

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 29 SEPTEMBER 2015 at 10.15 a.m.

COUNCILLORS:

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

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Deirdrie Cilliers, Head of Social Work Adult Services
Rhona Geisler, Director of Development 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

EX38. APOLOGIES

An apology was intimated on behalf of Councillor Nicol.

EX39. DECLARATIONS OF INTEREST

No declarations were made.

EX40. MINUTES

Decision

The minute of the meeting of the Executive held on 18 August 2015 was approved.

EX41. JOINT CONSULTATIVE COMMITTEE – 11 AUGUST 2015

- **OVERSEAS CRIMINAL RECORD CHECKS POLICY**
- **FAMILY LEAVE POLICIES**

The Executive considered a report by the Director of Corporate and Housing Services presenting an Overseas Criminal Record Checks policy and Family Leave policies for teachers and non-teachers for approval. The policies had been considered by the Joint Consultative Committee on 11 August 2015 and were referred to the Executive for immediate implementation.

Decision

The Executive approved the revised Overseas Criminal Record Checks and Family Leave Policies as appended to the report and authorised their immediate implementation.

Councillor G Goldie joined the meeting following consideration of the previous item.

EX42. REFERRAL FROM SCRUTINY COMMITTEE – 20 AUGUST 2015

• AUDIT SCOTLAND NATIONAL REPORT – BORROWING & TREASURY MANAGEMENT IN COUNCILS

The Executive considered a report by the Director of Corporate and Housing Services presenting recommendations from the Scrutiny Committee.

The Scrutiny Committee had, on 20 August 2015, in considering Audit Scotland's National Report on Borrowing and Treasury Management in Councils agreed to recommend to the Executive that (a) mandatory training be introduced for members who sit on the Executive, Scrutiny or Audit Committees; and (b) a full review of borrowing and treasury management governance and methods of reporting be undertaken.

In recognition of the role of Council in determining conditions attached to committee membership, Councillor C Martin moved that the Executive agrees:-

- (1) to recommend to Council that training is provided for all elected members on treasury management before they are eligible to serve on the Executive, Scrutiny or Audit Committee. This training will be mandatory and all members will have to complete this within the next six months; and
- (2) that a full review of borrowing of borrowing and treasury management governance and methods of reporting be undertaken.

Decision

The motion was agreed.

EX43. SCOTTISH TRADE UNION CONGRESS (STUC) AND SCOTTISH GOVERNMENT – MEMORANDUM OF UNDERSTANDING

The Executive considered a report by the Director of Corporate and Housing Services on the collaborative working arrangements in place with Trades Unions.

The Executive requested, on 18 August 2015 (ref EX29), a report on Scottish Trade Union Congress best practice policies and how they relate to Falkirk Council.

The report described the Memorandum of Understanding between the Scottish Government and the STUC and the consultation and negotiating forums currently in place locally, highlighting improvement groups which jointly review working arrangements, identify improvement areas and ensure a commitment by all parties to implementation of those improvements. Work is currently underway to review the

practical implementation of the various forums in light of the revised Service Structure with a view to agreeing a partnership agreement between the Council and Trade Unions.

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

- (1) notes the engagement forums currently in place;
- (2) notes the review underway to re-examine engagement and consultation forums currently in place;
- (3) requests an update report on progress made in due course;
- (4) notes the Conservative Government are proposing a Trade Union Bill that will restrict the ability of this Council to engage in good industrial relations practices with our workforce and their representatives;
- (5) believes the collection of union dues through the check-off arrangement, from which the Council receives income, is part of our collective and contractual arrangements with the trades unions and one which we will defend and support;
- (6) commits not to use agency staff to break or weaken industrial action and to continue to support arrangements that afford trade unions representatives sufficient resources to enable them to carry out their functions to ensure the continuation of good industrial relations; and
- (7) asks the Leader of the Council to write to the Secretary of State for Business, Innovation and Skills stating Council's opposition to this Bill and our resolve not to co-operate with any attacks on facility time or check off and to write to the First Minister calling on the Scottish Government to stand with Falkirk Council and other local authorities in opposing the proposals in this Bill.

Decision

The Executive agreed the motion.

EX44. CCTV – FUTURE OPTIONS

The Executive considered a report by the Director of Corporate and Housing Services setting out options for the delivery of CCTV monitoring services within the Council area.

The Executive had, on 30 September 2014 (ref EX64), agreed to establish a local CCTV service to continue the CCTV monitoring service on a temporary basis. A contract to 31 December 2015 was agreed with Enigma CCTV for the provision of full time monitoring services based at Falkirk police station.

Four options were presented for provision post 31 December 2015. These were:-

- (1) continuing the provision of full time CCTV monitoring – the current service;
- (2) operating a peak-time CCTV monitoring service, subject to demand and risk analysis.

- (3) operating a recorded-only service, with no live monitoring;
- (4) discontinuation of the service.

The report provided an analysis of each of the options.

Councillor Blackwood, seconded by Councillor C R Martin, moved that the Executive agree to tender for the provision of a peak-time monitoring CCTV service for the period 1 January 2016 to 31 March 2017.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved, in substitution for the motion, that the Executive agrees to tender for a full-time monitored CCTV service, i.e retention of the current service.

Councillor D Goldie gave notice of a further amendment.

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 Spears.

Councillor D Goldie, seconded by Councillor Gow, then moved, as an amendment and in addition to the motion, that:-

The Leader of the Council writes to the Cabinet Secretary for Justice, Michael Matheson, to ask that he ensures an equality of funding across all Scottish local authorities and that funding is provided for the most up to date CCTV digital recording.

Following discussion, Councillor Goldie with the consent of the Convener, and his seconder, adjusted the terms of his amendment by inserting the words ‘on a pro rata basis’ into it between the words “funding” and “across”:-

Councillor Coleman gave notice of a further amendment.

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

For the motion (3) - Councillors Alexander, Coleman and Spears.

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

The amendment became the substantive motion against which the further amendment was heard.

Councillor Coleman, seconded by Councillor Alexander, moved substitution of the phrase ‘equality of funding on a pro rata basis’ in the substantive motion with ‘a proportionate share of funding’.

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

For the substantive 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 Spears.

Decision

The Executive agreed:-

- (1) to tender for the provision of a peak-time monitoring CCTV service for the period 1 January 2016 to 31 March 2017; and**
- (2) that the Leader of the Council writes to the Cabinet Secretary for Justice, Michael Matheson, to ask that he ensures an equality of funding on a pro rata basis across all Scottish local authorities and that funding is provided for the most up to date CCTV digital recording.**

Councillor G Goldie withdrew from the meeting following the consideration of the previous item.

EX45. JOINT INSPECTION OF SERVICES FOR OLDER PEOPLE

The Executive considered a report by the Head of Social Work Adult Services presenting a Joint Action Plan to address recommendations made by the Care Inspectorate and Healthcare Improvement Scotland following an inspection.

The Care Inspectorate and Healthcare Improvement Scotland carried out a joint inspection, between September and October 2014, of health and social work services for older people within the Falkirk Partnership. The purpose of the review was to determine how well the partnership delivered good personal outcomes for older people and their carers, whether the services worked together in an effective manner to deliver high quality services and the preparations being made for health and social care integration. The subsequent joint inspection report set out a number of findings and 9 recommendations. A joint action plan, to address the recommendations, was developed by the Partnership and presented for approval.

Following a request from Councillors Alexander and Coleman, the Convener agreed to defer consideration of the report until later in the meeting to allow the Head of Social Work Adult Services to provide members with information previously requested.

EX46. COMMISSIONING PROCESS: SERVICES FOR SURVIVORS OF TRAUMA

The Executive considered a report by the Head of Social Work Adult Services setting out the commissioning process for the procurement of services for survivors of trauma and detailing the current funding allocation to existing providers.

The Executive agreed, on 9 June 2015 (ref EX24), to put in place a commissioning and procurement process for services for survivors of trauma, with a view to commencing the delivery of such services in April 2016.

The report summarised the commissioning process, set out the resource implications and the current funding position as it relates to Open Secret and advised that the Scottish Government has provided £36,000 development funding.

Decision

The Executive agreed to:-

- (1) note the proposed commissioning model for services for survivors of trauma and support from the Scottish Government in taking this forward;
- (2) confirm that the 2015/2016 budget for Open Secret is £89,446 in line with Executive agreement in May 2014;
- (3) approve the maximum resource of £102,783 to support the new service commissioned for survivors of trauma, with the final figure being determined during the development of the service; and
- (4) request that Officers provide a further report informing Members of the outcome of the commissioning process for services for survivors of trauma.

Councillor G Goldie rejoined the meeting following the consideration of the previous item.

EX47. FALKIRK LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY GUIDANCE: FEEDBACK ON CONSULTATION ON FOURTH BATCH

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

The Executive authorised, on 25 February 2014 (ref EX46), the preparation of, and consultation on, 16 Supplementary Guidance notes to assist in the interpretation of the Council's proposed Local Development Plan. To date 10 notes have been prepared, consulted upon and approved by the Executive. A further 3 have been prepared and consulted upon namely:- SG04 Shopfronts; SG11 Healthcare and New Housing Development; and SG15 Low and Zero Carbon Development.

The report summarised each of the guidance notes, provided details on the feedback from consultations and proposed amendments to SG15.

Decision

The Executive agreed the following Supplementary Guidance Notes, including modifications in response to consultations as detailed in appendix 1 of the report, and to submit these to Scottish Ministers for approval:

**SG04 Shopfronts;
SG11 Healthcare and New Housing Development; and
SG15 Low and Zero Carbon Development**

EX48. FALKIRK ECONOMIC STRATEGY – UPDATE REPORT

The Executive considered a report by the Director of Development Services presenting a draft Economic Strategy for consultation.

The Executive agreed, on 17 March 2015 (ref EX142), to establish a policy development panel to review and develop the Council's Economic Strategy. The panel, which comprises Councillors D Goldie (Convener), Blackwood, Coleman, Gow and Turner, has met on three occasions and has agreed a draft Strategy for consultation.

The report summarised the engagement undertaken thus far by the panel and set out a framework for further consultation on the draft Strategy. It was intended that a final draft would be submitted to the Executive, for approval, by December 2015.

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

- (1) to note the content of the draft Falkirk Economic Strategy document; and
- (2) that the draft Strategy is issued for consultation and completion of a finalised draft by the end of 2015 following approval of the policy development panel.

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

- (3) calls for a report on improving the promotion of Small and Medium Size Enterprises (SME's) as the most effective means of diversifying the local economy; and
- (4) recommends to Council that the Tourism sector is transferred from the Leisure portfolio to Economic Development and to bring forward a report on its integration and subsequent promotion.

On a division, 8 members voted for the motion and 3 members 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 Spears.

Decision

The Executive agreed the motion.

EX49. JOINT INSPECTION OF SERVICES FOR OLDER PEOPLE. (CONTINUED)

Following a period to allow Councillors Alexander and Coleman to be provided with the information which they had requested, the Executive considered the report by the Head of Social Work Adult Services on the Joint Inspection of Services for Older People.

Decision

The Executive agreed:

- (1) to note the services for older people in Falkirk report by the Care Inspectorate and Healthcare Improvement Scotland;
- (2) the Joint Action Plan, as appended to the report; and

(3) to request regular reviews of the Joint Action Plan.

EX50. POLICY DEVELOPMENT PANEL – REVIEW OF CIVIC LICENSING POLICIES – INTERIM REPORT

The Executive considered a report by the Director of Corporate and Housing Services presenting recommendations from a policy development panel review of civic licensing policies.

The Executive established a policy development panel on 30 September 2014 (ref EX61), to review civic licensing policies. The remit of the panel was to consider:-

- the duration of taxi and private hire car licences;
- the terminal hour for late hours catering establishments;
- the Resolution to ensure that it meets the needs of present day circumstances and remains fit for purpose; and
- the development of a policy covering parades and processions

The panel, which comprised Councillor Blackwood (Convener), Provost Reid and Councillor D Goldie, had met on 6 occasions. The report set out the panel's interim recommendations. These were in regard to:-

- the duration of taxi and private hire car licences; and
- the terminal hour for late hours catering establishments

The report summarised the action undertaken thus far together with conclusions and recommendations.

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

- (1) to note the initial review of the civic licensing policies undertaken by the policy development panel;
- (2) to amend the taxi and private hire car/operator licence duration to include a three year renewal option whilst maintaining the current option of an annual renewal should that be the preferred choice of the licence holder;
- (3) that the frequency of hackney tests is reduced from biannual to annual for those licensed vehicles that are under 3 years of age; and
- (4) that the terminal hour for late hours catering establishments within Falkirk Town centre be amended to 2.30am Sunday to Thursday inclusive and 3.30am Friday and Saturday and, during the festive period and on Bank Holidays (as defined in the Licensing Board's Statement of Licensing Policy), 3.30am Sunday to Thursday inclusive and 4.30am Friday and Saturday. The policy as it relates to the terminal hours for non town centres and the town centres of Denny, Stenhousemuir, Bo'ness and Grangemouth remains unchanged.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved the terms of the motion, with clause (4) substituted with the following:-

- (4) to consult the town centre community regarding the proposal in regard to the terminal hour for late hours catering and a multi agency report being produced with the likely impact on that community of the changes.

On a division, 8 members voted for the motion and 3 members 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 Spears.

Decision

The Executive agreed the motion.

EX50. DISPOSAL OF LAND AT 2 STEVENSON AVENUE, POLMONT

The Executive considered a report by the Director of Development Services recommending that land at 2 Stevenson Avenue, Polmont is declared surplus to regularise a title deed anomaly.

It was intended that, subsequent to approval, the Director of Development Services would negotiate sale of the land to the owner of the residential property at Stevenson Avenue.

Decision

The Executive agreed:-

- (1) to declare the site extending to 55.04 sq.m at 2 Stevenson Avenue, Polmont surplus to requirements; and**
- (2) to authorise the Director of Development Services to undertake a negotiated disposal of the site as outlined in the report.**

EX51. CAPITAL PROGRAMMES UPDATE REPORT

The Executive considered a report by the Director of Corporate and Housing Services on the 2015/16 Capital Programmes.

The three year General Services Capital Programme was approved on 11 February 2015 (ref FC70). The budget has been revised since to take into account slippage from 2014/15, the rescheduling of budgets and additional projects.

A revised budget was set out together with a revised programme. As part of the budgetary control process, additional projects had been identified to mitigate slippage in the 2015/16 programme. The report detailed the main areas of anticipated spend for 2015/16 together with analysis of the areas of variance.

The report also provided an update on the 2015/16 Housing Capital Programme and set out the Prudential Indicators for 2015.

Decision

The Executive agreed to:-

- (1) note the budget and forecast position for the General Fund & Housing Capital Programmes for 2015/16;**
- (2) approve the acceleration of projects per paragraph 4.1 of the report and note the potential for further acceleration per paragraph 4.3 of the report; and**
- (3) note the Prudential Indicators set out in Appendix 4 of the report.**

EX52. BUSINESS TRANSFORMATION

The Executive considered a report by the Director of Corporate and Housing Services summarising the current position of the key Business Transformation projects categorised under workforce, assets and working practices.

In addition, the report described the objectives and current position of the Support Services Transformation and Review (SSTAR) project and sought authority for the transfer of staff and budgets between services.

The project encompasses all clerical, administrative, support service and routine transactional processes undertaken in all Services, the associated IT systems, and the staff who undertake these activities. Other activities and associated staff and systems will come within the scope as they are identified and recognised as clerical, administrative, support service and/or routine transactional activities.

In order to create the single-managed transactional and support structure, staff and associated staffing budgets require to be transferred to the transactional and support team within Corporate and Housing Services on a phased basis between June 2015 and January 2016. The budget virements required amounted to £6.9m.

In line with Financial Regulation 5.2, virements of more than £350,000 between Council revenue budgets must be approved by the Executive.

Decision

The Executive agreed:-

- (1) to note progress against each of the key Business Transformation projects set out in the report;**
- (2) to note that the governance arrangements around Business Transformation will be considered as part of the report to Council in October 2015 on the targeted Best Value work undertaken by Audit Scotland on behalf of the Accounts Commission; and**
- (3) to approve the transfer of staff and virement of budget to the Business Support function within Corporate and Housing Services as detailed at section 3 of the report.**

Councillor Mahoney left the meeting during consideration of the previous item.