spoke in support of the application.

Questions were then asked by members of the committee.

### **Decision**

The Committee agreed to instruct officers to arrange for the applicant to undertake a medical and should the applicant pass the medical to grant the private hire car driver licence, subject to the standard conditions.

#### **CL50. REQUEST FOR NOTICE OF EXEMPTION FROM CARRYING A GUIDE DOG, A HEARING DOG OR AN ASSISTANCE DOG**

After hearing from the Licensing Co-ordinator on the reason why the applicant, Mr M, was not in attendance, the committee agreed to consider the application in his absence.

The committee considered a report by the Chief Governance Officer on an application from the licence holder requesting a notice of exemption from the requirement to carry guide dogs, hearing dogs or assistance dogs in his taxi.

The report set out the background to the application and the implications of the Taxi Drivers' Licences (Carrying a Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003, and there was attached as appendices, letters from both the applicant and his GP, outlining his medical condition.

### **Decision**

The Committee agreed to grant a notice of exemption from the requirement to carry a guide dog, a hearing dog or an assistance dog for a period of 12 months.

#### **CL51. 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 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 with a warning letter, for a period of one year, subject to the standard conditions.

#### **CL52. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO. 221**

The applicant, Mr D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 4 respectively, the late hours catering policy, the late hours catering conditions and location plans.

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.221 for a period of three years.**

#### **CL53. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO. 46**

The applicant, Mrs D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 4 respectively, the late hours catering policy, the late hours catering conditions and location plans.

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.46 for a period of three years.**

#### **CL54. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO. 49**

The applicant, Mrs D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 4 respectively, the late hours catering policy, the late hours catering conditions and location plans.

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.49 for a period of three years.**

**CL55. APPLICATION FOR THE RENEWAL OF A WINDOW CLEANER LICENCE**

The applicant, Mr G, entered the meeting.

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

Mr G spoke in support of the application.

Questions were then asked by Members of the Committee.

**Decision**

**The Committee agreed to renew the window cleaner licence with a warning letter, for a period of three years, subject to the standard conditions.**

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the JOINT CONSULTATIVE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 11 AUGUST 2015 at 9.30 A.M.**

**COUNCILLORS:**

David Alexander  
David Balfour  
Stephen Bird  
Adrian Mahoney  
Dr Craig R Martin  
Rosie Murray (Convener)  
Depute Provost John Patrick

**TRADE UNION  
REPRESENTATIVES:**

Gray Allan, UNISON  
Margaret Cook UNISON  
Colin Findlay, EIS  
Les Grant, UCATT  
Bill Marshall, Unite  
Bert McManus, GMB  
Herbie Schroder, T&G  
Lynne Tanner, UNISON  
Lyn Turner, Unite

**OFFICERS:**

Karen Algie, Head Of Human Resources & Business Transformation  
Rhona Geisler, Director of Development Services  
Tracy Gillespie, Human Resources Manager  
Anne Marie Johnstone, Organisational Development Manager  
Robert Naylor, Director of Children's Services  
Brian Pirie, Democratic Services Manager  
Stuart Ritchie, Director Of Corporate and Housing

**JCC7. APOLOGIES**

An apology was intimated on behalf of Christina Lambie (GMB).

**JCC8. DECLARATIONS OF INTEREST**

No declarations were made.

**JCC9. MINUTE****Decision**

The minute of the meeting of the Joint Consultative Committee held on 21 April 2015 was approved.

**JCC10. EMPLOYEE TURNOVER**

The committee considered a report by the Director of Corporate and Housing Services detailing the employee turnover figures for the period April 2014 to May 2015 as set against the benchmark comparison figure for public sector organisations of 9.4%.

**Decision**

**The Committee noted the report and the turnover statistics provided in appendix 1 of the report.**

**JCC11. SICKNESS ABSENCE**

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

**Decision**

**The Committee noted the sickness absence statistics and the actions being developed and carried out to support managers in managing sickness absence.**

**JCC12. SERVICE BASED FORUMS**

The committee considered a report by the Director of Corporate and Housing Services presenting minutes from the meetings of Social Work, Development and Education Services for the period February to May 2015.

**Decision**

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

**JCC13. OVERSEAS CRIMINAL RECORDS CHECKS POLICY**

The committee considered a report by the Director of Corporate and Housing Services presenting updates to the Overseas Record Checks Policy to ensure that the policy continues to meet legislative requirements and remains fit for purpose.

**Decision**

**The Committee agreed the amendments to the Overseas Criminal Record Checks Policy and to refer the policy to the Executive for approval.**

**JCC14. FAMILY LEAVE POLICY**

The Committee considered a report by the Director of Corporate and Housing Services presenting an amended Family Leave Policy for all employees except teachers and an amended Family Leave Policy for teachers and associated professionals.

The Family Leave Policy, sets out policy in regard to maternity, adoption, paternity, surrogacy, parental, maternity support and carers leave. The policies, for all employees except teachers and for teachers and associated professionals, has been revised to include the option of shared parental leave. Updated policies were appended for approval.

**Decision**

**The Committee agreed the changes to the Family Leave Policies and to refer both to the Executive for approval and immediate implementation.**

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 18 AUGUST 2015 at 9.30 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

Douglas Duff, Head of Economic Development and Environmental Services  
 Rose Mary Glackin, Chief Governance Officer  
 Brian Pirie, Democratic Services Manager  
 Mary Pitcaithly, Chief Executive  
 Stuart Ritchie, Director of Corporate and Housing Services  
 Bryan Smail, Chief Finance Officer  
 Robert Naylor, Director of Children's Services

**ALSO ATTENDING:**

Councillor Colin Chalmers

**EX25. 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 Corporate and Housing Services on the attendance of a member at a conference. The Convener was of the opinion that the item should be considered as a matter of urgency given that the conference was in early October and there was a need to make the necessary reservations should approval be given.

**EX26. APOLOGIES**

An apology was intimated on behalf of Councillor Spears.

**EX27. DECLARATIONS OF INTEREST**

No declarations were made.

**EX28. MINUTES****Decision**

The minutes of the meeting of the Executive held on 19 May 2015 and the Special Meeting of the Executive held on 9 June 2015 were approved.



## EX29. MOTIONS

### **(a) Scottish Trades Union Congress (STUC) and Scottish Government – Memorandum of Understanding**

Council referred, on 24 June 2015, in accordance with Standing Order 31.1, the following motion, which had been proposed by Councillor Chalmers, to the Executive:-

Council endorses the recent memorandum of understanding between the Scottish Government and the Scottish Trades Union Congress (STUC) promoting progressive employment practices. Falkirk Council not only welcomes such collaborative working but would wish to make a positive contribution. Officers are therefore instructed to bring forward a report on the STUC's best practice policies and how they relate to Falkirk Council.

In terms of Standing Order 31.2, Councillor Chalmers spoke in support of his motion.

Councillor C Martin, seconded by Councillor Alexander, moved that the Executive instruct officers to bring forward a report on the STUC's best practice policies and how they relate to Falkirk Council.

#### **Decision**

**The Executive agreed the motion.**

Councillor G Goldie joined the meeting during the previous item.

### **(b) Bus Regulation**

Council had, on 24 June 2015, in accordance with Standing Order 31.1, referred the following motion, which had been proposed by Councillor C R Martin, to the Executive:-

Council agrees that the Scottish Government should bring forward legislation to allow the regulation of buses and ensure that service provision matches need and is of high quality to make public transport an attractive, reliable and affordable option.

Councillor C R Martin, seconded by Councillor C Martin, moved the terms of the motion.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved in substitution for the motion, that the Executive:-

- (1) notes that the former Labour leader in Scotland, Ian Gray, brought forward a similar proposal within the Scottish Parliament but dropped it due to the £1 billion cost of implementation; and
- (2) therefore agrees to call on the author of this motion to return with a detailed proposal that includes details of how this can be funded and what services are to be cut in order to accommodate this proposal.

On a division, 8 members voted for the motion and 3 voted for the amendment, with voting as follows:-

For the motion (8) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin and Nimmo.

For the Amendment (3) – Councillors Alexander, Coleman and Nicol.

### **Decision**

**The Executive agreed the motion.**

## **EX30. COMMUNITY EMPOWERMENT (SCOTLAND) ACT**

The Executive considered a report by the Director of Corporate and Housing Services summarising the Community Empowerment (Scotland) Act 2015 and highlighting the implications for the Council.

The Community Empowerment (Scotland) Act 2015 was passed by the Scottish Government on 17 June 2015. The overall aim of the Act is to empower communities through the ownership and control of land and buildings and by strengthening their voices in decisions about public services. The Act covers:-

- National Outcomes;
- Community Planning;
- Participation Requests;
- Community Right to Buy;
- Asset Transfer Functions;
- Delegation of Forestry Commission Functions;
- Supporter Involvement in Football Clubs;
- Common Good;
- Allotments;
- Participation in Public Decision Making including Participatory Budgeting; and
- Non Domestic Rates.

The report summarised each of these topics and set out the implications for Council.

Councillor C Martin, seconded by Councillor Nicol, moved that the Executive agrees to:

- (1) note the Act as passed;
- (2) ask for updates in relation to the review of Local Community Planning; and
- (3) ask for further updates as further Guidance and Regulations are issued.

As an amendment, Councillor Coleman, seconded by Councillor Alexander moved, in addition, that the Executive refer the report to Council.

Following a commitment from Councillor Martin that a seminar on the Act would be held for all members (and before the next meeting of the Executive, if possible), the amendment was withdrawn.

### **Decision**

**The Executive:**

- (1) noted the Community Empowerment (Scotland) Act 2015 as passed;
- (2) requested updates in relation to the review of Local Community Planning; and
- (3) requested further updates as further Guidance and Regulations are issued.

### **EX31. ENGAGEMENT ON THE 16/17 COUNCIL BUDGET**

The Executive considered a report by the Director of Corporate and Housing Services setting out proposals for engaging with the public on the Council's budget for 2016/17.

The Executive agreed, on 9 June 2015 (ref EX18), to consider different ways of consulting on the budget employed by other Councils in order to inform the Council's budget setting process.

The report set out the principles for engagement based upon:- purpose; involvement; methods; information; working together; and feedback.

In regard to engagement by other Councils, the report highlighted the City of Edinburgh Council's processes which include the use of an online planner. The report summarised the benefits in using such a tool together with the cost implications.

It was proposed that an internal and external engagement plan is developed and that it should include the following methods:-

- online information – this could include a questionnaire as in previous years or an online budgeting tool such as that used by City of Edinburgh and other Councils.
- Falkirk Council News. The next issues were due to be published at the end of September and the beginning of December. To accommodate budget information, the next issue will now be published in October;
- engagement with stakeholder groups, such as the Community Planning partners, discussions with special interest groups, such as parents and the business panel.
- Citizens Panel questionnaire and focus groups;
- engagement with employees and Trades Unions;
- media briefings; and
- social media activity, including Twitter.

Councillor C Martin, seconded by Councillor C R Martin moved that the Executive agrees:-

- (1) that further information on the purpose of budget engagement will be considered at the meeting of Council in October 2015;
- (2) that information about the budget process will be made available from October onwards, using the methods set out at section 5.7 of the report;

- (3) to note the information about budget engagement carried out in other Council areas and that the required resources to populate the online budget planner tool described in section 4 of the report cannot be easily identified at this time; and
- (4) to note that officers will produce a tactical internal and external engagement and communications plan, to be implemented from October 2015.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved the terms of the motion, with an additional clause:-

- (5) to establish an all party budget group.

On a division, 9 members voted for the motion and 2 voted for the amendment with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the amendment (2) – Councillors Alexander and Coleman.

### **Decision**

**The Executive agreed the motion.**

## **EX32. DISCRETIONARY HOUSING PAYMENT (DHP) – POLICY UPDATE**

The Executive considered a report by the Director of Corporate and Housing Services presenting a revised Discretionary Housing Payments (DHP) policy and seeking approval to make retrospective payments in light of the proposed policy change.

The Executive had, on 19 May 2015 (ref EX13), requested a review of the DHP policy in light of a High Court judgment in regard to the DHP assessment process. A revised policy was provided.

The Council's current DHP policy states that "all income and capital will be taken into account when reaching our decision including income from disability benefits etc. The costs associated with managing any disability should be included in the statement of expenditure". However following the High Court decision it was proposed that the policy be amended to read, "all income and capital will be taken into account when reaching our decision, however we will disregard Disability Living Allowance (DLA) or Personal Independence Payment (PIP) and only include disability related expenditure above the amount of DLA/PIP that is in payment".

An exercise was undertaken to reassess payments made to date, taking the revised policy into account. To date, 8 cases from 2014/15 have been identified. Should assessment show that there is entitlement to a further award of DHP any funding would be met from the 2015/16 budget. It was anticipated that the projected sum, £2500, could be recovered from the Scottish Government.

### **Decision**

**The Executive agreed:-**

- (1) the revised Discretionary Housing Payments (DHP) Policy as set out in the appendix to the report; and
- (2) that expenditure is made from the 2015/16 budget to award Discretionary Housing Payment (DHP) to claimants who would have qualified in 2013/14 or 2014/15 had Disability Living Allowance (DLA) been disregarded in the calculation of Discretionary Housing Payment (and this includes associated expenses up to value of DLA).

### **EX33. PORTFOLIO MANAGEMENT PLAN UPDATE REPORT**

The Executive considered a report by the Director of Development Services providing an update on the progress of the Portfolio Management Plan (PMP).

The PMP seeks to sustain and enhance a visible property portfolio for economic development through the phased disposal of existing assets and re-investment of the proceeds in developing new business property.

The report summarised the outcome of disposals in 2014/15. In 2015/16, 11 lots are programmed for disposal, including 5 that are being remarketed.

The next phase of the re-investment programme is the industrial development at plot 6 at Abbotsford Business Park, with the Council making a £1.3m investment. It was anticipated that the development will generate £90k annually in rates and rental and will generate further interest in Abbotsford Business Park. It was proposed that the land is acquired through the existing Joint Venture Agreement (JVA) with Scottish Enterprise and that the cost, £165,000, is met by the Council and netted off future sale proceeds.

Councillor D Goldie, seconded by Councillor C Martin, moved that the Executive:-

- (1) notes the performance of the Portfolio Management Plan and the contribution it is making to the local economy;
- (2) agrees to progress the purchase of Plot 6 Abbotsford Business Park for £165,000 plus VAT per the terms of the Abbotsford Business Park Joint Venture Agreement between Scottish Enterprise and Falkirk Council as outlined in paragraph 4.3 of the report; and
- (3) agrees to progress with the updated proposals for the Portfolio Management Plan disposal and reinvestment plans as set out in the report and detailed in appendices 1 and 2 to the report.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved clauses (1) and (2) of the motion and substitution of clause (3) with the following:-

- (3) notes the views of a number of former sitting tenants who believe their businesses have been financially damaged as a result of the sale of the property to other businesses and requests that officers bring a further report to the Executive outlining the options open to facilitate the selling, at market value, to sitting tenants before commencing the plan outlined in appendices 1 and 2 of the report.

and the addition of a further clause;

- (4) notes with concern the lack of a credible investment strategy and therefore agrees to call on officers to carry out an audit of the prospective needs for growth of Falkirk's SME's beginning with the small businesses contained within the Council's own business incubators.

On a division 9 members voted for the motion and 2 voted for the amendment, with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the Amendment (2) – Councillors Alexander and Coleman.

### **Decision**

**The Executive agreed the motion.**

## **EX34. FINANCIAL POSITION 2015/16**

The Executive considered a report by the Director of Corporate and Housing Services presenting the Council's projected year end financial position.

At 31 July 2015, a year end overspend of £105,000 was projected in the General Fund. The report set out the main deviations from budget to date, by Service.

The projected year end positions in regard to the Trading Account, Housing Revenue Account and General Fund and Capital Reserves were also presented, together with details of movements on the Repairs and Renewals fund.

Councillor C Martin, seconded by Councillor C R Martin, moved that Executive notes:-

- (1) the Council's projected year-end financial position for 2015/16; and
- (2) the position with reserves.

As an amendment, Councillor Coleman, seconded by Councillor Alexander moved that, in addition:

- (3) the Executive agrees to refer those parts of the budgets referring to Social Work Adult and Children's Services to the Scrutiny Committee for general scrutiny.

On a division 9 members voted for the motion and 2 voted for the amendment with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the amendment (2) – Councillors Alexander and Coleman.

### **Decision**

**The Executive agreed the motion.**

## **EX35. CAPITAL PROGRAMMES OUTTURN 2014/15**

The Executive considered a report by the Director of Corporate and Housing Services presenting the 2014/15 outturn positions for the General Fund and Housing Capital Programmes.

The outturn for the General Fund Capital Programme for 2014/15 was £26.389m, against a budget of £31.603m. The report summarised the main areas of spend and provided detail on the variance, in regard to savings, rescheduling of projects and slippage in the programme.

The outturn for the Housing Capital Programme for 2014/15 was £35.062m, against a budget of £36.533m. The report summarised the main elements of the programme which delivers a range of improvements to the council's housing stock and housing estates.

The prudential indicators, which demonstrate that capital spending plans are affordable prudent and sustainable, were provided for information.

### **Decision**

**The Executive noted:-**

- (1) the outturn position, subject to audit for 2014/15 for both the General Fund and HRA Capital Programmes;**
- (2) the explanation for outturn variance for the 2014/15 General Fund Capital Programme; and**
- (3) the Prudential Indicators set out in appendix 1 to the report.**

## **EX36. DECISIONS TAKEN UNDER DELEGATED POWERS**

The Executive considered a report by the Director of Corporate and Housing Services advising of two decisions taken by the Director of Development Services during the recess under delegated powers.

The decisions were:-

- the award of a contract for the provision of Residential Waste Disposal (C/N :SXL 14/13); and
- the award of a contract for the provision of upgrading works to 98 properties in the Stenhousemuir area (STE – 7592)

**Decision**

**The Executive noted the decisions taken under delegated powers.**

**EX37. MEMBER ATTENDANCE AT CONFERENCE – REQUEST FOR APPROVAL**

The Executive considered a report by the Director of Corporate and Housing Services advising of a request by Councillor Black to attend the Institute of Healthcare Management Annual Conference and Exhibition to be held at the Beardmore Hotel and Conference Centre in Glasgow on 8 and 9 October 2015, at a cost of £379, plus VAT.

**Decision**

**The Executive approved Councillor Black's attendance at the Institute of Healthcare Management Scottish Annual Conference and Exhibition 2015.**



# **FALKIRK COUNCIL**

## **MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 AUGUST 2015 at 9.30 a.m.**

### **COUNCILLORS:**

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

### **OFFICERS:**

Sharon Agnew, Senior Flooding Officer  
Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer  
Bernard Whittle, Development Management Co-ordinator

### **P45. APOLOGIES**

No apologies were intimated.

### **P46. DECLARATIONS OF INTEREST**

No declarations were made.

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

- Councillor Chalmers informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/15/0218/FUL and P/15/0101/FUL (minute P50 and P51).

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

**P47. OPENING REMARKS**

Prior to the commencement of business, the Convener informed Members that he would invite the Development Manager to provide information pertinent to agenda item 10 planning application P/11/0142/PPP (minute P55), following which the Committee agreed to continue consideration of the matter to the October Committee to allow officers an opportunity to consider a recent request for additional information by the Directorate for Planning and Environmental Appeals.

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

**P48. MINUTES****Decision**

- (a) The minute of meeting of the Planning Committee held on 25 June 2015 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 3 August 2015 was approved.

**P49. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO.TRO/DB/13/098) ORDER 2014 - COLLEGE CRESCENT, FALKIRK**

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (On-Street Parking Space for Disabled Persons) (No TRO/DB/13/098) Order 2014 to reserve a parking space for disabled persons on College Crescent, Falkirk.

**Decision**

**The Committee agreed to make the Traffic Regulation Order referred to in the Report.**

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

**P50. FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR, DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committees held on 25 June 2015 (Paragraph P41 refer), Committee (a) gave 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 formation of a private driveway measuring 3.6 metres in width to provide access to an adjoining vacant plot of land on a site forming part of the garden ground of 14 Glowrorum Drive, Head of Muir, Denny.

**Decision**

The Committee agreed to grant planning permission subject to the following conditions with condition 3 having been amended to include the words “The details submitted for approval shall show any means of access along the western plot boundary being for pedestrian access only”:-

- (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) The existing boundary walls to be retained as denoted on approved plan 02A, shall be retained and maintained for the lifetime of the development hereby approved.
- (3) Within six months of the date of the new vehicular access being brought into use the western plot boundary shall be provided with a precise form of boundary treatment to be approved in writing by the Planning Authority. The details submitted for approval shall show any means of access along the western plot boundary being for pedestrian access only. Thereafter, the boundary treatment shall be retained and maintained in accordance with the approved details for the lifetime of the development hereby approved.
- (4) Vehicular access to the site shall be by means of a standard dropped kerb footway crossing, designed and constructed in accordance with details to be approved in writing by the Planning Authority.
- (5) The driveway shall be constructed at a maximum gradient of 10% and in a manner to ensure that no loose material or surface water is discharged onto the public road.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-3) To safeguard the visual amenity of the area.

(4-5) To safeguard the interests of the users of the public highway.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02A.
- (2) The applicant is advised that formation of the dropped kerb will require a Minor Roadworks Consent. Roads Services should be contacted on 01324 506070 to obtain the relevant application form.
- (3) 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 08:00 - 18:00 Hours
  - Saturday 09:00 - 17:00 Hours
  - Sunday/Bank Holidays 10:00 - 16:00 Hours

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

- (4) 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.

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

**P51. CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN GROUND, ERECTION OF OUTBUILDINGS AND FENCING (RETROSPECTIVE) AT CULLOCH VIEW, MOSSCASTLE ROAD, SLAMANNAN, FALKIRK FK1 3EL FOR MRS ROSALIND FERRIER - SMITH - P/15/0101/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committees held on 25 June 2015 (Paragraph P40 refer), Committee (a) gave 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 (in retrospect) for the change of use to land to form private garden ground, the retention of four garden buildings and the erection of fencing around the site at Culloch View, Mosscastle Road, Slamannan, Falkirk.

Copies of photographs submitted by the applicant and objectors together with those taken by the Roads Development Unit and the Planning Case Officer relating to the site were circulated at the meeting for information.

### Decision

The Committee agreed to grant planning permission subject to (1) the addition of a condition relating to the applicant putting in a drainage channel or soakaway within six months of the grant of permission within their garden to deal with the normal rainfall, and (2) the following condition:-

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended (or any order revoking, re-enacting or modifying that Order) (with or without modification) no development shall be carried out on the site beyond that hereby granted planning permission without the prior approval of the Planning Authority.

### Reason:-

- (1) To allow the Planning Authority to control any further development in relation to visual amenity and any potential increase in flood risk as a result of the development.

### Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A and 03.
- (2) Scottish Water have requested that the applicant contact them directly regarding existing infrastructure under the site. The applicants have been made aware of this, however a further copy of the information can be provided on request.

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

### **P52. RESIDENTIAL DEVELOPMENT, VEHICULAR ACCESS, OPEN SPACE AND LANDSCAPING ON LAND AT AIRTH CASTLE, AIRTH, FALKIRK FOR COUNTY HOMES - F/2004/0178**

The Committee considered a report by the Director of Development Services on an application for full planning permission for residential development, vehicular access, open space and landscaping on land at Airth Castle, Airth, Falkirk.

### Decision

The Committee agreed to continue consideration of the application and that if the required Section 75 Planning Obligation was not concluded and the application determined by 30 October 2015, the Director of Development Services be authorised to refuse planning permission.

**P53. UPDATE REQUESTED**

Prior to the further consideration of business, the Convener invited the Development Manager to provide information for the next meeting of the Committee on application P/10/0188/PPP - Whitecross SIRR.

Prior to consideration of the following item of business the Chief Governance Officer was heard providing clarification for Councillor Meiklejohn as an objector to the planning application prior to being a member of the Committee and having regard to the objective test in the Councillors' Code of Conduct.

**P54. ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS AND ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE (DETAILED) ON LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR NU-CAR AUTO SALVAGE - P/07/0518/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of 99 dwellinghouses consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking, open space and SUDS infrastructure on vacant land to the north west of Cockburn Works, Gowan Avenue, Falkirk.

Councillor Mahoney, seconded by Baillie Paterson, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that consideration of the application be continued to allow (1) an updated Traffic Impact Assessment to be carried out; (2) a Committee site visit to take place, and (3) for Officers to have further discussion with the applicant in relation to an alternative access to the site.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (7) - Baillies Buchanan and Paterson; Councillors Mahoney, C Martin, McLuckie, Nicol and Nimmo.

For the amendment (3) - Councillors Carleschi, Meiklejohn and Turner.

Councillor Chalmers abstained.

**Decision**

**The Committee agreed that Committee was MINDED to GRANT planning permission subject to the completion of a Planning Obligation relating to:-**

- (i) the payment of a sum of £181,500 to secure the future education provision as a result of the proposed development at St. Mungo's High School and Bainsford Primary School; and
- (ii) timescales for the phasing of development in relation to the above developer contribution.

The Committee provided authority for the refusal of planning permission under delegated powers should the required legal obligation not be successfully concluded and the application determined by 30 October 2015.

On completion of the legal obligation referred to in paragraph 6.1 above the Committee On completion of the Planning Obligation referred to above, the Committee authorise the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission;
- (2) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority;
- (3) Development shall not commence until details of two traffic calming features, to be installed at the northern end of Alma Street and Russel Street, have been submitted to and approved by Falkirk Council. The features shall be designed in accordance with the "National Roads Development Guide" (SCOTS, 2014), and installed prior to the occupation of the thirty fourth residential unit;
- (4) All approved traffic calming and road infrastructure works shall be implemented prior to the occupation of approved residential units unless otherwise agreed in writing with the Planning Authority;
- (5) Development shall not begin until an amended contaminated land assessment has been submitted for the approval of the Planning Authority. The amended assessment shall include revisions required in the memorandum from Falkirk Council's Environmental Protection Unit (Ref: 79488) dated 13 May 2008;
- (6) Development shall not begin until a noise survey to determine the effects of existing industrial/commercial activities on the approved residential units has been submitted to the Planning Authority. The survey shall be conducted in accordance with BS 4142 and approved, amended as necessary, by the Planning Authority;

- (7) All approved landscaping works shall be implemented not later than the end of the first planting and seeding season following the occupation of the last residential unit on the development;
- (8) Before development begins a scheme for the provision of the play area and related open space area and other areas of open space/landscaping outwith individual residential plot boundaries, as outlined (drawing ref: 290.01.01b) shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given. Details to be submitted included:-
  - (a) Type and location of play equipment, seating, fences, walls and litter bins.
  - (b) Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
  - (c) Landscape planting and phasing details.
  - (d) Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
  - (e) Maintenance arrangements for all hard and soft landscaping works.
- (9) All works required for the provision of the play area and open space shall be implemented in accordance with the scheme approved in writing with the Planning Authority by the end of the first planting and seeding season following the occupation of the last residential unit on the development, and
- (10) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

**Reasons:-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3,4) To safeguard the interests of the users of the highway.
- (5,6) To safeguard the environmental amenity of the area.
- (7-9) To ensure that adequate landscaping/play facilities are provided.
- (10) To safeguard the visual amenity of the area.



**Informative(s): -**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02 etc.
- (2) All drainage should comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.

**P55. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, WESTER SHIELDHILL, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP**

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the for the erection of five detached dwellinghouses on land owned by Kingsbarn Equestrian Centre on a site adjacent to the B8028 Shieldhill to Slamannan Road on its northern side, approximately 1 kilometre to the west of Schiehallion, Falkirk.

**Decision**

The Committee agreed to refuse the application for planning permission in principle for the following reason:-

The applicant had failed to conclude a Section 75 Planning Obligation as required by the minded to grant decision made by the Committee on 30 January 2013.

In accordance with the decisions taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting (Paragraph P47 refers).

**P56. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE, FK4 2DE FOR STEWART HOMES - P/11/0142/PPP**

- P57. DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/93/0766 WHICH RESTRICTED OCCUPATION OF THE DWELLINGHOUSE NOW KNOWN AS MUIRFIELD HOUSE, EAST BANKNOCK FARM, DENNY FK6 5NA TO A PERSON OR PERSONS (TOGETHER WITH DEPENDANT OR DEPENDANTS, IF ANY, OF THAT PERSON) EMPLOYED ON A FULL TIME BASIS IN AGRICULTURE AT EAST BANKNOCK FARM AT MUIRFIELD HOUSE, DENNY FK6 5NA FOR MR ALEXANDER STEVENSON – P/15/0338/75D**

The Committee considered a report by the Director of Development Services on an application for the discharge of the planning obligation attached to planning permission F/93/0766 which restricted occupation of the dwellinghouse now known as Muirfield House, East Banknock Farm, Denny to a person or persons (together with dependant or dependants, if any, of that person) employed on a full time basis in agriculture at East Banknock Farm, Muirfield House, Denny.

#### **Decision**

**The Committee agreed to the discharge of the Planning Obligation.**

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 AUGUST 2015 at 3.00 p.m.**

**COUNCILLORS:**

Allyson Black  
Tom Coleman  
Linda Gow  
Craig Martin (Convener)  
Cecil Meiklejohn  
Provost Pat Reid

**OFFICERS:**

Karen Algie, Head of HR & Business Transformation  
Jack Frawley, Committee Services Officer  
Mary Pitcaithly, Chief Executive

**AP5. APOLOGIES**

An apology was received on behalf of Councillor Nicol.

**AP6. DECLARATIONS OF INTEREST**

None.

**AP7. 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 grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the said Act.

**AP8. APPOINTMENT PROCESS FOR THE POST OF HEAD OF SOCIAL WORK ADULT SERVICES**

The committee considered a report by the Chief Executive which outlined the recruitment procedure in respect of the post of Head of Social Work Adult Services. A job description; person specification; candidate information pack, and draft advert were appended.

## **Decision**

The committee agreed to:

- (1) approve recruitment to the post of Head of Social Work Adult Services by external advertisement;
- (2) approve the timetable, job description, personal specification, terms and conditions and advertising media appended to the report;
- (3) approve the selection methods outlined in paragraph 4.1 of the report.

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 20 AUGUST 2015 at 9.30 AM.**

**COUNCILLORS:**

Stephen Bird  
 Allyson Black  
 Steven Carleschi  
 Colin Chalmers  
 Cecil Meiklejohn (Convener)  
 Baillie Joan Paterson  
 Provost Pat Reid

**OFFICERS:**

Fiona Campbell, Head of Policy and ICT Improvement  
 Jack Frawley, Committee Services Officer  
 Kenny Gillespie, Property and Asset Manager  
 David McGhee, Head of Procurement and Housing Property  
 Robert McMaster, Head of Roads and Design  
 Colin Moodie, Depute Chief Governance Officer  
 Robert Naylor, Director of Children's Services  
 Mary Pitcaithly, Chief Executive  
 Amanda Templeman, Acting Depute Chief Finance Officer

**S12. APOLOGIES**

No apologies were received.

**S13. DECLARATIONS OF INTEREST**

There were no declarations of interest.

Provost Reid entered the meeting during consideration of the following item of business.

**S14. MINUTES****Decision**

- (a) The minute of the meeting of the Scrutiny Committee held on 14 May 2015 was approved; and
- (b) The minute of the meeting of the Performance Panel held on 21 May 2015 was noted.

Councillor Chalmers entered the meeting during the following item of business.

## **S15. AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2015 – REPORT FROM ACCOUNTS COMMISSION**

The committee considered a report by the Director of Corporate & Housing Services providing information on the key messages and recommendations arising from the Accounts Commission's 'An Overview of Local Government in Scotland 2015' report. The Accounts Commission report was appended for information and is based on the audit and inspection work undertaken by Audit Scotland and other inspectorates across the whole of Local Government. In addition to the report, Audit Scotland prepared a self assessment tool for Councillors which is designed to help implement the recommendations made in the report. Fiona Campbell provided an overview of the report.

The committee discussed the role of the Performance Panel and commented that it facilitated open and frank discussion across the political spectrum in its current format. However, members stated that a better way to communicate performance information with the public was needed. The committee discussed participatory budgeting and asked if a briefing session would be held. Fiona Campbell stated that the Executive had agreed to request a members briefing on the Community Empowerment Act and that examples of participatory budgeting would be included in this. Members commented that in difficult financial times the Council needed to look at doing things differently and being innovative.

Members discussed the recommendations in the report and highlighted that in order to reduce costs a number of options needed to be considered. It was stated that discussion often focuses on reductions but that income generation could be a more significant focus, not through increased charges but through doing business differently. Work on business transformation was seen to be central to developing new ways of working and delivering services.

The committee asked for further information on the Council's Private Finance Initiative (PFI) commitments. Amanda Templeman stated that PFI was a significant part of the education budget and would be for a number of years. Following a question on annual repayments, Mary Pitcaithly stated that the Council paid c.£25million per year and that the term of the first contract was approaching completion. Two of the schools had been built as Non Profit Distributing Organisations (NPDOs) which had longer, 30 year, terms. She advised that as a priority the Council went through refinancing and had recently made a saving of £2 million. Further, she stated that the cost paid by the Council included running costs for the school buildings.

The committee discussed the use of a scenario planning tool for long and short term finances using parameters of best and worst case scenarios to plan better. Members also discussed that the report recommended that Councillors are more involved in financial planning. Amanda Templeman stated that medium term planning of five years was carried out based on intelligence gathered, information from COSLA, and advice from treasury advisors. The service looked at various scenarios such as interest rates rises.

Members discussed budget consultation and how to best get information to the public and the timescales for budget setting. The committee discussed areas of high budget pressure and highlighted the challenges faced by social work and requested a report on why adult and children's social work have had overspends in recent years. It was stated that it was not appropriate to use reserves to cover revenue budget overspends and a long term plan was needed. Mary Pitcaithly advised that reports had been presented to members previously on the current situation and that additional funds had been built in for this year.

### **Decision**

**The committee agreed:-**

- (1) to note the recommendations of the Overview of Local Government in Scotland report, and**
- (2) to request a report on the causes of overspends in adult and children's social work services in recent years.**

## **S16. AUDIT SCOTLAND NATIONAL REPORT – BORROWING & TREASURY MANAGEMENT IN COUNCILS**

The committee considered a report by the Director of Corporate & Housing Services providing a summary of the key messages and recommendations flowing from the Audit Scotland report 'Borrowing and Treasury Management in Councils'. A copy of the Audit Scotland report was attached to the report. Amanda Templeman gave an overview of the report.

The committee asked about reporting arrangements. Amanda Templeman advised that the structure was to report to the Executive and then Council but that the strategy for any given year was dependent upon budget decisions.

Members asked about interest rates on the Council's borrowing and if there was associated risk if not refinancing. Amanda Templeman stated that the service recently met with the Council's treasury advisors and were advised that in the short term interest rates were not expected to rise. It was anticipated that any bank rate increase would be toward the middle of next year at the earliest and that increases had not been implemented for ten years. She stated that even if the rate goes up then short term rates would remain very low for the next few years. Further, a number of other Councils had moved to increasing their short term loan book.

The committee asked about increases in external borrowing. Amanda Templeman advised that over the past ten years the Council's external borrowing had increased by £72.1 million. Prior to 2005 the Scottish Government had imposed a limit on the amount of capital investment through borrowing which was removed in 2004/05 and under the revised regime Councils could determine for themselves their level of borrowing.

Members discussed the level of interest rates and asked about the housing revenue account (HRA). They asked what was thought of increasing levels of borrowing for housing. Amanda Templeman stated that such projects were self financed and that to ensure the affordability of the 2015-18 General Fund capital programme no additional borrowing was currently being undertaken. David McGhee stated that the HRA was a long term finance model and that a balance needed to be struck between affordable rents and investment. Due to the long term nature of the programme there was a risk of cumulative debt increasing. Care was taken by the service to ensure that a rent spike would not occur in the future.

The committee asked if the Council's PFI schools were part of the information provided on the debt maturity profile. Amanda Templeman advised that they were not and that the information dealt purely with the Council's external borrowing.

Members discussed the need for training for members on borrowing and treasury management and governance arrangements. Consideration was given to whether the training should be mandatory or not. Amanda Templeman stated that the current reporting structure was reasonable and that extra reports were submitted as necessary. Further, if it was felt to be helpful then more information could be included in reports.

The committee asked for a comparison with other Councils on how much information was provided to elected members, benchmarking information and how other Councils manage their borrowing. Amanda Templeman advised that CAPITA managers review Councils' balance sheets in late September and warned against direct comparisons as each Council is in its own unique situation dependent on a variety of circumstances. She confirmed that benchmarking information would be available from the end of September and that a report would be brought back.

Members asked what risk assessments were carried out internally. Amanda Templeman stated that it was a specialised area and that there was a reliance on the treasury advisors. The Council carried out scenario planning which looked at levels of borrowing, possible interest rate changes and other factors. She advised that large external risks were monitored by CAPITA.

The committee asked if the Council had opportunities to renegotiate and refinance. Amanda Templeman advised that the Council did have such opportunities and that most borrowing was with the Public Works Loan Board (PWLb). The service looked at refinancing regularly and she advised the committee that early repayments would result in an extra cost.

Members discussed recommending that the training be mandatory for all elected members and required before serving on the Executive, Scrutiny or Audit committees.

## **Decision**

**The committee agreed:-**

- (1) to note the content of the report;**



- (2) to recommend to the Executive that all elected members should be given training on Treasury Management before they are eligible to serve on the Executive, Scrutiny or Audit Committees. This training will be mandatory and all members will have to complete this within the next six months;
- (3) to recommend to the Executive that a full review of borrowing and treasury management governance and methods of reporting is undertaken, and
- (4) to request a further report with benchmarking information.

#### **S17. COUNCIL HOUSING INVESTMENT PROGRAMME – CONTRACT MANAGEMENT**

The committee considered a report by the Directors of Development and Corporate & Housing Services providing details of the operating arrangements in relation to the delivery of the Council's Housing Investment Programme (HIP). The report set out the context, scale and diversity of the programme; the stages involved in delivering the programme; the roles and responsibilities of the relevant services, and information on areas of continuous improvement and development. David McGhee provided an overview of the report.

The committee commented on the success of the programme and asked if there were plans for further roll out, particularly in relation to improving old buildings so that any land supply issue can help to be addressed. David McGhee stated that in order to meet the local housing need there would come a point where all the soft options had been taken. The service was undertaking work to identify areas which would be suitable for the programme.

Members asked about compliance levels. David McGhee stated that there were 2,800 properties which, in line with the guidance, were exemptions or abeyances. The exemptions related to situations where there was a technical aspect of the property which prevented work being undertaken. While the abeyances were mostly where the tenants declined to have the work done or where the service could not access the property. The service was looking at a variety of methods to reduce the number of non-compliant properties.

The committee asked if the number of non-compliances had been anticipated. David McGhee stated that significant challenges with a programme of such scope and scale were expected and they would have wanted more tenants to participate. The service wanted to work collaboratively with tenants.

Members discussed that other Councils had higher compliance rates and asked why the rate was lower for Falkirk. David McGhee advised that the service intended to speak to the high performing Councils to identify, if possible, why their scores were different. He stated that the data had just recently become available.

The committee enquired if the introduction of size criteria was a reason for tenant refusal of works. David McGhee stated that there were a range of reasons for refusal and that the service contacted tenants and followed up with them on their reasons for refusal. He stated that direct contact with tenants was key to lowering non-compliance levels.

Members asked if the service was placed to successfully deliver the Energy Efficiency Standard for Social Housing (EESH). David McGhee stated that the service had carried out assessment and mapping exercises and was comfortable that the work would be delivered on time.

The committee discussed the investment programme in regard to new build Council housing and commended officers for their work on the new build projects. Members also discussed the availability of land for such projects and the Council's position of using sites in its ownership. It was suggested that the Council could work in partnership with private developers who own underdeveloped sites during a time when the market was not booming. David McGhee advised that the service was at the stage of looking at where to go next with new builds. He stated that options would be looked at and information provided to elected members.

In regard to Council house extensions and the cost of work, members asked about the number ruled out for cost and of costs being above the industry average. Robert McMaster stated that he would look at the issue and check why costs were higher than others if that was the case.

The committee asked about contract management processes and if completed contracts were reviewed at the end to ensure that any lessons learned were taken on board. Discussion highlighted a contract where after a number of issues the same contractor was used in a future contract. Robert McMaster advised that in the particular case some complaints had been received before completion of the work due to the invasive nature of the work but that overall there had been a 95% satisfaction rate. He stated that the service always sought to learn lessons and improve. He confirmed that contracts were reviewed at the end.

Members asked about properties not of a tolerable standard. Kenny Gillespie advised that the report provided a snapshot and that there needed to be agreement with the owner occupier before undertaking works. He advised that not of a tolerable standard referred to properties which were in a serious state of disrepair such as those which were not water tight.

The committee requested information on the number of contracts which were completed on time and to budget as well as those which were not. It was also requested that information on mitigating factors and variances were included to see if there were any trends.

Members asked when the strategic housing investment plan would next be brought forward for consideration. Kenny Gillespie stated that a report would be presented to elected members next year and that work was being done on it currently.

The committee asked about the low number of local firms being used. Robert McMaster stated that it was difficult to encourage more local firms to bid for a tender as that was not the role of the service. Due to national and European guidelines there was a duty to

advertise contracts and as this was mostly at a national level it meant that big companies often out competed local firms. He stated that this was the case nationally. David McGhee stated that local business forums were engaged with through workshops and road shows to inform businesses on what is involved in the tender process.

### **Decision**

#### **The committee agreed:**

- (1) to note the approach taken in respect of the development and management of the Council's Housing Investment Programme, and**
- (2) to request a report on the number of contracts delivered on budget; on time; not on time; mitigating factors, and variances: showing any trends.**

Provost Reid left the meeting during consideration of the previous item of business.

### **S18. OVERVIEW AND ANALYSIS OF SQA ATTAINMENT WITHIN FALKIRK SECONDARY SCHOOLS 2012-14**

The committee considered a report by the Director of Children's Services providing an overview and analysis of Scottish Qualifications Authority (SQA) attainment in Falkirk schools over a three year period, 2012 – 2014. The report was submitted in response to a request made by the committee on 14 May 2015 (ref S8). The report also provided information on how Falkirk Council's secondary schools perform in relation to similar schools in other authorities. Robert Naylor provided an overview of the report. He advised caution when making comparisons between schools year to year as attainment varied dependent on the nature of the cohort of young people in that year group. Further, the committee was advised that attainment measures were on the cusp of changing at that the new Insight tool would be used going forward. Insight replaces Standard Tables and Charts and is aligned with Curriculum for Excellence by measuring best achievement at point of school exit. It recognises wider achievement by including a range of SCQF credit-rated awards and learning programmes such as City & Guilds or Duke of Edinburgh.

The committee stated that it was good to hear that a young person's wider achievements and talent in other areas would be formally recognised. Members discussed the possibility that this might further skew figures regarding the attainment gap as children from more affluent families may be more likely to be involved in extra-curricular accredited programmes. Members stated that the presentation on Insight should be made available to all elected members through a briefing rather than being presented only to the Education Executive.

Robert Naylor stated that Insight would give the service the ability to analyse against the Scottish Index of Multiple Deprivation and positive destinations, analysis was possible by many factors including whether a young person was a looked after child. He advised that vocational qualifications undertaken in the senior phase of secondary school would be included in Insight as would credit from part time college attendance in fourth and fifth year. Further, Insight would be the tool Education Scotland used in future when carrying out school inspections. In response to the discussion on access to extra credit based on

affluence, Robert Naylor stated that if the schemes were delivered by the Council then they would be across all schools and open to all young people. He advised that Insight measured a young person's total points when leaving school. He stated that all national qualifications carried points and that average totals would be determined for every school. Work would then be undertaken by the Scottish Government to create a virtual comparator school. He advised that pupils who do not perform as strongly in academic exams will get credit for their many achievements which currently go formally unrecognised. This would assist such individuals in the employment market.

The committee discussed exam results for the current year and that attainment had not increased across the district but stayed static or gone down in some schools. Robert Naylor advised that the 2014/2015 results had just been released and a number of the results would be queried through the appeals process. The results figures would not be finalised until February 2016 after the appeals process had been completed.

Members asked how much importance was placed by the service on best practice sharing across schools to increase attainment. Robert Naylor stated that Larbert High School had historically had strong leadership and that there were many other examples nationally of effective leadership being key to school improvements. He advised that schools had a focus on attendance as it was known that there is a direct link between attendance and attainment. The leader in a school is vitally important and sets the tone and expectations, and raises the aspirations of teachers and parents. The Council's Head Teachers and Depute Head Teachers met to share best practice.

The committee asked how Community Planning Partners were contributing to raising attainment in education. Robert Naylor stated that the report was focussed on secondary school but that the Scottish Government's Scottish Attainment Challenge had seen seven Councils receive over £11 million funding from the Attainment Scotland Fund. A further 65 schools would be allocated a share of funding and one of those was in Falkirk. This money would be used for an Attainment Advisor who would work from November to close the attainment gap in one or more local primary schools. He advised the committee of a national debate on the attainment gap at the primary stage and how to best measure it. Falkirk used a standardised test for literacy and numeracy. Fiona Campbell stated that the Community Planning Partnership was carrying out a review of its strategic plan with a range of evidence being compiled. The Council was working with all partner organisations to understand their challenges. A workshop was to be held on 31 August to consider the partnership's priorities for the next five years. She advised that all partners feed in to the planning process and that young people will feature in relation to positive destinations. She stated that a report would be submitted to Council in early 2016 and that engagement with elected members would be a part of the planning process.

Members expressed some concern at the wording relating to Bo'ness Academy in appendix 3 to the report, stating that it was too condemnatory and asked why intervention had not been put in place earlier to assist the cohort. Robert Naylor stated that the language used was not appropriate. He advised that in fourth year the cohort had performed less well than other years and that performance carried through. He stated that in primary school it was likely known that the year group was performing below the previous year.

The committee discussed the impact of socio-economic factors on attainment. Robert Naylor stated that there was a long standing national debate on the issue and that some said that it does not need to effect attainment but evidence from the last fifty years shows that it does have an impact. Overall attainment in Scotland had increased but the gap remains. In the past where significant spend and resources had been targeted at deprived groups the gap had been reduced but that once projects ended the gap returned. Historically in times of budget pressures additional capacity at deprived schools was an area reduced.

Members asked about systems for tracking pupil progress. Robert Naylor stated that an electronic tool was used, tracking and monitoring was carried out on all years not just those going through SQA exams. The tool was bought for Falkirk's high schools to analyse tracking and monitoring information, which allows Head Teachers to drill down into more detail. In year challenge was generated through the information provided through the tracking and monitoring tool to intervene quickly where attainment appeared to be dropping off.

The committee discussed that attendance would be improved where education was provided in a form which engages young people and this would lead to a general improvement in attainment alongside the need for strong leadership in secondary schools. The committee requested feedback on the points raised, namely: school leadership, mentoring and best practice sharing, a presentation on Insight and past examples of learning impacting on attainment (including primary schools).

## **Decision**

**The committee agreed:-**

- (1) to note the report;**
- (2) to request the Director of Children's Services to provide a further update on 2015 attainment to the Education Executive and the Scrutiny Committee when this information is available, and**
- (3) to request that further reports should provide the basis for regular reporting on attainment and achievement, focusing on overall attainment, progress of lower attaining pupils, and attainment relative to socio-economic deprivation.**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 1 SEPTEMBER 2015 at 9.30 a.m.**

**COUNCILLORS:** Jim Blackwood  
Gordon Hughes  
Depute Provost John Patrick  
Provost Pat Reid  
Ann Ritchie  
Sandy Turner

**OFFICERS:** Bryan Douglas, Licensing Co-ordinator  
Arlene Fraser, Committee Services Officer  
Frances Kobiela, Senior Solicitor  
Brian Samson, Enforcement Officer (for items CL\* & CL\*)

**CL56. APOLOGIES**

No apologies were intimated.

**CL57. DECLARATIONS OF INTEREST**

No declarations were intimated at this stage.

**CL58. ORDER OF BUSINESS**

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

**CL59. MINUTE**

**Decision**

**The minute of the meeting of the Civic Licensing Committee held on 10 August 2015 was approved.**

**CL60. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JULY 2015 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 July and 31 July 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

**Decision**

**The committee noted the report.**

**CL61. CIVIC LICENSING ENFORCEMENT – JULY**

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during July 2015.

**The committee noted the report.**

**CL62. 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.

**CL63. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE**

Mr McI, an employee of the applicant company, entered the meeting.

At this stage, Councillor Blackwood declared a non-financial interest in this item by virtue of having prior knowledge of the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

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

Mr McI, spoke in support of the application.

Questions were then asked by Members of the committee.

**Decision**

**The committee agreed to grant the second hand dealer licence for a period of three years subject to the standard conditions but with a variation in relation to the following conditions:-**

- (a) the condition requiring that records be maintained in a bound book to be varied to enable such records to be maintained electronically; and**
- (b) that the condition prohibiting the activity of pawn broking in the same premises as a second hand dealer to be removed.**

Councillor Blackwood re-joined the meeting prior to consideration of the following item of business.

**CL64. APPLICATION FOR THE RENEWAL AND VARIATION OF A PRIVATE HIRE CAR OPERATOR LICENCE**

The applicant, Mr Y, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal and variation of a private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) attaching as an appendix, a written request by the applicant to vary the licence condition 14 to allow the sign to be of a magnetic type that is removable, and the reasons why he wishes to use removable signs.

Mr Y spoke in support of the application.

Questions were then asked by Members of the committee.

**Decision**

The committee agreed to renew the private hire car operator licence for a period of one year, subject to the standard conditions as approved but with a variation to conditions 8 and 14 to allow the signs referred to, to be magnetic signs of similar size and design supplied by the Licensing authority and paid for by the applicant. The applicant will be excused the duty to display the signs when the vehicle is not undertaking private hire car activities but the signs must be kept within the vehicle at all times.

**CL65. REQUEST TO VARY THE CONDITIONS OF TAXI DRIVER LICENCE NO.1626 AND TAXI OPERATOR LICENCE NO.341**

The applicant, Mr D, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application from the licence holder requesting that, due to health concerns, that he be exempt from taxi driver licence condition No.31 and taxi operator licence condition No.10.

The report set out the background to the application and, attached as appendices, letters from both the applicant and an Associate Specialist in Rheumatology, NHS Forth Valley outlining his medical condition.

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

**Decision**

The committee agreed to vary taxi driver licence condition no.31 to allow the licence holder an exemption from complying to assist a wheelchair user in and out of his taxi. Following clarification from both the Licensing Co-ordinator and the applicant, no variation was sought of taxi operator licence condition no.10.



**CL66. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE**

The applicant, Mr D, 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 operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

**Decision**

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

**CL67. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr D, entered the meeting.

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

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

**Decision**

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

**CL68. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1915**

The licenceholder, Mr S, his father Mr S and his representative Mr T, together with Inspector I McGregor and PC A Kane, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer advising of (a) a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of his taxi driver licence.

Mr T, representative for the licence holder, advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Inspector McGregor then spoke in relation to the complaint.

Questions were asked of Inspector McGregor by Mr T.

Mr T, on behalf of his client, was then heard in relation to the complaint.

Questions were asked of the licence holder by Members of the committee.

There being no further questions, both parties summed up.

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

The licence holder, his father and his agent, together with representatives of Police Scotland, left and were then recalled to the meeting.

### **Decision**

**The committee agreed to take no further action.**

The committee adjourned at 10.45 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

## **CL69. APPLICATIONS FOR THE RENEWAL OF A TAXI DRIVER LICENCE AND TAXI OPERATOR LICENCE**

The applicant, Mr McG, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications for the renewal of a taxi driver licence and taxi operator licence (a) advising of the background to the applications; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr McG spoke in support of the applications.

Questions were then asked by members of the committee.

### **Decision**

**The committee agreed to renew the taxi driver licence and taxi operator licence for a period of one year subject to the standard conditions.**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EDUCATION EXECUTIVE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 8 SEPTEMBER 2015 at 9.30 AM.**

**COUNCILLORS:**

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

**REPRESENTATIVES  
 OF RELIGIOUS  
 BODIES:**

Hector Cairns  
 Margaret Coutts  
 Rev Michael Rollo

**CO-OPTES:**

Jonathan Barclay (Pupil Representative)  
 Helena Barton (Pupil Representative)  
 Mike Ablett (Parent Representative)  
 Martin Craigen (Parent Representative)  
 Fiona Craig (Teacher Representative)  
 Margaret Smith (Teacher Representative)

**OFFICERS:**

Alex Black, Quality Improvement Manager  
 Arlene Fraser, Committee Services Officer  
 Colin Moodie, Depute Chief Governance Officer  
 Robert Naylor, Director of Children's Services  
 Malcolm Wilson, ICT Curriculum Development Officer

**EE15. APOLOGIES**

No apologies were intimated.

**EE16. DECLARATIONS OF INTEREST**

No declarations were made.

**EE17. MINUTE****Decision**

The minute of meeting of the Education Executive held on 9 June 2015 was approved.

**EE18. GLOW - INTRODUCTION AND OVERVIEW**

The Education Executive heard a presentation from Malcolm Wilson, ICT Curriculum Development Officer on GLOW. The presentation highlighted the main developments to the GLOW system which allows access to a host of online tools and resources for all pupils and staff within Scottish schools.

The Convener thanked Mr Wilson for his informative presentation.

**EE19. PUPIL ATTENDANCE IN FALKIRK COUNCIL SCHOOLS**

The Education Executive considered a report by the Director of Children's Services providing detailed information on attendance rates and patterns in primary and secondary schools in Falkirk and providing a reference point for future attendance reporting.

The Education Executive agreed, on 28 April 2015 (ref EE5), to remove Attendance Panels from the attendance circular and staged process.

Information was provided on attendance rates and trends over the last 10 years across both primary and secondary sectors and how these compare with national averages, where available. During this period, attendance of pupils in Falkirk Council schools was marginally higher than the national average.

The report also set out details of attendance rates by year stage over the last school session, which highlighted that the majority of pupils with low attendance (70% or less) and those with very low attendance (50% or less) are from the secondary sector. Additional detailed analysis of pupil attendance rates and factors affecting non-attendance was detailed in the appendix to the report.

The actions identified by Children's Services, to monitor and improve the attendance rates of Falkirk Council pupils, were summarised in the report.

**Decision****The Education Executive agreed:-**

- (1) to request the Director of Children's Services to report annually on attendance rates across the four bands detailed in paragraph 1.2 of the report and that the information contained within the report be used as a benchmark for future reports on attendance;
- (2) that the actions identified in paragraph 2.10 of the report be implemented, and
- (3) that a further report be presented to the Education Executive detailing the revised guidance issued to schools to improve attendance rates prior to the end of 2015.

**EE20. ATTAINMENT AND ACHIEVEMENT IN SECONDARY SCHOOLS**

The Education Executive considered a report by the Director of Children's Services detailing Scottish Qualifications Authority (SQA) attainment within Falkirk Council secondary schools in 2015. In order to provide a comparison, additional information was provided in relation to post Results Service performance in 2014.

The report set out information obtained from the Council's management information system on the attainment of pupils at S4, S5 and S6. Attainment figures will be updated by the Scottish Government later in the session via their Insight information system. This information will also include national and comparator authority figures for benchmarking purposes.

Attached as an appendix, was a report considered by the Scrutiny Committee on 20 August which provided further information.

The report also outlined the future actions and strategies which are being implemented to further improve attainment levels and performance.

**Decision****The Education Executive agreed:-**

- (1) to note the SQA attainment of Falkirk Council secondary schools and the strategies outlined to further improve performance;
- (2) to request the Director of Children's Services to provide a further report in 2016 on attainment and achievement in Falkirk secondary schools, based upon Insight data, and
- (3) that the Director of Children's Services organise a briefing session for members on the Scottish Government's Insight Information System, which session is to take place before the end of 2015.

Councillors G Goldie and Gow left the meeting during consideration of the previous item of business.

**EE21. EDUCATION SCOTLAND INSPECTION REPORTS ON FALKIRK SCHOOLS AND NURSERIES 2014-15, AND FALKIRK COUNCIL PROGRESS REPORTS ON PREVIOUS INSPECTIONS**

The Education Executive considered a report by the Director of Children's Services summarising the findings on the quality and standards within eight Falkirk Council schools, and attaching as appendices, details of the individual school reports.

The report highlighted the findings from 3 inspection reports carried out by Education Scotland during session 2014/15, and 5 follow-through reports undertaken by Quality Improvement Officers. Information on how quality and standards are evaluated during the original inspections, and the follow-through reporting process.

The evaluations for the eight inspections ranged from excellent to weak, however, the 3 inspections carried out during 2014/15 range from good to weak. Information on how the main points for action identified within each of the 3 establishments will be carried out is contained within the appendices.

### **Decision**

**The Education Executive agreed:-**

- (1) to note the results of inspections and follow-through school reviews contained in the report;**
- (2) to request the Director of Children's Services to continue to report to them on an annual basis on inspection outcomes, and on progress made by previously inspected schools on their agreed points for action;**
- (3) that inspection outcomes be notified to elected members on an ongoing basis through the Information Bulletin and that the same information be notified to the non-councillor members of the committee, and**
- (4) that where an evaluation of weak or unsatisfactory has been given in an inspection, this will be considered by the Scrutiny Committee in the first instance.**

Councillor Gow re-joined the meeting during consideration of the previous item of business.

## **EE22. ASSETS SURPLUS TO OPERATIONAL REQUIREMENTS: LAND TO THE REAR OF SHOPS AT BLINKBONNY ROAD, FALKIRK**

The Education Executive considered a report by the Director of Children's Services seeking approval to declare the land at Blinkbonny Road, Falkirk, surplus to operational requirements.

The owner of the property at 12c Blinkbonny Road has expressed an interest in acquiring the area of ground at the rear of his property for parking purposes.

### **Decision**

**The Education Executive agreed:-**

- (1) to declare the land held on Education Services account, as shown on the plan attached to the report, surplus to operational requirements, and**
- (2) to authorise the Director of Development Services to organise negotiated disposal on the terms set out in the report.**

**EE23. EXCLUSION OF PUBLIC**

**RESOLVED** in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 8 of Part 1 to Schedule 7A of the said Act.

**EE24. FORMER FOCUS SCHOOL BUILDING, LAURIESTON**

The Education Executive considered a report by the Director of Children's Services seeking approval to progress a bid to purchase the property and setting out an outline business case showing the merits associated with acquiring the former school.

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

Councillor Nimmo, seconded by Councillor C Martin, moved that the Education Executive agree to continue the matter to a Special Meeting of the Education Executive to take place on Tuesday 29 September 2015, in order to allow further financial information to be made available.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved in substitution for the motion, that the Education Executive:-

- (1) note the content of the report, and
- (2) agree that the Director of Children's Services progress with a bid for the Focus School, subject to the financial position as outlined in Section 7 of the report.

On a division, 5 members voted for the amendment and 7 voted for the motion.

**Decision**

**The Education Executive agreed the motion.**

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 15 SEPTEMBER 2015 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
 Steven Carleschi  
 John McLuckie  
 Craig Martin  
 Alan Nimmo  
 Baillie Joan Paterson  
 Sandy Turner

**OFFICERS:** John Angell, Head of Planning and Transportation  
 Ian Dryden, Development Manager  
 Rose Mary Glackin, Chief Governance Officer  
 Iain Henderson, Legal Services Manager  
 Antonia Sobieraj, Committee Services Officer  
 Russell Steedman, Network Co-ordinator  
 Richard Teed, Senior Forward Planning Officer  
 Brent Vivian, Senior Planning Officer

**P58. APOLOGIES**

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

**P59. DECLARATIONS OF INTEREST**

Councillor Nimmo declared a non financial interest in item 7 (minute P65) by virtue of him being an objector to the application, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

**P60. MINUTE****Decision**

The minute of meeting of the Planning Committee held on 19 August 2015 was approved.



**P61. UPDATE REQUESTED**

Prior to the commencement of business, the Convener informed Members that he would invite the Development Manager to provide an update on progress with application P/14/0094/FUL as agreed at the meeting on 25 June 2015 (minute P34). The matter is in relation to the use of land for end of life vehicle decontamination and de-liquidising facility and storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge. The Committee thereafter agreed that a progress report be submitted to the October Committee.

**P62. WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON**

The Committee considered a report by the Director of Development Services on the West Carron Landfill site which is currently regulated by the Scottish Environmental Protection Agency (SEPA) under the Pollution, Prevention and Control (PPC) regime. The company holding the permit, Central Demolition, is the landfill operator and owner of the site. The report provided an update for the Committee on the planning status of the site.

**Decision**

The Committee agreed that planning enforcement would not be pursued at this stage while there remained the prospect of the submission of a planning application noting that officers would bring a report to Committee following the Pre-Application Consultation process to be undertaken by the applicant.

**P63. RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS, CONVERSION OF STABLES TO FORM 10 DWELLINGS, ERECTION OF 45 DWELLINGHOUSES, ASSOCIATED LANDSCAPING WORKS, AMENDMENTS TO A905 AND SITE ACCESS ROAD, DUNMORE PARK, FALKIRK FK2 8LP FOR MANOR KINGDOM – (06/1099/FUL)****RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS AND CONVERSION OF STABLES TO FORM 10 DWELLINGS AT DUNMORE PARK, FALKIRK FK2 8LP FOR MANOR KINGDOM – (06/0377/LBC)**

With reference to Minute of Meeting of the Planning Committees held on 25 February 2015 (Paragraph P121 refers), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on applications for full planning permission and listed building consent for the erection of 45 new dwellinghouses within the policies of Dunmore Park House and the restoration of the house and associated stables to create 25 residential units at Dunmore Park, Falkirk, application 06/1099/FUL having been the subject of a minded to grant decision on 27 February 2008 while application 06/0377/LBC was still outstanding pending information requested from the applicant. The purpose of the report was to provide an update on the progress made and the likely conclusion of the Section 75 Obligation and the application for Listed Building Consent.

## Decision

The Committee agreed to continue the application and if the required Section 75 Obligation in relation to planning application 06/1088/FUL is not concluded and the application determined by 31 December 2015, the Director of Development Services be authorised to refuse planning permission. In relation to Listed Building Consent application 06/0377/LBC, if no progress is made in relation to the submission of sufficient information to enable a full assessment to be made to adequately determine the application, the Director of Development Services be authorised to refuse Listed Building Consent.

Councillors Carleschi and Turner left and re-entered the meeting during consideration of the following item of business.

**P64. RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS/MWL MAXINE DURY - P/10/0188/PPP**

With reference to Minutes of Meetings of the Planning Committees held on 25 February and 19 August 2015 (Paragraphs P120 and P53 refer), Committee (a) gave 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 residential and mixed use phased development for the Whitecross SIRR, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space at Manuel Works, Linlithgow.

The Convener agreed an adjournment at 10.35 a.m. at the request of a member to allow that member to seek clarification on a procedural matter from the Chief Governance Officer. The meeting reconvened at 10.40 a.m. with all members present as per the sederunt.

## Decision

**The Committee agreed:-**

- (1) to note the contents of the report;
- (2) to approve the updated planning conditions and informatives to attach to any grant of planning permission in principle, as contained in Appendix 3 to the report dated 25 February 2015; and
- (3) to consider the application further at the meeting on 28 October 2015 with a view to possible refusal of the application if (but not limited to) the Section 75 Planning Obligation not being satisfactorily concluded by 20 October 2015.

Baillie Paterson and Councillor Nimmo left the meeting prior to consideration of the following item of business.

**P65. ERECTION OF PERGOLA AND SECTION OF LATTICE FENCING (RETROSPECTIVE) AT 26 GRANGEBURN ROAD, GRANGEMOUTH FK3 9AA FOR MR THOMAS PATERSON - P/15/0370/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a single storey pergola and a section of wooden lattice fencing (retrospective) at 26 Grangeburn Road, Grangemouth.

**Decision**

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

Baillie Paterson and Councillor Nimmo re-entered the meeting following consideration of the foregoing item of business.

**P66. DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION P/07/0584/OUT WHICH PROVIDES THAT THE TWO SEMI-DETACHED HOLIDAY COTTAGES TO BE ERECTED ON THE SITE (BEING 360 SQ M OR THEREBY AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY) IN TERMS OF THE PERMISSION SHALL BE USED AND OCCUPIED IN ALL TIME COMING FOR NO OTHER PURPOSE THAN AS HOLIDAY COTTAGES UNDER SHORT-TERM HOLIDAY LETTINGS FOR AJD DEVELOPMENTS - P/15/0360/75D**

The Committee considered a report by the Director of Development Services on an application for discharge of planning obligation attached to planning permission P/07/0584/OUT which provided that the two semi detached holiday cottages to be erected on the site (being 360 square metres or thereby at Home Farm, Drove Loan, Head of Muir, Denny) in terms of the permission shall be used and occupied in all time coming for no other purpose than as holiday cottages under short-term holiday letting for AJD Developments.

**Decision**

**The Committee agreed to the discharge of the Planning Obligation.**

**Informative:-**

- (1) Notwithstanding the discharge of the legal obligation, the approved planning use of these properties remains that of holiday accommodation. A separate change of use planning application is therefore required to be submitted and would be assessed separately, if the intention is to use these units as dwellinghouses.

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

**P67. CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF FENCE (RETROSPECTIVE) AT 61 LITHGOW PLACE, DENNY FK6 5BF FOR MR ANDREW DELANEY - P/15/0386/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the change of use of public open space to private garden ground and the erection of a fence (retrospective) at 61 Lithgow Place, Denny.

In accordance with Standing Order 38.1 (x) the Convener gave consent to Councillor McCabe to speak in relation to this item of business, the said Member having duly given at least 24 hours notice. The Committee also considered a paper distributed at the meeting by Councillor McCabe in explanation of his concerns.

Councillor C Martin, seconded by Councillor McLuckie, moved that Committee grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Carleschi, seconded by Councillor Turner, moved that consideration of the application be continued to allow officers to provide further information to the Committee in relation to the consistency of treatment of such matters and applications by the Planning Authority.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 7 members present with voting as undernoted:-

For the motion (5) - Baillies Buchanan and Paterson; Councillors C Martin, McLuckie and Nimmo.

For the amendment (2) - Councillors Carleschi and Turner.

**Decision**

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

- (1) Within one month of the date of the permission (or any other timescale that may be agreed in writing by the Planning Authority), the proposed drainage works, as detailed in Part 11 of the application form, shall be fully completed.**

**Reason:-**

- (1) To ensure that adequate drainage is provided.

**Informative:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03 and 04.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the SCRUTINY COMMITTEE (EXTERNAL) held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 17 SEPTEMBER 2015 at 9.30 a.m.**

**COUNCILLORS:**

David Balfour  
Gordon Hughes (Convener)  
Charles MacDonald  
Brian McCabe  
John McLuckie  
Rosie Murray

**OFFICERS:**

Sally Buchanan, Welfare Reform Project Manager  
Elaine Costello, Integration Support Manager  
Jack Frawley, Committee Services Officer  
Colin Moodie, Depute Chief Governance Officer  
Robert Naylor, Director of Children's Services  
Andrew Wilson, Community Planning Manager  
Eddie Ritchie, Scottish Fire and Rescue Service  
Gary Laing, Scottish Fire and Rescue Service  
David Garrity, Scottish Fire and Rescue Service

**ALSO ATTENDING:****SE6. APPOINTMENT OF CONVENER**

Colin Moodie welcomed members to the meeting. Having received an apology from the Convener, Councillor Jackson, nominations were sought for the position of Convener for the meeting. The committee was advised that in line with Standing Order 50.5 the Convener of the Scrutiny Committee (External) must be a member of the Committee from the largest Opposition group.

Councillor Balfour nominated Councillor Hughes. There being no other nominations Councillor Hughes assumed the chair for the remainder of the business.

**SE7. APOLOGIES**

An apology was intimated on behalf of Councillor Jackson.

**SE8. DECLARATIONS OF INTEREST**

No declarations were made at this point.

**SE9. MINUTE****Decision**

**The minute of meeting of the Scrutiny Committee (External) held on 18 June 2015 was approved.**

**SE10. FOLLOWING THE PUBLIC POUND: EARLY INTERVENTION SERVICES TO CHILDREN AND YOUNG PEOPLE – 2014/2015 MONITORING REPORT**

The Committee considered a report by the Director of Children's Services which provided an update on the work of external organisations in receipt of funding to provide services to children and young people and who fall within the Following the Public Pound (FPP) reporting and monitoring arrangements.

The report provided information on the strategic context of services to children and families including: rising population; increase in vulnerability; the national policy context, and the local policy context.

An individual report was appended for each of the seven organisations which received funding. Each report set out the service provided, the agreed outcomes and objectives, and performance information for the period 1 April 2014 to 31 March 2015 together with information on their funding and the amount contributed by the Council. Robert Naylor provided an overview of the report.

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

**(a) Aberlour Child Care Trust – Aberlour Early Years Outreach**

Elaine Costello provided an overview of the report, advising that the organisation received £315,162 of Council funding and £3,000 of in-kind support in the period. This equated to 79% of the organisation's total funding. The organisation provided support to expectant parents and families with children under the age of four years. The committee were advised that in the period 302 families had been supported.

The committee asked if the risk rating of medium had been assigned due to anticipation of further reductions to the level of funding available. Elaine Costello stated that was the reason and that the organisation had been advised of this and worked with the Council to redesign its services in order to ensure that service delivery could be maintained in the future if there were reductions to funding.

Members discussed the work of Finding the Balance Groups and asked if there had been an increase in the amount of mental health support provided. Elaine Costello advised that detailed information could be provided to members after the committee and that in the previous year four groups had been run while there had been six in the current year. She advised that there were 8 participants per group.

The committee discussed the possibility of duplication were multiple services were engaged to deliver similar services and ensuring a consistency of offering across the

Council area. Elaine Costello stated that the other organisations being reported on did deliver some similar services while not being entirely congruent with one another. She advised that a piece of work would be undertaken by the service to identify how to improve consistency across the area. She also stated that a policy development panel on a review of inclusion was being undertaken and that part of its work would be to look at the contribution of early intervention services to children and young people.

Members discussed capacity building in externally funded organisations and if they had access to training needs analyses. Elaine Costello advised that collaboration between the organisations and the Council had been increased through the Falkirk Family Support Public Social Partnership which had included the services in the report and Education's Family Support Service and Social Work's Intensive Family Support Service. The external organisations had access to any training the Council offered and had also been able to access training available through one of the other external organisations.

The committee sought further information on cases where there had been deterioration despite the service working with a family. Elaine Costello advised that there were only a few cases of deterioration and that it was usually due to a shift in circumstances for that family such as a bereavement or a child protection issue. In such cases the services continued to work with the families to try and improve the situation.

## **Decision**

**The Committee approved the report and acknowledged the progress made by Aberlour Child Care Trust – Aberlour Early Years Outreach in delivering Council priorities.**

### **(b) Aberlour Child Care Trust – Family Centre Langlees**

Elaine Costello provided an overview of the report, advising that the organisation received £225,012 of Council funding and £3,000 of in-kind support in the period. This equated to 98% of the organisation's total funding. The organisation provided support to expectant parents and families with children up to the age of twelve years. The committee were advised that in the period 147 children and their families had been supported. Following receipt of support 38 families were signposted to other services.

The committee asked for further information on the partnership working between the organisation and Community Learning and Development (CLD). Elaine Costello advised that there was a strong working connection between the two groups. The organisation had attracted extra funding to provide families with access to food over the summer period and this had been delivered in partnership with CLD who had signposted families to the organisation through playgroups and summer clubs. CLD had also worked with the organisation when holding events in Langlees in order to attract a wider spread of the community.



Members discussed the role of the monitoring officer and sought further information on the role. Elaine Costello stated that all external organisations in receipt of Council funding which fall within the FPP monitoring arrangements are assigned a monitoring officer. Monitoring officers met with the organisation at least once every three months and in many cases more frequently. If outcomes were not being met then the monitoring officer needed to work with the organisation to assist in delivering those outcomes.

The committee then asked for further information on risks regarding external organisations such as poor governance. Elaine Costello stated that there could be risks relating to governance but also risks arising from the impact of staff changes on small organisations or not getting the required financial information.

Members highlighted the differences in service delivery and cost between the two services provided by Aberlour Child Care Trust and that there was not a consistency of offering across the Council area. Robert Naylor advised that he intended to discuss such variances with all funded external organisations. Services had previously been commissioned where a need had been identified but the aim was to deliver a consistent approach across the Council area. He stated that the work of the policy development panel on inclusion would contribute toward this aim. He also advised that to ensure an avoidance of duplication of services it was intended that there would be a full integration of the Education Family Support Service and Social Work Intensive Family Support Service.

## **Decision**

**The Committee approved the report and acknowledged the progress made by Aberlour Child Care Trust – Family Centre Langlees in meeting Council priorities.**

### **(c) Barnado's – Barnado's Education and Family Support Service**

Elaine Costello provided an overview of the report, advising that the organisation received £314,605 of Council funding and £16,200 of in-kind support in the period. This equated to 92% of the organisation's total funding. The organisation provided support to children and young people from birth to 18 years and their parents/carers through a planned stage of early intervention in order to maintain the child's place in mainstream education. In the period 97 children were directly supported.

The committee sought further information on emotional literacy. Elaine Costello stated that the work on emotional literacy helped to develop a child's ability to express and talk about their feelings. The work also improved the attachment of children to their parents.

Members discussed monitoring carried out internally by the organisation and asked if matched the indicators used by the Council. Elaine Costello advised that the systems worked well together and that Barnado's monitored wellbeing outcomes, as did Aberlour. However, their scales for measuring improvement used opposite directions of travel but it was the distance travelled on the scales which was important and comparable.

The committee asked about the level of demand for the service as the number of requests for assistance had decreased. Elaine Costello advised that there had been a dip in referrals but that the issue had been investigated and mitigated against. There was currently a waiting list to utilise the service as referrals had increased.

Members asked for further information on the referral process. Elaine Costello stated that a co-operative approach had been implemented involving senior family support workers meeting with the managers of the funded organisations and determining who was best placed to deal with the request for support which was then allocated. Members were advised that there was a written protocol in place and that this would be shared with them after the meeting.

### **Decision**

**The Committee approved the report and acknowledged the progress made by Barnado's – Barnado's Education and Family Support Service in meeting Council priorities.**

#### **(d) Barnado's – New Beginnings**

David Mackay provided an overview of the report, highlighting the role of the Family Support Service, which provides support across the Falkirk, Clackmannanshire and Stirling Council areas and which was established in March 2014 following a pilot project in 2012/13. Each of the Councils in the Forth Valley contributed £20,000 in 2014/15 for the service which received 83 referrals in the period.

The committee discussed that the organisation was meeting the targets of improvements and compared well to other organisations. Members also discussed the inclusion of a case study and commented on how valuable this had been.

### **Decision**

**The Committee approved the report and acknowledged the progress made by Barnado's – New Beginnings in meeting Council priorities.**

#### **(e) Home-Start – Home-Start Falkirk West**

Elaine Costello provided an overview of the report, advising that the organisation received £29,488 of Council funding and £6,000 of in-kind support in the period. This equated to 34% of the organisation's total funding due to the award of funding from the Big Lottery. The organisation provided a home visiting support service through trained volunteers to vulnerable families with young children. In the period 88 families were supported by volunteers.

The committee asked about the capacity of the organisation as the agreed outcome was to support 30 families but support had been given to 88 in the period. Elaine Costello stated that the funding awarded from the Big Lottery had enabled more groups to be run. In relation to a question on paid staffing, Elaine Costello advised that there was one core employee and one temporary member of staff employed through the Big Lottery funding.

Members asked about the process of setting agreed outcomes and who had responsibility for this. Elaine Costello stated that the outcomes were being reviewed in light of the increased funding. She advised that as the organisation provided support through volunteers there were challenges in quantifying the level of service which could be provided as people gave different amounts of time. She further stated that a ratio of support as close to one to one as possible was best.

The committee commented on the quality of support provided by the service and asked why the project was not rolled out further across the Council area. Elaine Costello advised that the issue was being looked at carefully to try and ascertain how much work could be done by volunteers.

### **Decision**

**The committee approved the report and acknowledged the progress made by Home-Start – Home-Start Falkirk West in meeting Council priorities.**

#### **(f) National Health Service Forth Valley – Speech and Language Therapy**

Andrew Facherty provided an overview of the report, advising that the organisation received £515,040 of Council funding. The organisation provided language based additional support to children in Falkirk.

The committee asked how many therapists were involved in the project and were funded by the Council. Elaine Costello advised that there were 12 full time equivalent therapists. Approximately 8 posts were funded by the Council and 4 by the NHS.

Members discussed the public perception of the referral process and the length of wait for children to get to see a therapist. Andrew Facherty stated that 100% of referrals were assessed within 18 weeks. The committee then discussed the referral process and Andrew Facherty stated that the service worked in co-operation with parents whenever possible. He advised that the project enabled small amounts of therapy to be provided to large numbers of children rather than offering intensive support to a small number of children. In response to a point on the decreased number of children supported, Andrew Facherty advised that either the number of therapists would need to be increased or there would need to be a greater focus on group work to increase the number of children supported.

The committee asked who made referrals for children to the service. Andrew Facherty advised that a number of referrals came from GPs and that the service was provided to children and young people from 2 to 19 years old but that early intervention was important. Elaine Costello stated that teachers, early years officers and health visitors were also sources of referrals.

## Decision

**The committee approved the report and acknowledged the progress made by National Health Service Forth Valley – Speech and Language Therapy in meeting Council priorities.**

Prior to consideration of this item, Councillor McLuckie declared a non-financial interest by virtue of his familiarity with the service, and considered that he required to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct. Councillor McLuckie thereafter left the meeting.

### (g) One Parent Families Scotland – Braes Children and Families Centre

Elaine Costello provided an overview of the report, advising that the organisation received £136,064 of Council funding and £6,000 of in-kind support in the period. The organisation provided a range of support to parents (especially lone parents) on a variety of issues via family support, advice on benefits, income maximisation, debt, parenting, befriending, supported childcare sessions and 600 hour placements for 2 year olds. In the period 105 parents were directly supported.

The committee asked about the impact of reductions in funding to the service. Elaine Costello advised that the service had restructured its provision and was providing supported childcare as families could access the Scottish Government's 600 hours of childcare for 2 year olds.

Members asked about the management and governance of the organisation. Elaine Costello advised that she had meetings with the national finance manager and that the organisations accounts were up to date as were its governance procedures. Further, she held regular meetings with the local manager who had adapted the service quickly when advised of the reduction in funding.

## Decision

**The committee approved the report and acknowledged the progress made by One Parent Families Scotland – Braes Children and Families Centre in meeting Council priorities.**

Councillor McLuckie re-entered the meeting following consideration of the previous item.

## SE11. FOLLOWING THE PUBLIC POUND: UPDATE

The committee considered a report by the Director of Corporate and Housing Services providing Falkirk & District Credit Union's accounts and the percentage of the Council's funding in the organisation's total funding which had been requested at the meeting of the Scrutiny Committee of 14 May 2015 (ref S9 (b)). Sally Buchanan provided an overview of the report.

Members asked about the possibility of a town centre branch location for the credit union. Sally Buchanan advised that a feasibility study had been carried out, funded by Lloyds Bank, but that a decision had been taken not to proceed with a town centre location at this time. A refurbishment of the current Grangemouth premises was the preferred option although the Credit Union remained keen on having a town centre presence but that there was a big risk associated with the move.

The committee sought further information on the increased number of fixed loan accounts. Sally Buchanan advised that the product was offered to provide a more suitable option for clients than being driven to payday loan companies.

Members discussed the organisation's reserves and changes to regulations. Sally Buchanan stated that previously the bad debt provision had been kept separately but that this had been revised and was now incorporated in the total reserves level.

The committee asked for further information on quick loans. Sally Buchanan advised that it had previously been the case that a person needed to be a member for a certain period of time before they could access loan facilities but that loans could be granted more quickly now if the person was employed and met all other conditions.

Members asked how the Council had supported the drive to increase the credit union's client base. Sally Buchanan made reference to a variety of promotional activity carried out, including: the provision of a development officer two days a week; promotion on the Council's September payslips; an e-mail to all Council staff, and a promotional event held at the Council's offices.

The committee sought information on the link between the credit union and schools. Sally Buchanan stated that there had been lots of work carried out with both primary and high schools. Further to the work already carried out, the organisation was considering having a stall at school parents' evenings.

The committee discussed the role of Community Learning and Development (CLD) in promotion of the credit union and building capacity in communities. Sally Buchanan advised that the development officer had spoken with CLD staff and that more work in the area could be looked at.

Members asked if the Department of Work and Pensions (DWP) signposted people to the organisation. Sally Buchanan stated that the DWP were aware of the organisation and she hoped that they were signposting people to the credit union. Andrew Wilson stated that the DWP had recently become a member of the Community Planning Partnership Leadership Board and were on the sub group on poverty so there would be enhanced communication between the Council and DWP.

## **Decision**

**The committee approved the report and acknowledged progress by the organisation in meeting Council priorities.**

**SE12. SCOTTISH FIRE AND RESCUE SERVICE – FALKIRK & WEST LOTHIAN  
COMMAND PERFORMANCE REPORT**

The committee considered a report by the Director of Corporate and Housing Services presenting reports by the Local Senior Officer on: Falkirk performance for 1 April 2014 to 31 March 2015, and Falkirk performance for April 2015 to June 2015. Andrew Wilson provided an overview of the report and Gary Laing, Scottish Fire and Rescue Service (SFRS) provided an overview of the attached performance reports.

Following reference to lockable bin lids in the presentation from the Local Senior Officer the committee asked for further information on deliberate fire setting. Eddie Ritchie advised that in past cases where areas had a high incidence of deliberate fire setting to bins the SFRS had utilised lockable lids to deter fire starting. In regard to any issues of deliberate fire setting at fly tipping sites the service engaged with environmental services to find a solution such as reduction of tree coverage or education in schools.

The committee asked about the service providing support to the Scottish Ambulance Service in deployment of defibrillators. Gary Laing stated that as the number of fires had decreased while the percentage of elderly population which had increased the demand on the Scottish Ambulance Service. In cardiac arrest situations in Scotland it was projected that 1,000 lives a year could be saved through early arrival to incidents. West Lothian was one of three areas selected to trial the deployment of defibrillators by the SFRS.

Members asked about controlled fire situations. Gary Laing stated that where the SFRS were contacted by an adult that they were going to have a controlled fire that was generally accepted but that if another person was to call the fire in then an appliance would attend.

The committee asked for further information on the tasking and co-ordinating group. Andrew Wilson stated that it was a part of the Community Planning Partnership approach. Gary Laing advised that the meetings were held at Grangemouth Police station involving the police, housing, SFRS and community safety wardens. He advised that most Council areas had a similar group in place.

**Decision**

**The committee noted the report.**

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 17 SEPTEMBER 2015 at 9.30a.m.**

**COUNCILLORS:**

Tom Coleman  
Linda Gow  
Craig Martin (Convener)  
Cecil Meiklejohn  
Provost Pat Reid

**OFFICERS:**

Karen Algie, Head of HR & Business Transformation  
Brian Pirie, Democratic Services Manager  
Mary Pitcaithly, Chief Executive

**AP9. APOLOGIES**

Apologies were received on behalf of Councillors Black and Nicol.

**AP10. DECLARATIONS OF INTEREST**

None.

**AP11. 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 grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the said Act.

**AP12. APPOINTMENT PROCESS FOR THE POST OF HEAD OF SOCIAL WORK ADULT SERVICES**

The committee considered a report by the Chief Executive which outlined the recruitment procedure, selection methods and appointment timescales in respect of the post of Head of Social Work Adult Services.

**Decision**

**The committee agreed:-**

- (1) that a shortlist of two candidates should be interviewed, and
- (2) the presentation topic.

## **FALKIRK TRANSITIONAL BOARD**

**Minute of Meeting of the Falkirk Transitional Board held in the Municipal Buildings, Falkirk on Friday 5 June 2015 at 2.30pm.**

**Members:**

Councillor Allyson Black, Falkirk Council (Chair)  
Councillor Dennis Goldie, Falkirk Council  
Councillor Linda Gow, Falkirk Council  
Jim King, Vice-Chair of NHS Forth Valley  
Alex Linkston, Chairman of NHS Forth Valley  
Julia Swan, Non-Executive Member of NHS Forth Valley

**Officers:**

Fiona Campbell, Head of Policy, Technology and Improvement, Falkirk Council  
Jack Frawley, Committee Officer, Falkirk Council  
Jane Grant, Chief Executive, NHS Forth Valley  
Kathy McCarroll, Head of Children & Families and Criminal Justice, Falkirk Council  
Colin Moodie, Depute Chief Governance Officer, Falkirk Council  
Gordon O'Connor, Audit Manager, Falkirk Council  
Kathy O'Neill, CHP General Manager, NHS Forth Valley  
Mary Pitcaithly, Chief Executive, Falkirk Council  
Fiona Ramsay, Director of Finance, NHS Forth Valley  
Bryan Smail, Chief Finance Officer, Falkirk Council

**TB14. Apologies**

None.

**TB15. Declarations of Interest**

No declarations were made.

**TB16. Minute**

**Decision**

**The minute of the meeting of the Falkirk Transitional Board held on 1 May 2015 was approved.**

**TB17. Matters Arising**

There were no matters arising.



### **TB18. Standing Item: Delayed Discharge Update**

The transitional board considered a report by the CHP General Manager and the Director of Social Work Services providing an update on progress toward meeting the national target that no-one who is ready for discharge should be delayed by more than two weeks. The report provided information on current performance, delayed discharge funding and a delayed discharge action plan. The CHP General Manager provided an overview of the report. The Chief Executive, Falkirk Council provided the board with specific information relating to care homes.

Mr Linkston asked for further information relating to care home provision and any on-going issues. Mrs Pitcaithly advised that three of the care homes were going through particular issues, with two not currently admitting new residents. This was due to three separate issues. All providers were being given support and during this period, people ready for hospital discharge would be given priority for care home vacancies. She stated that it was a very unusual situation to have three care homes going through such issues simultaneously. The Council was working with the care homes to ensure that they re-opened as soon as possible when they were able to deliver a good standard of care again.

The Chief Executive, NHS Forth Valley asked if there was care home capacity across the Forth Valley area which could be utilised. Mrs O'Neill stated that there was some capacity which had been offered on an interim basis. Mrs Grant stated that the winter ward had remained open in Falkirk beyond the planned time period. She noted that if the ward was closed then delayed discharge issues would be increased but that in order to keep it open funding would need to be allocated to it. There was general agreement that there would be benefit in keeping the ward open. Further consideration would be given to funding.

Councillor Gow made reference to the actions which had been taken by the Falkirk Partnership during 2014 to utilise additional short term funding including additional intermediate beds. She also made reference to a proposal which would be considered at a special meeting of the Council's Executive on 9 June to build a new Council care home. Mrs Pitcaithly advised that the new home would be at Summerford but would not provide additional capacity.

Mrs Swan requested a forward planner of works in relation to delayed discharge such as the refurbishment of care homes, in order to provide members with a strategic overview. This would allow the board to get ahead of issues.

Mr Linkston stated that the system required to be more resilient and suggested that care homes link with the Council to ensure that any issues are reported early and he highlighted the importance of planning ahead for winter.

### **Decision**

**The transitional board noted the report.**

Councillor Goldie left the meeting during the previous item and re-entered the meeting during the following item.

#### **TB19. Standing Item: Strategic Planning**

The board considered a report by the Director of Social Work Services and the General Manager CHP providing an update on progress with the strategic plan and strategic planning group. Mrs O'Neill provided an overview of the report.

The board discussed the arrangements for a wider stakeholder event and the arrangements for a board strategic planning event to be held before that. It was noted that the strategic planning event for board members would take place on 18 June 2015 at 12noon, with a venue to be confirmed after the meeting.

##### **Decision**

**The transitional board noted the report.**

#### **TB20. NHS Forth Valley Clinical Services Review**

The transitional board considered a report by the Director of Public Health and Strategic Planning providing an update on the progress of the NHS Forth Valley Clinical Services Review. The report provided information on the background to the review; an overview of the staff and public engagement feedback, and the key strategic themes which had been identified. Mrs Grant provided an overview of the report.

##### **Decision**

**The transitional board noted the report.**

#### **TB21. NHS Forth Valley Local Delivery Plan**

The transitional board considered a report by the Director of Public Health and Strategic Planning appending the NHS Forth Valley Local Development Plan (LDP) for 2015-16. The report provided information on the background to the development of the plan and assessment of the LDP. Mrs Grant provided an overview of the report.

Mrs Pitcaithly raised that page 15 of the LDP made reference to the Stirling and Clackmannanshire Children and Young People's Strategic Partnership Group and that therefore reference should also be made to Falkirk's Children's Commission. It was agreed that the wording be changed to reflect this.

##### **Decision**

**The transitional board noted the report.**

## **TB22. Integration Scheme**

The transitional board considered a report by the Chief Governance Officer appending a revised version of the Integration Scheme following development of the finance section and receipt of comments from the Scottish Government. The report provided information on the finance section and the comments received from the Scottish Government. The Depute Chief Governance Officer provided an overview of the report.

Following a question on the submission process, Mr Moodie advised that the constituent organisations were required to make the final decision to submit the scheme to the Scottish Government.

The board had agreed on 9 January 2015 (ref TB9) that the chair and vice-chair of the IJB would be appointed from the voting board members on a rotational basis, with the first chair being appointed by the party which is not the employer of the chief officer and the vice-chair being appointed by the other party. However, following guidance received from the Scottish Government, it was now required that the scheme identify which of the parties would nominate the first chairperson.

The board discussed the appointment of the first chairperson to the Integration Joint Board (IJB). Mr Linkston nominated Mr King as either the chairperson or vice-chairperson and Councillor Gow nominated Councillor Black as either the chairperson or vice-chairperson. The board agreed that the Council would nominate the first Chair. Mr Linkston requested that both the chair and vice-chair be fully involved in discussions and planning ahead of meetings. Mrs Pitcaithly confirmed that joint briefings would be arranged.

### **Decision**

**The transitional board agreed:-**

- (1) that the first Chair of the Falkirk Integration Joint Board would be drawn from the Council's members, namely Councillor Black and that the Vice-Chair would be Mr King, and**
- (2) to recommend the revised Integration Scheme to the constituent organisations.**

## **TB23. Internal Audit and Assurance**

The transitional board considered a report by the Internal Audit Manager and the Chief Internal Auditor providing information on the key issues in relation to internal audit and assurance. The report detailed the considerations of the Internal Audit Manager and the Chief Internal Auditor, and highlighted that, in line with guidance, the IJB would need to appoint a Chief Internal Auditor in due course. The Internal Audit Manager provided an overview of the report.

Councillor Gow asked when further information would be presented to the board in answer to the points raised in section 4.2 of the report. Mr O'Connor advised that the internal audit teams from the Council and NHS Forth Valley would continue to work together and that a report would be presented to a future meeting of the board.

Councillor Gow sought clarification of any possible impact arising from the Council and Health Board having different external auditors appointed. Mr O'Connor stated that there should not be an issue from such a situation on the IJB and that the process of appointing the IJB's external auditor was currently unknown. The Chief Finance Officer, stated that it was expected that Audit Scotland would be appointed as the external auditor to the IJB.

### **Decision**

**The transitional board noted the report.**

## **TB24. Finance Update**

The transitional board considered a report by the Chief Finance Officer and the Director of Finance providing a financial overview of the constituent organisations, their key pressures and an update on the finance workstream.

The board discussed the financial pressures that the constituent organisations were already under while facing increased levels of service demand.

### **Decision**

**The transitional board noted the report.**

## **TB25. Integrated Care Fund Plan: Spending Plan 2015/16**

The transitional board considered a report by the Director of Social Work Services and the CHP General Manager providing proposals to utilise the Integrated Care Fund (ICF) and Delayed Discharge Fund. The report set out the background to the proposals, information on bridging resource and a spending plan. Mrs O'Neill provided an overview of the report.

Councillor Goldie asked when the Delayed Discharge Steering Group would bring a spending plan to the board for approval. Mrs O'Neill stated that the group intended to bring a report to the next meeting.

The board discussed the level of information provided on the proposals and requested more detail in order to be able to fully analyse the proposals. The board raised a number of points including:

- concern about the amount of funding allocated for infrastructure;
- asking officers to look at the opportunities for combining existing resources before appointing additional staff;
- asking for clarification on what funding was short term and what was long term;
- requesting further information on funding for the developing area of tele-health and e-care;
- requesting information on the reasoning which informed the proposals, and
- requesting information on what the funding to the third sector interface organisation would be for.

Councillor Gow stated that as there was not another meeting of the board until August the requested information should be circulated to the board as soon as possible. Mrs Pitcaithly suggested that the members could raise any issues arising from the additional information at the strategic planning event on 18 June.

## **Decision**

**The transitional board agreed to delegate the decision on the funding proposals to the Chief Executives in consultation with Councillor Black and Mr King (as Chair and Vice-Chair designate) with further detail on the proposals being provided to members on 18 June 2015 at the Strategic Planning Workshop event.**

### **TB26. Formation of the Integration Joint Board: Non-voting Members**

The transitional board considered a report by the Director of Social Work Services and the CHP General Manager providing information and proposals regarding the recruitment of third sector representatives to the IJB. Mrs O'Neill provided an overview of the report.

Councillor Gow expressed her disappointment in the Scottish Government's prescription regarding a place for the third sector interface (TSI). She therefore suggested that there be two places on the board for third sector members with one being for the TSI and the other from a relevant part of the sector. She stated that having two third sector places on the Community Health Partnerships had worked well.

Mrs Swan sought clarification as to whether or not it was a requirement to have a TSI appointee. The Head of Policy, Technology and Improvement advised that the recommended appointment from the TSI was in line with guidance but that the board could opt to not follow that.

The board discussed further having two third sector places on the board with one being for the TSI and the other to be determined by the sector including a substitute. Mrs O'Neill suggested that nominations could be received from the community care and health forum.

## **Decision**

**The transitional board agreed to appoint two representatives for the third sector to the Integration Joint Board: an officer from the Third Sector Interface (in line with Government guidance) and a representative to be nominated by the community care and health forum.**

### **TB27. Integration Joint Board Communication**

The transitional board considered a report by the Director of Social Work Services and the CHP General Manager providing a draft public communication on board members for approval. The report provided information on the background to and work carried out on IJB communications and the development of a communications framework and protocol.

## **Decision**

**The transitional board agreed:**

- (1) to approve the proposal to augment the health and social care integration web page with details of the Integration Joint Board members;**
- (2) that the content will be developed with and approved by members, and**

- (3) to note the work which had taken place with all partners' communications teams to date.**
- (4) to request that the draft Falkirk Health and Social Care Partnership Communications Framework and Protocol is presented for approval at a future Board meeting.**

**MINUTE of MEETING of CENTRAL SCOTLAND VALUATION JOINT BOARD  
held within HILLSIDE HOUSE, STIRLING on FRIDAY 19 JUNE 2015 at 9.30 a.m.**

**COUNCILLORS:**

Donald Balsillie  
Margaret Bisley  
Irene Hamilton  
Craig Holden  
Charles MacDonald (Convener)  
Adrian Mahoney  
Corrie McChord  
Cecil Meiklejohn  
Rosie Murray  
Alan Nimmo  
Sandy Turner

**OFFICERS:**

Ashley MacGregor, Assistant to the Treasurer  
Brian Pirie, Assistant to the Clerk  
Jane Wanless, Assistant Assessor  
Peter Wildman, Assessor and Electoral  
Registration Officer

**VJB1. APOLOGIES**

An apology was intimated on behalf of Councillor Gordon Hughes.

**VJB2. DECLARATIONS OF INTEREST**

No declarations were made.

**VJB3. MINUTE**

The minute of the meeting held on 20 March 2015 was approved.

**VJB4. VOLUNTARY SEVERANCE REPORT**

The Board considered a report by the Assessor and Electoral Registration Officer Presenting a Voluntary Severance Policy for approval.

The Board faces an anticipated shortfall in funding of £387k by 2017/18. It was proposed, in addition to other measures, that all staff are invited to apply for Voluntary Severance. To underpin the process a draft Voluntary Severance Policy was presented. If approved it was intended to invite all staff to consider its terms with a view to approve all staff leaving the service by 31 March 2016.

The offer of Voluntary Severance will incur costs in the year of decision. In order to support costs in 2015/16 it was proposed that £200k is allocated from reserves to an employment fund. The cost of any package will be recovered within 2 years.

The Board discussed the detail and application of the Policy, in particular in comparison to the Boards Redundancy Policy.

### **Decision**

#### **The Board Agreed:-**

- (1) the proposed 'Voluntary Severance Policy' and 'Voluntary Severance Employee Fact Sheet'; and**
- (2) the use of £200k of reserves to fund the costs associated with Voluntary Severance.**

## **VJB5. DRAFT FINANCIAL STATEMENTS AS AT 31ST MARCH 2015**

The Board considered a report by the Treasurer on the arrangements for preparing and auditing the draft final accounts for 2012/13.

The Board was required by law to prepare a Statement of Accounts setting out its financial position at the end of the financial year. Draft accounts must be submitted by 30 June to the Controller of Audit who will audit their accuracy and completeness. The 2014/15 draft accounts had been drawn up in accordance with the local authority Code of Practice (which reflected International Financial Reporting Standards) and showed a draft surplus of £144k. At year end the Board had usable reserves of £1,024k of this £473k was earmarked, leaving an year end (14/15) surplus of £723k.

The Board sought clarification on the reasons for the actuarial losses on pension's liabilities (£2,321k compared to £308k in the previous year) and commented favourably on the management commentary within the accounts.

### **Decision**

**The Joint Board noted the 2014/15 Draft Statement of Accounts and agreed to their submission to the Controller of Audit.**



## **VBJ6. LOCAL GOVERNMENT PENSIONS SCHEME EMPLOYER DISCRETIONS**

The Board considered a report by the Director of Corporate and Neighbourhood Services in regard to employers' discretionary powers as set out in the Local Government Pension Scheme (Scotland) Regulations 2014 and the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014.

A new version of The Local Government Pension Scheme 2015 was introduced on 1 April 2015. Under the regulations, all pension scheme employers, such as Falkirk Council, are required to prepare and publish a written statement indicating how they intend to exercise their discretionary powers in terms of the regulations. In doing, so employers must have regard to public perception and should not 'fetter their discretion'.

The proposed statement, setting out current and proposed policies was attached as an appendix to the report.

### **Decision**

**The Board agreed the Discretionary Policies for immediate implementation.**

## **VJB7. RISK ASSESSMENT REPORT**

The Board considered a report by the Assessor and Electoral Registration Officer presenting a revised Risk Management Strategy for approval.

The Board agreed its Risk Management Strategy in February 2012. The Strategy was amended in June 2013. Following a review in 2015 a revised strategy, which now reflects the deletions of the post of Depute Assessor and introduces risks in regard to the current fiscal environment, was developed.

### **Decision**

**The Board Noted:-**

- (1) the risk strategy; and**
- (2) the current general risk assessment analysis for all functions.**

**VJB8. BEST VALUE REPORT**

The Board considered a report by the Assistant Assessor on the performance of the Assessor's Service in 2014/15 as measured against key performance indicators and proposing unchanged performance indicators for 2015/16.

The report outlined the performance levels on Assessor's work in 2014/15 in regard to the Valuation Roll and Council Tax as measured by key performance indicators.

In regard to the Valuations Roll the Key Targets of 823 within 3 months, 932 within 6 months and 7% in six months or more. In 2014/15 performance was 81%, 89% and 11% respectively due to Lands Tribunal and Lands Valuation Appeal Court appeal decisions the impact of these which were out with the service's control.

It was proposed that the targets for both indicators remain unchanged for 2015/2016.

Following questions on the performance in 2014/15 and the known challenges in 2015/16 in regard to workload and likely staff reduction the Assessor confirmed that meeting the performance targets would be challenging but achievable.

(such as the impact of an increasing property market, the Scottish parliamentary elections and re-evaluations process)

**Decision**

**The Board noted the report.**

**VJB9. EQUALITY OUTCOMES AND MAINSTREAM REPORT**

The Board considered a report by the Assessor and Electoral Registration Officer advising of the publication of the Board's Equalities Report.

The Board is required, in terms of the Equality Act 2010, to prepare and publish equality outcomes. These were published in 2013.

The outcomes were subsequently revised in November 2014 (ref VJB28) following feedback from the Equalities and Human Rights Commission. No further changes have been made and the report, which was provided as an appendix, was published on the internet.

**Decision**

**The Board noted the publication of the mainstreaming report and equality outcomes.**

**VJB10. INTERNAL AUDIT ANNUAL REPORT**

The Board considered a report by the Board's Internal Auditors presenting the 2014/15 annual report.

In 2014/15 an assurance audit in regard to Valuation List – Domestic Properties was undertaken together with follow up work and input to the preparation of the annual assurance process. The report provided significant assurance upon the adequacy and effectiveness of the Board's framework of governance and controls in 2014/15.

**Decision**

**The Board noted the report.**

**VJB11. INTERNAL AUDIT REPORT – ANNUAL PLAN 2015/16**

The Board considered a report by the Internal Auditors presenting the 2015/16 audit plan.

It was proposed, to carry out an audit, towards the year end of the Register of Electors – postal and Proxy Vote Applications together with work on the preparation of the Annual Assurance Report.

Members highlighted that the proposed timing of the audit coincided with the run up to the Scottish Parliamentary Elections. The Assessor confirmed that the audit would be scheduled so as not to interfere with operational work.

**Decision**

**The Board Approved the Annual Internal Audit Plan for 2015-16.**

**VJB12. INTERNAL AUDIT REPORT**

The Board considered a report by the Board's Internal Auditors presenting the findings of their review of the Valuation List – Domestic Properties.

The review, which was undertaken in 2015 provided significant assurance that the Valuation List is correct that the system is accessed by authorised persons and that appeals and surveys are dealt with timeously. No management action is required as a consequence of the review.

**Decision**

**The Board noted the report.**

## **FALKIRK TRANSITIONAL BOARD**

**Minute of Meeting of the Falkirk Transitional Board held in the Learning Centre, NHS Forth Valley Royal Hospital, Larbert on Friday 7 August 2015 at 9.30am.**

**Members:**

Councillor Allyson Black, Falkirk Council (Chair)  
Councillor Dennis Goldie, Falkirk Council  
Councillor Linda Gow, Falkirk Council  
Jim King, Vice-Chair of NHS Forth Valley  
Alex Linkston, Chairman of NHS Forth Valley  
Julia Swan, Non-Executive Member of NHS Forth Valley

**Officers:**

Fiona Campbell, Head of Policy, Technology and Improvement, Falkirk Council  
Jack Frawley, Committee Officer, Falkirk Council  
Kathy McCarroll, Head of Children & Families and Criminal Justice, Falkirk Council  
Tracey McKigen, Interim Chief Officer  
Colin Moodie, Depute Chief Governance Officer, Falkirk Council  
Kathy O'Neill, CHP General Manager, NHS Forth Valley  
Fiona Ramsay, Director of Finance, NHS Forth Valley  
Bryan Smail, Chief Finance Officer, Falkirk Council  
Suzanne Thomson, Programme Manager – Health and Social Care Integration, Falkirk Council  
Elaine Vanhegan, Head of Performance and Governance, NHS Forth Valley

### **TB28. Welcome and Apologies**

No apologies were intimated. The board welcomed Tracey McKigen, Interim Chief Officer to the meeting.

### **TB29. Declarations of Interest**

No declarations were made.

### **TB30. Minute**

Mr Linkston raised a point of accuracy on the minute and stated that he recollected that the board had agreed to fund the continued opening of ward 5 through delayed discharge funding. It was on the back of that understanding that the ward had been kept open from the time of the last meeting.

Councillor Black stated that she recalled general agreement that the ward should stay open but that no decision had been taken in regard to funding. She also stated that she had asked questions about this subject over the summer recess.

Mr Linkston advised that the ward needed to be funded as it had been kept open. He stated that at the previous meeting he recalled a request to have the CHP General Manager include ward 5 in the report to this meeting. He stated that the ward would have otherwise been closed due to the funding of it not being budgeted for by NHS Forth Valley.

Councillor Goldie agreed that members were minded that the ward should remain open and reiterated that the dispute centred on which money was to be used to pay for it.

Councillor Gow stated that although the ward had needed to be kept open it was not the preferred situation as it would exacerbate the issue in winter. She stated that delayed discharge funding was not intended to be used for increased bed capacity; rather, it was to be aimed at projects which would keep people at home or in a homely setting, in line with Scottish Government guidance. She asked officers if spending delayed discharge funds on ward 5 could constitute a misuse of the funds.

Mr Linkston stated that the discussion was revisiting a previous decision, raising that the board had agreed to fund the ward's continued operation through delayed discharge funding. He stated that keeping ward 5 open had been felt to be the only option by the board due to the issues which were affecting the level of care home provision in the area.

Mr King highlighted that the minute stated that in order to keep the ward open funding would need to be allocated to it.

The Depute Chief Governance Officer advised that this item was on the agenda to allow the board to either approve the minutes as an accurate record of the previous meeting or to challenge their accuracy, not to decide the substantive question of funding. He indicated that he was satisfied that the minute was accurate.

Mr Moodie drew the Board's attention to the report from the CHP General Manager and the Head of Community Care on Delayed Discharge. It stated that maintaining the additional capacity was included in the proposals as one of the options discussed at the last Board meeting. This was not consistent with the view that the decision was already taken.

Mr Linkston stated that the report would be considered at the appropriate point in the agenda and that his view was that the decision had been taken to fund the ward for a period of four months using delayed discharge funding.

Councillor Goldie sought clarification on the use of delayed discharge funding and if it was to be spent in increasing the number of people staying in a 'homely setting'. Kathy O'Neill stated that the funding could be used to make immediate improvements and that it would be appropriate to use the funding, in the short term, to alleviate the current position. She advised that at the previous meeting of the board it had been reported that in Falkirk there was no care home capacity available and that since then the situation had not improved. Therefore the proposal to use the delayed discharge funding for immediate improvements through the use of ward 5 had been requested. She stated that the only other available partnership fund was the Integrated Care Fund (ICF).

Councillor Black stated that in Falkirk there were currently 28 care home places being funded by the Council and that the social work services budget was £750,000 overspent. She highlighted that even if care home places were available then there was still a cost in funding people to take those places.

Councillor Goldie stated that at the previous meeting the board had requested that Kathy O'Neill look at the issue of delayed discharge and was to bring back a proposal to this meeting, so therefore the use of funding was not agreed. He stated that no position on the use of the delayed discharge fund had been taken. Mr Linkston stated that the continued operation of ward 5 would account for £400,000 of unbudgeted for costs and that there had been a decision in principle to fund.

Colin Moodie stated that he was satisfied as to the accuracy of the minute but advised the board that it was a draft minute by officers which was on the agenda to be either approved or challenged.

Mr Linkston moved that the last sentence in the third paragraph of item TB18 was deleted and that the preceding sentence was amended to read:

“There was general agreement to keep the ward open and to fund from within Delayed Discharge resources”.

Councillor Gow moved, as an amendment, the minute as an accurate record.

Councillor Goldie stated that the situation was such that the only likely result was a tied vote. He stated that the minute was accurate.

Mrs Swan stated that this was a confusing situation and that she recalled the ward was to be kept open through the use of delayed discharge monies, which was then to be incorporated in the report to this meeting as it had an impact on the whole package of spending available. Councillor Goldie stated that if that had been said then it would be in the minute.

Mr Linkston requested that the notes from the previous meeting relating to the decision under question were read out verbatim. Mr Moodie then proceeded to read out the relevant section of the notes taken at the previous meeting.

Councillor Black stated that this had been a valuable lesson for her as chair and that she would ensure that all subsequent decisions were clear and understood by all parties. She stated that she considered the minute to be accurate.

Councillor Goldie stated that there was a simple solution to the issue which was to audio record all board meetings. He stated that if they were then any queries the recording could be checked.

Mr Linkston stated that keeping the ward open was generating an unexpected £400,000 cost and that he strongly recalled that the funding was agreed; otherwise the ward would have been closed. Mr Linkston withdrew his motion. He stated that he would be raising the issue of secretarial support to the board at the later item on the agenda.

Councillor Gow stated that the minute should note the health board members dissent from the decision.

## **Decision**

**The minute of the meeting of the Falkirk Transitional Board held on 5 June 2015 was approved.**

**TB31. Matters Arising**

There were no matters arising.

**TB32. Standing Item: Delayed Discharge Update**

The transitional board considered a report by the CHP General Manager and the Head of Community Care providing an update on progress toward meeting the national target that no-one who is ready for discharge should be delayed by more than two weeks. The report provided information on current performance, an update from the previous report, delayed discharge funding and a proposed initial delayed discharge funding plan. The CHP General Manager provided an overview of the report.

Kathy O'Neill stated that the proposed funding plan needed to sit alongside the ICF. She provided an update on the position from that in the report advising that there were a total of 27 people delayed in their discharge, with 14 of those being delayed over two weeks. There were also 7 people in the guardianship process. Further, she stated that the care home position had not improved since the last meeting and that this week there were four places available in the Falkirk area. Interim places had been offered outwith Falkirk, in Stirling, which lengthened the time it took people to get through the system.

Councillor Gow asked if the use of delayed discharge funding was reported back to the Scottish Government and if it would be an issue that the money was supposed to be for caring for people in a 'homely setting' rather than keeping ward 5 open. The Director of Finance advised that the Scottish Government ask for information on spending from time to time but that as long as there was local agreement on the spend to improve the immediate situation it should not cause an issue. Kathy O'Neill stated that last year the Scottish Government had given funds to support care home provision and the winter ward. The funds could be used to make short term gains in performance.

Councillor Gow asked what the funding for the Rapid Access Frailty Clinic (RAFC) Forth Valley Royal Hospital would be used for, specifically if it would be for extended hours or increased staffing. Kathy O'Neill advised that the funding was to keep the service operating at the current level but that it was proposed to extend the service to seven days a week. The implications of extending the opening time were being evaluated. She stated that she would check if the funding proposal in the report included the proposed extension of operating hours.

Councillor Gow asked for further information on HELP Packs. Kathy O'Neill stated that the service was provided by the Royal Voluntary Service and got essential grocery shopping for people being discharged who would otherwise not have the basic necessities in their house on discharge. She advised that the service had proved to be very popular, helpful and relieved worries for people.

Councillor Goldie stated that when visiting the RAFC the service was excellent but that he had received feedback from the public that it was rarely open. He asked how many days the service had been open and closed since

the last meeting of the board on 5 June. Kathy O'Neill stated that she did not have the information available but would check after the meeting. She also advised that there had been challenges in maintaining medical staffing as if there was demand in other units e.g Accident and Emergency then staff were pulled to the highest priority areas.

Mrs Swan asked about what added value it was felt the service could provide. Kathy O'Neill stated that the service enabled fast access for people at risk of admission. Referrals came from GPs and District Nurses in order to get the person a full assessment. She advised that approximately 80% of people who visited the RAFC went home and were not admitted. She stated that there was also a benefit in that people who did need to be admitted could be immediately and would be quicker through the pathway as they had already been assessed. The service was a proactive initiative which helped keep people in their own homes and that without the RAFC many more people would have been admitted to hospital.

Mr Linkston stated that although the report provided the census figure for delayed discharges the real number was higher as it does not show how many Code 9s and guardianship cases were also ongoing. He requested that in future the delayed discharge update included the total number of people delayed in their discharge. He stated that with more full information the board could better identify where problems lay. Kathy O'Neill stated that the figures would be included and that there were currently 7 people in the guardianship process but no current Code 9s. She advised that information on the number of interim placements offered and the number of people in the choice policy. Councillor Gow asked for more information on guardianship. Mr Linkston stated that guardianship applied to people without the capacity to make decisions for themselves and who had no legal guardian. Through anticipatory care planning people were encouraged to give authority to an appropriate person to avoid delays through the guardianship process.

Councillor Goldie stated that in relation to the proposals members should be provided with background on how supporting each initiative would improve the delayed discharge situation, for example a paragraph on each initiative.. He sought clarification if Stirling and Clackmannanshire operated a 'one in, one out' policy for their care home places. Kathy O'Neill stated that she had been advised that that was not the case in Stirling and Clackmannanshire. Councillor Black suggested that the proposals could be brought back to the September meeting with more details and some alternative proposals.

Councillor Black proposed that an informal meeting was held with board members, the interim Chief Officer, the Chief Executives and a facilitator to discuss delayed discharge and the long term strategic approach.

Councillor Goldie stated that decisions on the use of the funding needed to be taken as a matter of urgency. Mr Linkston stated that ward 5 needed to be included and that he could not accept a delay; further, if no decision on funding was taken then the ward would have to be closed. Councillor Black stated that the 21 people currently in ward 5 would need to be somewhere. Councillor Goldie asked if the health board would evict those patients. Mr Linkston stated that there was not a budget available to run the ward and that those people were Falkirk Council's problem as they were ready for discharge.



Councillor Goldie stated that the IJB was a partnership and that joint working was required. He stated that the ward could not be run on fresh air but asked where the people would go if the ward was shut down. Mr Linkston stated that the ward had only been required to stay open as there had been no care home places available in the area. Fiona Ramsay stated that discussing delayed discharge was important and a future focus but that other proposals were in the report today which needed to be considered. She suggested that they could be considered and a session arranged to look at the longer term work required.

Mrs Swan asked how long the initiatives in the proposals were for. Kathy O'Neill stated that there was an assumption that RAFC, the Delayed Discharges Hub and Intermediate Care Capacity at Summerford would be given longer term funding if they evaluated as making a positive impact. However, in the first instance these initiatives were for the short term to allow evidence gathering to take place. She stated that they would be evaluated at the back end of the year. She also stated that there would need to be a strategic discussion about care home support and bed capacity in the shorter term. She advised that information had previously been presented about these projects as they had all been funded previously.

Councillor Black stated that bed capacity was a sticking point and that no decision was made previously about the number of months an extension to operation would be for. She asked what was defined as summer and that the proposal needed to be looked at in more depth. Mr King stated that the proposal had been agreed in good faith. Mr Linkston added that there had been a total reversal of the position expressed by Council members at the June board. Kathy O'Neill asked what alternative there was but to support it as delayed discharge was a partnership target and virtually everyone in ward 5 was a social care patient. If they can not be discharged due to a lack of care home spaces then ward 5 was the only short term arrangement.

Councillor Black asked if members desired to have an adjournment at this point.

Councillor Gow stated that it was right to have a debate on the use of the delayed discharge funding in relation to ward 5 as it would account for half of the available spend for the year. She stated that it was the remit of the IJB to keep people at home. Further, she stated that the building of the new 60 bed care home in Larbert was welcomed but that there would be a problem of how to fund places. The Council was £750,000 overspent in its social work budget. She stated that ward 5 would be required as additional capacity in winter.

Mr Linkston stated that the approach had been too reactive and that as the population of elderly people increases better strategic forward planning was required. He stated that the informal seminar to look at delayed discharge was a good idea and would allow the board to get on the front foot with the issue.

At 10.35am the board adjourned.

Following a short adjournment the board reconvened at 10.55am.

Councillor Black stated that she would be comfortable to fund all the proposals except that to keep ward 5 open. She also suggested that the board agree to discuss further bed capacity at an informal seminar to explore how the service would help alleviate the delayed discharge issue.

Mr Linkston stated that the meeting should be adjourned altogether. Mr King added that the funding of ward 5 had been previously agreed. Councillor Black stated that the issue needed to be worked through, that the board would not always agree and that in the face of disagreement members could not just walk away.

Mr Linkston stated that the health board would incur £100,000 a month costs so he needed to leave to evaluate the implications to the health board's budget.

Councillor Goldie stated that he supported the right of any board member to walk away from the table.

The Head of Children & Families and Criminal Justice stated that the IJB needed to work through issues but that if they could not reach an agreement than the dispute resolution clause allowed for Scottish Government intervention to help resolve issues.

Mr Linkston stated that he needed to understand the implications of not receiving the funding for ward 5 and that the decision had come as a total surprise. He stated that all members had previously agreed to keep the ward open. He stated that Mrs Grant had made the point that the budget would be hit if kept open and therefore he expected that the funding had been agreed. He stated that Falkirk's elected members were changing the rules of the game. Councillor Black stated that page 13 of the report advised that there were concerns relating to the decision. Mr Linkston asked what the alternative was. Councillor Black stated that the Council had few options as well.

Mr Linkston stated that the board was supposed to be a partnership. Councillor Black stated that there would be huge issues about the budget. Councillor Goldie stated that members should not criticise officers in this forum.

Mrs McKigen suggested that the board come to a compromise in order to progress and fund the ward for one month rather than the three asked for in the report. Mr Linkston stated that he would need to know the implications on the health board budget of such a decision.

Mr Moodie clarified that the quorum for the meeting was half the voting membership, being 3; therefore the meeting could continue if the Health Board members withdrew. Councillor Black stated that the board would soon be joined by the non-voting membership and that she wanted people to feel comfortable. She suggested that the Interim Chief Officer develop a process for how members should behave at the board. She requested that officers should bring back a report with delayed discharge funding alternatives. She stated that the board was a team and that members should stay and work together.

Councillor Gow stated that the decision could not have been taken at the previous meeting as members did not have any information on how much of the total funding would be used by the ward. She stated that if the ward was open that it needed to be funded, which is why it had been included in the report proposals but she advised that the board had been incapable of having decided to spend without knowing the level and impact of it. She stated that to use half the fund for the ward left little capacity for the rest of the year.

Councillor Goldie, seconded by Councillor Gow, moved that the board agree to allocate funding to:

- (1) the Rapid Access Frailty Clinic at Forth Valley Royal Hospital;
- (2) the expansion of the Delayed Discharges Hub and associated staffing;
- (3) HELP Packs;
- (4) Intermediate Care Capacity at Summerford, and
- (5) Purchasing of Care Home Placements.

Mr King stated that the decision had been made to fund the ward previously and that the money had been spent. Councillor Goldie stated that the health board could not close the ward as there were patients in it. He stated that a further report should be brought back and advised that if members walked out from the meeting the item would need to be brought back anyway.

Mrs Ramsay advised that although the report stated the cost to fund was £420,000 this was not the cost to the delayed discharge fund as £92,000 had been paid by the Health Board. Kathy O'Neill asked what solutions could be presented in a further paper for the short term issue. She advised that the ward had been kept open as there was no alternative to support the system. She stated that all parties would prefer to spend the money in other areas but that there was a need to deal with the immediate issue. She stated that the patients in the ward had been assessed and needed to go into care homes but that there were no places available in Falkirk.

Mrs Swan asked if a further report comes back would there be any alternative proposals. Mr Linkston stated that if there were any alternatives then the health board would be happy to close the ward. It had only been kept open due to the care home issue.

Councillor Gow stated that the report should consider if the IJB pays the whole amount, part or none at all. Kathy O'Neill stated that the only other option was to use the ICF.

Councillor Goldie asked if the ward was closed how that would be done. Mr King stated that the key point was there is no alternative. Councillor Goldie stated that members needed to know what the process would be for people in the ward if closed and whether it was being suggested that eviction notices would be served. Mr Linkston stated that this was an operational matter. In his view, the problem was that Falkirk Council could not place those assessed for discharge in care home places.

Councillor Goldie stated that if there was a perfect balance then people would move when ready but there are not enough spaces to allow that. He stated that if people were in hospital care then it was not a Falkirk Council issue. He stated the proposal on the ward needed to be taken away and brought back in a further report while agreeing the rest today.

Mr Linkston moved, as an amendment, that the board agree:

(1) to allocate funding to:

- (a) the Rapid Access Frailty Clinic at Forth Valley Royal Hospital;
- (b) the expansion of the Delayed Discharges Hub and associated staffing;
- (c) HELP Packs, and
- (d) Intermediate Care Capacity at Summerford, and

(2) to continue consideration of funding toward:

- (a) purchasing of care home placements, and
- (b) bed capacity (21 beds) at Falkirk Community Hospital, Ward 5.

Councillor Goldie, with the consent of Councillor Gow as the seconder, then withdrew his motion. Mr Moodie then sought to clarify the full decision including the proposal of an informal seminar and a report on alternative spending proposals.

## **Decision**

**The transitional board agreed:**

**(1) to note the work towards meeting the national delayed discharge target;**

**(2) to allocate funding to:**

- (a) the Rapid Access Frailty Clinic at Forth Valley Royal Hospital;**
- (b) the expansion of the Delayed Discharges Hub and associated staffing;**
- (c) HELP Packs, and**
- (d) Intermediate Care Capacity at Summerford;**

**(3) to continue consideration of funding toward:**

- (a) purchasing of care home placements, and**
- (b) bed capacity (21 beds) at Falkirk Community Hospital, Ward 5;**

**(4) to request that the interim Chief Officer bring alternative proposals to alleviate delayed discharge to the next meeting, and**

**(5) to hold an informal session with board members, the Chief Executives and the Interim Chief Officer to discuss delayed discharge.**

## **TB33. Standing Item: Strategic Planning**

The board considered a report by the Interim Chief Officer providing an update on progress on strategic planning arrangements and the outputs from the strategic planning events held on 18 and 30 June 2015. The Programme Manager – Health and Social Care Integration provided an overview of the report.

Mr King stated that the events had been excellent and all members noted their thanks to the staff that had organised and attended the events to make them a success. Councillor Gow stated that it had been good to hear from staff across so many departments.

Councillor Black asked if there would be board members on the strategic planning group. Suzanne Thomson stated that each of the constituent organisations was to nominate one member to the group.

### **Decision**

**The transitional board agreed that one Councillor and one Health Board member would be nominated to the Strategic Planning Group.**

Mr Linkston left the meeting during consideration of the previous item, having clarified that he had a previously arranged commitment elsewhere.

### **TB34. Update on Appointment Process for the Post of Chief Officer and Chief Finance Officer (Health & Social Care Integration)**

The transitional board considered a report by the Chief Executive, Falkirk Council and the Chief Executive, NHS Forth Valley providing an update on the appointment to the agreed interim Chief Officer post. The report also provided information on the appointment process for the permanent Chief Officer and temporary Chief Finance Officer vacancies. Mrs Ramsay provided an overview of the report.

### **Decision**

**The transitional board noted the report.**

### **TB35. Formation of the Integration Joint Board: Non-Voting Members**

The transitional board considered a report by Interim Chief Officer providing an update on the recruitment of non-voting members to the IJB, once incorporated by Scottish Ministers. Suzanne Thomson provided an overview of the report. She advised that a nomination to the GP role was yet to be confirmed. One of the two places for the third sector would be taken up by a representative of the Third Sector Interface while the other vacancy would be advertised through CVS Falkirk and online. The closing date for Applications for the service user position had been 31 July 2015 and a short list panel convened. The carers' representative position had been filled along with a substitute. However, due to personal circumstances the selected candidate had withdrawn and a proposal would be brought to a future meeting on how to fill the substantive position.

Councillor Black asked if Falkirk and District Association for Mental Health (FDAMH) could be contacted to identify a carers' representative following the loss of the previously selected candidate. Suzanne Thomson stated that the position had been widely publicised through the recruitment process, including with FDAMH and had only resulted in two applications. She stated that it was unlikely repeating the process would result in more applications being received.

Mr King asked that officers ensured non-voting members were made aware of the rationale behind the timing of when they were being brought onto the board.

### **Decision**

**The transitional board agreed:**

- (1) to note the members identified at sections 4 and 5 of the report;**
- (2) that members complete a declaration in relation to disqualification;**
- (3) the term of office for representatives at section 7, and**
- (4) the timescales for full membership to be in attendance at Transitional Board and IJB meetings as at section 8.3 and, in particular, that the medical and staff representatives and the chief social work officer would become members of the Transitional Board from September.**

### **TB36. Integration Scheme**

The transitional board considered a report by the Chief Governance Officer providing an update that the revised Integration Scheme had been agreed by the Council and Health Board and advised of the likely timescale for the establishment of the IJB. The report also set out some of the duties which would come from the establishment of the IJB as a separate public body beyond those set out in the Public Bodies (Joint Working) (Scotland) Act 2014. Mr Moodie provided an overview of the report.

### **Decision**

**The transitional board noted the report.**

### **TB37. Integrated Care Fund Spending Plan 2015/16**

The transitional board considered a report by the Chief Executive, Falkirk Council and the Chief Executive, NHS Forth Valley providing information on the Integrated Care Fund Spending Plan. Suzanne Thomson provided an overview of the report.

Councillor Gow asked for information on progress toward a data sharing protocol. Mr Moodie advised that the protocol would need to be in place by 31 March 2015 for the board being operational and that discussions were ongoing.

### **Decision**

**The transitional board:-**

- (1) noted the allocation of funding agreed by the Chief Executives in consultation with the Chair and Vice-Chair and that the remaining projects would be considered in the same manner and;**
- (2) agreed to request that the Chief Executives, the Chair and Vice-Chair consider how to fund the Chief Officer and Chief Finance Officer posts for the remainder of the financial year and to bring a report to the next meeting.**