

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a sailing ship on the water. The bottom-right quarter shows a lion passant guardant. Above the shield is a crown with four fleurs-de-lis. A banner at the bottom of the shield contains the motto 'ANE FOR A'.

Agenda Item 3

Minutes

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 7 December 2016 at 10.30 a.m.

<u>Councillors:</u>	David Alexander	Gordon Hughes	Malcolm Nicol
	David Balfour	Steven Jackson	Alan Nimmo
	Allyson Black	Charles MacDonald	Martin Oliver
	Jim Blackwood	Brian McCabe	Baillie Joan Paterson
	Steven Carleschi	John McLuckie	Depute Provost John
	Colin Chalmers (FC55-58)	Adrian Mahoney	Patrick
	Tom Coleman	Craig Martin	Provost Pat Reid
	Paul Garner	Dr Craig R Martin	Ann Ritchie
	Dennis Goldie	Cecil Meiklejohn	Robert Spears
	Gerry Goldie (FC45-54 & 58)	Rosie Murray	Sandy Turner
	Linda Gow		

<u>Officers:</u>	Karen Algie, Head of HR & Business Transformation
	John Angell, Head of Planning & Transportation
	Fiona Campbell, Head of Policy, Technology and Improvement
	Jack Frawley, Committee Services Officer
	Rhona Geisler, Director of Development Services
	Rose Mary Glackin, Chief Governance Officer
	Colin Moodie, Depute Chief Governance Officer
	Robert Naylor, Director of Children's Services
	Brian Pirie, Democratic Services Manager
	Mary Pitcaithly, Chief Executive
	Stuart Ritchie, Director of Corporate and Housing Services
	Alistair Shaw, Development Plan Co-ordinator
	Bryan Smail, Chief Finance Officer
	Richard Teed, Senior Forward Planning Officer

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

FC45. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Baillie Buchanan and Councillor Bird.

FC46. Declarations of Interest

No declarations were made.

FC47. Minutes and Information Bulletin

- (a) Meeting of Falkirk Council held on 21 September 2016 - agreed as a correct record.**
- (b) Volume of Minutes Volume 3 2016/2017 - noted.**
- (c) Information Bulletin Volume 3 2016/2017- noted.**

FC48. Questions

In terms of Standing Order 32, written questions may be submitted to the Leader of the Council and/or portfolio holders on any matters relating to business transacted at any meeting of the Executive or Education Executive since the last Volume of Minutes was published or to the Provost on civic and related matters.

No questions had been submitted.

FC49. Rolling Action Log

The rolling action log showing progress on outstanding actions from previous meetings was presented.

Decision

The rolling action log was noted.

FC50. Referral from Executive – 29 November 2016 Treasury Management Interim Review 2016/17

Council considered a report by the Director of Corporate and Housing Services referring the Treasury Management Interim Review 2016/17 for consideration.

Council had approved its Treasury Management Strategy for 2016/17 on 11 May 2016 (ref FC6). The Treasury Management Code of Practice reporting requirements make provision for a mid-year review of the Treasury Management function to be reported to the appropriate committee and to Council. The Interim Review was considered by the Executive on 29 November 2016 and was referred to the Council for consideration.

The report provided an update in regard to:-

- the economic and interest rate outlook;
- the borrowing strategy;
- the investment strategy;
- Treasury Management Prudential Indicators;
- the loans fund review; and
- members' training.

The report also provided benchmarking information which showed that Falkirk Council was 18th out of 32 Scottish Local Authorities in regard to investment balances at 30 September 2016 and had the 5th lowest loans fund interest rate across the 32 Scottish Local Authorities.

Decision

Council noted the Treasury Management Interim Review for 2016/17.

FC51. Local Government Boundary Commission for Scotland: 5th Reviews of Electoral Arrangements – Amendments to Polling Scheme

Council considered a report by the Chief Executive updating on the interim amendments made to the Falkirk Council polling scheme as a consequence of the Local Boundary Commission for Scotland's 5th Review of Electoral Arrangements and outlining proposals for further changes to the scheme in relation to polling places affected by possible closure.

The Minister for Parliamentary Business took the decision to accept the Local Boundary Commission for Scotland's recommendations in regard to the Falkirk Council area on 21 September 2016. The amendments to ward boundaries required changes to the Council's polling scheme to be made. Further changes may be made in relation to polling places and would involve the participation of members and consideration of a further report before the end of February 2017. If further changes are required a public consultation would be undertaken.

Decision

Council:-

- (1) noted the revised polling scheme updated prior to the statutory annual publication of electoral registers on 1 December 2016;**
- (2) agreed to undertake a consultation process to identify and agree new and/or alternative polling places, if required, and**

- (3) **agreed to consider a further report in February 2017 on the outcome of the consultation process to allow changes to be implemented before the nomination period for local government elections on 4 May 2017, if required.**

FC52. Falkirk Local Development Plan 2 Main Issues Report

Council considered a report by the Director of Development Services seeking approval for the publication of the Falkirk Local Development Plan 2: Main Issues Report for consultation.

Council had, on 13 May 2015 (ref FC7), adopted the Falkirk Local Development Plan (LDP). This replaced the previous two-tier system of Structure and Local Plans. The plan is supported by 15 adopted Supplementary Guidance notes. Planning authorities are required to replace their LDPs every five years. The Main Issues Report is the first major stage in preparation of the LDP and is the main method of consulting on the content of the LDP. The LDP2 is anticipated to be adopted by 2020.

Councillor D Goldie, seconded by Councillor Blackwood, moved that Council approves the Falkirk Local Development Plan 2: Main Issues Report, attached as Appendix 1 to the report, for consultation purposes.

As an amendment, Councillor Alexander, seconded by Councillor Meiklejohn, moved the motion with the following adjustments:-

1. Council agrees to recommend the approval of the Falkirk Local Development Plan 2 Main Issues Report, attached as Appendix 1 along with the following amendments from the SNP Group.
2. **2.2 General Policy.** Include as a preferred option the extension of the current policy protecting open space to cover all outdoor sports facilities (as required by Scottish Planning Policy) including outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens.

Under 'Outdoor Sports Facilities' (page 56), insert new paragraph before paragraph 6.13 as follows:

"Scottish Planning Policy requires Councils to safeguard all outdoor sports facilities from development except in tightly specified circumstances. Outdoor sports facilities are defined to include outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens. The Council's open space policy currently offers protection to playing fields and sports pitches, but need to be updated to cover this wider definition of outdoor sport facilities".

Under 'Preferred Option (paragraph 6.18, page 57), insert new sub-section 4 as follows:

"4. The LDP1 policy on protection of open space will be extended to include all outdoor sports facilities as required by Scottish Planning Policy".

3. **Braes.** Site 56 Hillcrest. Relocate site from the Shieldhill grouping to the Wallacestone/Redding/Reddingmuirhead grouping in the Site Schedules (page a1-07).
4. **Braes.** Site 140 Maddiston Fire Station. Change MIR status to Mixed Use (Employment/Community) but excluding housing (page a1-06).
5. **Bo'ness.** Carry forward all existing LDP1 sites (including Site 63 Bo'ness Foreshore) (page a1-02).
6. **Bo'ness.** Site 78 Bo'mains Industrial Estate. Include site for industrial use (page a1-02).
7. **Denny.** Site 118 Tygetshaugh. Change from non-preferred site to preferred new site for housing for the elderly (page a1-12).
8. **Falkirk.** Sites 123 & 160 Woodend Farm 1 & 2. Change MIR status from preferred new site to non-preferred site to preserve the countryside and maintain natural boundaries between communities (page a1-14).
9. **Falkirk.** Site 70 Falkirk TC Grahamston. Remove site as an existing LDP1 site carried forward and retain as a civic car park (page a1-15).
10. **Stenhousemuir.** Site 94 Hill of Kinnaird 2. Change MIR Status from a mixed use site including residential, to an employment site which could include community uses (page a1-20).
11. **Consequential changes.** Make all consequential changes to the MIR and to supporting documentation.

Councillor McLuckie gave notice of a further amendment.

Council adjourned at 10.55am to consider the terms of the amendment and reconvened at 11.35am, with all members present as per the sederunt, with the exception of Councillor Chalmers.

Following discussion on clause 7 of the amendment, Councillor Alexander, as the mover of the amendment, with the consent of Councillor Meiklejohn, as his seconder and Provost Reid, agreed to amend this clause to agree that Site 118 Tygetshaugh be subject to future consideration under the Open Space Strategy.

Following discussion, Councillor D Goldie, as the mover of the motion, with the consent of Councillor Blackwood as his seconder and Provost Reid, altered the text of the motion by incorporating clauses 2, 3, 4, 5, 7 and 11 of the amendment, as follows:-

2. **2.2 General Policy.** Include as a preferred option the extension of the current policy protecting open space to cover all outdoor sports facilities (as required by Scottish Planning Policy) including outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens.

Under 'Outdoor Sports Facilities' (page 56), insert new paragraph before paragraph 6.13 as follows:

"Scottish Planning Policy requires Councils to safeguard all outdoor sports facilities from development except in tightly specified circumstances. Outdoor sports facilities are defined to include outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens. The Council's open space policy currently offers protection to playing fields and sports pitches, but need to be updated to cover this wider definition of outdoor sport facilities".

Under 'Preferred Option (paragraph 6.18, page 57), insert new sub-section 4 as follows:

"4. The LDP1 policy on protection of open space will be extended to include all outdoor sports facilities as required by Scottish Planning Policy".

3. **Braes.** Site 56 Hillcrest. Relocate site from the Shieldhill grouping to the Wallacestone/Redding/Reddingmuirhead grouping in the Site Schedules (page a1-07).
4. **Braes.** Site 140 Maddiston Fire Station. Change MIR status to Mixed Use (Employment/Community) but excluding housing (page a1-06).
5. **Bo'ness.** Carry forward all existing LDP1 sites (including Site 63 Bo'ness Foreshore) (page a1-02).
7. **Denny.** Site 118 Tygetshaugh. Carry forward for future consideration under the Open Space Strategy.
11. **Consequential changes.** Make all consequential changes to the MIR and to supporting documentation.

Following discussion on clause 6 of the amendment, Councillor Alexander, as the mover of the amendment, with the consent of Councillor Meiklejohn, as his seconder and Provost Reid, agreed to withdraw this clause as it was unnecessary.

Provost Reid, seconded by Councillor C Martin, moved the suspension of Standing Order 22.1(i) and that the following votes be taken by show of hands. The motion to suspend Standing Order 22.1(i) was then put to the vote:-

On a division 16 members voted for the motion and 2 against with 11 members abstaining. The following votes were consequently taken by show of hands.

Voting was then taken by show of hands for or against each of the outstanding clauses from the amendment, there being 29 members present with voting as undernoted.

8. **Falkirk.** Sites 123 & 160 Woodend Farm 1 & 2. Change MIR status from preferred new site to non-preferred site to preserve the countryside and maintain natural boundaries between communities (page a1-14).

For the amendment (13).

Against the amendment (16).

9. **Falkirk.** Site 70 Falkirk TC Grahamston. Remove site as an existing LDP1 site carried forward and retain as a civic car park (page a1-15).

For the amendment (13).

Against the amendment (16).

10. **Stenhousemuir.** Site 94 Hill of Kinnaird 2. Change MIR Status from a mixed use site including residential, to an employment site which could include community uses (page a1-20).

For the amendment (13).

Against the amendment (16).

Councillor McLuckie then moved his further amendment, seconded by Councillor D Goldie, to adjust the terms of the motion to incorporate the following points:-

1. Change the status of Site 60 Standburn West from 'Existing LDP1 Proposed for De-allocation' to 'Existing LDP1 Site Carried Forward'.
2. Amend the preferred option for housing growth in the Maddiston/Rumford Area to include Site 142 Parkhall Farm North (East), which would be for 70 retirement housing units and a care home.

Councillor D Goldie, as mover of the substantive motion and Councillor Blackwood, as his seconder with the consent of Provost Reid, agreed to adjust the terms of the substantive motion to incorporate clause 1 of the further amendment and there was general agreement on this point.

However, there was no general agreement on the second clause of the further amendment. Votes were then taken by show of hands for or against clause 2 of the further amendment, there being 29 members present with voting as undernoted.

2. Amend the preferred option for housing growth in the Maddiston/Rumford Area to include Site 142 Parkhall Farm North (East), which would be for 70 retirement housing units and a care home.

For the further amendment (16).

Against the further amendment (13).

Decision

Council agreed the substantive motion, as follows:-

Council approves the Falkirk Local Development Plan 2: Main Issues Report, attached as Appendix 1 to the report, for consultation purposes subject to the following adjustments:-

- 1) **2.2 General Policy. Include as a preferred option the extension of the current policy protecting open space to cover all outdoor sports facilities (as required by Scottish Planning Policy) including outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens.**

Under 'Outdoor Sports Facilities' (page 56), insert new paragraph before paragraph 6.13 as follows:

"Scottish Planning Policy requires Councils to safeguard all outdoor sports facilities from development except in tightly specified circumstances. Outdoor sports facilities are defined to include outdoor playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens. The Council's open space policy currently offers protection to playing fields and sports pitches, but need to be updated to cover this wider definition of outdoor sport facilities".

Under 'Preferred Option (paragraph 6.18, page 57), insert new sub-section 4 as follows:

"4. The LDP1 policy on protection of open space will be extended to include all outdoor sports facilities as required by Scottish Planning Policy".

2. **Braes. Site 56 Hillcrest. Relocate site from the Shieldhill grouping to the Wallacestone/Redding/Reddingmuirhead grouping in the Site Schedules (page a1-07).**
3. **Braes. Site 140 Maddiston Fire Station. Change MIR status to Mixed Use (Employment/Community) but excluding housing (page a1-06).**
4. **Bo'ness. Carry forward all existing LDP1 sites (including Site 63 Bo'ness Foreshore) (page a1-02).**
5. **Denny. Site 118 Tygetshaugh. Change from non-preferred site to preferred new site for housing for the elderly (page a1-12).**
6. **Change the status of Site 60 Standburn West from 'Existing LDP1 Proposed for De-allocation' to 'Existing LDP1 Site Carried Forward'.**
7. **Amend the preferred option for housing growth in the Maddiston/Rumford Area to include Site 142 Parkhall Farm North (East), which would be for 70 retirement housing units and a care home.**
8. **Consequential changes. Make all consequential changes to the MIR and to supporting documentation.**

FC53. Accessible Transport – Dial A Journey Service

Council considered a report by the Director of Development Services proposing the extension of the contract with the Order of Malta Dial-a-Journey Ltd for two years. Council previously agreed to carry out a consultation with service users and analyse daily run sheets to identify what model of service delivery would best meet service users' needs.

The transport planning unit carried out an analysis of the cost/benefits associated with three models of service delivery:-

- Retain the service from Order of Malta Dial-a-Journey Ltd (at current rates)
- Bring the door-to-door service in house (costed by the Service to be too expensive)
- Engage a commercial operator (lack of market interest).

Discussion between the Service and Order of Malta Dial-a-Journey resulted in a proposal to extend the contract for two years at the current rate of £157,838 for 2017/18 and (with inflation) for 2018/19.

Decision

Council agreed to award a new contract for a door to door accessible transport service to the Order of Malta Dial-a-Journey Ltd for a further two years, until 31 March 2019 at a cost of £157,000 a year (comprising £24,000 to manage the Taxicard Booking Service and £133,000 for the door-to-door service).

FC54. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services detailing those deeds that had been signed and sealed on behalf of the Council since the last meeting.

Decision

Council agreed to note the signing of the deeds listed in the appendix to the report.

Council adjourned at 12.30 for lunch and reconvened at 1.35pm with all members present as per the sederunt, with the exception of Councillor Dr C R Martin.

During consideration of the following item Councillor Dr C R Martin re-joined the meeting and Councillor G Goldie left the meeting.

FC55. Council of the Future

Council considered a report by the Chief Executive setting out a proposed new framework of change for Falkirk Council. The framework would provide a business model which built on current practice to deliver the Council's key priorities and outcomes in a challenging financial climate.

The Council had commenced a programme of change through the Business Transformation Board. The Board's key successes related to workforce management, asset management and working practices resulting in revenue savings of over £1m and a £500k saving in capital costs to date.

Discussions had taken place with the Provost, Leader of the Council and the Leader of the Opposition on a proposed response to the Best Value Audit. The group agreed that a more holistic approach was required to move forward with the Council of the Future framework. In developing the framework consideration had been given to good practice in other organisations including a number of Councils in Scotland and England.

The Council of the Future framework would be launched in early 2017 and will involve engagement with the Council's workforce and relevant stakeholders.

Councillor C Martin, seconded by Baillie Paterson, moved that Council:-

- (1) note the work already undertaken by the Council in taking forward change and efficiency;
- (2) adopt the new change framework to implement the “Council of the Future”, to deliver a programme of change over the next 3 to 5 years, and
- (3) note that an update report will be submitted to the Executive prior to the end of the financial year on implementation of the Council of the Future framework.

As an amendment, Councillor Meiklejohn, seconded by Councillor Coleman, moved that:-

Council agrees that a report providing more detail on the Council of the Future proposals is submitted to a future meeting of Council to be considered alongside Audit Scotland’s Best Value findings.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 29 members present with voting as undernoted:-

For the motion (15) – Provost Reid, Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Decision

Council agreed the motion.

FC56. Ethical Standards in Public Life Etc. (Scotland) Act 2000

Council considered a report by the Director of Corporate and Housing Services advising of a decision taken by the Standards Commission for Scotland. The Standards Commission held a hearing on 24 October 2016 to consider a complaint against Councillor Alan Nimmo (the Respondent).

The hearing panel, having considered presentations made during the hearing and written representations, found as follows:-

1. The Councillor's Code of Conduct applied to the Respondent.
2. The Respondent had breached paragraph 3.19 of the Code, which prohibits councillors from seeking preferential treatment for themselves, family, friends, colleagues or employees because of their position as a councillor.

The decision of the hearing panel was to censure the Respondent.

Decision

Council noted the findings of the Standards Commission.

FC57. Appointment to Committees and Other Bodies

Council considered a report by the Director of Corporate and Housing Services advising (a) of a vacancy on the Planning Committee and (b) that the Scottish Parliament had invited the Council to appoint a representative to its Cross Party Group on Poland.

Councillor Nimmo had intimated his resignation from the Planning Committee on 23 November 2016. The resultant vacancy fell to be filled by a member of the Labour Group in accordance with the Council's decision on political proportionality.

The Scottish Parliament recently re-established a Cross Party Group on Poland which was anticipated to meet up to four times per year. An invitation had been received seeking representation from the Council on the group.

Councillor C Martin, seconded by Baillie Paterson, moved that Council:-

- (1) notes the resignation of Councillor Nimmo from the Planning Committee;
- (2) agrees to appoint Councillor Blackwood to the Planning Committee, and
- (3) agrees to appoint Provost Reid to the Scottish Parliament's Cross Party Group on Poland.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion with the following adjustment to clause (3):-

Councillor Coleman nominated in place of Provost Reid.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 29 members present with voting as undernoted:-

For the motion (14) – Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (13) – Councillors Alexander, Balfour, Carleschi, Chalmers, Garner, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Abstentions (2) – Provost Reid and Councillor Coleman.

Decision

Council agreed the motion.

FC58. Notices of Motion

(a) Councillor Meiklejohn, seconded by Councillor Ritchie, moved that:-

Council supports the work of Falkirk 50's born women and John McNally MP to highlight the gross unfairness of pensions entitlement of women born after 6th April 1951 by:-

1. Supporting the statement above; and
2. Lobby the Westminster Government in support of the reconsideration of the transitional arrangements to stop the discrimination of women being penalised for the failure to make changes to their pensions contributions they were not advised to make. In doing so Council should make written representations to both the Chancellor and the Minister for Pensions.

As an amendment, Councillor Gow, seconded by Baillie Paterson, moved that:-

Council agrees in addition to the motion to make written representation to the First Minister requesting that her Government consider using their new powers to compensate those women in Scotland who will suffer due to the bringing forward of the changes to their pension qualifying age.

Council then debated the terms of the motion and amendment.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.

For the amendment (16) – Provost Reid, Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

Decision

Council agreed the amendment.

Councillor G Goldie re-joined the meeting during consideration of the previous item.

(b) Councillor Garner, seconded by Councillor Carleschi, moved that:-

Council supports the Scottish Government moratorium on Fracking and their cautious, considered and evidence based approach to all Unconventional Gas Extraction.

Council welcomes the public consultation and would encourage all our citizens to participate in making sure their views are taken into account and acted upon.

As an amendment, Councillor D Goldie, seconded by Councillor G Goldie, moved that:-

Council agrees in addition to the motion to write to the First Minister asking for details of the Scottish Government's future long term energy policy in the event of the eventual decision being to ban all fracking, and the consequences of that policy for the petrochemical and associated industries and workforce in the Grangemouth area.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.

For the amendment (16) – Provost Reid, Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

Decision

Council agreed the amendment.

(c) Councillor Mahoney, seconded by Councillor Ritchie, moved that:-

Council congratulates Lauchlan Muir from Bo'ness who has won the Sir Terry Wogan Fundraiser Award.

Lauchlan performs as a human statue to collect money for Children in Need. He raised more than £3,500 for this year's appeal and over the years has collected £10,000.

Lauchlan's success comes in the year that the Scottish Council for Voluntary Organisations named Bo'ness Scotland's Charity town of the year.

Decision

Council agreed the motion.