

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto 'A NE FOR A' in a stylized font.

# **Agenda Item 3**

## **Minute**

Draft

**FALKIRK COUNCIL**

**Minute of meeting of the EXECUTIVE held within the Municipal Buildings, Falkirk on Tuesday 21 March 2017 at 11.20 a.m.**

<b>Councillors:</b>	David Alexander	Craig Martin (Convener)
	Jim Blackwood	Dr Craig R Martin
	Tom Coleman	Malcolm Nicol
	Linda Gow	Alan Nimmo
	Adrian Mahoney	Robert Spears

**Officers:**

Sally Buchanan, Welfare Reform Project Manager  
Fiona Campbell, Head of Policy Technology and Improvement  
Douglas Duff, Head of Economic Development and Environmental Services  
Paul Ferguson, Revenue Manager  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Elizabeth Hood, Neighbourhood and Access to Housing Manager  
Kathy McCarroll, Chief Social Work Officer  
Cathy Megarry, Service Manager, Children's 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  
Vivien Thomson, Service Manager, Children's Services

**Also attending:** Councillor Stephen Bird

**EX119. Order of Business**

The convener varied the order of business from that detailed in the agenda for the meeting. The following items have been recorded in the way they were taken at the meeting.

**EX120. Apologies**

An apology was intimated on behalf of Councillor G Goldie.

#### **EX121. Declarations of Interest**

Councillor Mahoney declared a non-financial interest in item EX129 Consultative Draft – Historic Environment Strategy for Falkirk as a member of Historic Scotland but did not consider that this required him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

#### **EX122. Minute**

##### **Decision**

**The minute of the meeting of the Executive held on 7 March 2017 was approved.**

#### **EX123. Rolling Action Log**

A rolling action log detailing decisions not yet implemented following the previous meeting on 7 March 2017 was provided.

##### **Decision**

**The Executive noted the rolling action log.**

#### **EX124. Treasury Management Strategy 2017/18**

The Executive considered a report by the Director of Corporate and Housing Services presenting a Treasury Management Strategy for 2016/17 for consideration prior to referral to Council.

In terms of the CIPFA Code of Practice for Treasury Management, Council is required to agree an annual Treasury Management Strategy. The recommended strategy for 2017/18 was presented.

The strategy set out:-

- the economic and interest rate outlook;
- debt outstanding at 1 April 2017;
- the longer term borrowing requirement for 2017/18;
- borrowing and investment strategies;
- treasury indicators and treasury management advisers; and

- elected member and officer training.

### **Decision**

**The Executive agreed to recommend that Council:-**

- (1) adopts the Borrowing Strategy for 2017/18 set out in section 4.2 of the report;**
- (2) adopts the Investment Strategy for 2017/18 and approve the list of “Permitted Investments” set out in section 4.3 of the report; and**
- (3) approves the Treasury Indicators set out in section 4.5 of the report.**

Councillors Gow, Dr C R Martin, Nicol and Nimmo joined the meeting during consideration of the previous item.

### **EX125. Joint Consultative Committee – 28 February 2017**

- **Disciplinary and Capability Policies**
- **Naloxone Policy**

The Executive considered a report by the Director of Corporate and Housing Services presenting changes to the Disciplinary and Capability policies and a policy for the use of Naloxone within the workplace.

The proposed changes to the Disciplinary and Capability policies which remove the requirement for a legal representative to attend hearings or appeals, and a policy on the use of Naloxone had been considered by the Joint Consultative Committee on 28 February 2017 (ref JCC38 and JCC39) and referred to the Executive for approval.

### **Decision**

**The Executive agreed the immediate implementation of changes to the administrative arrangements within the Disciplinary and Capability Policies and a new Naloxone Policy.**

### **EX126. Scrutiny Committee – 9 March 2017 Scrutiny Panel – Complaints Outcome**

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

On 9 March 2017, following a Scrutiny Panel review of the Council's complaints process, the Scrutiny Committee agreed a number of recommendations (ref S36) for consideration by the Executive.

The panel's report to the Scrutiny Committee was provided for reference.

Councillor Bird, as chair of the scrutiny panel, summarised the key findings of the panel.

## **Decision**

### **The Executive agreed:-**

- (1) that a quarterly performance report for complaints will be produced including the number of complaints, types of complaints by Service, what we do to improve, emerging trends and outcomes of complaints to the SPSO;**
- (2) that reports to the Performance Panel should be reviewed to provide a summary of the information set out in clause 1 above;**
- (3) that the Council's annual complaints report will be expanded to include information about Service complaints trends and note that the SPSO commended the report as one of the best produced by Councils;**
- (4) to ensure that all expressions of dissatisfaction are recorded as complaints in line with our policy, rather than as requests for service, for example missed bins;**
- (5) that training is provided for Members on the complaints procedure as part of their induction training. This would include advice about unacceptable behaviour, aligned to the training they are given on lone-working and risk management as part of the process;**
- (6) to publicise positive examples of learning from complaints using our You Said, We Did framework;**
- (7) to continue to participate in the work of the Local Authority Complaints Network which looks at common issues, benchmarking and areas for improvement;**
- (8) to review complaints data for each area and community as part of our approach to locality planning;**
- (9) to work with the SPSO/Complaints Standards Authority to help them pilot their complaints improvement framework;**

- (10) to review the internal mechanisms for reporting upheld SPSO complaints to Members, and**
- (11) more generally, that complaints should be seen as part of the performance and improvement framework.**

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

#### **EX127. Equalities Outcomes and Mainstreaming Report**

The Executive considered a report by the Director of Corporate and Housing Services presenting an updated Equalities Outcomes and Mainstreaming Report for approval.

An Equalities Outcomes and Mainstreaming Report had been agreed on 28 April 2015 (ref EX6).

Under the Equality Act 2010 (Specific Duties) Scotland Regulations 2012, Council is required to publish a refreshed plan by 30 April 2017.

The updated Equalities Outcomes and Mainstreaming Report had been refreshed to reflect the Strategic Outcomes and Local Delivery Plan (SOLD) which had been adopted in 2016 by the Council and its Community Planning Partners and to also reflect the proposed integrated Children's Service Plan. The following outcomes would replace those adopted in 2015:-

- access to our services will be improved by understanding and removing barriers;
- our communities are supported to understand and celebrate the diversity of those who live, work and visit the area;
- our approach to engagement and participation will give a voice to our diverse communities;
- people with the relevant protected characteristics or who experience other forms of discrimination and disadvantage are able to be themselves and reach their full potential;
- children and young people within the relevant protected characteristic groups or who experience other forms of discrimination and disadvantage are able to reach their full potential; and
- children and young people within the relevant protected characteristic groups in Falkirk Schools feel safe and able to be themselves.

## **Decision**

**The Executive agreed the Equality Outcomes and Mainstreaming report with its supporting actions.**

### **EX128. Welfare Reform Update**

The Executive considered a report by the Director of Corporate and Housing Services seeking approval to provide an additional £10,000 to mitigate the reduction in the benefits cap. The report also provided an update on changes to the social security system more generally arising from the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016.

The Executive has received a number of reports on the impact of Welfare Reform changes and on how Council supports those affected by the changes. The most recent update was on 19 May 2015 (ref EX13) at which time universal credit was about to be implemented in the Falkirk Council area.

The report provided an update on the impact of the introduction of universal credit, of the reduction in the benefits cap and the establishment of a Scottish Welfare Fund which enables Councils to provide both crisis grants and community care grants and set out the findings of a National Audit Office report on the use of sanctions by the Department of Work and Pensions (DWP) to encourage people into work.

In regard to the benefits cap, 76 households in the Council area were currently capped at the new limit which was introduced in November 2016.

The (DWP) provided funding to Local Authorities to make Discretionary Housing Payments (DHP) to assist those whose benefits are capped. To date, 17 applications for DHP had been received – of these 9 had been approved and 6 refused. However, it was recommended, given that only 17 of 76 households had applied, that DHP is promoted within the 59 households who have not applied. It was estimated that an additional £10,000 would be required to meet additional DHP payments, in 2017/18. The Council's allocated DHP funding had been utilised and as such it was proposed that the costs are met from the Fairer Falkirk Fund.

Following discussion and with the consent of members of the Executive, Councillor C Martin stated that he would write to the Minister for Pensions to highlight the hardship caused by the sanctions regime.

## **Decision**

**The Executive agreed to further mitigate the impact of the lower benefit cap at a potential cost of approximately £10,000 which would be funded by Fairer Falkirk.**

#### **EX129. Consultative Draft – Historic Environment Strategy for Falkirk**

The Executive considered a report by the Director of Development Services presenting a draft Historic Environment Strategy for Falkirk “Our Future in the Past” for approval.

A draft Historic Environment Strategy based upon the Historic Environment Strategy for Scotland 2014 “Our Place in Time” has been developed. The strategy reflects national and regional policies on the historic environment as well as the vision and strategic objectives of the Local Development Plan 2015.

The proposed strategy:-

- provides detailed background information on the historic environment within the Falkirk area;
- describes the general benefits brought by the historic environment;
- highlights past achievements, opportunities and threats; and
- sets a strategic vision and identifies specific and measurable actions in a 5 year action plan.

The strategy will replace the current Built Heritage Strategy which was adopted in 2006 and, if approved, will be the basis of external consultation with stakeholders and partners. The outcome of the consultation will be reported to the Executive together with any proposed changes by October 2017.

#### **Decision**

The Executive agreed:-

- (1) the consultative draft Historic Environment Strategy for Falkirk 2017 for external consultation; and**
- (2) that a finalised report will be reported back to the Executive for approval and adoption following external consultation.**

#### **EX130. Council of the Future**

The Executive considered a progress report by the Chief Executive on the Council of the Future framework.

On 7 December 2016, Council agreed to adopt the Council of the Future framework (ref FC55). It is intended that savings from the five year change programme will feed through to the 2018/19 budget and beyond.



The report detailed the initial phases of the programme. The first, from January to May 2017, focussed on readiness and engagement with stakeholders (including employees and elected members). In terms of readiness, a Council of the Future Board was established in January 2017. The Board, which includes the Leaders of the Council and the Opposition, will oversee the projects which are designed to deliver the necessary changes to achieve the Council's priorities.

A Change Group, comprising chief officers and project managers has also been set up. It is responsible for delivery of the projects. Services will be supported by a programme management office (PMO) and three programme management co-ordinators have been recruited to provide support to Services. It is also proposed that Improvement Groups will be established although their role has yet to be fully defined.

The second phase, vision and implementation, will begin after the local government elections in May 2017 and the programme will align with the priorities of the new Council's corporate plan.

## **Decision**

### **The Executive:-**

- (1) noted progress made on the Council of the Future framework of change; and**
- (2) agreed that an update report will be submitted to the Executive.**

## **EX131. Development Plan Scheme 2017**

The Executive considered a report by the Director of Development Services presenting the Local Development Plan Scheme 2017.

The current Local Development Plan (LDP) was adopted in 2015. The proposed scheme:-

- explains the development plan framework for the area, and how it is evolving;
- explains the key stages in preparing a local development plan;
- sets out the intended programme for preparing LDP2, and the remaining Supplementary Guidance associated with LDP1;
- describes the progress made to date on LDP2; and
- explains how the Council will involve people and agencies at each stage in the preparation of LDP2 (participation statement).

## **Decision**

**The Executive agreed the Falkirk Local Development Plan Scheme 2017.**

### **EX132. Development of a Family Firm Approach**

The Executive considered a report by the Director of Children's Services setting out progress in developing a "family firm" approach to meet the needs of Looked After Children, young people and care leavers.

On 29 November 2016, following consideration of recommendations from the Scrutiny Committee, the Executive requested that a proposal for a family firm approach be brought forward, with reference to the Council in the first instance but with a view to it being extended to other public sector agencies where appropriate (ref EX85).

## **Decision**

### **The Executive:-**

- (1) noted progress made to date in developing a "family firm" approach; and**
- (2) agreed the direction being taken in developing this approach.**

### **EX133. Provision of Housing and Support for Care Leavers**

The Executive considered an update report by the Directors of Children's Services and of Corporate and Housing Services on the provision of housing and support for children leaving care.

On 29 November 2016, the Executive had requested a report on the provision of housing and support for children leaving care (ref EX85) with specific reference to overcoming the challenges of providing accommodation, the potential for a protocol for housing options, the need to continue support and how this is provided, the role and remit of the leaving care service and how we provide support to older young people in line with our new obligations.

The report set out considerations in regard to:-

- housing care leavers;
- housing options protocols for care leavers; and
- the role and remit of the Leaving Care Team.

## **Decision**

**The Executive agreed to request a further progress report following consideration of the Housing Options Protocol by the Champions Board.**

### **EX134. Social Work Complaints Procedure**

The Executive considered a report by the Chief Social Work Officer presenting a model Complaints Handling Procedure (CHP) for social work complaints received on or after 1 April 2017.

The current procedure for reviewing complaints about social work provision will be replaced on 1 April 2017 with a model Complaints Handling Procedure. This procedure was developed by the Scottish Public Services Ombudsman (SPSO) in partnership with local authorities, Health and Social Care Partnerships, the Scottish Government and Third Sector. It will replace the current 3 stage process (which includes, at stage 3, a review by a Complaints Review Committee) with a 2 stage model which is in line with the model used by local authorities for other complaints about services. A model CHP for the health service will also be introduced on 1 April 2017.

Notably, the CHP accords the SPSO with wider jurisdiction in considering social work complaints than other local government functions and, in particular, enables her to consider the merits of a decision taken in exercise of professional judgement, in line with the approach in place for health complaints.

Although the CHP comes into effect on 1 April 2017, complaints received prior to this date will be handled using the current procedure.

## **Decision**

### **The Executive:-**

- (1) agreed to adopt the Model Complaints Handling Procedure (CHP) for handling all social work complaints from 1 April 2017, with any necessary local modifications; and**
- (2) noted that there will be a CHP for functions delegated to the Integration Joint Board and one for social work services not so delegated.**

### **EX135. Grangemouth Energy Project Update**

The Executive considered a progress report by the Director of Development Services on the Grangemouth Energy Project.

The Executive had agreed on 15 March 2016 (ref EX102) to progress an energy project for the Grangemouth area which would deliver energy cost savings to the industrial complex and potentially to the wider area through the development of a district heating scheme.

A business case, commissioned by the Scottish Government in liaison with Council and Scottish Enterprise was prepared by Atkins, consulting engineers. The business case suggested that Council consider the requisition of energy for its buildings from the district heating network and identified 3 scenarios for this:-

- full “day one” build out across both Eastern and Western network areas;
- begin with key “hubs” and build out over the project lifespan; and
- develop standalone Eastern and Western schemes.

A summary of the advantages and disadvantages of each option was provided. The study highlighted the benefits in the Council using its purchasing powers to obtain lower carbon heat solutions to help prime the development of district heating networks. It was proposed that further consideration of the options is taken forward as part of the Investment Zone initiative.

#### **Decision**

##### **The Executive:-**

- (1) noted the updated position of the Grangemouth Energy Project development work;**
- (2) agreed the inclusion of the next stage of the Energy Project work within the proposed Investment Zone initiative; and**
- (3) agreed to investigate the potential use of the Council’s purchasing powers for low carbon energy supplies as a means of enabling delivery of a district heating network the area.**

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

### **EX136. Corporate Debt Policy**

The Executive considered a report by the Director of Corporate and Housing Services presenting a Corporate Debt Recovery Policy for approval. It was designed to provide consistency across each of the Council's debt streams, namely:-

- council tax;
- non domestic rates;
- rents;
- sundry debts; and
- housing benefits overpayments.

#### **Decision**

##### **The Executive:-**

- (1) agreed the Corporate Debt Policy;**
- (2) noted that the policy will be reviewed every 3 years, but more frequently if there are material changes to the way in which any debt is recovered, and**
- (3) noted the intention to review the rent appendix in 2018 in light of Welfare Reform changes and in particular the roll-out of Universal Credit.**

### **EX137. Exclusion of Public**

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

### **EX138 Irrecoverable Debts 2016/17**

The Executive considered a report by the Director of Corporate and Housing Services recommending that irrecoverable debts in regard to council tax, housing benefit overpayments, non domestic rates, sundry accounts and payroll overpayments are written out of the 2016/17 accounts.

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

Details were given of debts exceeding £5,000 in regard to council tax, housing benefit overpayments, non domestic rates, sundry accounts and payroll overpayments and approval was sought to write these off.

### **Decision**

**The Executive agreed that, subject to further recovery action being taken should the opportunity arise, the following debts in excess of £5,000 be written out of the accounts in 2016/17 :-**

- (1) council tax debts totalling £15,593.08 as detailed in appendix A to the report;**
- (2) rent debts totalling £33,361.19 as detailed in appendix B to the report;**
- (3) housing benefit overpayments totalling £45,726.94 as detailed in appendix C to the report;**
- (4) non-domestic rates debts totalling £969,016.16 as detailed in appendix D to the report, with an appropriate adjustment to the rate income return for 2016/17;**
- (5) sundry account debts totalling £59,095.83 (inclusive of VAT) as detailed in appendix E to the report; and**
- (6) temporary accommodation charges totalling £59,091.63 as detailed in appendix F.**

### **EX139. Convener's Remarks**

In recognition that this was the final meeting of the Executive before the local government elections in May, the Convener thanked members and officers for their support and commitment over the previous 5 years.