



Falkirk Council

**VOLUME OF COUNCIL
AND COMMITTEE MINUTES**

**VOLUME 4
2015/2016**

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FALKIRK COUNCIL

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 26 NOVEMBER 2015 at 9.30 a.m.

COUNCILLORS: Stephen Bird
Jim Blackwood
Linda Gow
John McLuckie (Convener)
Depute Provost John Patrick
Sandy Turner

OFFICERS: Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Legal Services Manager
Antonia Sobieraj, Committee Services Officer

A19. APOLOGIES

Apologies were intimated on behalf of Councillor Chalmers and D Goldie.

A20. DECLARATIONS OF INTEREST

No declarations were made.

A21. 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 1 of Part 1 of Schedule 7A to the said Act.

A22. APPEAL AGAINST TERMINATION OF EMPLOYMENT

The Committee considered papers relating to an Appeal against termination of employment which included (a) Note of Procedure; (b) Submission from the Head of Planning and Transportation dated 9 November 2015; (c) Copies of core documents relating to the Appeal, and (d) Submission from Appellant.

The Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Ms H, was present.

The Head of Planning and Transportation and HR Business Partner (G Dick) were present as representatives of the Council.

The Appellant presented her case.

The Head of Planning and Transportation then intimated that he had no questions for the Appellant.

Members of the Committee then asked questions of the Appellant.

The Head of Planning and Transportation presented the case on behalf of the Council.

The Appellant then asked questions of the Head of Planning and Transportation.

Members of the Committee then asked questions of the Head of Planning and Transportation.

The Head of Planning and Transportation summarised the case on behalf of the Council.

The Appellant summarised her case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made **AGREED:-**

- (1) that the decision taken by management to dismiss Ms H from Council service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**; and
- (2) having noted the Appellant's circumstances, that should she submit applications for externally advertised posts within Falkirk Council, within a period of six months from the date of the meeting, and meet the essential criteria for the post, she would receive a guaranteed interview.

The parties to the appeal were recalled and the decision intimated to them.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 27 NOVEMBER 2015 at 1.30 P.M.

COUNCILLORS: Baillie William Buchanan (Convener)
John McLuckie
Sandy Turner

OFFICERS: Donald Campbell, Development Management Co-ordinator
Iain Henderson, Legal Services Manager
Antonia Sobieraj, Committee Services Officer

PRC16. APOLOGIES

No apologies were intimated.

PRC17. DECLARATIONS OF INTEREST

No declarations were made.

PRC18. MINUTES

Decision

The minute of meeting of the Planning Review Committee held on 25 September 2015 was approved.

PRC19. OPENING REMARKS

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

PRC20. PLANNING APPLICATION - P/15/0238/FUL - ERECTION OF 2 DWELLINGHOUSES, BRAESIDE YARD, SLAMANNAN ROAD, LIMERIGG, FALKIRK FK1 3BJ

The Committee considered documents which related to the Application for Review for planning application P/15/0238/FUL for the erection of two dwellinghouses at Braeside Yard, Slamannan Road, Limerigg, Falkirk.

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

After discussion, and having heard advice from Mr Henderson, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an accompanied inspection of the site.

PR21. PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETS, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE LAND TO THE SOUTH WEST OF DENOVAN HOUSE, DENNY

The Committee considered documents which related to the Application for Review for planning application P/15/0022/FUL for the development of land to form a holiday park with raised deck mounted chalets, camping pods, a deck mounted reception building and ancillary roads and drainage land to the south west of Denovan House, Denny

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

After discussion, and having heard advice from Mr Henderson, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an accompanied inspection of the site.

The meeting adjourned at 1.55 p.m. for the purpose of conducting the site inspections and reconvened at 4.15 p.m., with all those present as per the sederunt.

PRC22. PLANNING APPLICATION - P/15/0238/FUL - ERECTION OF 2 DWELLINGHOUSES, BRAESIDE YARD, SLAMANNAN ROAD, LIMERIGG, FALKIRK FK1 3BJ

The Committee reconvened to give further consideration to the Application for Review for planning application P/15/0238/FUL for the erection of two dwellinghouses at Braeside Yard, Slamannan Road, Limerigg, Falkirk.

After further discussion and having sought and heard advice from Mr Henderson and Mr Campbell, and having given consideration to the material contained within the documentation, the Committee considered that it did had sufficient information within the papers provided in relation to the application for Review, and considered:-

- (1) Policies CG03, HSG05 and RW06 of the Falkirk Local Development Plan - Proposed Plan;
- (2) Policies EQ16, SC03, SC08 and ST12 of the Falkirk Council Local Plan;
- (3) the consultation responses received;
- (4) the representations submitted;
- (5) the site history;
- (6) the supporting documents provided by the applicant; and
- (7) the benefit of the site inspection.

After discussion, and having sought and heard advice from Mr Henderson, the Committee **AGREED:-**

- (1) To **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate; and
- (2) That the preparation of the decision notice be delegated to the Chief Governance Officer.

PRC23. PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETS, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE LAND TO THE SOUTH WEST OF DENOVAN HOUSE, DENNY

The Committee reconvened to give further consideration to the Application for Review for planning application P/15/0022/FUL for the development of land to form a holiday park with raised deck mounted chalets, camping pods, a deck mounted reception building and ancillary roads and drainage land to the south west of Denovan House, Denny.

The Committee considered in detail the undernoted:-

- (1) Biodiversity and Development Supplementary Guidance SG05;
- (2) Trees and Development Supplementary Guidance SG06;
- (3) Landscape Character Assessment and Landscape Designations Supplementary Guidance SG09;
- (4) Policy ECON.7 of the Falkirk Council Structure Plan;
- (5) Policies CG01 CG04 Policy D09 - D12 - GN03 GN04 INF12 of the Local Development Plan;

- (6) Policies EP16, EQ14, EQ18, EQ19, EQ24, EQ25, EQ26 and ST11 of the Falkirk Council Local Plan;
- (7) Falkirk Council Tourism Strategy 2015 - 2020;
- (8) the consultation responses received;
- (9) the representations submitted;
- (10) the site history;
- (11) the supporting documents provided by the applicant;
- (12) the benefit of the site inspection; and the advice sought from Mr Campbell and Mr Henderson.

After discussion, the Committee considered that it did not have sufficient information to allow it to make a determination. Thereafter, the Committee

AGREED:-

- (a) that the matter be continued to a future meeting of the Committee on a date to be agreed;
- (b) that further information in the form of written submissions, be submitted by the applicant as undernoted:-
 - (i) Information in relation to justification as to why the proposed development in terms of matters such as its scale, siting and design is appropriate at this countryside location;
 - (ii) An ecological assessment including a Phase 1 habitat survey and protected species survey;
 - (iii) An assessment of the proposal's effect on the designed landscape of Denovan including a desk top assessment/survey to provide baseline information of Denovan Estate/original historic features;
 - (iv) An assessment of the proposal's effect on Denovan House as a listed building including a desk top assessment/survey to provide baseline information of Denovan Estate/original historic features;
 - (v) A visual landscape assessment, including an assessment of the visual effects from the adjacent road, nearby dwellings and the wider countryside to the south;
 - (vi) Clarification in respect of aspects of the submitted Tree Report in terms of demonstrating environmental sustainability and impact on local landscape, amenity and nature conservation interests;

- (vii) A landscape planting plan with specification of planting to demonstrate mitigation of the identified visual effects of the proposed building/works (screening) and to ensure a diverse woodland character is retained and enhanced in the long term;
 - (viii) A management plan/statement for the woodland to demonstrate that the newly planted native trees and under-storey shrubs will be maintained in initial years to aid rapid establishment and to detail any replacements required and general tree surgery/maintenance;
 - (ix) Superimposing of the final layout (and ideally utility routes) on the plan of the tree root protection areas to fully illustrate the avoidance of damage to tree roots;
 - (x) A basic tree protection plan showing the position of temporary protective fencing around the root protection areas of trees nearest to working areas during the construction process and showing the trees to be removed;
 - (xi) A drainage strategy;
 - (xii) Information on the design, construction and location of the pods, how they integrate into the proposed development and what services would be required by them such as electricity; and
 - (xiii) The status of the timber cabin located on the site of the proposed development; and
- (c) that the written submissions requested be provided within a period of three months from the date of receipt of the request, and
- (d) that the written submissions requested be copied to the interested parties in order that they may make comments in reply.

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 1 DECEMBER 2015 at 9.30 a.m.

COUNCILLORS:

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

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
 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
 Amanda Templeman, acting Depute Chief Finance Officer

EX69. APOLOGIES

Apologies were intimated on behalf of Councillors G Goldie and Mahoney.

EX70. DECLARATIONS OF INTEREST

No declarations were made.

EX71. MINUTE

Decision

The minute of the meeting of the Executive held on 20 October 2015 was approved.

EX72. JOINT CONSULTATIVE COMMITTEE – 11 NOVEMBER 2015

- **TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES POLICY**
- **LONE WORKING POLICY**
- **POLICY AND PROCEDURE FOR THE MANAGEMENT OF VIOLENCE & UNACCEPTABLE ACTIONS AT WORK**

The Executive considered a report by the Director of Corporate and Housing Services presenting the Time Off for Trade Union Duties and Activities Policy, the Lone Working Policy and a Policy and Procedure for the Management of Violence and Unacceptable Actions at Work for consideration.

The policies had been considered by the Joint Consultative Committee on 11 November 2015 and were referred to the Executive for immediate implementation.

Decision

The Executive approved the immediate implementation of the Time off for Trade Union Duties and Activities Policy, the Lone Working Policy and the Policy and Procedure for the Management of Violence and Unacceptable Actions at Work.

Councillors D Goldie and Gow joined the meeting during consideration of this item.

EX73. GROWTH : INVESTMENT : INCLUSION FALKIRK ECONOMIC STRATEGY – FINAL DRAFT

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

The Executive had agreed, on 29 September 2015 (ref EX48), to consult on a draft Economic Strategy and that the policy development panel would consider feedback from the consultation before submitting a final draft strategy to the Executive for approval.

A consultation exercise was carried out between 2 October and 6 November 2015. The policy development panel considered the responses on 16 November 2015.

A final draft Strategy was appended to the report for consideration.

The strategy, which is for the period 2015-2025, sets targets in regard to growth, investment and inclusion. The Strategy will be formally reviewed every five years to ensure that it remains relevant and dynamic.

Councillor D Goldie, seconded by Councillor Gow, moved that the Executive agrees the final Economic Strategy document as developed by the policy development panel and its publication.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved the terms of the motion and, in addition, that the Executive agrees:-

- (1) to instruct officers to carry out a formal review of the strategy every 3 years; and
- (2) to carry out a comprehensive survey of the local business community by directly contacting a minimum of 300 local businesses to get their views on the strategy between now and March 2016.

On a division 7 members voted for the motion and 3 voted for the amendment with voting as follows:-

For the motion (7) – Councillors Blackwood, D Goldie, Gow, C Martin, C R Martin, Nimmo and Nicol.

For the amendment (3) – Councillors Alexander, Coleman and Spears.

Decision

The Executive agreed the motion.

EX74. CAPITAL PROGRAMMES UPDATE REPORT

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

The projected outturn for the 2015/16 Housing Capital Programme was £29.3m, representing a £1.1m underspend on the 2015/16 programme. An outturn of £28.3m had been reported on 29 September 2015 (ref EX51). The report detailed the spend and movement across the programme since then.

The projected outturn for the General Services Capital Programme for 2015/16 was £29.2m (compared to the September figure of £28.9m). The report set out the main areas of spend for 2015/16. It was anticipated that the programme would break even at year end.

The report also set out the Prudential Indicators for 2015/16.

The Executive noted:-

- (1) the budget and forecast position for the General Fund and Housing Capital Programmes for 2015/16; and**
- (2) the Prudential Indicators as set out in appendix 3 of the report.**

EX75. TREASURY MANAGEMENT INTERIM REVIEW 2015/16

The Executive considered a report by the Director of Corporate and Housing Services presenting the mid-term review of the Treasury Management function.

Council approved its Treasury Management Strategy for 2015/16 on 13 May 2015 (ref FC8)

A summary of the mid-term review was provided together with the Treasury Management Prudential Indicators.

The report provided an update in regard to:-

- the economic and interest rate outlook;
- the borrowing strategy;
- the investment strategy;
- the Scottish Government's review of local authority borrowing; and
- elected member training.

In regard to the Investment Strategy, Council has been granted authority to borrow to on-lend to Registered Social Landlords to fund investment in new affordable housing. The loan can be funded by prudential borrowing or cash backed reserves.

The Scottish Government's loans fund review will require a change to the methodology for calculating the debt repayment chargeable to the Revenue Budget and will come into effect in 2021/2022.

Decision

The Executive:-

- (1) noted the progress of the Council's Treasury Management Strategy for 2015/16;**
- (2) noted the potential to on-lend to Registered Social Landlords;**
- (3) noted the potential revenue impact of the loans fund review;**
- (4) noted that the recommendations from Scrutiny Committee in regard to training had been agreed by Council; and**
- (5) agreed to refer the report to Council for consideration.**

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

EX76. REVIEW OF TAXI SCALES AND OTHER CHARGES

The Executive considered a report by the Director of Corporate and Housing Services recommending a scale of fares and charges for the hire of taxis licensed by the Council.

The Council is required to fix the scale of fares and other charges for the hire of taxis at 18 monthly intervals. The current tariff came into effect on 30 September 2013. The report set out the process by which Council must review and set its tariffs together with the recommended tariff.

Following consultation with the Falkirk Taxi and Private Hire Car Forum, it was recommended that the tariff remain unchanged, with the review coming into formal effect on 29 February 2016. Should the Executive agree the proposal, Council is required to give notice of their intention by advertisement in a local newspaper and to consider any representations made before reaching a final decision. Operators of taxis can appeal against a licensing authority's decision in regard to its tariff.

Additionally the report confirmed that all operators would be advised of forthcoming holiday rates. It is the responsibility of operators to have these dates programmed into their respective meters at the conclusion of every review.

Decision

The Executive agreed:-

- (1) to maintain the fare scales and charges at their current levels;**
- (2) to instruct the Chief Governance Officer to advertise the fare scales and charges to take effect from midnight on 29 February 2016;**

- (3) in the event of any written representations being received in respect of the published proposals, a further report will be submitted to the Executive to allow them to be considered; and
- (4) in the event that no written representations are received the proposals will be held as confirmed and formally notified to the consultees.

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 DECEMBER 2015 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan
Paul Garner
Gordon Hughes
Depute Provost John Patrick
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer (CL92-CL96)
John Sleith, Environmental Health & Trading Standards Manager (CL105)

CL92. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Jim Blackwood and Ann Ritchie.

CL93. DECLARATIONS OF INTEREST

No declarations were intimated.

CL94. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 4 November 2015 was approved.

CL95. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN OCTOBER 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 October and 31 October 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL96. CIVIC LICENSING ENFORCEMENT – OCTOBER 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 October 2015.

The committee noted the report.

CL97. KNOWLEDGE TEST FAILURES

The committee considered a report by the Chief Governance Officer detailing (a) the background to the new practice of allowing officers the discretion to consider whether a fourth attempt to pass the knowledge test be afforded to applicants; (b) summarising three applicants' applications and knowledge test results; (c) the options available to members.

Decision

The committee agreed:-

- (1) to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Mr S Kazmi and Mr A Brown, having both failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of the roads in the area, and
- (2) that in light of Mr S Purdie's submission, that he be given another opportunity to take the knowledge test. In the event that he achieves a satisfactory mark in the test and passes the appropriate medical test, the Chief Governance Officer is authorised to grant the application. In the event that the applicant fails the knowledge test, the Chief Governance Officer is authorised to refuse the application. In the event that the applicant passes the knowledge test but not the medical examination, the application will be referred back to committee for further consideration.

CL98. 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.

CL99. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr M, 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 M spoke in support of the application.

Questions were then asked by members of the committee.

AGREED to an adjournment in order that clarification be sought in relation to a date specified within the applicant's record.

The applicant was then recalled to the meeting.

Decision

The committee agreed to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the private hire car driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL100. 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 received 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 grant the private hire car driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL101. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Ms K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received 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.

Ms K 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 she fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence for a period of one year, subject to the standard conditions.

CL102. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr N, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new 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 N 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 he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence for a period of one year, subject to the standard conditions.

CL103. REQUEST FOR NOTICE OF EXEMPTION FROM CARRYING A GUIDE DOG, A HEARING DOG OR AN ASSISTANCE DOG

The applicant, Mr Y, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 6 May 2009 (Paragraph CL4 refers), the committee considered a report by the Chief Governance Officer on an application received 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 attaching as appendices, letters from the applicant's 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, which notice will extend for the period of the licence and will be renewed to reflect the period of any renewed licence for as long as the applicant's medical condition remains unchanged.

CL104. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

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

The committee considered a report by the Chief Governance Officer on an application received for the renewal of a late hours catering licence (a) advising of the background to the application; (b) referring to the recent amendments made to the policy and conditions applicable to late

hours catering licences as it relates to Falkirk Town Centre, and (c) detailing the consultations undertaken and the responses received.

Mr C and Mr R were heard in support of the application.

Questions were then asked by members of the committee.

AGREED that a short adjournment take place.

The applicants were then recalled to the meeting.

Decision

The committee agreed:-

- (1) that there was no justification to depart from Council policy with regard to these premises, and**
- (2) that the following terminal hours be granted for a period of one year, which reflect the Council's policy and conditions applicable to late hours catering licences, within Falkirk Town Centre, namely -**

Sunday to Thursday - 2.30 a.m.

Friday and Saturday – 3.30 a.m.

Sunday to Thursday – 3.30 a.m.*

Friday and Saturday – 4.30 am.*

***during the festive period and on recognised Bank Holidays (as defined in Falkirk Council Licensing Board's Statement of Licensing Policy)**

CL105. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Mr E, together with his friend, Mr K, and Mr Sleith, Environmental Health & Trading Standards Manager, all entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; (b) outlining the licence conditions; (c) detailing the consultations undertaken and responses received, and (d) summarising the experience and training of the proposed tattooist.

Mr E spoke in support of the application.

Mr Sleith was then heard in relation to the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the skin piercing and tattooing licence for a period of one year subject to the standard conditions.

CL106. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr M; Sergeant I McGregor and Brian Renton (Licensing Section), both Police Scotland, all 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) detailing the consultations undertaken and responses received, which included an objection submitted by Police Scotland, and (c) detailing the applicant's record.

Mr M advised that he had no preliminary points to make on the competency of the objection following which it was circulated.

Sergeant McGregor then spoke in amplification of the objection.

There being no questions for Sergeant McGregor from the applicant or members of the committee, the Convener invited the applicant to present his case.

Mr M was then heard in relation to the objection and in support of his application.

Questions were then asked by members of the Committee.

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

The applicant, Mr M, Sergeant McGregor and Brian Renton left and were then recalled to the meeting.

Decision

Having considered carefully the objection from Police Scotland and having had regard to the submission by the applicant which emphasised the passage of time from the last reported road traffic offence and his changed personal circumstances, the committee agreed to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence for a period of six months, subject to the standard conditions and with a warning letter. Should the applicant apply to renew the licence thereafter, then the application will be remitted back to the committee for consideration.

FALKIRK COUNCIL

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 3 DECEMBER 2015 at 9.30 AM.

COUNCILLORS:

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

OFFICERS:

Fiona Campbell, Head of Policy & ICT Improvement
 Jack Frawley, Committee Services Officer
 Frank Kennedy, Service Manager, Children's Services
 Kathy McCarroll, Head of Social Work
 Colin Moodie, Depute Chief Governance Officer

S28. APOLOGIES

No apologies were received.

S29. DECLARATIONS OF INTEREST

No declarations of interest were made.

S30. MINUTES

Decision

- (1) The minute of the meeting of the Scrutiny Committee held on 15 October 2015 was approved and it was noted that there were outstanding reports in relation to:
 - i) Social Work Children & Families budget position update;
 - ii) Social Work Adult Services overspend update;
 - iii) Rowans budget process, and
 - iv) contract management;
- (2) The minute of the meeting of the Performance Panel held on 1 October 2015 was noted, and
- (3) The minute of the meeting of the Performance Panel held on 19 November 2015 was noted.

S31. SCRUTINY PANEL UPDATE – OUTCOMES FOR LOOKED AFTER CHILDREN

The committee considered a report by the Director of Children's Services providing an update on the work of the panel to date. Appended to the report were the panel's scoping document and four notes of meeting. Kathy McCarroll provided an overview of the report and highlighted that the next meeting of the panel would hear evidence from young people and their representatives.

Members agreed that it was important to hear the views of young people and asked why that meeting was to be held in early 2016 when it had initially been scheduled for late 2015. Kathy McCarroll advised that a meeting to specifically consider corporate parenting had been added to the schedule and therefore the original schedule had been revised.

The committee asked if, in its evidence gathering, the panel had identified addiction issues in families as a significant issue. Councillor Meiklejohn, the convener of the scrutiny panel, stated that addiction was emerging as a key issue and she noted that the Community Planning Partnership were working on the area as a priority. Members discussed the role of the Falkirk Alcohol and Drug Partnership and Fiona Campbell advised that the partnership was reviewing the balance of care to consider more community support. Further, the Community Planning Partnership's strategic plan was under review and would have more focus on substance misuse.

Members asked for further information on a Champions Board, which had been discussed at the corporate parenting meeting of the scrutiny panel. Fiona Campbell stated that the panel had considered what the best approach to corporate parenting for looked after children would be. They had been provided with examples of practice from across the United Kingdom, a number of authorities had already created Champions Boards. The examples showed that a variety of roles and remits were in place in different authorities for their Champions Boards. In some cases the Board was there only to promote a child's interests, while in other cases there would be direct contact with looked after children. The Council had submitted a funding bid in order to engage young people for their views on what they wanted from a Champions Board, it was felt to be important that the aspirations of the Council matched those of young people. Kathy McCarroll advised that the Service had received notification that the Council's funding bid had been successful.

The committee asked how other Champions Boards had measured success. Fiona Campbell stated that as Champions Boards were a relatively new approach most evidence was anecdotal on the different models and what their impact had been. Where authorities felt their model was not working well they had revised the approach taken.

Decision

The committee noted the progress made by the scrutiny panel – outcomes for looked after children to date and its programme of meetings for 2016.

S32. SCRUTINY PLAN UPDATE

The committee considered a report by the Director of Corporate and Housing Services providing an update on progress made against the Scrutiny Plan for 2015 and inviting the committee to consider the establishment of its next Scrutiny Panel. Colin Moodie provided an overview of the report.

Members discussed areas which potentially merited further scrutiny. Housing repairs and the maintenance programme was raised along with the approach taken to engaging tenants and owner/occupiers in the Scottish Housing Quality Standards programme. Members noted that a report on contract management, which had been requested previously, was scheduled to be presented to the next meeting of the committee. The committee also highlighted the devolved school management budget as an area for future consideration, focussing on how it is determined and what it is used for. Further, the committee highlighted the area of fees and charges requesting that a report focussed on non-statutory charges and a concessionary policy was submitted to a future meeting. Members commented that these reports should include information on what other councils do.

The committee also discussed how to increase the engagement of communities in service delivery and design. After consideration the committee noted that the convener would write to the Leader of the Council suggesting that a policy development panel be established on the topic.

Members discussed the establishment of a scrutiny panel on the operation of the Council's complaints system. They agreed that the panel would comprise five members with three drawn from the Opposition and two from the Administration and nominations provided to the Chief Governance Officer.

Decision

The committee agreed to:-

- (1) establish a Scrutiny Panel on the operation of the complaint system within the Council, in particular, the extent to which complaint outcomes are considered lessons learned for the future. The scope of the Scrutiny Panel will include customer feedback as well as formal complaints;**
- (2) request further information on the following areas in order to determine the topic to be included as the third item on the 2015/16 Scrutiny Plan:**
 - i) the devolved school management budget;**
 - ii) fees and charges, and**
 - iii) in relation to the outstanding contract management report that this include the engagement of tenants and owners in the housing repairs and maintenance programme.**

S33. AUDIT SCOTLAND: AUDITING BEST VALUE - A NEW APPROACH

The committee considered a report by the Director of Corporate and Housing Services providing an update on the thinking of the Accounts Commission and Audit Scotland on the future of Best Value and Best Value Audits. A letter from Douglas Sinclair, Chair of the Accounts Commission, was appended to the report. Fiona Campbell provided an overview of the report.

Decision

The committee noted the report.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 7 DECEMBER 2015 commencing at 9.20 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
John McLuckie
Malcolm Nicol

OFFICERS:

Douglas Blyth, Team Leader, Legal Services
Ian Dryden, Development Manager
Alan Finlayson, Senior Planning Officer
Michael Walker, Trainee Civil Engineering Technician
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator

P99. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson; Councillor Mahoney and Oliver.

P100. DECLARATIONS OF INTEREST

No declarations were made.

P101. CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) ON LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK FOR MS CLAIRE STEVENSON – P/15/0475/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 November 2015 (Paragraph P98 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for a change of use from vacant land to retail car sales area (part retrospective) at a site formerly vacant ground on land to the south of 2 High Station Road, Falkirk.

The location for the meeting was the area in front of 15 Woodside Court facing the car storage area.

The Convener introduced the parties present.

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

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

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

Mr Sinclair, the Director of the applicant company, was heard in relation to the application.

Captain Clark, on behalf of the Salvation Army, an objector, and was heard in relation to the application.

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

The objections included the following issues:-

- The overspill parking from site in surrounding area particularly Comely Park School and Salvation Army;
- The impact on visual amenity from car storage;
- The impact on privacy from customers viewing cars and CCTV cameras;
- The road safety impacts on the busy High Station Road;
- The access to the sub-station being restricted;
- The potential fire risk arising from petrol; and
- That the one letter of support was submitted on no grounds.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by a Special meeting of the Planning Committee later that morning.

Members thereafter viewed the proposed public access and parking area at High Station Road.

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 7 DECEMBER 2015 at 11 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
John McLuckie
Malcolm Nicol
Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation
Douglas Blyth, Team Leader, Legal Services
Ian Dryden, Development Manager
Alan Finlayson, Senior Planning Officer
Rose Mary Glackin, Chief Governance Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator

P102. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson; Councillors Garner, Mahoney and Oliver.

P103. DECLARATIONS OF INTEREST

No declarations were made.

P104. CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIMARY SCHOOL GROUNDS AND ERECTION OF FENCE (RETROSPECTIVE) ON LAND TO THE NORTH OF BANKIER PRIMARY SCHOOL, BANKIER ROAD, BANKNOCK FOR FALKIRK COUNCIL – P/15/0460/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 28 October and 25 November 2015 (Paragraphs P82 and P94 refer), Committee (a) gave further consideration to a report to the meeting on 25 November 2015 by the Director of Development Services on an application for full planning permission for the change of use of public open space to primary school grounds and the erection of a 2.8 metre high steel mesh fence (retrospective) on a site consisting of a grassed amenity area within an existing open space on land to the north of Bankier Primary School, Bankier Road, Banknock.

Decision

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

- (1) Within three months of the date of the permission (or any other timescale that may be agreed in writing by the Planning Authority), the details of 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) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of all new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/ densities; and
 - (iv) A programme for completion and subsequent maintenance.

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

Reason:-

- (1) To safeguard the visual amenity of the area.

P105. CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) ON LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK FOR MS CLAIRE STEVENSON – P/15/0475/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 November 2015 (Paragraph P98 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for a change of use from vacant land to retail car sales area (part retrospective) at a site of formerly vacant ground on land to the south of 2 High Station Road, Falkirk.

Decision

Having expressed concern about the application of policy HSG06 to the southern part of the development, the Committee agreed to continue consideration of the application to a future meeting to allow officers to liaise with the applicant in relation to the issues raised.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 8 DECEMBER 2015 at 9.30 A.M.

COUNCILLORS: Baillie William Buchanan (Convener)
Colin Chalmers
Paul Garner (for application P/14/0428/FUL (minute PRC 28 and 30)
John McLuckie
Malcolm Nicol

OFFICERS: Donald Campbell, Development Management Co-ordinator
Iain Henderson, Legal Services Manager
Antonia Sobieraj, Committee Services Officer

PRC24. APOLOGIES

No apologies were intimated.

PRC25. DECLARATIONS OF INTEREST

Councillor Garner declared a non financial interest in item 4 (minute PRC27 and PRC31) by virtue of him being a close neighbour 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.

PRC26. OPENING REMARKS

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

PRC27. PLANNING APPLICATION - P/15/0320/FUL - ERECTION OF 3 DWELLINGHOUSES AND ASSOCIATED ACCESS ROAD ROUGHMUTE TRANSPORT DEPOT, LARBERT FK5 3NP

The Committee considered documents which related to the Application for Review for planning application P/15/0320/FUL for the erection of three dwellinghouses and associated access road at Roughmute Transport Depot, Larbert.

The Committee heard a short presentation from Mr Campbell, who provided a summary of the application and the papers before the Committee, including reference to the Report of Handling, the reasons for refusal of the application now being reviewed and the applicant's supporting statement.

After discussion, and having heard advice from Mr Henderson, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an unaccompanied inspection of the site.

PRC28. PLANNING APPLICATION - P/14/0428/FUL - DEMOLITION OF EXISTING CLUBHOUSE BUILDING AND ERECTION OF 14 NO. RESIDENTIAL UNITS WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE WESTQUARTER WORKERS WELFARE, WESTQUARTER AVENUE, WESTQUARTER, FALKIRK

The Committee considered documents which related to the Application for Review for planning application P/14/0428/FUL for the demolition of an existing clubhouse building and the erection of 14 residential units with associated parking, landscaping and infrastructure at Westquarter Workers Welfare, Westquarter Avenue, Westquarter, Falkirk.

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

After discussion, and having heard advice from Mr Henderson, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an unaccompanied inspection of the site.

The meeting adjourned at 9.50 a.m. for the purpose of conducting the site inspections and reconvened at 11.30 a.m., with all those present as per the sederunt.

PRC29. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), the Convener 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.

PRC30. PLANNING APPLICATION - P/14/0428/FUL- DEMOLITION OF EXISTING CLUBHOUSE BUILDING AND ERECTION OF 14 NO. RESIDENTIAL UNITS WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE WESTQUARTER WORKERS WELFARE, WESTQUARTER AVENUE, WESTQUARTER, FALKIRK

The Committee gave further consideration to the Application for Review for planning application P/14/0428/FUL for the demolition of an existing clubhouse building and the erection of 14 residential units with associated parking, landscaping and infrastructure at Westquarter Workers Welfare, Westquarter Avenue, Westquarter, Falkirk.

After further discussion and having sought and heard advice from Mr Henderson and Mr Campbell, and having given consideration to the material contained within the documentation, the Committee considered that it did had sufficient information within the papers provided in relation to the application for Review, and considered:-

- (1) Scottish Government Designing Streets;
- (2) Scottish Planning Policy;
- (3) Education and New Housing Development Supplementary Guidance SG10;
- (4) Open Space and New Development Supplementary Guidance SG13;
- (5) Open Space and New Development Environmental Report Supplementary Guidance SG13;
- (6) Policies HSG03, HSG04, INF02, INF04, INF05, D03, and GN04 of the Falkirk Local Development Plan;
- (7) the consultation responses received;
- (8) the site history;
- (9) the supporting documents provided by the applicant; and
- (10) the benefit of the site inspection.

After discussion, and having sought and heard advice from Mr Henderson, the Committee **AGREED**, Councillor Chalmers dissenting:-

- (1) To **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate; and
- (2) That the preparation of the decision notice be delegated to the Chief Governance Officer.

The meeting adjourned at 12.25 p.m. and reconvened at 12.35 p.m., with all those present as per the sederunt.

PRC31. PLANNING APPLICATION - P/15/0320/FUL - ERECTION OF 3 DWELLINGHOUSES AND ASSOCIATED ACCESS ROAD ROUGHMUTE TRANSPORT DEPOT, LARBERT FK5 3NP

The Committee reconvened to give further consideration to the Application for Review for planning application P/15/0320/FUL for the erection of three dwellinghouses and an associated access road at Roughmute Transport Depot, Larbert.

After further discussion and having sought and heard advice from Mr Henderson and Mr Campbell, and having given consideration to the material contained within the documentation, the Committee considered that it did had sufficient information within the papers provided in relation to the application for Review, and considered:-

- (1) Policies CG01, CG02, CG03 and GN28 of the Falkirk Local Development Plan;
- (2) the Cycle Application Plan;
- (3) the consultation responses received;
- (4) the representation submitted;
- (5) the site history;
- (6) the supporting documents provided by the applicant; and
- (7) the benefit of the site inspection.

After discussion, and having sought and heard advice from Mr Henderson, the Committee **AGREED:-**

- (1) To **GRANT** planning permission subject to (a) conditions relating to (1) lighting at the access to the site; (2) turning left onto the A804, and (3) there being no access to the site from the transport depot, and (b) other such conditions as the Director of Development Services shall deem appropriate; and
- (2) That the preparation of the decision notice be delegated to the Chief Governance Officer.

DRAFT**FALKIRK COUNCIL**

MINUTE of JOINT MEETING of the PENSIONS COMMITTEE/BOARD held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 10 DECEMBER 2015 at 9.30 A.M.

PRESENT:

Committee:-
 Councillors Falkirk Council:-
 Jim Blackwood
 Steven Carleschi
 Dr Craig R Martin (Convener)

Andrew Douglas, Unison
 Ian McLean, Pensioner Representative

Board:-
 Susan Crook, Unison
 Gordon Laidlaw, Scottish Autism
 Tommy Murphy, GMB
 Jennifer Welsh, SEPA

ATTENDING:

Alastair McGirr; Pensions Manager
 Bryan Smail, Chief Finance Officer
 Antonia Sobieraj, Committee Services Officer

ALSO IN ATTENDANCE:

Bruce Miller, Investment Manager and Andrew Imrie, Portfolio Manager, Lothian Pension Fund
 Louise Dodds, Audit Scotland
 William Marshall and Linda Selman, Hymans Robertson
 Anne Marie Gillon and Steven Hay, Baillie Gifford
 Robin Hay and David Moylett, Newton Investment Management

PE25. CONVENERSHIP OF MEETING

In terms of Standing Order 12.1, the Clerk presided at the start of the meeting in the absence of the Convener and invited a member of the Committee to take the Chair for the duration of the meeting. Councillor Dr Craig R Martin, Falkirk Council thereafter took the Chair with the consent of members present.

PE26. APOLOGIES

Apologies were intimated on behalf of Depute Provost John Patrick and Councillor Tom Coleman, Falkirk Council; Councillor Archie Drummond, Clackmannanshire Council; Councillor Colin Campbell, Stirling Council; Sandy Harrower, UCATT; Herbie Schroder, UNITE; and Ed Morrison, Scottish Children's Reporter Administration's (SCRA).

PE27. DECLARATIONS OF INTEREST

No declarations were made.

PE28. OPENING REMARKS

Prior to the formal commencement of business, the Chief Finance Officer advised of the impending retirement of Linda Selman, Hymans Robertson as adviser to the Committee, former Panel and Board over many years. The Committee and Board thanked Linda for her sterling support and commitment to the work of the Pension Fund and wished her well for the future.

PE29. MINUTE**Decision**

The minute of the joint meeting of the Pensions Committee and Board on 24 September 2015 was approved, subject to the amendment at item 3 (PE16) to record that the 31 March 2014 funding level quoted in paragraph 3.4 of the report to the Committee on 26 June 2015 should have been 84.8% and not 86%.”

PE30. GENERAL GOVERNANCE MATTERS

The Committee and Board considered a report by the Director of Corporate and Housing Services presenting an update on various matters associated with the governance of the Falkirk Council Pension Fund.

The areas covered within the report included the following:-

- The Pensions Increase;
- The Proposed Scheme Changes;
- The Local Government Pension Scheme Advisory Board;
- The Scottish Parliament Infrastructure Report;
- The Pensions and Lifetime Savings Association; and
- The Local Authority Pension Fund Forum (LAPFF) of 58 local authority Pension Funds including work relating to the Fund supporting LAPFF as it bid to file a resolution on carbon disclosure at the next AGM of Anglo American.

Decision

The Committee and Board noted the report.

PE31. PENSION FUND - INVESTMENT SUB GROUP UPDATE

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

The Pensions Committee had agreed on 26 June 2015 to the establishment of an Investment Strategy Sub Group, the purpose being to review the Fund's Investment Strategy and make appropriate recommendations to the Committee. The Group would take forward a de-risking plan within the context of a wider review of the Strategy.

The Sub Group had to date held four meetings and the minute of the meeting on 2 October 2015 were attached as an Appendix to the report. The next meeting of the Sub Group would be held in late January/early February 2016 when the Group would review the decision taken to date and work towards producing coherent draft proposals.

Decision

The Committee and Board noted the report.

PE32. 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; and
- Schroder Investment Management (UK Equities and Property)

Decision

The Committee and Board noted the Fund Managers' performance and the action taken by them during the quarter to 30 September 2015, in accordance with their investment policies.

PE33. PRIVATE EQUITY AND ALTERNATIVES UPDATE

The Committee and Board considered a report by the Director of Corporate and Housing Services on the progress of the Pension Fund's private equity and alternatives investment programme for SL Capital (Standard Life), Wilshire Associates, Grosvenor Capital, M&G, Hearststone and Lothian Co-Investments for the quarter ending 30 September 2015.

Decision

The Committee and Board noted the progress of the Pension Fund's private equity and alternatives investment programme for the quarter ending 30 September 2015.

The Committee agreed:-

- (1) a further commitment of \$80m to Grosvenor Capital's CIS II Fund; and
- (2) a commitment of £30m to the Fund's collaboration in infrastructure investment with Lothian Pension Fund.

The meeting adjourned at 11.15 a.m. and reconvened at 11.25 a.m., with all those present as per the sederunt.

PE34. UK INFRASTRUCTURE

The Committee and Board considered a report by the Director of Corporate and Housing Services on the latest developments in identifying options for investing in UK infrastructure projects.

The report provided options for progressing investment in UK infrastructure including:-

- The Fund's commitment is £30m and being envisaged that monies would be invested in approximately 5 or 6 separate projects and providing appropriate diversification across the portfolio;
- That potential investment opportunities were sourced and analysed by the in-house investment team based in Edinburgh;
- That due diligence process included preliminary and final investment review meetings;
- The final investment decision being made by the Chief Finance Officer on a project by project basis; and
- That whilst investments were predominantly UK/Scottish, it is noted that some individual projects may contain a small element of continental European exposure.

The investments during 2015 included approximately 150 infrastructure investment opportunities were entered into the deal pipeline, of which 40 were deemed suitable, meeting the Fund's investment strategy criteria. 27 of these opportunities were rejected, while 9 remain in the deal pipeline. 4 investments were completed in 3 new investments and 1 follow-on investment.

The 3 new investments were classified under the Availability and Regulated risk type and involved assets in the UK (with 2 investments in Scotland). They were forecast to have target net returns of 7-9% per annum and were partially correlated with inflation, structured as single asset funds and led by different external specialist managers, whilst progressed alongside Lothian Pension Fund

Decision

The Committee and Board noted the report.

PE35. PRESENTATION - BAILLIE GIFFORD

The Committee and Board received a presentation by Anne Marie Gillon and Steven Hay, Baillie Gifford.

The presentation covered the undernoted:-

- Fund Valuation and Distribution;
- Performance;
- Corporate Bonds;
- Investment - Rates and Currency Positions;
- Diversified Growth Performance and Valuation; and
- Portfolio Positioning.

The Convener thanked Ms Gillon and Mr Hay for their comprehensive presentation.

PE36. PRESENTATION - NEWTON INVESTMENT MANAGEMENT

The Committee and Board received a presentation by Robin Hay and David Moylett, Newton Investment Management.

The presentation covered the undernoted:-

- Investment Performance and Performance Attribution;
- Impact of State Intervention;
- Data Revolution;
- Transaction Highlights 2015;
- Portfolio Positioning;
- Investment Outlook;
- Performance Attribution;
- Shaping the Portfolio; and
- Global Equities and opportunities Strategy;

The Convener thanked Mr Hay and Mr Moylett for their comprehensive presentation.

MINUTE of MEETING of the COMMON GOOD SUB-COMMITTEE (FALKIRK) held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 10 DECEMBER 2015 at 9.15 AM.

COUNCILLORS: Craig R Martin
Cecil Meiklejohn
Provost Pat Reid

OFFICERS: Hilary McArthur, Accountancy Services Manager
Brian Pirie, Democratic Services Manager

CGF9. APOLOGIES

An apology was submitted on behalf of Depute Provost John Patrick.

CGF10. DECLARATIONS OF INTERESTS

Provost Reid declared a financial interest in item CGF 14 as Hon. Vice President of Falkirk District Scouting and took no part in the discussion or decision making on this item.

CGF11. MINUTE

Minute of the meeting held on 19 June 2015.

Decision

The minute was agreed.

CGF12. PROGRESS REPORT CAMELON WAR MEMORIAL PROJECT

The Sub-Committee considered a report by the Director of Corporate and Housing Services providing an update on the Camelon War Memorial Fund project.

The sub-committee had awarded, on 29 April 2015 (ref CGF4), £20,000 to the Camelon War Memorial Fund Committee for the erection of a war memorial at Lock 16 in Camelon.

The award had been made in principle subject to the following conditions being met:-

- due diligence being satisfied in terms of Camelon War Memorial Fund Committee constitution, approved accounts and committee meeting records
- all four local members are appraised regularly on progress
- payment of the £20,000 funding being met by payment of accounts in relation to the work

The due diligence has now been completed. To date the foundations have been completed. A deadline was set for names to be determined. However further names were provided after the deadline. A further search was carried out and the committee is able to instruct the steel contractor to proceed. Erection is likely to be in January or February 2016.

Decision

The committee noted the report.

CFG13. 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 Paragraphs 6&9 of Part 1 of Schedule 7A of the said Act.

CFG14. APPLICATION FOR FINANCIAL ASSISTANCE TO THE STEEPLE RESTORATION

The sub-committee considered a report by the Head of Economic Development and Environmental Services detailing an application for funding for assistance towards the restoration of Falkirk Steeple.

The report gave details of the Falkirk Steeple restoration project and provided background to a shortfall in funding of £98,700. The overall cost of the conservation and maintenance costs, £637,700 will be met from the Falkirk Townscape Heritage Initiative and Falkirk Council. It was recommended that the shortfall is met by a special contribution from the Common Good Fund in recognition of the historical significance of the steeple.

Decision

The sub-committee agreed to award £98,700 from the Falkirk Common Good Fund over financial years 2015/16 and 2016/17 towards the cost of delivering the restoration of the Steeple as a Priority Project and Grade A listed asset of the Council, to be delivered through the Falkirk Townscape Heritage Initiative.

In accordance with his declaration Provost Reid left the meeting following this item. In terms of Standing Order the quorum for the meeting is 3 members. Consequently the meeting was now inquorate. The following item was not considered.

CFG15. APPLICATION FOR FINANCIAL ASSISTANCE TO 1ST FALKIRK SCOUT GROUP

This item was not considered as the meeting was inquorate.

DRAFT**FALKIRK COUNCIL**

MINUTE of the MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 14 DECEMBER 2015 at 9.30 a.m.

MEMBERS:

Councillor Steven Carleschi
 Councillor Tom Coleman
 Roseann Davidson (Convener)
 Councillor Rosie Murray
 Baillie Joan Paterson
 Depute Provost John Patrick
 Provost Pat Reid

OFFICERS:

Deirdre Cilliers, Head of Social Work Adult Services
 Rhona Geisler, Director of Development Services
 Kenny McNeill, Educational Resources Manager
 Gordon O'Connor, Internal Audit Manager
 Brian Pirie, Democratic Services Manager
 Mary Pitcaithly, Chief Executive
 Stuart Ritchie, Director of Corporate & Housing Services
 Amanda Templeman, Acting Depute Chief Finance Officer

ALSO ATTENDING:

Jim Rundell, Audit Scotland

AC35. APOLOGIES

No apologies were intimated.

AC36. DECLARATIONS OF INTEREST

No declarations were made.

AC37. MINUTE**Decision**

The minute of the meeting of the Audit Committee held on 21 September 2015 was approved.

Baillie Joan Paterson joined the meeting following this item.

AC38. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), the convener varied the order of business from that detailed on the agenda for their meeting. The following items are recorded in the order that they were taken at the meeting.

AC39. EXTERNAL AUDIT UPDATE

The committee considered a report by their External Audit Manager providing an update on 2015/16 External Audit work.

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 Scotland's Public Sector Workforce: Impact Report;
- Progress against the 2015/16 External Audit plan; and
- The process for appointing an External Auditor for the period 2016/17 to 2020/2021.

Members sought clarification on the process of appointing the Council's next External Auditors. It was considered good practice to rotate audit teams to maintain independence and to 'freshen' the audit relationship. Mr Rundell confirmed that it was likely that the new team would be a private sector firm. For the previous 3 'rotations' Falkirk Council had been 'held' by Audit Scotland. He confirmed, following a question, that procedures were in place should an authority require to raise a complaint in regard to private sector auditors. He also gave an overview of the audit process in regard to the Integration Joint Board.

The committee discussed the audit plan for 2015/16 and sought assurance that the work could be completed before the handover to new auditors in September 2016. Both Mr Rundell and the Acting Deputy Chief Finance Officer confirmed that learning points arising from the audit of the accounts for 2015/16 would be implemented for the 2016/17 audit process.

Decision

The committee noted the report.

AC40. REVIEW OF INTERNAL AUDIT 2015/16

The committee considered a letter from Audit Scotland setting out the findings of its review of Internal Audit 2015/16.

Audit Scotland's Code of Audit Practice requires the Council's external auditor to undertake, annually, an assessment of the adequacy of the internal audit function.

Following a review and assessment, Audit Scotland concluded that Internal Audit operates in compliance with the Public Sector Internal Audit Standards (PSIAS) and has appropriate documentation standards and reporting procedures in place.

The report also highlighted those areas of Internal Audit work on which Audit Scotland will place reliance.

The Internal Audit Manager provided an update on the arrangements for auditing the Integration Joint Board. A report will be submitted to the Board when it becomes fully operational on 1 April 2016 setting out proposals for the Internal Audit function. In response to questions from the committee, Mr O'Connor confirmed that Internal Auditors from the Council and the Health Board would continue to work closely to review the governance arrangements for the Board prior to its start date.

Decision

The committee noted the report.

AC41. INTERNAL AUDIT PROGRESS REPORT

The committee considered a report by their Internal Audit Manager providing an update on the Internal Audit Plan for 2015/16.

In regard to the plan, 9 assignments had been completed, 6 were in progress and 6 had not yet started.

Internal Audit performance to date, as measured by 5 key performance indicators, was broadly comparable to performance at the same point in 2014/15.

The report set out the key findings of those assignments which have been completed in 2015/16, and the position in relation to recommendations outstanding.

The committee sought an explanation for the limited assurance provided following the review of civic events and receptions. The Internal Audit Manager confirmed that the review identified the potential to better capture the documentation and rationale for decisions taken. It was not intended that the outcome would be an overly bureaucratic process.

The Internal Audit Manager provided details in regard to the current review of reducing bureaucracy in schools. The focus of the review was to ensure that the application of the controls in place were efficiently applied across the service, streamlining where possible.

Members sought confirmation on the reasons why a number of planned reviews had not yet started and asked whether there was criteria for scheduling reviews. The Internal Audit Manager stated that, for example, the reviews around financial risks had been completed first because Audit Scotland placed reliance on these, and that the review of information security was programmed to begin once the mobile and flexible working pilot was underway. Additionally, auditors had comfort as a consequence of previous reviews of information systems, such as Integra and SEEMIS. All reviews would be completed in 2015/16.

Decision

The committee noted:-

- (1) the progress in completing planned 2015/16 Internal Audit work;**
- (2) the Internal Audit performance, as reported at paragraph 2.3 of the report;
and**
- (3) the position in relation to Recommendations Outstanding.**

AC42. BEST VALUE AUDIT 2014/15

The committee considered a report by the Director of Corporate and Housing Services setting out how Council will address issues arising from Audit Scotland's best value review of Falkirk Council.

The controller of Audit published his findings following a best value audit review of Falkirk Council by Audit Scotland.

Council considered a report on the review and findings on 7 October 2015 and agreed an Improvement Plan to address the issues raised in the audit. Council also agreed that there will be further discussion between the Leader of the Council, the Leader of the Opposition and the Provost regarding its implementation and agreed to receive a report on progress with the actions set out in the plan in March 2016.

The committee discussed the Business Transformation Board and the review of Standing Orders. The Director of Corporate and Housing Services confirmed that the Board had met once since Council on 7 October and that the minutes of its meetings would be submitted to the Budget Working Group. Members stressed the need for the review of Standing Orders to be completed by 31 March 2016. The committee discussed the role of members in decision making, stating that input and involvement should be at an early stage. The Chief Executive acknowledged the point, highlighting the purpose of policy development panels and scrutiny panels as examples of early member involvement in the decision making process.

The committee discussed the Improvement Plan. The convener stated that the Audit Committee would monitor its progress and have regard to any slippage. The committee discussed the recommendation from Audit Scotland that the Performance Panel should meet in public. Council had not agreed with this and meetings will be held in private although the agendas and papers will be available online. Following a discussion on this, the Chief Executive stated that Council had made its decision following debate and there was cross party support on this.

Following a question, the Chief Executive stated that she was unaware of formal protocols in regard to MSPs/MPs corresponding with elected members. However, this would be clarified. The committee then discussed training for elected members and questioned whether training in regard to scrutinising performance should be mandatory of all members. The Director of Corporate and Housing Services confirmed that training would shortly be provided for this but there had been no directive from elected members that participation should be mandatory.

Decision

The committee noted the report.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the SCRUTINY COMMITTEE (EXTERNAL) held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 7 JANUARY 2016 at 9.30 a.m.

COUNCILLORS:

David Balfour
Gordon Hughes
Steven Jackson (Convener)
Charles MacDonald
Brian McCabe
Depute Provost John Patrick

OFFICERS:

Fiona Campbell, Head of Policy, Technology & Improvement
Jack Frawley, Committee Services Officer
Gary Greenhorn, Head of Planning & Resources
Iain Henderson, Legal Services Manager
Mark Meechan, Community Learning & Development Manager
Andrew Wilson, Policy & Community Planning Manager

ALSO ATTENDING:

Chief Inspector Damian Armstrong, Police Scotland
Detective Superintendent David Gordon, Police Scotland
Detective Chief Inspector Wilson Gill, Police Scotland
Chief Superintendent John Hawkins, Police Scotland
Inspector Amy McGregor, Police Scotland
Detective Chief Inspector Laura McLuckie, Police Scotland
Superintendent Mandy Paterson, Police Scotland

SE20. APOLOGIES

An apology was received on behalf of Councillor Murray.

SE21. DECLARATIONS OF INTEREST

There were no declarations of interest.

SE22. MINUTE**Decision**

The minute of meeting of the Scrutiny Committee (External) held on 12 November 2015 was approved.

Councillor Hughes entered the meeting during consideration of the following item of business.

SE23. FOLLOWING THE PUBLIC POUND 2014/15 MONITORING REPORT – COMMUNITY DEVELOPMENT

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. Gary Greenhorn provided an overview of the report.

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

(a) Denny Community Support Project

Mark Meechan provided an overview of the report, advising that Denny Community Support Project received a direct grant of £29,250 in the period and a grant of £22,000 from the Community Safety Partnership.

The committee discussed the monitoring of organisations within FPP and the role of joint working agreements. Mark Meechan advised that joint working agreements were developed through negotiation with funded organisations and provided an understanding of actions which would be taken along with outcomes which should be achieved. In response to a question on the structure of monitoring, Mark Meechan advised that there were monitoring officers who were responsible to their normal line managers and directorate. He stated that monitoring was also achieved through the presentation of reports to the committee and auditors, while voluntary organisations of a charity nature also submitted their accounts to the Office of the Scottish Charity Regulator (OSCR). Fiona Campbell advised that all monitoring officers were provided with a risk assessment framework which informed the risk rating which is then presented in the reports to committee. Further, the budget process includes a review of external funding and makes recommendations.

Decision

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

(b) Dennyloanhead Community Project

Mark Meechan provided an overview of the report, advising that Dennyloanhead Community Project had received £12,561 of Council funding in the reporting period.

The committee asked about digital learning opportunities and who had benefited. Mark Meechan highlighted, as an example of those accessing the courses, that the volunteers and parents who ran the playgroup had used a number of other classes at the project. Further, a number of parents from the playgroup had enrolled their older children in other classes.

Members asked about the accreditation available through courses at the project. Mark Meechan stated that there was an SQA qualification available for IT but that it required completion of ten, one hour units which was not what the learners wanted as it was too much of a time commitment. For young people he advised that the Duke of Edinburgh and Saltire Awards were available.

The committee asked about the provision for older people and what IT courses they accessed. Mark Meechan advised that older people were welcome to participate in any class and that there had been demand for an iPad training course. This had been offered at the Wider Access to School Project.

Decision

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

(c) The Powerstation

Mark Meechan provided an overview of the report, advising that The Powerstation received £10,620 of Council funding and £3,500 of in-kind support in the reporting period.

The committee asked for information on the role of community education workers in supporting the project. Mark Meechan advised that there were three Community Learning and Development staff involved with the project, one had a specific focus on capacity building. There had been work undertaken with the management committee which had developed specific skills. The organisation had received funding from the Coalfields Regeneration Trust for a period of three years to train a local person to be a community worker which would build community capacity. The funding would be on stream in early 2016.

Decision

The committee approved the report and acknowledged progress by The Powerstation in meeting Council priorities.

(d) Workers Education Association

Mark Meechan provided an overview of the report, advising that the Workers Education Association received £49,635 of Council funding and £8,000 of in-kind support for the reporting period.

Members asked about lifelong learning and if the skills developed in adult literacy were found to benefit others and spread through communities. Mark Meechan stated that there was improved confidence in a community where adult literacy improved and that more people were able to participate more widely. He highlighted direct benefits such as the ability to participate in a child's homework and having more confidence in dealing with banks and utility bills.

Decision

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

(e) Dobbie Hall Trust

Mark Meechan provided an overview of the report, advising that Dobbie Hall trust received £14,356 of Council funding for the reporting period.

The committee asked for further information on the repair works required to the fabric of the building. Gary Greenhorn stated that officers from Children's Services and Development Services were looking at the issue to identify costs. It would cost approximately £200,000 to make the building wind and water tight. Therefore the service was working to identify priority areas of work to best utilise the £60,000 which was initially available from the capital programme. Further, the service was working to identify external funds to assist in the repair works due to the historical importance of the building.

Members asked if the most recent accounts for the organisation had been audited. Gary Greenhorn stated that many organisations did not hold their annual general meetings until August and September and that the accounts would be provided to the Council subsequent to this.

Decision

The committee approved the report and acknowledged progress by Dobbie Hall Trust in meeting Council priorities.

(f) CVS Falkirk & District

Andrew Wilson provided an overview of the report, advising that CVS Falkirk & District received £113,748 of Council funding for the reporting period.

The committee asked for further information on the decrease to Trading Income. Andrew Wilson advised that he did not have further information available but that the Chief Executive had put in place measures to focus on the organisations core activities and funds were aligned to that. The Council was satisfied with the reserves position of the organisation.

Decision

The committee approved the report and acknowledged progress by CVS Falkirk & District in meeting Council priorities.

SE24. POLICE SCOTLAND – FALKIRK AREA COMMAND PERFORMANCE REPORT

The Committee considered a report by the Director of Corporate and Housing Services providing as an appendix 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.

The committee received a presentation by Detective Superintendent David Gordon, Detective Chief Inspector Wilson Gill and Detective Chief Inspector Laura McLuckie providing information on the Criminal Investigation Department (CID) – Forth Valley Division. The presentation covered the aims of the department; the service structure; CID operations, and the public protection unit.

The committee thanked the officers for their presentation and commented on the positive work which had been undertaken by CID locally.

Chief Superintendent John Hawkins then provided the committee with an overview of the Falkirk Policing Performance Scrutiny Report for 1 April to 30 September 2015.

The committee discussed the role of ward based officers and commented that they had made positive contributions including regular attendance of community councils. Members also discussed the role of schools based police officers. Mandy Paterson stated that a new model for ward officers had been introduced. Officers who were well known in local areas had been selected and where there were officers who were less well known meet and greet sessions had been put on. Police Scotland was keen that there would be consistent representation at community events and that people would get to know all levels of management in communities. John Hawkins advised that the changes to the model had been brought in as officers desired more clarity on their role and time dedicated for community work.

Members discussed counter terrorism and asked if this area was overseen nationally. John Hawkins stated that counter terrorism was an area where the benefit of a national service delivered locally was seen as there was national command but with local officers involved in delivery. Further, he highlighted the CONTEST strategy and that additional information could be provided to members if desired.

The committee discussed the enforcement of parking restrictions at schools. Mandy Paterson advised that the issue had been raised on multiple occasions but that there were not sufficient resources to attend all schools during peak times. She stated that where officers had issued warnings drivers had taken notice of these and that when officers were present restrictions would be enforced. However, she stated that enforcement was not the long term answer and that a change of culture was required to modify behaviours. The police were looking to work with Falkirk Community Trust and Children's Services to encourage more people to walk to school.

Members asked if the use of mobile speed indicator signs could be increased as they were felt to be an effective tool in combating speeding. Mandy Paterson stated that it would be looked at and that such signs had previously been used in Bainsford.

The committee asked if any of the reported deaths relating to drug use were due to the use of legal highs. Mandy Paterson advised that there were no confirmed instances but that one of the deaths may have been related to the use of legal highs. She advised that in most cases deaths relating to drug use were the result of a lifestyle of abuse and that multiple substances were involved. She commented that there was a belief that there was an increased number of hospital admissions relating to the use of legal highs and that in other Council areas there had been a rise of violence associated with legal highs. Fiona Campbell stated that the Falkirk Drug & Alcohol Partnership would provide further information on legal highs to members in the future.

Decision

The committee noted the report.

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 12 JANUARY 2016 at 9.30 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:

Robin Baird, Waste Strategy Co-ordinator
Nick Burgess, Service Manager, Children's Services
Arlene Fraser, Committee Services Officer
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Robert Naylor, Director of Children's Services
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer

EX77. APOLOGY

An apology was intimated on behalf of Councillor Nicol.

EX78. DECLARATIONS OF INTEREST

No declarations were made.

EX79. MINUTE

Decision

The minute of the meeting of the Executive held on 1 December 2015 was approved.

Councillor G Goldie entered the meeting during consideration of the following item.

EX80. PROCESSING OF BLUE BIN MATERIAL AND CHARTER FOR HOUSEHOLD RECYCLING IN SCOTLAND

The Executive considered a report by the Director of Development Services presenting the current situation regarding the processing of the Council's blue bin material as well as an update on the recommendations of the Policy Development Panel (PDP), which was established to consider the implications of the Charter for Household Recycling in Scotland.

Members had agreed at the Executive meeting on 20 October 2015 (ref EX68), to authorise the Director of Development Services to review all costs associated with the blue bin collection service in order to present options to a future meeting. Since October 2015, various factors have impacted on the cost of processing blue bin material, with costs having reached unsustainable levels.

Two available options have been identified, which are to either remain with the current provider/seek an alternative provider, or to process the material at the Council's current bulking facility.

The report also referred to the Household Recycling Charter for Scotland which was agreed by CoSLA leaders in August 2015. The Charter identified 21 key principles and referred to the development of a Code of Practice for use by local authorities in Scotland in an effort to achieve consistency across waste and recycling services.

The Executive established a policy development panel on 20 October 2016 (ref EX68) to consider the implications of the forthcoming Recycling Charter. The report summarised the work of the panel, which comprised Councillors Dr C R Martin (chair), S Bird, J Blackwood, P Garner and A Nimmo. After completion of the PDP process, members agreed that the principles of the Charter for Household Recycling in Scotland were sound and as such agreed to recommend the signing of the Charter to the Executive.

Decision

The Executive agreed:-

- (1) that the processing of the Council's blue bin material be undertaken at the Council's current bulking facility and authorised the Director of Development Services to take forward the measures required for implementation as set out at Option 2 (paragraphs 2.7-2.9) in the report, and**
- (2) to sign the Charter for Household Recycling in Scotland and to the development of a transition plan for future consideration.**

The Executive wished to convey its thanks to the refuse collection team for the work they carried out during the festive period in what were, at times, extreme weather conditions.

Councillor G Goldie left the meeting during consideration of the following item.

EX81. FALKIRK COMMUNITY JUSTICE DRAFT TRANSITION PLAN

The Executive considered a report by the Director of Children's Services detailing the Community Planning Partnership's requirement to produce a Community Justice Plan to the Scottish Government by 31 January 2016, and attaching as an appendix, the Falkirk Community Justice draft Transition Plan for consideration.

At present, the Community Justice Bill is before Parliament and includes the abolition of the role and function of the Community Justice Authority for Fife and Forth Valley. The Bill sets out the responsibilities to be undertaken by the Community Planning process within Council areas from 1 April 2017.

The Community Planning Partnership's draft Transition Plan sets out the proposed governance arrangements for Falkirk Community Justice during the "shadow" year 2016/17.

Decision

The Executive endorsed the draft Transition Plan for submission to the Community Planning Partnership for its approval.

Councillor Gow left the meeting after consideration of the foregoing item of business.

Councillors G Goldie and Gow re-entered the meeting during consideration of the following item of business.

EX82. FINANCIAL POSITION 2015/16

The Executive considered a report by the Director of Corporate and Housing Services advising of the financial position of the Council for 2015/16 and reflecting on the situation as at 31 December 2015. The opportunity was also taken to update Members on the position of the Reserves consistent with the policy approved by the Executive in January 2015.

Net expenditure was currently forecast to be £2.055m (0.6%) below the approved budget, which was a favourable movement of £1.780m from the position reported in October. The report summarised the main deviations from budget.

Spending within the Housing Revenue Account was in line with budget, leading to projected year-end reserves of £5.093m.

The projected year end positions in regard to the Trading Account and General Fund Reserves were also provided, together with details of movement on the Repairs and Renewals Fund. Information was also provided on workforce changes and the progress made by Services to date.

The Executive noted:-

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

EX83. SCOTTISH GOVERNMENT BUDGET AND LOCAL GOVERNMENT SETTLEMENT 2016/17

The Executive considered a joint report by the Chief Executive and the Director of Corporate and Housing Services summarising the implications for local government, following the announcement of the Scottish Government draft Budget and the Local Government Settlement 2016/17.

The 2016/17 draft Scottish Government Budget proposes a 3.5% (£350m) reduction in local government revenue support, whereas Health is to receive a 3.3% increase. Part of the £400m increase in Health is accounted for by the £250m directed to the new Health and Social Care Partnerships. However, it is still to be clarified as to what access the Council will have to this fund and what room for manoeuvre there will be for the Council in considering its budget setting.

The General Capital grant allocation for Falkirk Council for 2016/17 is £10.6m, which is c15% less than the current financial year.

This reduction in the Council's grant resources essentially increases the deficit for 2016/17 from that previously projected by £6m to nearly £25m. The Council's share of the £250m directed to new Health and Social Care Partnerships has been estimated, and would broadly match the extra £6m shortfall.

The Deputy First Minister had written to all Councils on 16 December 2015, setting out the terms of the settlement and package of measures. He requested that any Council not intending to take up the offer and agree the terms of the full package of measures, write to him by 22 January 2016.

Councillor C Martin, seconded by Councillor Dr C R Martin, moved that a response be sent to Mr Swinney advising that, until the position on the £250m, together with penalties for not accepting the proposals in Mr Swinney's letter is clarified, Falkirk Council is not reasonably in a position to accept his offer.

Decision

The Executive:-

- (1) **noted the draft Scottish Government Budget and Local Government Settlement 2016/17, and**
- (2) **agreed that a response be sent to Mr Swinney advising that, until the position on the £250m, together with penalties for not accepting the proposals in Mr Swinney's letter, is clarified, Falkirk Council is not reasonably in a position to accept his offer.**

EX84. THE COMMISSION ON LOCAL TAX REFORM

The Executive considered a report by the Director of Corporate and Housing Services summarising the findings from the Commission on Local Tax Reform's (the Commission) report titled "Just Change: A New Approach to Local Taxation".

The Commission was established jointly between the Scottish Government and CoSLA and was tasked with identifying and examining alternatives to the current council tax which would deliver a fairer system of local taxation in order to support the funding of local government services.

It is highlighted in the Commission's report that a new taxation system could not be enacted prior to the local government elections in 2017.

Decision

The Executive noted the contents of the report.

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 JANUARY 2016 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
Baillie William Buchanan
Paul Garner
Gordon Hughes
Baillie Joan Paterson (Convener)
Depute Provost John Patrick
Ann Ritchie
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer

CL107. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Baillie Paterson 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.

CL108. APOLOGY

An apology for absence was intimated on behalf of Provost Reid.

CL109. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non-financial interest in Items CL122 and CL123 by virtue of having prior knowledge of the applicants, in consequence of which she recused herself from consideration of the items, having regard to the objective test in the Code of Conduct.

CL110. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 2 December 2015 was approved.

CL111. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN NOVEMBER 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 November and 30 November 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL112. CIVIC LICENSING ENFORCEMENT – NOVEMBER 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 November 2015.

The committee noted the report.

CL113. KNOWLEDGE TEST FAILURES

The committee considered a report by the Chief Governance Officer (a) summarising two applicants' applications and knowledge test results, and (b) the options available to members.

Decision

The committee agreed to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Mr Purdie and Mr Somerville, having both failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL114. 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.

CL115 APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

Mr McD, agent and Mr C, employee of the applicant company, 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 the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant company's record.

Decision

The committee agreed to grant the late hours catering licence for a period of one year subject to the standard conditions.

CL116. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE

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

The committee considered a report by the Chief Governance Officer on an application received for the variation of a late hours catering licence (a) advising of the background to the application; (b) referring to the recent amendments made to the policy and conditions applicable to late hours catering licences as it relates to Falkirk Town Centre, and (c) detailing the consultations undertaken and the responses received.

Mr C and Mr R were heard in support of the application.

Questions were then asked by members of the committee.

AGREED that a short adjournment take place.

The applicants were then recalled to the meeting.

Decision

The committee refused the application for the variation of a late hours catering licence as there was no justification to depart from Council policy with regard to these premises.

Councillor Ritchie left the meeting after consideration of the previous item of business.

CL117. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE

Members were advised that two letters of objection had been received in respect of the application and that both had been received within the 28 days permitted for objections.

The two objectors, Mr N and Mr D entered the meeting accompanied by their agent, Mr S and Mr K, Interpreter.

The Licensing Co-ordinator advised that the applicant, Mr S, had contacted the Licensing Office on 11 January stating that he was unable to attend due to illness and requested that the matter be continued. Mr S, had also confirmed that he had an appointment with his GP today.

Discussion took place on the continuation request made by the applicant.

Decision

The committee agreed to continue the application to a future meeting of the Civic Licensing committee to allow the applicant to be in attendance.

CL118. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1889

Two of the complainants, Mr N and Mr D entered the meeting accompanied by their agent, Mr S. Three additional complainants, Mr T, Mr P and Mr S were also in attendance. Members were advised of the background to the complaint and the requests received seeking the suspension of the taxi driver licence.

The Licensing Co-ordinator advised that the appellant, Mr S, had contacted the Licensing Office on 11 January stating that he was unable to attend due to illness and requested that the matter be continued. Mr S, had also confirmed that he had an appointment with his GP today.

Discussion took place on the continuation request made by the appellant.

Decision

The committee agreed to continue the matter to a future meeting of the Civic Licensing committee to allow the applicant to be in attendance.

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

CL119. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

Mr M, a Director of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new private hire car operator 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 grant the private hire car operator licence for a period of one year subject to the standard conditions.

CL120. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr H, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received 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 H 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 he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL121. APPLICATIONS FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER AND PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Ms F, entered the meeting.

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

Ms F spoke in support of the applications.

Questions were then asked by members of the committee.

Decision

The committee agreed:-

- (1) to instruct officers to arrange for the applicant to undertake a medical; and should she fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant private hire car driver licence for a period of one year, subject to the standard conditions, and
- (2) to grant the new private hire car operator licence for a period of one year, subject to the standard conditions.

CL122. 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) summarising 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 for a period of one year subject to the standard conditions and with a severe warning letter.

CL123. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1886

The complainant, Mrs S entered the meeting accompanied by her witness, Ms S.

The licence holder, Mr S S entered the meeting accompanied by his agent, Mr S and Mr K, interpreter.

Mr S raised a preliminary matter relating to the format of the hearing and, in particular to the witness being present at this stage, and whether or not to hear evidence from said witness.

After hearing from the Clerk in response to the preliminary matter, the committee agreed to a short adjournment.

The committee adjourned at 11.50 a.m. and reconvened at 12 noon with all members present as per the sederunt, with the exception of Councillor Ritchie.

The committee agreed that Ms S be heard as a witness for the complainer but that she be asked to leave until she was called to give evidence by Mrs S. Ms S left the meeting at this stage.

Members were advised of the background to the complaint which related to the alleged failure of the taxi driver to fulfil a hire that was pre-booked in breach of taxi driver licence conditions Nos. 15, 26 & 27.

Reference was made to the wording within recommendation 6.2(b) of the report which contained an error. It was confirmed that the appellant had been cited to be heard in relation to whether or not a condition of the licence had been contravened per paragraph 11(2)(d) of the Civic Government (Scotland) act 1982.

Mrs S spoke in amplification of the complaint, a copy of which had been circulated to the committee.

Mrs S called her witness. Ms S entered the meeting.

Having heard from the Council's Enforcement Officer that the typed witness statement was the same as the signed, handwritten witness statement made by Ms S, the committee agreed to the typed witness statement being circulated.

Ms S then spoke in relation to the matters outlined in her witness statement.

Questions were asked of Mrs S and Ms S by members of the committee and by the appellant's agent.

Having heard from the Council's Enforcement Officer that the typed witness statement was the same as the signed, handwritten witness statement made by Ms C, the committee agreed to the typed witness statement being circulated.

Further questions were asked of Ms S by members of the committee and by the appellant's agent.

Mr S was then heard in relation to the complaint.

Questions were asked of Mr S, by members of the committee and by the complainant.

The committee agreed to a short adjournment.

The committee adjourned at 2.15 p.m. and reconvened at 2.25 with all members present as per the sederunt, with the exception of Councillor Ritchie.

Further questions were asked of Mr S by members of the committee and by the complainant.

There being no further questions, both parties summed up.

The committee agreed to a further adjournment to enable members to consider the submissions.

The complainant, Mrs S, her witness, Ms S; the appellant, Mr S S, his agent, Mr S and the interpreter, Mr K all left the meeting.

The committee adjourned at 2.45 p.m and reconvened at 3.30 p.m. with all members present as per the sederunt, with the exception of Councillors Blackwood and Ritchie.

The complainant, Mrs S, her witness, Ms S; the appellant, Mr S S, his agent, Mr S and the interpreter, Mr K were recalled to the meeting.

Decision

The committee, having considered the submissions before it, was not satisfied that the licence should be suspended and therefore agreed to take no further action.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 1 FEBRUARY 2016 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan (Convener)
 Colin Chalmers
 Steven Carleschi
 Paul Garner
 Adrian Mahoney
 Craig Martin
 John McLuckie
 Malcolm Nicol
 Martin Oliver
 Sandy Turner

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

P106. MINUTE'S SILENCE

Prior to commencement of business, the Committee held a minute's silence in commemoration of those who had lost their lives in the M9 motorway crash on 29 January 2016.

P107. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson and Councillor Nimmo.

P108. DECLARATIONS OF INTEREST

No declarations were made.

P109. REQUEST FOR SITE VISITS

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/15/0266/FUL, P/15/0580/FUL and P/15/0364/FUL.

P110. MINUTES**Decision**

- (a) The minute of meeting of the Planning Committee held on 25 November 2015 was approved;
- (b) The minute of meeting of the Planning On-Site Committee held on 7 December 2015 was approved; and
- (c) The minute of special meeting of the Planning Committee held on 7 December 2015 was approved.

P111. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/14/063) ORDER 2015 – OCHIL VIEW, DENNY

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/14/063) Order 2015 to reserve a parking space for disabled persons on Ochil View, Denny.

Decision

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

P112. THE FALKIRK COUNCIL (B810 STATION ROAD, POLMONT) (PROHIBITION OF WAITING) ORDER 2015

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (B810 Station Road, Polmont) (Prohibition of Waiting) Order 2015 to prohibit waiting on Station Road, Polmont, Falkirk.

Decision

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

P113. THE FALKIRK COUNCIL (UNION ROAD AND MAIN STREET, CAMELON, FALKIRK) (PROHIBITION OF SPECIFIED TURNS AND ONE WAY TRAFFIC) ORDER 2015

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (Union Road and Main Street, Camelon, Falkirk) (Prohibition of Specified Turns and One Way Traffic) Order 2015.

In accordance with Standing Order 38.1(x) the Convener gave consent to Councillor G Goldie to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

Decision

The Committee agreed to continue consideration of the order to allow further transport assessment modelling to be undertaken of the options including the proposal recommended in the report and traffic signalling.

P114. ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 25 March, 29 April and 25 November 2015 (Paragraphs P131, P9 and P96 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 erection of 8 semi-detached dwellinghouses on the north side of Fountainpark Crescent, Bo'ness.

Decision

The Committee:-

- (1) noted the report and the previous report dated 25 November 2015; and**
- (2) agreed to continue consideration of the application and if the Section 75 Planning Obligation or Section 69 Agreement has not been concluded by 29 April 2016, the Director of Development Services be authorised to refuse the application for the reason detailed in the report.**

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

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

P115. 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 Committee held on 25 March, 29 April, 25 June and 28 October 2015 and (Paragraphs P132, P10, P34 and P77 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 in relation to conditions imposed in a planning permission granted 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.

Decision

The Committee:-

- (1) noted the report; and
- (2) agreed that (a) update reports be provided to all future meetings of the Committee until the matters detailed in the report have been resolved; and (b) the report to the next meeting on 24 February 2016 will include information on SEPA's involvement.

P116. DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK FJ2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP

With reference to Minutes of Meetings of the Planning Committee held on 10 September, 29 October and 27 November 2014 (Paragraphs P57, P74 and P98 refer), Committee gave (a) 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 planning permission in principle for the development of land for residential use with associated car parking, servicing, landscaping and access at Firs Park, Firs Street, Falkirk.

Decision

The Committee agreed:-

- (1) to continue consideration of the application;
- (2) to the requirement for the submission of an amended Transport Assessment in terms satisfactory to the Director of Development Services being converted into a suspensive condition; and

- (3) if the Section 75 Planning Obligation or Section 69 Agreement (as considered appropriate by the Director of Development Services) had not been recorded by 29 March 2016, the Director of Development Services shall be authorised to refuse the application for the reason detailed in the report.

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

P117. DEVELOPMENT OF UP TO 550 HOUSES, A NEIGHBOURHOOD CENTRE INCLUDING RETAIL AND COMMUNITY USES, ACCESS JUNCTIONS, NEW ACCESS ROADS, PROVISION OF A NATURE CONSERVATION AREA, ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND TO THE NORTH OF BANKVIEW NURSING HOME, KILSYTH ROAD, BANKNOCK FOR I & H BROWN LTD - P/10/0360/PPP

With reference to Minutes of Meetings of the Planning Committee held on 1 February and 7 March 2012 and 25 February 2015, (Paragraphs P122, P135 and P155 refer), Committee gave (a) 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 planning permission in principle for the development of land for up to 550 dwellinghouses, a neighbourhood centre including retail and community uses, a nature conservation area and associated infrastructure including access junctions, new roads and paths, surface water drainage facilities and landscaping on land to the north of Bankview Nursing Home, Kilsyth Road, Banknock.

Decision

The Committee:-

- (1) noted the report;
- (2) approved the updated masterplan as detailed in Appendix 5 to the report;
- (3) agreed to the updated terms of the Section 75 Planning Obligation and the updated planning conditions detailed within the report; and
- (4) agreed to continue consideration of the application noting that if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted (with the updated planning conditions detailed in the recommendation to the report) by 30 April 2016, the matter will be brought back to Committee for further consideration and potential refusal.

Councillors Oliver and Carleschi left the meeting prior to consideration of the following item of business.

P118. ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND 6 FLATTED DWELLINGS AND ASSOCIATED CAR PARKING AT SPAR AND FLAMES, SALMON INN ROAD, POLMONT, FALKIRK FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL

With reference to Minutes of Meeting of the Planning Committee held on 25 March, 29 April and 27 May 2015 (Paragraphs P133, P8 and P20 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 erection of a shop, hot food take-away and 6 flatted dwellings with associated car parking at Spar and Flames, Salmon Inn Road, Polmont, Falkirk.

Decision

The Committee:-

- (1) noted the content of the report; and
- (2) agreed to continue consideration of the application and if the Section 69 Agreement has not been concluded by 29 March 2016, the Director of Development Services shall be authorised to refuse the application for the reason detailed in the report.

P119. CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) ON LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK FOR MS CLAIRE STEVENSON - P/15/0475/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 November and the Special meeting on 7 December 2015 (Paragraphs P98 and P105 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 a change of use from vacant land to retail car sales area (part retrospective) at a site of formerly vacant ground on land to the south of 2 High Station Road, Falkirk.

Decision

The Committee agreed to refuse planning permission on the grounds that the proposal is contrary to Policies HSG06 and TC03(3) at the southern part of the site in so far as it would have an adverse impact upon the residential amenity of neighbouring properties.

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

- P120. ERECTION OF TELECOMS STREETWORKS TOWER AT SCOTTISH FIRE AND RESCUE, MAIN ROAD, MADDISTON, FALKIRK FK2 0LG FOR EVERYTHING EVERYWHERE - P/15/0266/FUL**
- P121. ERECTION OF A SINGLE WIND TURBINE MAXIMUM BLADE TIP HEIGHT OF 78 METRES, HUB HEIGHT OF 50 METRES AND ASSOCIATED ELECTRIC CABINET AND ACCESS TRACK AT POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON, FALKIRK FOR FINE ENERGY LTD - P/15/0580/FUL**
- P122. ERECTION OF 167 HOUSING UNITS WITH SUPPORTING INFRASTRUCTURE AND GREEN SPACE ON LAND TO THE SOUTH OF KINGLASS COTTAGE, BORROWSTOUN ROAD, BO'NESS FOR MILLER HOMES AND AWG PROPERTY LTD - P/15/0364/FUL**
- P123. ERECTION OF DWELLINGHOUSE AT CASTLEHILL, LINLITHGOW EH49 6LW FOR MR DAVID MORTON - P/15/0662/PPP**

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse on as site comprising land forming part of a former group of redundant agricultural buildings (now demolished), including a farmhouse, and a farm extending north to meet the B825 at the east end of the Loan village at Castlehill, Linlithgow.

Decision

The Committee considered that the dwellinghouse proposed by the development while not strictly in accord with the Development Plan was acceptable in the circumstances of the particular case as the proposed development would be (1) within the footprint of the former demolished agricultural buildings; (2) sympathetic to the former character of the site; (3) in accord with Policy GN02 "Landscape", and (4) an enhancement to the visual amenity of the area. The Committee accordingly agreed to grant planning permission in principle subject to (a) a condition requiring the submission of an up to date flood risk assessment in terms satisfactory to the Director of Development Services; (b) the provision of a bellmouth and visibility splays at the entrance to the site satisfactory to the Director of Development Services, and (c) such other conditions as shall be determined by the Director of Development Services.

FALKIRK COUNCIL

MINUTE of MEETING of the EDUCATION EXECUTIVE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 2 FEBRUARY 2016 at 9.30 AM.

COUNCILLORS: David Alexander
 Jim Blackwood
 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
 Michael Rollo

CO-OPTEES: Mike Ablett (Parent Representative)
 Jonathan Barclay (Pupil Representative)
 Martin Craigen (Parent Representative)
 Margaret Smith (Teacher Representative)

OFFICERS: Danny Cairney, Accountancy Services Manager
 Gary Greenhorn, Head of Planning and Resources
 Colin Moodie, Depute Chief Governance Officer
 Robert Naylor, Director of Children's Services
 Anne Pearson, Head of Education
 Brian Pirie, Democratic Services Manager

EE36. CONVENER'S REMARKS

The convener expressed the Education Executive's condolences to the families and friends of the victims of the M9 motorway crash on 29 January 2016 in which 4 people were killed.

EE37. APOLOGIES

Apologies were intimated on behalf of Councillor Tom Coleman and Fiona Craig.

EE38. DECLARATIONS OF INTEREST

No declarations were made.

EE39. MINUTE**Decision**

The minute of the meeting of the Education Executive held on 10 November 2015 was approved.

EE40. RELOCATION/DECANT OF MARINER SUPPORT SERVICES

The Education Executive considered a report by the Director of Children's Services proposing the temporary relocation of the Mariner Support Services from Weedinghall to the former Focus School site, at Laurieston.

The Education Executive had agreed, on 29 September 2015 (EE28) to progress with a bid to purchase the former Focus School site in Lauriston. It was proposed in the business case for the procurement of the site that the Mariner Support Service would be relocated from Weedinghall to Laurieston. The report set out the progress on site since the keys were handed to the service in December 2015 and summarised the outcome of consultations with parents, staff and pupils on the temporary relocation of the site. It was proposed that the relocation would take place during Easter 2016.

Support for the proposed relocation had been positive. A consultation would be necessary should the Service wish to make the relocation permanent.

Decision

The Education Executive agreed to:-

- (1) **approve the temporary decant/move of the Mariner Support Service from Weedinghall to the new Focus School site during Easter 2016;**
- (2) **instruct the Director of Children's Services to ensure that all parents, pupils and staff remain involved and are kept up to date with the progress of the move; and**
- (3) **instruct the Director of Children's Services to bring a further report to Education Executive to request permission to undertake a statutory consultation on making the move permanent at a future date.**

Councillor Gow joined the meeting during consideration of the previous item.

EE41. NEW ASN SECONDARY SCHOOL – ADVANCED/ENABLING WORKS

The Education Executive considered a report by the Director of Children's Services seeking approval to commence Phase I advance/enabling works at the new ASN School and to commence Phase II advance works subject to confirmation that costs would be within the overall agreed capital budget.

As part of the new ASN School Project a number of advance enabling works required to be undertaken. These included the formation of site openings, drainage works and site hoardings. The cost of these works was included in the agreed budget. Works to divert a culvert had not been included in the budget but were necessary. The contractor had proposed that all enabling works are carried out at the same time, thereby reducing the overall project cost by approximately £39,000. Additionally street lighting works were required the cost of which was not included in the budget for the project.

It was proposed that the enabling works are undertaken in two phases:-

Phase I Enabling Works

- formation of site openings (funded within contract)
- culvert diversion (funded by Council)
- installation of street lighting (funded by Council).

The total estimated cost of this work was approximately £221,000 which would be met from the All Schools Capital Improvements Budget and the existing allocation for the new ASN School in the Capital Programme.

It was proposed that these works would start onsite immediately to ensure that the overall project timeframe was maintained.

Phase II Enabling Works

- site hoardings
- drainage
- lowering of existing services at site openings
- groundworks (site scrape and excavation and piling mat installation).

The cost of these works was £409,000 and would be funded from the capital budget for the new ASN School. However it was proposed that these would only proceed upon receipt of written confirmation that the final project costs were within the overall capital budget of the project.

Decision

The Education Executive agreed:-

- (1) to note the requirement to proceed with a package of advance/enabling works prior to Financial Close to meet the overall programme timescales and the proposal to undertake this work in the cost effective manner as detailed in section 4.2 of the report;**
- (2) the Phase I advance/enabling work and that works commencing onsite immediately; and**
- (3) the Phase II advance works, subject to written confirmation being received from Hubco that the final costs will be within the overall agreed capital budget.**

FALKIRK COUNCIL

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 4 FEBRUARY 2016 at 9.30 AM.

COUNCILLORS:

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

OFFICERS:

Danny Cairney, Acting Depute Chief Finance Officer
 Fiona Campbell, Head of Policy and ICT Improvement
 Jack Frawley, Committee Services Officer
 Kenny Gillespie, Property and Asset Manager
 Nikki Harvey, Service Manager, Adult Services
 Kathy McCarroll, Head of Social Work
 Joe McElholm, Head of Social Work Adult Services
 Robert McMaster, Head of Roads and Design
 Colin Moodie, Depute Chief Governance Officer
 Robert Naylor, Director of Children's Services

S34. APOLOGIES

No apologies were received.

S35. DECLARATIONS OF INTEREST

Councillor Chalmers declared a non-financial interest in item S37 as a relation of a service user and advised that he considered that this required him to recuse himself from consideration of the item.

S36. MINUTE**Decision**

The minute of the meeting of the Scrutiny Committee held on 3 December 2015 was approved.

In accordance with his declaration, Councillors Chalmers left the meeting at this point. Baillie Paterson entered the meeting during consideration of the following item.

S37. ROWANS SHORT BREAK SERVICE

The committee considered a report by the Head of Social Work Adult Services providing an update to the report considered by the committee on 15 October 2015 (ref SC23). The report provided information on the consultation and engagement work which had been undertaken with families who would be affected by the service closure; occupancy levels; the views of service users and families and lessons learned from the budget decision process. Colin Moodie provided an overview of the report.

Members made comments in relation to the need for better engagement with service users and families where service re-design was considered. There was also discussion of the service available at the Meadows and whether or not this provided a suitable alternative for service users of the Rowans. The committee then heard a statement from the portfolio holder, Councillor L Gow, advising that as no suitable alternative provision had been identified locally the Administration were not minded to close the Rowans. Members welcomed the statement from the portfolio holder.

The committee asked how respite provision like that offered at the Rowans was provided in other authorities. Joe McElholm advised that some authorities still offered services similar to the Rowans but that there had been a diversification of how respite was provided due to the impact of self directed support and individual budgets. In the longer term it was felt that people would want to have a choice in the type of respite provision they accessed. The Service would continually review in this area and look at ways to modernise services.

Members asked for further information regarding the provision of placements at the Meadows. Nikki Harvey stated that the Service had been advised by PSS that the Meadows would close on 9 March 2016 and that all Scottish provision was being withdrawn.

In response to a question on the impact of this decision on service users at the Meadows, Nikki Harvey advised that families had only just been notified of the decision and that the service would support those affected as much as possible. She stated that the Rowans did provide services to some people with critical needs but that most current service users from the Meadows would need to access provision outwith the Council area. She advised that the Service would look at the occupancy at the Rowans to identify if there were opportunities to utilise space there for people affected by the closure of the Meadows. However, she also stated that the Rowans could not meet the needs of all those currently utilising the Meadows as there were no tilt and turn baths or profiling beds.

Members requested that the Service work with those families who had used their allocation at the Rowans for the year already in anticipation of a March closure.

The committee discussed that although the decision to close the Rowans had been part of the provisional budget for 2016/17 some of the preparatory actions had needed to be taken in 2015/16 and asked how a better approach would be taken to future decisions. Joe McElholm stated that the starting point for the Service was achieving good outcomes for service users and families. He advised that discussion and engagement would be widely held but stated that decisions could not just be about what people wanted and that the Service also needed to develop and modernise, particularly in relation to self directed

support. He highlighted the importance of having outcomes focussed conversations and that there would be more formalised structures for engagement.

Decision

The committee agreed to refer the report to the Executive and recommend that:-

- (i) where service redesign is undertaken in the future it is carried out using a model of co-production with service users, and**
- (ii) there is greater clarity provided around decisions made in the budget process.**

Councillor Chalmers rejoined the meeting at this point.

S38. SOCIAL WORK ADULT SERVICES OVERSPEND 2014/15

The committee considered a report by the Head of Social Work Adult Services providing information on the current budget position with Social Work Adult Services and actions taken to address the overspend. Joe McElholm provided an overview of the report.

Members discussed the sustainability of provision of services at Summerford and Oakbank, the Closer to Home project and the levels of home care provision provided by the Council and independent sector. Colin Moodie stated that there were challenges to both in-house and external provision of home care. He advised that the unit cost for an hour of home care provided in-house was more expensive than that in the independent sector. The Council was implementing a system of real time monitoring of home care staff to ensure that the service was run as efficiently as possible and to allow better comparison of unit price costs for an hour of care. Longer term commissioning with independent sector partners was being looked at. He stated that there was currently a mixed economy in place of in-house and independent provision. Joe McElholm advised that conditions for in-house care staff were generally better than those in the independent sector but that both recruited from the same pool of people. He stated that in the future the service could be designed to offer high quality dementia and end of life care in-house while utilising the independent sector to provide care to maintain people.

The committee sought information on the impact of the implementation of the living wage for carers. Joe McElholm advised that there was a complicated set of arrangements involved in the implementation. The Scottish Government was providing £250m to Integration Joint Boards (IJBs) for health and social care which would be distributed in proportion to each authority. It was anticipated that 50% of the allocation received by Falkirk would be used to implement the living wage payment for social care workers. Colin Moodie stated that work was required to scope across the range of independent providers, including care homes, to identify the cost of the measure. The convener stated that the living wage would not be implemented until October 2016.

Members commented that the issues relating to social care were replicated across the country and sought information on what other authorities were doing. Joe McElholm stated that the Service liaised with other authorities regularly and was keen to learn from practice elsewhere. He stated that the key messages from other authorities were the same

as in Falkirk, that a focus on prevention was important along with a shift to self care/self management and the utilisation of reablement and intermediate care beds.

The committee discussed the impact of the introduction of the living wage on small companies who had been procured to provide social care and the Council's retention of modern apprentices in social care. In response to comments on the work of the IJB, the Chairperson of the IJB, Councillor A Black advised that the strategic plan had not yet been finalised. The approach to social care which was supported by the IJB was that of home first and information on projects to support this would be shared more widely with elected members along with information about locality planning and the Advice Line For You (ALFY). She advised that there was a delayed discharge group with senior staff from NHS Forth Valley and the Council which met weekly and that there was a long term cultural change required to implement the home first ethos. She noted that the Council was responsible for funding residential care. The committee requested that a briefing note to all elected members was used to disseminate information on the IJB including an indication of the financial benefits of new projects. Colin Moodie confirmed that this could be done and stated that the Closer To Home project was in a very early stage but that a report would be submitted to the IJB in June to review project spending and associated impact.

Members discussed further the implementation of the living wage in social care and asked if the funding from the Scottish Government would be sufficient to meet the costs. Colin Moodie advised that calculating the impact in terms of Council employed carers would be relatively straight forward as their current rate of pay and the numbers affected were known. However, there would be a challenge in making the calculation in relation to the multiplicity of private providers and it was not known at this stage if the additional funding from the Scottish Government would be sufficient to cover the costs. It was also assumed that private providers would contribute 25% toward meeting the costs for their carers.

The committee asked that if there was a shortfall in funding for the implementation of the living wage if the Council would be required to make up the difference. Colin Moodie advised that the situation was not known at this time as no guidance had been issued on the matter.

In relation to the actions being taken to manage the budget pressures, members asked what amount was likely to be saved. Joe McElholm stated that it was difficult to give an exact figure as there were many variables involved. He highlighted the importance of reviewing complex care packages.

The committee asked what options would be available to the IJB if the overspend was replicated next year when it took over responsibility for the budget. Colin Moodie stated that the IJB should try to control overspends in certain areas by underspending elsewhere and take actions to address areas of overspend. If the overspend could not be addressed in this fashion then the IJB could ask the constituent parties, NHS Forth Valley and Falkirk Council, for extra funding. He advised that the actions presented in the report should move spending in the right direction and that historically the Service had been able to stay within budget.

Members commented that Falkirk had particularly challenging demographics and that in the near future the local community would be one of the oldest in Scotland. Colin Moodie stated that the Service would undertake a review of eligibility criteria to deliver services to those most in need and that packages would be kept under review to ensure they were still appropriate.

The committee requested an update report later in the year, Colin Moodie confirmed that this would be submitted containing information on the medium term issues.

Decision

The committee noted the report.

S39. SOCIAL WORK CHILDREN & FAMILIES BUDGET UPDATE

The committee considered a report by the Director of Children's Services providing information on budget expenditure from 1 April 2015 to 31 December 2015, the main pressure areas, contextual information and actions being taken to manage the budget. Robert Naylor provided an overview of the report.

Members asked for further information on the removal of the departmental admin and capital charge budgets. Robert Naylor stated that the departmental admin budget had been removed due to the implementation of the SSTAR project and that the capital charge budget would be integrated in a Children's Services budget by Finance by 1 April 2016, where this had previously been separate for Education and Social Work. He stated that there were no specific cost savings as a result. Danny Cairney confirmed that both alterations were the result of internal accounting adjustments.

The committee asked if there would be a sustained overspend in relation to external foster care placements. Kathy McCarroll stated that this would be the case and that year on year there had been an overspend in that area. Members asked if the budget figure was therefore unrealistic and could not be met. Danny Cairney stated that the costs which would be incurred were fixed and that realignment could be looked at but as Council resources are finite budgets would need to be moved from elsewhere. He stated that the pressure would still need to be managed by the Service and that budgets should be fit for purpose. He commented that the Service was broadly on budget as Education spending was under budget while Children and Families Social Work was over which nearly balanced out. The committee stated that the budget, if not fit for purpose, should not appear in the same form next year. Danny Cairney stated that as the cost was fixed the budget could be realigned and that in the previous year's budget there had been a £2m provision for spending pressures. The committee asked if this matter could be referred to the Executive. Colin Moodie confirmed that this could be done.

Members asked why there were differences in cost across residential school placements. Robert Naylor stated that the most expensive placements were for secure residential placements which could involve two to three staff members being with a young person at all times. He advised that there was variation in what level of service was provided, where the provision was and the availability of placements. In cases where the Service's preferred provider was full then they must try other providers until one is able to offer a placement for the young person. Kathy McCarroll stated that there are four secure

residential placement providers in Scotland and that £3,050 was the approximate average cost per week per placement. Robert Naylor stated that at the point of placement the issue was outwith the Service's control but that work was being done to prevent young people being put into residential placements and to decrease the number of young people appearing before Children's Panels. He commented that placements were usually not long term and that there were subsequent hearings and case conferences to identify if alternative provision would best meet a young person's needs.

The committee asked how the current level of Council foster carers compared to that previously. Kathy McCarroll stated that the number had been increased but not by as much as the Service would like. She stated that a number of Council foster carers had many years service and as new carers were recruited others were lost through retirement. The Council did not enforce a retirement age for its foster carers. It was stated that in the next 12 months it was likely that one or two foster carers would stop being carers. With this in mind the Service would run a recruitment campaign in March.

The committee discussed the importance of reducing addiction as it affected so many budgets. Members commented that the national budget to Drug and Alcohol Partnerships had been reduced. Fiona Campbell stated that the Community Planning Partnership had set out four priority areas and that one was substance misuse. There would be a workshop on each priority area to identify what the issues were locally and how these could be addressed. The substance abuse workshop was to be held later in the month and would have input from the Scottish Government.

Members requested an update report later in the year.

Decision

The committee agreed to draw the information in paragraph 2.7 of the report to the attention of the Executive and to recommend that action is taken to set a realistic budget for external fostering.

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

S40. COUNCIL HOUSING INVESTMENT PROGRAMME – CONTRACT MANAGEMENT

The committee considered a report by the Director of Corporate and Housing Services and the Director of Development Services providing information on the programme of housing contracts including details on the number of projects delivered within the anticipated budget and programme timescales. Appended to the report was the Housing Investment Programme 2014-15 Project Report. Robert McMaster and Kenny Gillespie provided an overview of the report.

The committee discussed the high level of tenant satisfaction and commented on the Service's improved communications. A question was asked if there were any issues with utilities companies. Robert McMaster stated that utility companies tried to work with the Council and fit into its timescales but that utility companies provided services to every local authority. He stated that prices were fixed but that start dates were given as estimates. The Council held negotiations with their senior officers and there was a local

liaison officer for Scottish Power but this was not the case with Scottish Gas or Scottish Water.

Members asked for clarification on the legal position where scaffolding was required to do works to a block of properties where there was a mix of owner/occupier and Council tenants. Kenny Gillespie stated that the Council would check the title deeds and that they usually entitled access for a communal repair. He noted that different powers applied in cases of emergency. The Service consulted with residents and gave notice six months in advance of works.

The committee asked about situations in which contractors did not leave properties in the condition they had been before work was undertaken. Robert McMaster stated that if the issues were in relation to work carried out by utility companies then the Council could not instruct them in the same way as other contractors to return and do further work but the Service did chase companies on this matter. The Council could hold back 2.5% of the fee for a year to ensure contracts were completed properly but utility companies were paid in full upfront.

Members asked if the Service was aware of occasions where owner/occupiers had found cheaper quotes for work. Robert McMaster stated that in cases where they were told of this it had been found that the quotes were not like for like. For instance the door entry systems installed by the Council were of a higher specification than those offered by the private sector in quotes the Service had seen. If a like for like quote was identified which was cheaper then the Council would use that, as long as the contractor met essential criteria such as Construction (Design and Management) and Health and Safety regulations. The committee asked that this information was widely distributed and suggested including it in the Falkirk News.

The committee asked how new housing costs in Falkirk compared to those in other local authorities. Robert McMaster stated that Falkirk compared well to other authorities and the private sector. He advised that he would provide further information including benchmarking to the committee after the meeting.

Decision

The committee noted the report.

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 5 FEBRUARY 2016 at 2.30 p.m.

COUNCILLORS:

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

OFFICERS:

Rose Mary Glackin, Chief Governance Officer
 Joe McElholm, Head of Social Work Adult Services
 Robert Naylor, Director of Children's Services
 Brian Pirie, Democratic Services Manager
 Mary Pitcaithly, Chief Executive
 Stuart Ritchie, Director of Corporate and Housing Services
 Bryan Smail, Chief Finance Officer

EX85. APOLOGIES

Apologies were intimated on behalf of Councillors Coleman and Nicol.

EX86. DECLARATIONS OF INTEREST

No declarations were intimated.

EX87. LOCAL GOVERNMENT FINANCIAL SETTLEMENT UPDATE POSITION

The Executive considered a report by the Director of Corporate and Housing Services advising of the final details of the Local Government Finance Settlement for 2016/17 as laid out in a letter from the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy, John Swinney, to COSLA.

A report to the Executive on 12 January 2016 (Ref EX82) summarised the Local Government Finance Settlement for 2016/17, as set out in a letter from Mr Swinney to COSLA dated 16 December 2015. Since 12 January 2016 there had been further discussions and correspondence between the Scottish Government and COSLA in regard to the detail of the settlement. A letter from Mr Swinney to COSLA, dated 27 January 2016, set out the final details, with particular regard to:-

- Council Tax Freeze;
- Teacher numbers; and
- Integration Joint Board Integration Fund.

Councils were required to accept the complete package failing which significant grant penalties would apply. The deadline for acceptance was 9 February 2016.

The report summarised the implications of the proposed settlement for Falkirk Council and estimated that, should Council not accept the terms, the sum of £11.75m in grant would be at risk, based on our share of population.

The Chief Governance Officer advised that a number of Councils were exploring grounds to judicially review the terms of the settlement.

Councillor C Martin, seconded by Councillor Dr C R Martin, moved that:-

Subject to advice being received ahead of the deadline on the availability of grounds to judicially review it (in which case another meeting of the Executive will be called), Council reluctantly accepts the terms of the settlement letter from the Cabinet Secretary dated 27 January 2016 but, in doing so, agrees that the following points must be made:

- 1) *The current financial circumstances facing local government are particularly challenging and any measures which restrict how councils raise and spend their funding are not helpful at this time;*
- 2) *The continued freeze in the council tax reduces local accountability and constrains severely the ability of councils to take financial decisions for their own communities;*
- 3) *The focus on pupil/ teacher numbers at a national level takes no account of local circumstances and again reduces the ability of local members to take local decisions; and*
- 4) *Whilst sharing the Cabinet Secretary's desire to see the living wage paid across the care sector the Council recognises, as set out in the Scottish Government's own statutory guidance that "contracting authorities are unable to make payment of the Living Wage a mandatory requirement as part of a competitive procurement process". While Council will continue to pursue fair working practices in all its contracts, consistent with the law, the ability to "ensure" payment of the living wage and to force our private and voluntary partners to pay it and to meet their share of the costs involved remains constrained.*

The Executive then adjourned for 15 minutes to allow members of the opposition to consider the terms of the motion and reconvened at 3.15pm with all members present as per the sederunt.

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

Council agrees to accept the Scottish Government's offer of funding for 2016/17 as the best possible settlement given the significant cuts in their budget from Westminster's austerity agenda.

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 Alexander and Spears.

Decision

The Executive agreed the motion.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 8 FEBRUARY 2016 commencing at 9.30 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener)
 Steven Carleschi
 Paul Garner (for applications P/15/0580/FUL and P/15/0364/FUL)
 John McLuckie
 Adrian Mahoney
 Baillie Joan Paterson
 Sandy Turner

OFFICERS:

Sharon Agnew, Senior Flooding Officer (for application P/15/0364/FUL)
 Kevin Brown, Planning Officer (for application P/15/0266/FUL)
 Ian Dryden, Development Manager
 Kevin Collins, Transport Planning Co-ordinator (for application P/15/0364/FUL)
 Julie Seidel, Planning Officer (for applications P/15/0580/FUL and P/15/0364/FUL)
 Antonia Sobieraj, Committee Services Officer
 Russell Steedman, Network Co-ordinator
 Karen Quin, Solicitor

P124. APOLOGIES

Apologies were intimated on behalf of Councillors Chalmers, C Martin and Nicol.

P125. DECLARATIONS OF INTEREST

Councillor Garner declared a non financial interest in item 5 (minute P122) by virtue of him being an employee of a company responsible for carrying out maintenance on telecommunications masts, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

P126. ERECTION OF A SINGLE WIND TURBINE MAXIMUM BLADE TIP HEIGHT OF 78 METRES, HUB HEIGHT OF 50 METRES AND ASSOCIATED ELECTRIC CABINET AND ACCESS TRACK AT POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON, FALKIRK FOR FINE ENERGY LTD - P/15/0580/FUL

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P120 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine and associated electric cabinet and access track at Polmont Golf Club, Maddiston, Falkirk.

The Convener introduced the parties present.

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

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

Mr Brown, Polmont Golf Club, was heard in relation to the application.

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

The submitted letter of support was noted.

The objections included the following issues:-

- That the Simpson Drive and the Golf Club access was too narrow to accommodate construction delivery vehicles;
- The visual impact from a 78 metre high turbine and the close proximity to residential properties;
- That some of the surrounding properties would get a direct view from their windows and gardens;
- The concerns about ground stability in relation to historic coal mining in the area;
- The noise nuisance by adjacent residential properties;
- That more appropriate access taken from Snabhead and not from Simpson Drive as proposed; and
- The effect on the views from adjacent settlements.

Councillor Murray, a local Member for the area, had submitted apologies for the visit. The Convener read out an email from Councillor Murray in relation to the application.

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

The Convener concluded by thanking the parties for their attendance. The matter would be determined at the Planning Committee on 24 February 2016.

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

Baillie Paterson left the meeting during consideration of the following item of business.

P127. ERECTION OF TELECOMS STREETWORKS TOWER AT SCOTTISH FIRE AND RESCUE, MAIN ROAD, MADDISTON, FALKIRK FK2 0LG FOR EVERYTHING EVERYWHERE - P/15/0266/FUL

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P119 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of a telecoms streetworks tower at Main Road, Maddiston, Falkirk.

The Convener introduced the parties present.

The Planning Officer (K Brown) outlined the nature of the application.

Neither the applicant nor agent were present at the meeting and had not submitted apologies for the meeting.

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

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

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

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

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

The objections included the following issues:-

- The visual impact of the proposal;
- The effect on local householder property values; and
- The obstruction on the pavement from the building of the mast.

Questions were then asked by Members of the Committee.

Councillor Murray, a local Member for the area, had submitted apologies for the visit. The Convener read out an email from Councillor Murray in relation to the application.

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

The Convener concluded by thanking the parties for their attendance. The matter would be determined at the Planning Committee on 24 February 2016.

Baillie Paterson and Councillor Garner re-entered the meeting prior to consideration of the following item of business.

P128. ERECTION OF 167 HOUSING UNITS WITH SUPPORTING INFRASTRUCTURE AND GREEN SPACE AT LAND TO THE SOUTH OF KINGLASS COTTAGE, BORROWSTOUN ROAD, BO'NESS FOR MILLER HOMES AND AWG PROPERTY LTD - P/15/0364/FUL

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P121 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of 167 housing units with green space at Borrowstoun Road, Bo'ness.

The Convener introduced the parties present.

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

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

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

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

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

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

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

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

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

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

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

The submitted letter of support was noted.

The objections included the following issues:-

- The dangerous access road to the site;
- The lack of information about traffic calming on the access road including the change in speed limit;
- The unacceptable pressure on outlying roads including Gauze Road;
- That Councillors had guaranteed local residents that the site would never be developed;
- The existing drainage issues and a lack of information in relation to drainage in the application in terms of design and maintenance;
- That lack of allowances for the educational needs of local children and of extra provision for NHS;
- The dental surgeries being oversubscribed;
- That Bo'ness has insufficient services including police and fire;
- That effect on the existing wildlife including pipistrelle bats, badgers and deer frequenting the site;
- The cash resulting from the builders to upgrade the town centre including the construction of a new supermarket;
- The bore reports being out of date;
- The application was withdrawn then resubmitted and the mishandling of the application by the Council;
- The Council amended the Structure Plan to accommodate the proposed development;
- The loss of countryside and green belt;
- The noise pollution affecting adjacent residents;
- The residents of the adjacent Kinglass residential development having purchased their houses due to the semi-rural location;
- The impact on surrounding householder's property prices;

- The loss of prime arable farmland;
- The addition to the country's unacceptable drop in cereal production;
- The loss of urban open space contrary to policy INF03;
- The more suitable sites within Bo'ness including the foreshore and next phase of the Drum development;
- The objections from an adjacent landowner to proposed footpath links entering the area of land and for the links to be removed from the south-west corner of the application site; and
- That number of questions from residents of Kinglass Cottage being dealt with by the applicant.

Questions were then asked by Members of the Committee.

Councillor Ritchie, 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 at the Planning Committee on 24 February 2016.

Members thereafter visited sections of the adjacent road to the site.

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 FEBRUARY 2016 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
Baillie William Buchanan
Paul Garner
Gordon Hughes
Baillie Joan Paterson
Provost Pat Reid (Convener)
Ann Ritchie
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer

CL124. APOLOGY

An apology for absence was intimated on behalf of Depute Provost John Patrick.

CL125. DECLARATIONS OF INTEREST

No declarations were intimated.

CL126. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 13 January 2016 was approved.

CL127. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN DECEMBER 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 December and 31 December 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL128. CIVIC LICENSING ENFORCEMENT – DECEMBER 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 December 2015.

The committee noted the report.

Councillor Hughes entered the meeting during consideration of the foregoing item of business.

CL129. 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.

CL130. SUSPENSION HEARING IN RELATION TO PRIVATE HIRE CAR DRIVER LICENCE NO.450

Sergeant I McGregor and Mr B Renton, both representatives of Police Scotland, entered the meeting. The licenceholder, Mr M, was not in attendance.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 11 January 2016, submitted by Police Scotland requesting the immediate suspension of the licenceholder's private hire car driver licence; (b) setting out the details of the complaint; (c) summarising the decision taken by the Chief Governance Officer, and (d) advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

After hearing from the Licensing Co-ordinator, the Committee decided to hold the hearing in the absence of the licenceholder and the letter of complaint was circulated to members.

Sergeant McGregor was heard in relation to the letter of complaint.

Questions were asked by members of the committee.

Decision

The committee agreed to suspend the licence for the unexpired portion of its duration, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2)(a) & (c), on the basis that, in the opinion of the committee, the licenceholder was not a fit and proper person to be the holder of such a licence, and the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety. The Committee additionally determined that the licence should be suspended immediately in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(10).

Baillie Paterson entered the meeting during consideration of the foregoing item of business.

CL131. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE

Mr M, an employee and representative of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new taxi operator licence (a) advising on the background to the application; (b) summarising 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 grant the new taxi operator licence for a period of one year, subject to the standard conditions.

CL132. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

Mr M, an employee and representative of the applicant company, 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 on the background to the application; (b) summarising 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 grant the new private hire car operator licence for a period of one year, subject to the standard conditions.

CL133. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr C, 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 on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr C spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to allow the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the private hire car driver licence for a period of one year, subject to the standard conditions.

CL134. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

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 taxi driver licence (a) advising on the background to the application; (b) summarising 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 renew the taxi driver licence for a period of one year subject to the standard conditions.

CL135. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER 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 taxi driver licence (a) advising on the background to the application; (b) summarising 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 taxi driver licence for a period of one year subject to the standard conditions.

CL136. APPLICATION FOR THE GRANT OF A TEMPORARY STREET TRADER LICENCE FOR WHEELED REFUSE BIN/ REFUSE CONTAINER CLEANING

The applicant, Mr E, was not in attendance.

After hearing from the Licensing Co-ordinator on the background to the application, the committee agreed to consider the application in the applicant's absence.

The committee considered a report by the Chief Governance Officer on an application for the grant of a temporary street trader licence for wheeled refuse bin/refuse container cleaning (a) advising on 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 temporary street trader licence for wheeled bin/refuse container cleaning licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant was not a fit and proper person to be the holder of such a licence.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 FEBRUARY 2016 at 9.30 A.M.

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

OFFICERS: Donald Campbell, Development Management Co-ordinator
(for application P/15/0072/FUL (minute PRC36 and PRC 38))
Iain Henderson, Legal Services Manager
Antonia Sobieraj, Committee Services Officer
Bernard Whittle, Development Management Co-ordinator
(for application P/15/0031/FUL (minute PRC37 and PRC39))

PRC32. APOLOGIES

No apologies were intimated.

PRC33. DECLARATIONS OF INTEREST

No declarations were made.

PRC34. MINUTES**Decision**

- (a) The minute of meeting of the Planning Review Committee held on 27 November 2015 was approved; and
- (b) The minute of meeting of the Planning Review Committee held on 8 December 2015 was approved.

PRC35. OPENING REMARKS

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

PRC36. PLANNING APPLICATION - P/15/0072/FUL - ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF AVONHILL LODGE, FALKIRK

Prior to full consideration of this item of business, Mr Henderson requested that the Committee be issued for information with copies of the decision notice for planning application P/10/0335/FUL, following the decision of the Planning Review Committee on 17 March 2011. This decision notice should have been included in the papers for the meeting. The Committee thereafter agreed to receive this information and Members in consequence were given time to acquaint themselves with the contents.

After discussion, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an unaccompanied inspection of the site.

PRC37. PLANNING APPLICATION - P/15/0031/FUL - PROPOSED FRONT PORCH (RETROSPECTIVE) 29 RASHIEHILL ROAD, SLAMANNAN

After discussion, the Committee **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned to allow Members to conduct an unaccompanied inspection of the site.

The meeting adjourned at 9.50 a.m. for the purpose of conducting the site inspections and reconvened at 12 noon, with all those present as per the sederunt.

PRC38. PLANNING APPLICATION - P/15/0072/FUL - ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF AVONHILL LODGE, FALKIRK

The Committee reconvened to give consideration to documents which related to the Application for Review for planning application P/15/0072/FUL for the erection of a dwellinghouse on land to the east of Avonhill Lodge, Falkirk.

The Committee heard a short presentation from Mr Campbell, who provided a summary of the application and the papers before the Committee, including reference to the Report of Handling, the reasons for refusal of the application now being reviewed and the applicant's supporting statement.

After further discussion and having sought and heard advice from Mr Henderson and Mr Campbell, and having given consideration to the material contained within the documentation, the Committee considered that it did have sufficient information within the papers provided in relation to the application for Review, and considered:-

- (1) Policies CG01, CG03, and GN02 of the Falkirk Local Development Plan;
- (2) Policies EQ19, EQ23 and SC03 of the Falkirk Local Plan;
- (3) the consultation responses received;
- (4) the site history;
- (5) the supporting documents provided by the applicant; and
- (6) the benefit of the site inspection.

After discussion, and having sought and heard advice from Mr Henderson, the Committee **AGREED**:-

- (1) To **GRANT** planning permission subject to the same conditions determined by the Director of Development Services for planning application P/10/0335/FUL and any updated conditions considered appropriate by the Director of Development Services; and
- (2) That the preparation of the decision notice be delegated to the Chief Governance Officer.

PRC39. PLANNING APPLICATION - P/15/0031/FUL - PROPOSED FRONT PORCH (RETROSPECTIVE) 29 RASHIEHILL ROAD, SLAMANNAN

The Committee reconvened to give consideration documents which related to the Application for Review for planning application P/15/0031/FUL for the erection of a front porch (in retrospect) on a dwellinghouse at 29 Rashiehill Road, Slamannan.

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

After further discussion and having sought and heard advice from Mr Henderson and Mr Whittle, and having given consideration to the material contained within the documentation, the Committee considered that it did had sufficient information within the papers provided in relation to the application for Review, and considered:-

- (1) House Extensions and Alterations Supplementary Guidance Note;
- (2) Policy HSG07 of the Falkirk Local Development Plan;
- (3) Policy SC09 of the Falkirk Local Plan;

- (4) the consultation responses received;
- (5) the site history;
- (6) the supporting documents provided by the applicant; and
- (7) the benefit of the site inspection.

After discussion, and having sought and heard advice from Mr Henderson, the Committee **AGREED:-**

- (1) To **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate; and
- (2) That the preparation of the decision notice be delegated to the Chief Governance Officer.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 15 FEBRUARY 2016 at 9.30 a.m.

COUNCILLORS: Stephen Bird
Jim Blackwood
Linda Gow
John McLuckie (Convener)
Depute Provost John Patrick
Sandy Turner

OFFICERS: Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Legal Services Manager
Antonia Sobieraj, Committee Services Officer

A23. APOLOGIES

Apologies were intimated on behalf of Councillor D Goldie.

A24. DECLARATIONS OF INTEREST

No declarations were made.

A25. MINUTE**Decision**

The minute of meeting of the Appeals Committee held on 26 November 2015 was approved.

A26. 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 1 of Part 1 of Schedule 7A to the said Act.

A27. APPEAL AGAINST TERMINATION OF EMPLOYMENT

The Committee considered papers relating to an Appeal against termination of employment which included (a) Note of Procedure; (b) Submission from the Acting Depute Chief Finance Officer dated 5 February 2016; and (c) Copies of core documents relating to the Appeal.

The Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr M, was present and was accompanied by S Crook, Unison.

The Acting Depute Chief Finance Officer and Senior Human Resources Adviser (K Docherty) were present as representatives of the Council.

The Appellant's representative presented the case and this was supplemented by Mr M the appellant.

The Acting Depute Chief Finance Officer then intimated that she had no questions for the Appellant or his representative

Members of the Committee then asked questions of the Appellant.

The Acting Depute Chief Finance Officer presented the case on behalf of the Council and led evidence from the showing of a CCTV recording and a witness Mr K.

The Appellant then asked questions of the Acting Depute Chief Finance Officer and of the witness, Mr K.

Members of the Committee then asked questions of the Acting Depute Chief Finance Officer and of the witness, Mr K.

The Acting Depute Chief Finance Officer summarised the case on behalf of the Council.

The Appellant's representative summarised the case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to dismiss Mr M from Council service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the JOINT CONSULTATIVE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 16 FEBRUARY 2016 at 9.30 A.M.

COUNCILLORS:

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

TRADE UNION**REPRESENTATIVES:**

Gray Allan, UNISON
Colin Finlay, EIS
Les Grant, UCATT
Christina Lambie, GMB
Bill Marshall, Unite
Bert McManus, GMB
Margaret Smith, EIS

OFFICERS:

Karen Algie, Head of Human Resources and Business Transformation
Douglas Duff, Head of Economic Dev & Environmental Services
Tracy Gillespie, Human Resources Manager
Kenny McNeill, Educational Resources Manager
Brian Pirie, Democratic Services Manager
Ian Renton, HR Systems & Payroll Manager

JCC24. APOLOGIES

Apologies were intimated on behalf of Councillors Alexander, Garner and G Goldie; and M Cook (Unison).

JCC25. DECLARATIONS OF INTEREST

No declarations were made.

JCC26. MINUTE**Decision**

The minute of the meeting of the Joint Consultative Committee held on 11 November 2015 was approved.

JCC27. 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 July 2014 and August 2014 to March 2015 due to the Service structures changing on 1 August 2015 as set out against the benchmark comparison figure for public sector organisations of 9.4%. The Falkirk Council turnover figure for the period was 8.2%.

Decision

The committee noted the contents of the report and the turnover statistics provided in appendix 1.

JCC28. SICKNESS ABSENCE

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

Decision

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

JCC29. SERVICE BASED FORUMS

The committee considered a report by the Director of Corporate and Housing Services presenting minutes from the meetings of Central Support, Children's Services and Development Services for the period October – December 2015.

Decision

The committee noted the contents of this report and the most recent minutes of the Service Based Forums.