

The Appellant and his representative asked questions of the Head of Resources and Procurement.

Members of the Committee then asked questions of the Head of Resources and Procurement.

The Head of Resources and Procurement summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

The Committee decided that the decision by the Head of Resources and Procurement to dismiss the Appellant from Council service on the grounds of capability was justified in the circumstances. It accordingly **REFUSED** the appeal.

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

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 6 AUGUST 2012 commencing at 9.15 a.m.

PRESENT: Councillors Alexander, Black, Buchanan, Chalmers, Mahoney, Meiklejohn, Nicol, Paterson and Turner.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Carleschi and McLuckie.

ATTENDING: Development Management Co-ordinator (D Campbell); Senior Planning Officer (B Vivian) (for application P/11/0611/FUL); Planning Officer (K Brown) (for applications P/12/0055/FUL and P/12/0069/FUL); Environmental Health Officer (S Henderson) (except for application P/12/0069/FUL); Network Co-ordinator; Solicitor (K Quin); and Committee Officer (A Sobieraj).

P41. CHANGE OF USE AND EXTENSION TO SHOP (CLASS 1) TO HOT FOOD SHOP (AMENDMENT TO PLANNING PERMISSION P/07/1132/FUL) AT 168A ALMOND STREET, GRANGEMOUTH FK3 8PS FOR MR ABDUL KHALIQ - P/12/0055/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 June 2012 (Paragraph P35 refers), Committee gave further consideration to Report (circulated) dated 12 June 2012 by the Director of Development Services on an application for full planning permission for a change of use and extension to shop (Class 1) to a hot food shop (amendment to planning permission P/07/1132/FUL) at 168A Almond Street, Grangemouth.

The Convener introduced the parties present.

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

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

Mr Hamad, the applicant, and Mr Rashid, the premises day to day manager, provided clarification on a number of issues in support of the application.

The Convener thereafter read out a letter from Councillor Balfour, as local Member for the area in relation to the application.

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

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

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

The objections included the following issues:-

- The road safety and parking issues including at an already busy road junction;
- The problem of anti-social behaviour, loitering and litter;
- The number of hot food takeaways in the area at present;
- The odours emanating from the premises; and
- The location of the bins and refuse area and the impact on the residential amenity.

Questions were then asked by Members of the Committee.

Councillor Spears, as local Member for the area, was heard in relation to the application.

Members thereafter walked to the refuse area where bins were presently lined up along a neighbouring property's wall.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 22 August 2012.

P.42 ERECTION OF STABLES, RE-SITING OF CARAVAN, FORMATION OF RIDING ARENA AND ANCILLARY HARDSTANDING (RETROSPECTIVE) ON LAND TO THE EAST OF AVONSIDE HOUSE, REDDOCH ROAD, POLMONT FOR MR A BUCHANAN - P/12/0069/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 June 2012 (Paragraph P36 refers), Committee gave further consideration to Report (circulated) dated 12 June 2012 by the Director of Development Services on an application for full planning permission (retrospective) for the erection of stables block, the re-siting of a static caravan, the formation of riding arena and ancillary hardstanding areas on land to the east of Avonside House, Reddoch Road, Polmont, Falkirk.

The Convener introduced the parties present.

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

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

Mr Buchanan, the applicant, provided clarification on a number of issues in support of the application.

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

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

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

The objections included the following issues:-

- The retrospective nature of the application;
- That high level of traffic entering the site;
- The past and present problems and significant costs of rebuilding a damaged wall at the neighbouring property and associated regular drain clearing;
- The lack of a requirement for planning permission for the turning area;
- That the riding school would be used for the operation of a commercial business and not for personal use;
- The large size of the caravan rather than only as a place to shelter;
- The quality and contamination of the hardcore brought into the site and its lack of significant infilling;
- The high levels of water onto the site and its discharge and drainage affecting the neighbouring property;
- The lack of a sewerage connection and toilet facilities on the site and its waterlogged nature;
- That the area was prone to regular flooding, the blocked burn and the need for a flood risk assessment; and
- The lack of consultation with neighbouring properties.

Questions were then asked by Members of the Committee.

Members thereafter briefly viewed the layout of the caravan in relation to any water use.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 22 August 2012.

P.43 ERECTION OF SINGLE WIND TURBINE (HUB HEIGHT 49 METRES, ROTOR DIAMETER 56 METRES, AND MAXIMUM TOTAL TIP HEIGHT OF 77 METRES), WITH ASSOCIATED FOUNDATION, HARDSTANDING, TRANSFORMER AND ACCESS TRACK (500 KW) AT GLENHEAD FARM, CALIFORNIA, FALKIRK FK1 2DG FOR MR THOMAS MILLER - P/12/0002/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 June 2012 (Paragraph P38 refers), Committee gave further consideration to Report (circulated) dated 12 June 2012 by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine with associated foundation, hardstanding, transformer and access track (500 kW) on agricultural land to the south of Glenhead Farm, California, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application. Mr Campbell also advised that four objections had been received by email since the completion of the Report to Committee. The points raised would be included in the update Report to the following Planning Committee.

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

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

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

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

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

The objections included the following issues:-

- The effect on the visual amenity and landscape;
- The noise from the turbines and the wind vibration;
- The impact on wildlife and the Right of Way;
- The lack of consultation with neighbouring properties by the applicants and formal neighbour notification; and
- The close proximity to neighbouring properties.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 22 August 2012.

P.44 INSTALLATION OF 2 NO WIND TURBINES (37M TO HUB, 58M TO TIP), ACCESS AND ASSOCIATED WORKS (2 X 100 KW) AT BALQUHATSTONE MAINS, STATION ROAD, SLAMANNAN, FALKIRK FK1 3BQ FOR MR JAMES HARVEY - P/12/0012/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 June 2012 (Paragraph P37 refers), Committee gave further consideration to Report (circulated) dated 12 June 2012 by the Director of Development Services on an application for full planning permission for the erection two no. wind turbines with a height of 37 meters to the hub and access and associated works (2 x 100 kW) at Balquhatstone Mains, Station Road, Slamannan, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application.

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

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

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

The objections included the following issues:-

- The effect on the visual amenity and landscape;

- The close proximity of the species of protected geese causing injury or death from collision with turbines;
- The other bird species in the area, such as Osprey, which due to weather conditions at certain times of the year, could find it difficult to avoid the turbines;
- The proposed turbines would be too close to residential dwellings;
- The flicker effect from the turbines on residential properties;
- The number of similar applications granted in the wider area;
- The effect on the views from nearby properties;
- The noise effect on nearby dwellings and rear gardens;
- The adverse effect on the price of nearby properties;
- The health and safety due from noise of a nearby sight impaired property owner;
- The green belt nature of the site and the precedent for other industrial units to be built in these areas;
- The scenic nature of the area;
- The high wind area frequency and cold thereby illustrating the inappropriateness within these conditions;
- The effect on local wildlife including use by a variety of native birds for breeding;
- The current proposals for a nearby wind-farm;
- The lack of community involvement;
- The turbines being shipped in from outside Europe;
- The turbines being around 500 metres from properties on Station Road, Slamannan;
- The devaluing of property;
- The conflict in the information submitted in relation to the wattage of the turbines;
- The icing up of the turbines rotor blades in winter and the danger to livestock from melting and falling ice;
- The increase in HGV traffic during construction through the village of Slamannan, thereby endangering children and damaging the road surface as well as construction noise;
- The fire risk from marshy ground and floods in winter;
- That safety issues associated with an earth fault in the turbines could cause issues; and
- The need for clarification on the safety measures in place should the turbines incur a fault.

Questions were then asked by Members of the Committee.

Members thereafter walked through fields to view the two temporary markers showing the position of the proposed turbines.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 22 August 2012.

P.45 FORMATION OF SINGLE FAMILY TRAVELLERS SITE COMPRISING 2 STATIC CARAVANS, ANCILLARY PARKING AND HARDSTANDING, SEPTIC TANK, ERECTION OF WALLS/FENCES AND STORAGE UNIT (RETROSPECTIVE) AT HAYFIELD FARM, BONNYBRIDGE FK4 2ET FOR JOHN REID - P/11/0611/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 June 2012 (Paragraph P39 refers), Committee gave further consideration to Report (circulated) dated 12 June 2012 by the Director of Development Services on an application for full planning permission (retrospective) for the formation of single family travellers site comprising 2 static caravans, ancillary parking and hardstanding, septic tank, erection of walls/fences and storage unit at Hayfield Farm, Bonnybridge.

The Convener introduced the parties present.

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

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

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

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

The objections included the following issues:-

- The site was previously refused planning permission;
- That the site had been allowed to expand;
- That the land was previously part of Hayfield Farm and was therefore farmland which cannot normally be used to live on;
- The number of travellers sites being formed around the area;
- The detrimental effect on the countryside;
- The problems experienced by a neighbouring farm in relation to water and flooding;
- That the site had no running water or electricity; and
- The septic tank not being the required distance from the watercourse.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 22 August 2012.

FALKIRK COUNCIL

MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 7 AUGUST 2012 at 9.30 a.m.

PRESENT: Depute Provost Patrick; Councillors Balfour, MacDonald, C Martin, McLuckie, Meiklejohn, Murray and Ritchie.

CONVENER: Councillor C Martin.

ATTENDING: Directors of Development Services, Education Services, and Social Work Services; Chief Governance Officer; Depute Chief Finance Officer; Heads of Planning and Transportation, of Policy, Technology and Improvement, and of Resources and Procurement; Development Manager Co-ordinator (D Campbell); Transport Co-ordinator; Sustainable Development Officer, and Senior Committee Services Officer.

ALSO

ATTENDING: N Brown, General Manager, Falkirk Community Trust

PR14. DECLARATIONS OF INTERESTS

No declarations were made.

PR15. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Policy and Resources Committee held on 12 June 2012.

PR16. DECISIONS TAKEN UNDER DELEGATED POWERS

There was submitted Report (circulated) dated 30 July 2012 by the Chief Governance Officer detailing decisions taken by Service Directors, following appropriate consultation, under powers delegated by Falkirk Council on 20 June 2012. For the period 21 June to 6 August 2012 the undernoted 7 decisions were taken:-

Development Services

Fees Charged Under the Electricity (Applications for Consent) Regulations 1990 for Applications Under S36 and S37 of the Electricity Act 1989 – Scottish Government Consultation Document May 2012.

Scottish Government Development Delivery Consultation 2012.

Scottish Government Consultation on Fees for Planning Application 2012.

Scottish Government Consultation on Miscellaneous Amendments to the Planning System 2012.

Scottish Government Consultation Paper on the General Permitted Development Amendment Order 2012.

Director of Education Services

Proposed Bid to the Scotland's Schools for the Future – Phase 3.

Chief Governance Officer

Public Processions.

PR17. CAPITAL PROGRAMMES UPDATE REPORT

There was submitted report (circulated) dated 5 July 2012 by the Chief Finance Officer (a) advising on the outturn position for the 2011/12 Capital Programmes, and (b) presenting an update on the progress of both the General Services and the Housing Capital Investment Programmes for 2012/13.

NOTED:-

- (1) the outturn position for 2011/12, subject to audit, and
- (2) the status of the General Services and Housing Capital Investment Programmes for 2012/13.

PR18. FINANCIAL POSITION 2011/12

There was submitted Report (circulated) dated 5 July 2012 by the Chief Finance Officer (a) presenting the final update on the financial position of the Council for 2011/12, (b) advising that the final accounts process is complete, subject to audit review, and (c) explaining that any further adjustment to the figures will be reported back to Committee.

NOTED:-

The Council's year end financial position for 2011/12.

AGREED to approve:

- (1) transfers to the Repairs and Renewals Fund as detailed within the Report, and
- (2) the transfer of £2m to the Equal Pay Provision.

PR19. FINANCIAL POSITION 2012/13

There was submitted Report (circulated) dated 5 July 2012 by the Chief Finance Officer (a) presenting an initial update on the financial position of the Council for 2012/13, and (b) reflecting on the situation as at 30 June 2012.

NOTED the initial projection of revenue account spending for 2012/13.

PR20. SCOTTISH GOVERNMENT CONSULTATION PAPER - TAKING FORWARD A SCOTTISH LAND AND BUILDINGS TRANSACTION TAX

There was submitted joint Report (circulated) dated 25 July 2012 by the Chief Finance Officer and the Director of Development Services (a) referring to the Scotland Act 2012 which conferred responsibility on the Scottish Parliament for taxes on land transactions and for taxes on disposal to landfill in Scotland with effect from April 2015, when the UK Stamp Duty Land Tax (SDLT) and Landfill Tax will be replaced, (b) summarising the consultation paper which sets out the thinking of the Scottish Government on a proposed Land and Buildings Transactions Tax, and (c) attaching as an appendix to the Report a copy of the consultation paper along with the Council's proposed response, which requires to be submitted by 30 August 2012.

AGREED the proposed responses to the consultation questions and to forward them to the Scottish Government, subject to the inclusion of a statement indicating that in relation to the Exemptions/Reliefs, the value of £40,000 is too low.

PR21. SCOTTISH CLIMATE CHANGE DECLARATION – PROGRESS REPORT 2011

There was submitted Report (circulated) dated 31 July 2012, by the Director of Development Services (a) referring to the decision taken in January 2007, that Falkirk Council join the other 31 Scottish local authorities in signing up to the Scottish Climate Change Declaration; (b) advising that CoSLA has written requesting each Council to submit an annual progress on the Declaration; (c) summarising the progress made to date, and (d) attaching as an appendix to the Report a copy of the progress update to be submitted to CoSLA.

NOTED the progress made on the delivery of the commitments made in the Scottish Climate Change Declaration.

AGREED to approve the submission to CoSLA of the finalised Progress Report, as contained in the appendix to the Report.

PR22. SCOTTISH PUBLIC SERVICES OMBUDSMAN – MODEL COMPLAINTS HANDLING PROCEDURE

There was submitted Report (circulated) dated 11 July 2012 by the Director of Corporate and Neighbourhood Services (a) referring to the provisions within the Public Services Reform Act giving authority for the Scottish Public Sector Ombudsman (SPSO) to lead the development of simplified and standardised complaints handling procedures across the public sector; (b) advising that a final draft Complaints Handling Procedure (CHP) was published earlier in 2012 by the SPSO with the expectation that all local authorities would adopt the Model in the financial year 2012/13 and that a copy of the CHP for Falkirk Council be provided to the SPSO by 14 September 2012; (c) informing that Audit Scotland, in conjunction with SPSO would monitor the CHP, and (d) summarising the

main features of the Model CHP and the issues relating to its implementation within Falkirk Council.

NOTED the work that has been ongoing to prepare for the implementation of the model CHP.

AGREED:-

- (1) to adopt the model CHP as issued by the SPSO, noting that information reflecting local circumstances would be added as appropriate;
- (2) to adopt and promote the information contained in the standard CHP for the public;
- (3) that a programme of staff training and guidance should be implemented as referred to within the Report, and
- (4) that the CHP will be promoted and made accessible to the public through a variety of channels.

PR23. CONTRACTS:-

(a) For the Provision of Cleaning Services for Void and Homeless Properties

There was submitted Report (circulated) dated 11 July 2012 by the Director of Corporate and Neighbourhood Services (a) advising that 62 companies expressed an interest in tendering for the Provision of Cleaning Services for Void and Homeless Properties as part of a Framework Agreement which was advertised through the Public Contracts Portal and the Official Journal of the European Union as an open tender; (b) explaining that the framework will commence on 1 September 2012 and run for 36 months until 31 August 2015 with an option to extend for a further 12 months and will have an estimated value of £175,000, and (c) intimating that 16 tenders were received by the due date of 4 May 2012 and opened in accordance with Standing Order 11.2 relating to contracts.

AGREED in accordance with Standing Order 6.2(iv) to approve acceptance of 4 tenders submitted, as detailed within the Appendix attached to the Report, with an estimated value of £175,000 in respect of a Framework Agreement for the Provision of Cleaning Services for Void and Homeless Properties from 1 September 2012 to 31 August 2015.

(b) For the Supply and Installation of Full and Partial Furniture Packs as part of a Framework Agreement

There was submitted Report (circulated) dated 11 July 2012 by the Director of Corporate and Neighbourhood Services (a) advising that 34 companies expressed an interest in tendering for the Supply and Installation of Full and Partial Furniture Packs as part of a Framework Agreement which was advertised through the Public Contracts Portal and the Official Journal of the European Union as an open tender; (b) explaining that the framework will commence on 1 September 2012, and run for 36 months until 31 August 2015 with an option to

extend for a further 12 months and will have an estimated value of £300,00, and (c) intimating that 4 tenders were received by the due date of 4 May 2012 and opened in accordance with Standing Order 11.2 relating to contracts.

AGREED in accordance with Standing Order 6.2(iv) to approve acceptance of the tenders submitted, as detailed within the Appendix attached to the Report, with an estimated value of £300,000 in respect of a Framework Agreement for the Supply and Installation of Full/Partial Furniture Packs to Falkirk Council from 1 September 2012 to 31 August 2015.

PR24. 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 Paragraphs 6, 8 and 9 of Part 1 of Schedule 7A of the said Act.

PR25. UPGRADING OF PROPERTIES AT KERSIEBANK AVENUE, GRANGEMOUTH

There was submitted Report (circulated) dated 11 July 2012 by the Director of Corporate and Neighbourhood Services seeking approval to enter into negotiations to purchase a privately owned property at 157 Kersiebank Avenue, Grangemouth.

AGREED to authorise:-

- (1) the Council's Development Services Department to enter into negotiations with the owner of 157 Kersiebank Avenue, Grangemouth to buy back the property, and
- (2) the Director of Corporate and Neighbourhood Services to buy back the property provided that the negotiated price is in the region of the District Valuer's valuation of £25,000.

PR26. ACCESSIBLE TRANSPORT AND SHOPMOBILITY PROCUREMENT

With reference to the Minute of Meeting of Falkirk Council held on 7 December 2011 (Paragraph FC65 refers), there was submitted Report (circulated) dated 31 July 2012 by the Director of Development Services (a) providing an update on responses from Order of Malta Dial a Journey Ltd to the offer of (i) a five year Service Level Agreement to operate the Shopmobility service from 1 April 2012 and (ii) a further one year Service Level Agreement from 1 April 2012 to operate the accessible transport and taxicard booking services; (b) detailing the results from the tendering process for the accessible transport and taxicard booking services post 1 April 2013, and (c) advising that the Clackmannanshire and Stirling Councils have made no decision on tendering their services.

AGREED to authorise officers to terminate the current tender process and to enter into direct negotiations for the provision of an accessible transport service and Taxicard booking service which can be provided within the budget.

PR27. DECISION TAKEN UNDER DELEGATED POWERS – BUSINESS GATEWAY

There was submitted Report (circulated) dated 31 July 2012 by the Director of Development Services summarising the decision taken under delegated powers, granted by Falkirk Council at its meeting on 20 June 2012 in respect of awarding a new external contract for the delivery of Business Gateway for the Forth Valley area.

NOTED the decision made by the Director of Development Services under powers delegated on 20 June 2012 to award the contract to Stirling Enterprise Park Ltd.

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 8 AUGUST 2012 at 9.30 A.M.

PRESENT: Provost Reid; Councillors D Goldie, Hughes, McLuckie, Nicol, Ritchie and Turner.

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Blackwood, Buchanan and McNally.

ATTENDING: Chief Governance Officer; Licensing Co-ordinator; and Democratic Services Manager.

CL30. DECLARATION OF INTEREST

Councillor Ritchie declared that she may have a financial interest in Item 13 (minute CL43) as her husband worked in the same profession and in the same area as the applicant. Consequently, she advised that she would take no part in discussion or consideration of the item of business.

CL31. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 18 June 2012.

CL32. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MAY AND JUNE 2012

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer detailing (i) applications granted under delegated powers between 1 May and 30 June 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; (ii) notifications received during the same period for parades and marches and (iii) decisions taken by officers under recess powers granted by Council on 20 June 2012.

NOTED

CL33. 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.

CL34. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Councillor Nicol 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.

CL35. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The Applicant, Mr B, was not in attendance. The Licensing Co-ordinator advised that contact had been made with the applicant. He had indicated that he would not be attending the meeting nor be represented. The Committee agreed to consider the application in his absence.

Chief Inspector G Taylor and PC S Leishman, Central Scotland Police entered the meeting.

There was submitted Report (circulated) dated 30 July 2012 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 the responses received; and (c) detailing the applicant's record.

Chief Inspector G Taylor then spoke in amplification of the objection submitted by Central Scotland Police, a copy of which had been provided to Members of the Committee.

AGREED to REFUSE to grant the licence in terms of (i) the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence and (ii) Section 13(5) of the said Act on the ground that, having failed to pass the knowledge test, the applicant had failed to satisfy the Authority that he had adequate knowledge of the area to which the licence relates and the layout of roads in the area.

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

CL36. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

A Director of the applicant company, Mrs D, together with Mr K, Administrative Officer and Mr D, day to day manager, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mrs D spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED that a departure from the Council's policy was justified and therefore to **RENEW** the licence for a period of three years subject to the standard conditions.

CL37. APPLICATION FOR THE GRANT OF AN ADDITIONAL PRIVATE HIRE CAR OPERATOR LICENCE

A director of the applicant company, Mr McB, together with his wife, Mrs McB, entered the meeting.

There was submitted Report (circulated) dated 30 July 2012 by the Chief Governance Officer on an application for the grant of an additional private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the record of one of the directors of the applicant company.

Mr McB spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of one year subject to the standard conditions.

CL38. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 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 the 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.

AGREED to **GRANT** the licence for a period of one year subject to the standard conditions.

CL39. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr K, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 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 the responses received; and (c) detailing the applicant's record.

Mr K spoke in support of the application and submitted letters of support from his father, a family friend and prospective employers. The letters were circulated among the Committee Members.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of one year with a warning letter and subject to the standard conditions.

CL40. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr R, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr R spoke in support of the application and referred to a letter commenting on his good character, a copy of which was circulated to the Committee in support of his application.

Questions were asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of one year with a warning letter subject to the standard conditions.

CL41. APPLICATIONS FOR THE RENEWAL OF A TAXI DRIVER AND A TAXI OPERATOR LICENCE

The applicant, Mr P, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer on applications for the renewal of a taxi driver and a taxi operator licence (a) advising of the background to the applications; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr P spoke in support of the applications.

Questions were asked by Members of the Committee.

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

The applicant, Mr P, left and was then recalled to the meeting.

AGREED (i) to **RENEW** the licences for a period of 6 months with a warning letter and subject to the standard conditions and (ii) that any subsequent application for a renewal of either or both licenses should be referred to Committee for determination.

CL42. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr J, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer on an application for the renewal of a private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr J spoke in support of the application.

Questions were asked by Members of the Committee.

AGREED to **RENEW** the licence for a period of one year subject to the standard conditions.

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

CL43. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, McL, entered the meeting.

There was submitted Report (circulated) dated 31 July 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr McL spoke in support of the application.

Questions were asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of three years subject to the standard conditions.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the CIVIC EVENTS PANEL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 8 AUGUST 2012 at 2.00 PM.

PRESENT: Provost Reid and Depute Provost Patrick.

CONVENER: Provost Reid.

APOLOGY: Councillor Buchanan.

ATTENDING: Accountancy Assistant (L Callachan) and Members' Services Administrator (H Forster).

CE1. DECLARATION OF INTERESTS

No declarations were made.

CE2. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Events Panel held on 14 February 2012.

CE3. CIVIC HOSPITALITY BUDGET

There was submitted Report (circulated) dated 1 August 2012 by the Chief Finance Officer detailing the expenditure and balance available in respect of the Civic Hospitality Budget 2012/13.

NOTED.

CE4. ROYAL BRITISH LEGION GRANGEMOUTH

There was submitted Report (circulated) dated 25 July 2012 by the Chief Governance Officer advising that a request for support had been received from the Vice Chairman, Royal British Legion Scotland, towards the provision of Civic Hospitality in respect of Armed Forces Day.

AGREED to provide financial support in the sum of £600 towards the provision of hospitality at the Royal British Legion Scotland Grangemouth branch's premises following the parade in Grangemouth on Armed Forces Day on 25th August 2012.

CE5. WALLACESTONE AND DISTRICT PIPE BAND

There was submitted Report (circulated) dated 25 July 2012 by the Chief Governance Officer advising that a request had been received from the Secretary, Wallacestone and District Pipe Band for civic recognition on the occasion of the band's 125th Anniversary.

AGREED to provide a Civic Reception for Wallacestone and District Pipe Band, at an approximate cost of £750, in recognition of the band's 125th Anniversary to be held on 5 October 2012.

CE6. KIMBALL UNION COLLEGE BASKETBALL TEAM

There was submitted Report (circulated) dated 26 July 2012 by the Chief Governance Officer advising that a request had been received from the Secretary, Falkirk High School Basketball Teams to provide lunch for Kimball Union College Basketball Team, USA on their visit to the Falkirk Council area.

AGREED to provide lunch for Kimball Union College Basketball Club, at an approximate cost of £400, to be held on 10 August 2012 at Falkirk Stadium.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the ENVIRONMENT AND COMMUNITY SAFETY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 14 AUGUST 2012 at 9.30 am.

PRESENT: Councillors Alexander, Blackwood, G Goldie, Jackson, Mahoney, Dr C R Martin, McNally, Nicol, Oliver and Paterson.

CONVENER: Councillor Dr C R Martin.

ATTENDING: Directors of Development Services and of Social Work Services; Heads of Policy, Technology and Improvement and of Roads and Design; Depute Chief Governance Officer; Community Planning Manager; Service Manager, Children and Families and Criminal Justice (S Stirrat); Waste Strategy Co-ordinator; Waste Manager; Accountancy Services Manager (H MacArthur); Sustainable Development Officer; Interim Legal Services Manager (R M Hoey) and Committee Services Officer (S Barton).

ALSO

ATTENDING: Johnny Keenan, Falkirk Community Health Partnership, NHS Forth Valley..

ECS1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Turner.

ECS2: DECLARATIONS OF INTEREST

Councillor Alexander declared a non-financial interest in Item ECS3 by virtue of him being a Council representative on the Fife and Forth Valley Community Justice Authority, but did not consider that this required him to recuse himself from consideration of this item, having regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

Councillor Alexander declared a non-financial interest in Item ECS6 by virtue of his involvement on the Board of the Scottish Ambulance Service, but did not consider that this required him to recuse himself from consideration of this item, having regard to the objective test in the Code of Conduct.

Councillor Paterson declared a non-financial interest in Item ECS3 by virtue of her involvement as the Council substitute representative on the Fife and Forth Valley Community Justice Authority, but did not consider that this required her to recuse herself from consideration of this item, having regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

ECS3. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Environment and Community Safety Committee held on 24 January 2012.

ECS4. CASHBACK FOR COMMUNITIES: INVESTMENT IN COMMUNITY PAYBACK

There was submitted Report (circulated) dated 6 June 2012 by the Director of Social Work Services (a) advising Members on Cashback for Communities funding approved by the Fife and Forth Valley Community Justice Authority Board, and (b) outlining progress in respect of funded projects currently being undertaken by Falkirk Council Criminal Justice Social Work Service.

Discussion took place on the following:-

- the benefits to the community of the scheme
- how local organisations can become involved
- the ongoing promotion of the scheme
- the success of the Dollar Park walled garden project

NOTED the contents of the Report and the progress to date.

AGREED that the Director of Social Work Services provide a progress report on the Dollar Park project in due course to an appropriate Committee.

ECS5. FALKIRK HEART TOWN – UPDATE

There was submitted Report (circulated) dated 2 July 2012 by the Director of Corporate and Neighbourhood Services (a) providing an update on the progress made in respect of Falkirk Heart Town; (b) outlining the various fundraising activities, and (c) detailing further action to improve future potential of Falkirk Heart Town.

NOTED the progress made with regard to Falkirk Heart Town particularly those activities and the allocation of moneys highlighted in paragraph 2 of the report.

AGREED:-

- (1) to support the recruitment drive to increase the pool of volunteers available to support Heart Town activities, and
- (2) to endorse the action being taken to improve communication, promotion and marketing.

ECS6. EQUALLY WELL IN FALKIRK: A FRAMEWORK FOR IMPROVING HEALTH AND REDUCING HEALTH INEQUALITIES 2012-2015

There was submitted Report (circulated) dated 18 July 2012 by the Director of Corporate and Neighbourhood Services (a) providing an overview of 'Equally Well in Falkirk: A Framework for Improving Health and Reducing Health Inequalities 2011-2015'; (b) highlighting the Council's approach and the underlying principles of the Framework, and (c) attaching as an appendix, the Equally Well Framework Document which sets out priority areas.

Discussion took place on the following:-

- concern over the locality areas which consistently appear near to the bottom of the indicators
- the increase in the numbers of takeaway outlets and the relationship with over consumption
- the impact of a reduction in school crossing patrols and how this relates to the number of children who walk to school
- concern over the increase in entrance fees to leisure facilities and the impact on uptake figures
- the impact of the upcoming benefit changes
- the work being undertaken to highlight the "Choose Life" agenda

NOTED:-

- (1) progress made in the development of Equally Well in Falkirk, and
- (2) that officers will report annually on the progress being made towards addressing health inequalities in the Falkirk Council area.

AGREED to support the approach and principles of Equally Well in Falkirk as outlined in paragraph 3 and in the appendix to the Report.

Councillor McNally entered the meeting during discussion of the foregoing item of business.

ECS7. COMMUNITY SAFETY: UPDATE REPORT

There was submitted Report (circulated) dated 6 July 2012 by the Director of Corporate and Neighbourhood Services (a) providing an update on the work of the Community Safety Partnership; (b) outlining some of the initiatives and work undertaken by the Partnership, and (c) enclosing as appendices information on Safer Streets Feedback 2011-2012 and Detached Youth Work Activity Locations 2011-2012.

Discussion took place on the following:-

- issues surrounding anti-social behaviour, particularly dog fouling and littering
- the success of the safer streets initiative
- the Bog Road initiative as an example of departmental collaboration
- the excellent work of the detached youth work teams

NOTED:-

- (1) the progress made against strategic priorities;
- (2) the work of the Community Safety Partnership, and
- (3) that officers will continue to report annually to elected members on progress.

ECS8. ZERO WASTE UPDATE

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) advising of the Council's progress in relation to land fill diversion and recycling targets; (b) highlighting the introduction of Zero Waste Regulations and the requirement for a separate food waste collection, and (c) enclosing as an appendix, the future waste rollout programme.

Discussion took place on the following:-

- promotion of the separate food waste collection
- concerns over odour in the Polmont area
- the arrangements for commercial premises with regards to food waste
- the options available for flatted properties as part of the new collection regime
- current and future levels of landfill tax

NOTED:-

- (1) the continual improvement in recycling performance, and
- (2) progress in the development of the Council's new Zero Waste Plan.

AGREED the next steps in the introduction of a separate food waste collection as detailed in the appendix to the Report.

ECS9. UPDATE REPORT ON MEASURES TO MANAGE FLOOD RISK

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) detailing progress in respect of measures to manage flood risk within the Falkirk Council area, and (b) highlighting activities in respect of the implementation of the Flood Risk Management (Scotland) Act 2009.

Discussion took place on the following:-

- the work being undertaken to alleviate flooding at Checkbar
- flooding issues in the Blackness area
- protocols agreed between insurers and the Government in relation to flood risk areas
- concerns over delays in implementation of the Grangemouth Flood Prevention Scheme
- flooding issues in the Camelon area

NOTED:-

- (1) the measures currently being pursued by Falkirk Council to reduce flood risk within the Council area; and
- (2) the funding issues as detailed in paragraph 5 of the Report.

The Committee **AGREED** to a short adjournment. The meeting adjourned at 12.25 pm and reconvened at 12.35 pm with all those present as per the sederunt.

ECS10. FOOD AND SAFETY SERVICE PLANS AND POLICIES 2012-2013

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) highlighting the Council's responsibility in respect of food and work place safety service delivery, and (b) enclosing as appendices the Food Safety Service Plan for 2012-2013, the Workplace Health and Safety Service Plan for 2012-2013, and the revised Workplace Health and Safety Enforcement Policy.

Discussion took place on the guidance in relation to legionella checks and possible increases in the testing requirements.

AGREED to approve:-

- (1) the Food Safety Service Plan for 2012-2013;
- (2) the Council's Workplace Health and Safety Plan for 2012-2013, and
- (3) the Council's Workplace Health and Safety Enforcement Policy.

ECS11. FOOD HYGIENE INFORMATION SCHEME

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services advising of the Food Hygiene Information Scheme and the arrangements for its implementation.

Discussion took place on:-

- the information currently available in relation to food hygiene and the implications of the new scheme
- how the implementation of the new scheme will be monitored, with the possibility of update reports being required for Committee

NOTED the contents of the Report.

AGREED to approve the proposed implementation of the scheme as outlined in the Report.

ECS12. JOINT HEALTH PROTECTION PLAN

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) enclosing as an appendix to the Report the Joint Health Protection Plan produced by NHS Forth Valley Health Board in conjunction with Falkirk, Stirling and Clackmannanshire Councils, and (b) highlighting the arrangements for its publication.

NOTED the contents of the Joint Health Protection Plan for Forth Valley.

AGREED to approve publication of the Joint Health Protection Plan for Forth Valley.

ECS13. SCOTTISH CLIMATE CHANGE DECLARATION – PROGRESS REPORT

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) detailing progress to date in respect of the implementation of the Scottish Climate Change Declaration; (b) highlighting future priority actions on the delivery of commitments specified in the Declaration, and (c) enclosing, as an appendix, the Finalised Progress Report submitted to COSLA.

Discussion took place on the following:-

- the incentives for local business and industry to reduce their carbon footprint
- the options for more efficient street lighting
- alternative ways to provide street lighting

NOTED:-

- (1) the progress made on the delivery of the commitment made in the Scottish Climate Change Declaration, and
- (2) the submission to COSLA of the Finalised Progress Report attached as an appendix to the Report.

ECS14. SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE STRATEGY 2012-2017 PROPOSED FINAL DRAFT

There was submitted Report (circulated) dated 6 August 2012 by the Director of Development Services (a) providing a brief introduction to the Sustainable Development and Climate Change Strategy 2012-2017; (b) summarising the public and partner consultation undertaken in respect of the draft Strategy, and (c) enclosing as an appendix to the Report the Falkirk Council Sustainable Climate Change Strategy 2012-2017 Final Draft.

AGREED to refer the Falkirk Council Sustainable Climate Change Strategy 2012-2017 Final Draft, attached as an Appendix to the Report, to the Policy and Resources Committee with a recommendation for approval.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the EDUCATION COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 21 AUGUST 2012 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Alexander, Blackwood, Carleschi, Chalmers, Gow, Hughes, Jackson, Dr C R Martin, Nicol and Nimmo.

**REPRESENTATIVES
OF RELIGIOUS
BODIES:**

G Boyle, M Coutts and Rev M Rollo.

CO-OPTEES: M McKay (Pupil Representative); F Craig and M Smith (Teacher Representatives), J Ainsley and M Craigen (Parent Representatives).

CONVENER: Councillor Nimmo.

ATTENDING: Director of Education; Heads of Educational Support and Improvement, and of Educational Planning and Resources; Quality Improvement Manager; Additional Support for Learning Manager; Accountancy Services Manager (D Cairney); Integration Support Manager; Childcare provision co-ordinator; Principal Officer, Falkirk East Team, Community Learning and Development; School Estate Co-ordinator; Senior Forward Planning Officer; Depute Chief Governance Officer and Committee Services Officer (S Barton).

ALSO

ATTENDING: C Bell, Chair of Community Schools Charity Board.

E1. APOLOGIES

An apology was submitted on behalf of A Rattray (Pupil Representative).

E2. DECLARATIONS OF INTEREST

Provost Reid declared a non-financial interest in item E5 by virtue of him having a familial connection with one of the organisations discussed in the Report and considered that he required to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

E3. VARIATION IN ORDER OF BUSINESS

The Convener advised that he intended to vary the order of business. The following items have been recorded in the order that they were taken at the meeting.

E4. MINUTES

- (a) there was submitted (circulated) and **APPROVED** Minute of Meeting of the Education Committee held on 31 January 2012, and
- (b) there was submitted (circulated) and **NOTED** Minute of Meeting of the Member/Officer Working Group on Educational Achievement held on 8 March 2012.

J Ainsley entered the meeting during discussion of the foregoing item of business.

E5. ANNUAL REPORT – COMMUNITY SCHOOLS 2008 CHARITY 2011/12

There was submitted Report (circulated) dated 13 August 2012 by the Director of Education providing a report and update on the status of the Charity Board's operations, financial position and organisational changes over the 2011/12 period.

Discussion took place on the following:-

- the criteria used for assessing applications
- current and future promotion of the grant award scheme
- the positive reduction in the cost of insurance

NOTED the Charity Board's 2011/12 Annual Report and financial position.

AGREED to approve the proposed amendment to the Charity Board's Memorandum and Articles of Association to extend the appointment period of Board Members from 1 year to 2 years, subject to formal ratification by the Board on 4 September 2012.

Councillor Gow entered the meeting during discussion of the foregoing item of business.

In accordance with his declaration of interest, Provost Reid left the meeting prior to consideration of the following item of business.

E6. FOLLOWING THE PUBLIC POUND (FPP) – 2011/12 MONITORING REPORT

There was submitted Report (circulated) dated 13 August 2012 by the Director of Education (a) updating on the work of the organisations who receive funding, in whole or in part, from Education Services and who fall within the 'Following the Public Pound' (FPP) reporting and monitoring arrangements; (b) providing information on the funding agreements Education Services had with organisations including those who received funding from Community Learning and Development during the period 1 April 2011 to

31 March 2012, in line with FPP and Council procedures, and (c) attaching as appendices to the Report, statements relating to each of the organisations who have received funding.

Discussion took place on the following:-

- the process for agreeing funding for the organisations
- the important work undertaken by the organisations

NOTED the individual annual report statement for each organisation in accordance with the 'Following the Public Pound' monitoring framework for 2011/12.

AGREED:-

- (1) to acknowledge and recognise the work undertaken by the organisations, listed in 2.1 of the Report, in supporting and assisting families, parents, pupils and groups within local communities, and
- (2) that lead officers continue to work with and support these organisations ensuring that any areas of reported concerns are being addressed.

Provost Reid re-entered the meeting following discussion of the foregoing item of business.

E7. SCHOOL ESTATE MANAGEMENT PLAN – PROGRESS UPDATE

There was submitted Report (circulated) dated 13 August 2012, by the Director of Education (a) updating on the progress made to date on the School Estate Management Plan (SEMP) for Falkirk Council Schools, and (b) seeking approval for the approach taken by Education Services to identify priorities following the application of suitability and condition ratings on each establishment.

Discussion took place on the following:-

- the proposals for incorporating Community Learning and Development halls into the Management Plan
- the circulation of copies of individual school management plans to members of the Committee
- procedures in place in relation to the long term use of modular accommodation
- the rolling programme of school hall extensions

NOTED the current condition, suitability and sufficiency rating of the school estate.

AGREED:-

- (1) the approach, as outlined in section 9 of the Report, taken by Education Services to use the condition and suitability ratings as the means to prioritise capital expenditure investment in the school estate, and