

The report provided a summary of:-

- Acts passed by the Scottish Government in 2011/12
- Bills fallen/withdrawn
- Bills currently in progress
- Legislation proposed by the Scottish Government for session 2012/13.

NOTED the content of the Report.

PR47. FINANCIAL POSITION 2012/13

There was submitted Report (circulated) dated 25 September 2012 by the Chief Finance Officer presenting the financial position of the Council for 2012/13 reflecting the situation as at 31 August 2012.

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

PR48. SCOTTISH GOVERNMENT DRAFT BUDGET 2013-2014

There was submitted Report (circulated) dated 26 September 2012 by the Chief Finance Officer (a) referring to the draft Scottish Government Budget presented to the Scottish Parliament on 20 September 2012; (b) outlining the main content of the draft budget in so far as it relates to local government in Scotland, and (c) assessing Falkirk Council's financial position as it looks to progress the preparation of its own budget for 2013/14.

NOTED both the Scottish Government's draft budget for 2013/14 and the Council's financial position as set out in the Report.

PR49. ASSETS SURPLUS TO OPERATIONAL REQUIREMENTS

There was submitted Report (circulated) dated 20 September 2012 by the Director of Development Services seeking approval for the undernoted areas of land, as illustrated in the maps attached as an appendix to the Report, to be declared surplus to operational requirements for disposal.

- 4 Orchard Street, Falkirk
- Land adjacent to 10 Castle Drive, Bankside Industrial Estate, Falkirk
- 7 Booth Place, Falkirk

Councillor Martin, seconded by Councillor Murray moved the recommendations as contained within the Report, namely to declare the land and buildings, noted in the schedules attached to the report, surplus to operational requirements and authorise their disposal on the terms set out in the report.

By way of an amendment Councillor Meiklejohn seconded by Councillor Ritchie moved acceptance of the recommendation to dispose of the land adjacent to 10 Castle Drive, Bankside Industrial Estate, Falkirk, but that the properties at 4 Orchard Street, Falkirk and 7 Booth Place, Falkirk should be retained by Falkirk Council, with the exception of the strip of land at the rear of 7 Booth Place, Falkirk which should be declared surplus for negotiated disposal to the owner of Aromas Coffee Shop.

On a division, 4 Members voted for the motion and 3 Members for the amendment.

Accordingly, **AGREED** to declare the above areas of land surplus to operational requirements and authorise their disposal on the terms set out in the report.

PR50. CONTRACTS

(a) Contract for the Supply of Protective Clothing and Workwear as part of a framework agreement (C/N:CNS/079/09)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 20 October 2009 (Paragraph PR71 refers) when approval was given for the Supply of Protective Clothing and Workwear as part of a Framework Agreement, there was submitted Report (circulated) dated 20 September 2012 by the Director of Corporate and Neighbourhood Services seeking to extend the Framework Agreement through to 31 October 2013, with the estimated value of the 1 year extension being approximately £200,000.

AGREED to approve the extension of the Framework Agreement for the Supply of Protective Clothing and Corporate Workwear from 1 November 2012 to 31 October 2013 with an estimated value of approximately £200,000.

(b) Helix Project – Procurement of Sentinel 1 (Abbotshaugh)

There was submitted Report (circulated) dated 28 September by the Director of Development Services (a) advising that tender documents were issued using the open tendering procedure on the Public Contracts Scotland Website, inviting submissions on a fixed price lump sum basis to engineer, fabricate and erect a major work of public sculpture; (b) informing that the Helix Trust on considering the returned tenders found them to be non-compliant on the basis that they did not fulfil the quality criteria of the tender requirements and both tenders were substantially over the set budget figure, and (c) explaining that following termination of the tender process, and having consulted with the Chief Executive, Chief Governance Officer and Chief Finance Officer in terms of Contract Standing Order 5.8 the contract was awarded to artist Jephson Robb, which will ensure that the product will meet the quality criteria and be delivered within the set budget amount.

NOTED the actions taken to deliver Sentinel 1 (Abbotshaugh).

(c) Contract for Re-cladding & Associated Works to Leishman and Paterson Towers, Falkirk (FAL-7116)

There was submitted Report (circulated) dated 20 September 2012 by the Director of Development Services (a) advising that tenders were issued for the re-cladding and associated works to Leishman and Paterson Towers, Falkirk with a return date of 5 November 2012, and (b) seeking approval for the Director of Development Services, in order to meet the required timescales, to award the contract, provided it is within budget and report back on the outcome to the earliest appropriate meeting of the Policy and Resources Committee.

AGREED to authorise the Director of Development Services to award the contract for the re-cladding and associated works to Leishman and Paterson Towers, Falkirk, provided it is within budget, and, to report the outcome of the procurement to the earliest appropriate meeting of the Policy and Resources Committee following the tender evaluation process.

(d) Acceptance of Tenders over £350,000 in Value Contract for Re-Roughcasting and Re-Roofing, Avon Street, Hazel Crescent Dunipace, Darrach Dr, Fankerton (DEN-7134)

There was submitted Report (circulated) dated 26 September 2012 by the Director of Development Services (a) advising that the contract was advertised on the Public Contracts Scotland Portal, and that following assessment of submitted pre-qualification questionnaires, four companies were subsequently invited to tender; (b) indicating that 4 tenders were received by the due date of 25 September 2012 and opened in accordance with Standing Order 11 Relating to Contracts; (c) informing that the lowest tender was submitted by Ailsa Building Contractors Ltd, 251 Dundyvan Road, Coatbridge, ML5 4AU in the sum of £400,325.42, and (d) intimating that the tender can be contained within the block expenditure figure identified in the Housing Investment 3 year programme 2012/2015.

AGREED to accept the tender submitted by Ailsa Building Contractors Ltd, 251 Dundyvan Road, Coatbridge, ML5 4AU in the sum of £400,325.42 in respect of re-roughcasting and re-roofing at Avon Street and Hazel Crescent, Dunipace and Darrach Drive, Fankerton.

PR51. FORTH VALLEY ACCREDITED PROGRAMMES

There was submitted Report (circulated) by the Director of Social Work Services (a) informing of the progress made in implementing Forth Valley Wide Group Work Programmes, which include Constructs, the Community Sex Offender Programme and the Caledonian System, and (b) seeking approval to add to the Criminal Justice staffing establishment to reflect the longer term nature of these programmes.

NOTED the content of the progress report.

AGREED to make the outlined changes to existing posts as outlined in the Report.

**PR52. REFERRAL FROM LEISURE TOURISM & COMMUNITY COMMITTEE –
11 SEPTEMBER 2012**

With reference to Minute of Meeting of the Leisure Tourism and Community Committee held on 11 September 2012 (Paragraph LTC7), there was submitted Report (circulated) dated 1 October 2012 by Director of Development Services enclosing the Report - Bo'ness and Kinneil Foreshore: Local Nature Reserve Designation, considered by the said Committee with the recommendation being referred to the Policy and Resources Committee for approval.

AGREED that the area at the Bo'ness and Kinneil Foreshore be designated as a Local Nature Reserve (known as Kinneil Nature Reserve) in terms of Section 21 of the National Parks and Access to the Countryside Act 1949.

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 OCTOBER 2012 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

ATTENDING: Chief Governance Officer; Licensing Co-ordinator; Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

CL57. APOLOGIES

Apologies were intimated on behalf of Councillor Ritchie.

CL58. DECLARATIONS OF INTEREST

No declarations were made.

CL59. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 5 September 2012.

CL60. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN AUGUST 2012

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 August 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications received during the same period for parades and marches.

NOTED

CL61. 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.

CL62. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE (USED VEHICLES)

A Director of the applicant company, and day to day manager, Mr A, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the grant of a new second hand dealer licence (used vehicles) (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 and day to day manager.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

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

CL63. APPLICATION FOR THE RENEWAL OF A SECOND HAND DEALER LICENCE (USED VEHICLES)

The day to day manager for the applicant company, Mr C, together with his representatives, Mr MacI and Mrs M, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the renewal of a second hand dealer licence (used vehicles) (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the record of the applicant company and the day to day manager.

The Licensing Co-ordinator advised the Committee that the applicant's representative had submitted an explanatory paper the previous day providing further information in relation to the circumstances of the applicant company's record and this was circulated to the Committee.

The applicant's representative, Mr MacI, spoke in support of the application and the additional explanatory paper.

Questions were then asked by Members of the Committee.

AGREED to **RENEW** the licence for a period of three years subject to the standard conditions and with a warning letter detailing the standards expected of the day to day manager.

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

CL64. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr I, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) detailing the consultations undertaken and the responses received; and (b) detailing the applicant's record.

Mr I spoke in support of the application.

Questions were then asked by Members of the Committee.

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

CL65. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The Licensing Co-ordinator advised the Committee that the applicant, Mr C, had indicated that he was withdrawing his application.

NOTED.

CL66. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr F, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) detailing the consultations undertaken and the responses received; and (b) detailing the applicant's record.

Mr F spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) to **RENEW** the licence for a period of one year subject to the standard conditions; and
- (2) that in relation to the applicant's taxi driver licence which falls to be renewed in early 2013 and in respect of which he would normally be required to appear again before the Committee, authority to determine the application without a hearing will be delegated to officers provided no additional penalties have been incurred by the applicant in the meantime.

CL67. APPLICATIONS FOR THE RENEWAL OF A TAXI OPERATOR AND TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 January 2012 (Paragraph CL67 refers), there was submitted a report dated 3 October 2012 by the Chief Governance Officer on applications for the renewal of a taxi operator and taxi driver 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 M spoke in support of the applications.

Questions were then asked by Members of the Committee.

Having noted the terms of the warning letter issued to the applicant on 14 February 2012 and the additional fixed penalty accrued since then,

AGREED:-

- (1) to **RENEW** the licences for a period of six months from the date of the Committee subject to the standard conditions; and
- (2) to issue a further warning letter to the applicant advising that any further offences recorded against him that impact on his fitness to hold either of the licences will be reported to the Committee.

CL68. SUSPENSION HEARING IN RELATION TO PRIVATE HIRE CAR DRIVER LICENCE NO.264

The Licensing Co-ordinator advised that the licenceholder, Mr D, was in attendance for the meeting but his representative, Mr S, had not arrived. The licenceholder did not wish to be heard at the meeting until his representative arrived.

The Committee at 10.35 a.m. **AGREED** that a 10 minute adjournment take place to allow the licenceholder's representative time to attend.

The Committee re-convened at 10.45 a.m. with all Members present as per the sederunt.

The licenceholder, Mr D, Chief Inspector G Taylor, PC S Leishman and PC H Auld, Central Scotland Police, all entered the meeting. The licenceholder's representative had still not arrived. The Convener then proceeded with the meeting with the consent of all Members present.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer advising of (a) a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his private hire car driver licence; and (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration.

The licenceholder's representative, Mr S, entered the meeting at 10.50 a.m. The Convener expressed the Committee's displeasure at his late arrival and Mr S apologised to the Committee and to his client for his late arrival and for the consequent disruption to the business of the meeting.

Mr S then advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Chief Inspector G Taylor then spoke in amplification of the complaint.

Members of the Committee and the licenceholder's representative stated that they had no questions for Central Scotland Police.

Mr S was then heard in relation to the complaint.

Members of the Committee and representatives from Central Scotland Police stated that they had no questions for the licenceholder's representative.

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

The licenceholder, Mr D, his representative, Mr S, Chief Inspector G Taylor, PC S Leishman and PC H Auld left and were then recalled to the meeting.

AGREED that insufficient information had been placed before the Committee to justify a decision for a suspension under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the ENVIRONMENT AND COMMUNITY SAFETY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 23 OCTOBER 2012 at 9.30 am.

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

CONVENER: Councillor Dr C R Martin.

ATTENDING: Director of Development Services; Depute Chief Governance Officer; Depute Chief Finance Officer; Licensing Co-ordinator (B Douglas); Interim Legal Services Manager (RM Hoey) and Committee Services Officer (H Forster).

ALSO

ATTENDING: Katie Dixon, Halcrow Group Limited.

ECS14. APOLOGIES

No apologies were intimated.

ECS15. DECLARATIONS OF INTEREST

No declarations were made.

ECS16. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Environment and Community Safety Committee held on 14 August 2012.

ECS17. REVIEW OF TAXI LICENSING ARRANGEMENTS – NUMERICAL LIMIT ON TAXI OPERATOR LICENCES

There was submitted Report (circulated) dated 16 October 2012 by the Chief Governance Officer (a) detailing the number of licensed taxis in the Falkirk Council area; (b) advising that the independent expert report previously instructed by Committee had been obtained in relation to unmet demand for taxis; (c) enclosing, as an appendix, the Report by Halcrow Group Limited of Licensed Taxi Services in the Falkirk Council area; (d) highlighting the results of the survey and (e) enclosing, as an appendix, the composition of the membership of the Taxi Forum.

Katie Dixon, Halcrow Group Limited gave a presentation to the Committee on the survey undertaken and highlighted the following key areas:-

- Objectives of the study
- Methodology and benchmarking exercise
- Taxi rank observations
- Public and stakeholder consultation
- Demand measurement and service rating
- Findings in respect of unmet demand for taxi service

Discussion took place on the following:-

- Information in respect of average earnings of persons working in the taxi trade
- Impact of fare structure
- Comparison of passenger waiting times with other authorities
- Rank at High Street Bonnybridge

NOTED the findings of the Report from Halcrow Group Limited.

AGREED:-

- (1) to authorise officers to undertake consultation with the public and with the Taxi Forum on the issue of restricting the number of taxi licenses and to report to Committee on the outcome of the consultation; and
- (2) to request that officers bring forward proposals to the next meeting of the Committee on the outstanding issues in the taxi review in relation to licensing conditions, vehicle types and standards.

ECS18. HOUSES IN MULTIPLE OCCUPATION (HMOS) – NEW STATUTORY GUIDANCE

There was submitted Report (circulated) dated 16 October 2012 by the Chief Governance Officer (a) advising of the new statutory guidance issued by the Scottish Government in respect of licensing of Houses in Multiple Occupation and (b) enclosing, as appendices, the statutory guidance for Scottish Local Authorities, details of the new standards in respect of Houses in Multiple Occupation, information on how the new standards will apply to existing licensed premises and the new licence conditions in respect of Houses in Multiple Occupation.

Discussion took place on the following issues:-

- Means of detecting unlicensed premises
- Number of HMO licenses in the Falkirk Council area
- Issue of planning permission in determining the number of HMO's in a specific geographical area

NOTED the contents of the Report and the new statutory guidance for Local Authorities

AGREED the HMO property standards and licensing conditions as contained in the Report and to refer the report to the next available Policy and Resources Committee for approval.

ECS19. LOCAL AIR QUALITY

There was submitted Report (circulated) dated 26 September 2012 by the Director of Development Services (a) outlining the National Air Quality Strategy (NAQS) (b) highlighting the local authority review and assessment of air quality and (c) detailing the results of the local air quality management assessments undertaken in Falkirk Town Centre, Grangemouth and Banknock.

Discussion took place on the following issues:-

- Landfill site at Polmont
- Impact of traffic management systems on air pollutants from vehicles
- Air quality in respect of Glasgow Road, Camelon
- Cowdenhill Quarry, Banknock
- The availability of statistics on the number of residents in the Falkirk Council area suffering from respiratory ailments
- The powers available to the Council to regulate air quality should the new quarry in Banknock be approved by North Lanarkshire Council
- Impact of HGV's in Banknock
- The effects of Methane gas on health

NOTED:-

- (1) the process for the revocation and amendment of an Air Quality Management Area as detailed in Appendix 5 of the Report; and
- (2) the progress being made towards eliminating the breaches of the respective air quality objectives in the Grangemouth and Banknock AQMA's.

AGREED:-

- (1) in principle to revoke the hourly NO₂ Air Quality Management Area in Falkirk Town Centre, as detailed in Appendix 3, due to this objective being met in the declared area.
- (2) in principle to amend the annual NO₂ Air Quality Management Area in Falkirk Town Centre, as detailed in Appendix 4, to include the Scottish PM₁₀ daily and annual objectives.
- (3) to authorise the Director of Development Services to commence the revocation and amendment process for the changes outlined in the report and to report further to Committee on progress.

- (4) to authorise the Director of Development Services to proceed with and complete the revocation and amendment process if no changes are made to the proposed Air Quality Management Area revocation and amendment following the consultation process.
- (5) that the Director of Development Services report to Committee if any significant changes to the proposed Air Quality Management Area revocation or amendments are required following the consultation process.

ECS20. ROAD ASSET MANAGEMENT PLAN UPDATE

There was submitted Report (circulated) by the Director of Development Services (a) providing an update on progress in respect of actions contained within the Falkirk Council's Road Asset Management Plan (RAMP) and (b) enclosing, as appendices, the Programme of Carriageway Works for 2012/13 and the Traffic Management Systems Lifecycle Plan.

Discussion took place in respect of various local infrastructure issues raised by Members of the Committee.

NOTED:-

- (1) that progress had been made with the improvement actions detailed within the Road Asset Management Plan; and
- (2) the list of carriageway improvement actions that will be undertaken during financial year 2012/13.

AGREED:-

- (1) to approve the RAMP Traffic Management Systems Life Cycle Plan; and
- (2) Falkirk Council's continuation in the SCOTS Road Asset Management Project.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 29 OCTOBER 2012 at 9.30 a.m.

PRESENT:- R Stevenson; Provost Reid; Depute Provost Patrick; Councillors Coleman and Paterson.

CONVENER:- R Stevenson.

ATTENDING:- Chief Executive; Directors of Education and of Social Work; Deputy Chief Finance Officer; Head of Human Resources & Customer First; Internal Audit Manager and Democratic Services Manager.

ALSO

ATTENDING:- F Mitchell – Knight, and A Pow (Audit Scotland) and K Ribbons (West Lothian Council)(Item AC11 only)

AC7. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), the Convener varied 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 at the meeting.

AC8. APOLOGIES

Apologies were received from Councillors Black and Carleschi.

AC9. DECLARATIONS OF INTEREST

None.

AC10. MINUTES

There was submitted (circulated) and **APPROVED:-**

- (a) Minute of Meeting of the Audit Committee held on 12 March 2012, and
- (b) Minute of Special Meeting of the Audit Committee held on 24 September 2012.

AC11. PEER REVIEW OF FALKIRK COUNCIL INTERNAL AUDIT

There was submitted Report (circulated) dated 21 March 2012 by West Lothian Council's Audit and Risk Manager (a) detailing the background to and outcomes of West Lothian Council's peer review of Falkirk Council Internal Audit's compliance with the CIPFA Code of Practice for Internal Audit in Local Government 2006, and (b) presenting an Action Plan to address the findings of the review.

Discussion focussed on:-

- the peer review finding relating to the prioritisation of Internal Audit recommendations
- the corporate procedure for addressing Audit recommendations
- the relationship between elected members and Internal Audit

NOTED

AC12. INTERNAL AUDIT PROGRESS REPORT

With reference to the Minute of the Meeting held on 12 March 2012 (para AC14 refers) there was submitted Report (circulated) dated 12 October 2012 by the Internal Audit Manager (a) updating on progress in completing the agreed 2012/13 Internal Audit Plan, including information on the Section's performance against established key performance indicators.

Discussion focussed on:-

- the progress made to date, and whether this was in line with the Audit Plan
- progress made in implementing recommendations arising from the audit of Premises Managers' Handbook Compliance
- the ongoing 'continuous auditing' work
- the recommendations arising from the audit of Payroll

NOTED the:-

- (1) progress being made in completing planned work is as reported at report paragraph 2.1, and
- (2) performance against KPIs is as reported at report paragraph 3.1.

AC13. INTERNAL AUDIT – OUTSTANDING RECOMMENDATIONS

There was submitted Report (circulated) dated 12 October 2012 by the Internal Audit Manager (a) summarising the number of audits completed in each of the Financial years 2007/08 to 2011/12 and the number of outstanding audit recommendations in each of the years against the number of recommendations made in each year, and (b) detailing the 127 outstanding recommendations in an Appendix to the report.

Discussion focussed on:-

- the need to avoid 'drift', whereby outstanding recommendations are not addressed
- the reasons why recommendations may be recorded as outstanding by Internal Audit
- the reasons why some recommendations are not completed
- the corporate process for regularly reviewing outstanding recommendations
- the likelihood that the actual number of outstanding recommendations will be lower than that reported

NOTED.

AC14. SCOTTISH LOCAL AUTHORITIES CHIEF INTERNAL AUDITORS' GROUP – ANNUAL REPORT 2011/12

There was submitted Report (circulated) dated 12 October 2012 by the Internal Audit Manager (a) highlighting the work of the Scottish Local Authorities' Chief Internal Auditors' Group (SLACIAG) in 2011/12, and (b) presenting the SLACIAG Annual Report 2011/12.

NOTED

AC15. ISA 580 LETTER OF REPRESENTATION

There was submitted Report (circulated) dated 15 October 2012 by the Chief Finance Officer advising that the he was required to provide a letter of representation in regard to the Audit of the Council's accounts to the external auditor, which will assist the Auditor form an opinion on whether the Accounts present a true and fair view. A copy of the letter, the International Standard in Accounting (ISA) 280 letter, was appended for information.

NOTED.

AC16. ANNUAL REPORT ON THE 2011/12 AUDIT

There was submitted Report (circulated) dated 15 October 2012 by the Chief Finance Officer presenting (a) the External Auditors' Annual Report on the 2011/12 Audit, and (b) the Annual Report and Accounts 2011/12.

Discussion focussed on:-

- the Council's reserves strategy
- the benefits in briefing members on the methodology for budget forecasting
- the advantages in re-basing service budgets
- the need to ensure that information on budget gaps is relayed to members, employees and citizens in a measured way

AGREED to refer the Annual Accounts to Council for approval.

AC17. AUDIT COMMITTEE – TERMS OF REFERENCE

There was submitted Report (circulated) dated 12 October 2012 by the Chief Executive (a) summarising the background to the establishment of the Audit Committee; (b) detailing its current remit; (c) advising that following consultation with members prior to the Local Government Elections in 2012, a draft Terms of Reference had been developed, and (d) presenting the draft Terms of Reference and associated work plan for approval.

Discussion focused on:-

- the rationale for the current quorum for meetings of 4
- the ability as set out in Standing Orders for members to attend any Committee of the Council
- the benefits in publishing the agenda earlier than the statutory minimum of 3 clear working days
- the need to ensure that, where appropriate, the Terms of Reference accord with Council's Standing Orders

AGREED:-

- (1) to authorise the Chief Executive to amend the draft Terms of Reference to reflect discussion at Committee and to refer these to Council for approval; and
- (2) the draft work plan.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the EDUCATION COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 30 OCTOBER 2012 at 9.30 A.M.

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

**REPRESENTATIVES
OF RELIGIOUS**

BODIES: H Cairns, M Coutts and Rev M Rollo.

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

CONVENER: Councillor Nimmo.

ATTENDING: Director of Education; Heads of Educational Support and Improvement, and of Educational Planning and Resources; Accountancy Services Manager (D Cairney); Property Development Manager; Curriculum Support Manager; Community Learning and Development Manager; Curriculum Support Officer – Secondary; Health and Wellbeing Support Officer; Senior Solicitor (F Kobiela); Senior Forward Planning Officer; Quality Improvement Officer (M Tait); Depute Chief Governance Officer, and Committee Services Officer (S Barton).

ALSO

ATTENDING: P Adamson, Headteacher, Kinnauld Primary School.

E16. APOLOGIES

An apology was submitted on behalf of J Ainsley.

E17. DECLARATIONS OF INTEREST

There were no declarations made.

E18. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Education Committee held on 21 August 2012.

E19. INSPECTION BY HM INSPECTORATE OF EDUCATION OF KINNAIRD PRIMARY SCHOOL AND NURSERY CLASS

There was submitted Report (circulated) dated 30 October 2012, by the Director of Education Services (a) advising that HM Inspectorate of Education had undertaken an inspection of Kinnaird Primary School and Nursery Class in May 2012; (b) enclosing, as an appendix to the Report, a copy of the inspection report; (c) intimating that the inspection had highlighted key strengths and one area for improvement, and (d) advising that Her Majesty's Inspectorate of Education would make no further visits to the school in connection with this inspection.

Discussion took place on the following:-

- the welcoming ethos of the school
- the excellent work undertaken in the Thistle Wing

AGREED to commend the Headteacher and her staff for the report.

E20. REPORT BACK FROM CONSULTATION ON PROPOSAL TO CHANGE ADMISSIONS POLICY TO PROTECT CAPACITY AT ST MUNGO'S HIGH SCHOOL

With reference to Minute of Meeting of the Education Committee held on 21 August 2012 (Paragraph E8 refers), there was submitted Report (circulated) dated 22 October 2012, by the Director of Education Services advising on the findings of the consultation exercise and making recommendations on an appropriate way forward.

Discussion took place on the following:-

- the professional manner of the consultation
- the change to the policy to reflect the arrangements for children in rural areas
- the importance of information gathering to allow for forward planning

NOTED the response to the consultation.

AGREED:-

- (1) to approve the proposed changes to the Admissions Policy, and
- (2) to refer the Admissions Policy to the Policy and Resources Committee for approval.

**E21. SCOTLAND'S SCHOOLS FOR THE FUTURE PROGRAMME (PHASE 3)
PROPOSED NEW CARRONGRANGE SECONDARY SCHOOL**

There was submitted Report (circulated) dated 30 October 2012 by the Director of Education Services (a) providing an update on the outcome of the Council's bid to the Scottish Government for funding of a new Carrongrange Secondary School, and (b) outlining the arrangements being put in place to take the project forward.

Councillor Nimmo, seconded by Provost Reid moved the recommendations as contained in the Report.

Discussion took place on the following:-

- the likely level of funding available from the Scottish Futures Trust
- the importance of ensuring the new school is not in an isolated location
- involvement of parents, pupils and staff in the design process
- the management of the additional classrooms when they are added to Larbert High School

Having heard from Councillor Alexander, the Convener **AGREED** to adjust the terms of his motion to include the following:-

“that both the design team and the site appraisal team consult with and engage with pupils, parents and staff as appropriate”

Thereafter, **NOTED**:-

- (1) the success of the bid for funding to the Scottish Government for the consultation of the new Carrongrange School, and
- (2) the planned formation of the design team and the site appraisal team outlined in paragraph 3.2 of the Report.

AGREED:-

- (1) that regular progress updates on the project will be reported to the Education Committee, and
- (2) that both the design team and the site appraisal team consult with and engage with pupils, parents and staff as appropriate.

**E22. APPOINTMENTS PROCEDURE - POSTS OF HEADTEACHER AND
DEPUTE HEADTEACHER**

There was submitted Report (circulated) dated 30 October 2012, by the Director of Education Services (a) providing an update on parental and elected member representation on short list interview panels, and (b) proposing revisions to the existing procedure for appointing headteachers and deputies to take account of the use of assessment centres as part of the selection process.

Discussion took place on the following:-

- the arrangements and format of the assessment centres
- the importance of following legislative requirements in terms of appointments procedures
- the benefits of pupil involvement in the appointments process

NOTED the revised appointment procedures for headteacher and depute headteacher posts which now incorporate assessment centres.

AGREED to refer the revised appointment procedures to the Policy and Resources Committee for approval.

E23. REVISED EXCLUSION GUIDELINES AND PROCEDURES

There was submitted Report (circulated) dated 22 October 2012, by the Director of Education Services (a) advising that in March 2011 the Scottish Government published 'included, engaged and involved part 2: a positive approach to managing school exclusions' which provided updated guidance in relation to exclusions; (b) informing that following the publication of the updated guidance there was a requirement for the Education Authority to update the existing guidelines and procedures, and (c) attaching as an Appendix to the Report a copy of the revised exclusion guidelines and procedures for approval.

Discussion took place on the following:-

- exclusion rates across schools being below the national average
- the importance of having well trained staff and support structures in place
- the aim to provide work for excluded pupils from the first day of exclusion
- the role of parents/carers in the discipline process
- that reducing exclusions should not be at the detriment of attainment

AGREED:-

- (1) the revised exclusion guidelines and procedures, and
- (2) to refer the revised guidelines and procedures to the Policy and Resources Committee for approval.

E24. CURRICULUM FOR EXCELLENCE MONITORING REPORT: OCTOBER 2012

There was submitted Report (circulated) dated 30 October 2012, by the Director of Education Services (a) advising that the Scottish Government Management Board as part of its role in supporting implementation of Curriculum for Excellence had asked that two annual reports on progress across Scotland be prepared for submission to Education Scotland in December 2011 and December 2012; (b) outlining the content of the progress reports, and (c) attaching as an Appendix to the Report a copy of the progress report for approval prior to submission to the Scottish Government.

Discussion took place on the following:-

- the mechanisms used by schools to engage with parents
- importance of consistency in learning and teaching and the quality of the experience of young people in the classroom
- the approaches used at the key transition periods

NOTED the progress being made in implementing Curriculum for Excellence.

AGREED that the Progress Report be submitted to the Scottish Government.

E25. DELIVERING ON 2 HOURS QUALITY PHYSICAL EDUCATION ENTITLEMENT

There was submitted Report (circulated) dated 30 October 2012, by the Director of Education Services presenting a plan of how Falkirk schools will deliver on the Scottish Government's commitment that by 2014, every school pupil in Scotland should benefit from at least two hours per week of Physical Education in primary schools and two periods per week in S1 to S4.

Discussion took place on the following:-

- the importance of physical activity for young people
- the plans to develop the capacity of teachers to deliver PE in schools
- physical activity in nursery facilities

AGREED the implementation of the action plan to deliver on 2 hours quality PE for all children.

M Coutts left the meeting during discussion of the foregoing item of business.

F Craig left the meeting prior to consideration of the following item of business.

E26. LANGUAGE LEARNING IN SCOTLAND: A 1+2 APPROACH

There was submitted Report (circulated) dated 30 October 2012, by the Director of Education Services (a) informing Committee of the recommendations contained in the Scottish Government's Languages Working Group report, and (b) outlining Education Services' evaluation of the implications of implementing the recommendations.

Discussion took place on the following:-

- the need to ensure that language learning is focussed on the languages of the future
- deployment of foreign language assistants in schools
- benefits of learning other languages
- possible financial and staffing implications of the proposals

NOTED the actions outlined within the Report.

Councillor Alexander left the meeting during discussion of the foregoing item of business.

E27. STRATEGIC GUIDANCE FOR COMMUNITY PLANNING PARTNERSHIPS - COMMUNITY LEARNING AND DEVELOPMENT

There was submitted Report (circulated) dated 30 October 2012 by the Director of Education Services providing information on the launch of the Scottish Government Strategic Guidance for Community Planning Partnerships.

Prior to consideration of the Report, the Director of Education Services advised that he wished to amend the recommendation at 7.1 (iii) to read:-

“remits to the Director of Education Services to develop a new Falkirk Partnership Community Learning and Development Strategy for the period 2013-17 and bring the strategy back to Committee for noting with approval through Leisure and Tourism Committee”

Discussion took place on the following:-

- the wide remit of Community Learning and Development
- the need for agencies to work together to deliver the best outcomes
- imaginative ways of working given the current and future financial pressures

NOTED the Scottish Government's Strategic Guidance for Community Planning Partnerships: Community Learning and Development (CLD) and the important role CLD has to play in the future delivery of public services.

AGREED to:-

- (1) recognise Community Learning and Development's contribution to early intervention/prevention and its ability to empower people both individually and collectively to make positive changes in their lives and in their communities through learning, and
- (2) remit the Director of Education Services to develop a new Falkirk Partnership Community Learning and Development Strategy for the period 2013-17 and bring the strategy back to Committee for noting with approval through the Leisure and Tourism Committee.

E28. CLOSING REMARKS

The Convener, on behalf of the Committee, passed on congratulations to the Design Team who had been awarded runner up (highly commended) in the Best Building Award 2012 by the Stirlingshire Chapter of the Society of Architects for St Bernadette's Primary School.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 31 OCTOBER 2012 at 9.30 A.M.

PRESENT: Councillors Alexander, Black, Buchanan, Carleschi, Chalmers, Mahoney, C Martin, Meiklejohn, McLuckie, Nicol, Paterson and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Chief Governance Officer; Development Manager; Development Management Co-ordinator (B Whittle); Senior Planning Officer (B Vivian); Network Co-ordinator; Transport Planning Co-ordinator; Senior Forward Planning Officer (R Teed); Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P105. APOLOGIES

Apologies were intimated on behalf of Councillor Paterson who left the meeting prior to consideration of item P107.

P106. DECLARATIONS OF INTEREST

Councillor Mahoney declared a financial interest in item P116 by virtue of him having previously been an employee of Johnstone Publishing Limited and remaining a member of its Employee Pension Scheme. While he considered the interest to be remote, he nevertheless determined that he should recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

Councillor C Martin declared a financial interest in item P115 where he was the applicant confirmed that he would recuse himself from consideration of the item.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0560/FUL P/12/0364/VRC and P/12/0124/PPP (minute P109, P110 and P111).
- Councillor McLuckie informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0124/PPP (minute P111).
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0560/FUL P/12/0364/VRC and P/12/0124/PPP (minute P109, P110 and P111).