

- (4) The report includes proposals for changes to standing orders required to accompany each of the structures;
- (5) The report includes consideration of the proposal to re-introduce Baillies;
- (6) The report includes consideration of Petitions committees, reporting back from external organisations and substitutes/pairing;
- (7) The interim arrangements set out in par 3.16 of the report will be adopted to perform the functions given to the Council under the Police and Fire Reform (Scotland) Act 2012; and
- (8) The timetable of meetings set out in appendix 3 to the report is adopted for the period to 31 March 2013.

An adjournment having been requested to allow members of the opposition to consider the terms of the motion, the Provost sought at this stage to establish if there was agreement among members on the terms of Item 11 on the agenda namely:-

FINANCIAL POSITION 2012/13

There was submitted report (circulated) by the Chief Finance Officer detailing the financial position of the Council as at 30 September 2012 with particular reference to the General Fund, Trading Accounts and Housing Revenue Account.

In addition to moving the recommendation as set out in the report Councillor C Martin seconded by Councillor Jackson moved the suspension of all Council car parking charges for the duration of the festive period in this and future years.

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

AGREED:-

- (1) to suspend all Council car parking charges from Monday 10 December 2012 until Sunday 6 January 2013 with current restrictions to apply throughout the period; and
- (2) to suspend such charges on an annual basis for corresponding periods until further notice.

Council then adjourned at 11.25am for 25 minutes and reconvened at 12noon with members present as per the sederunt.

By way of an amendment, to the motion moved under Item 65 , Councillor Meiklejohn, seconded by Councillor Jackson, moved:-

Councillor McCabe gave notice of a further amendment.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 29 members present with voting as undernoted:-

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

For the amendment (12) – Councillors Alexander, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McNally, Meiklejohn, Oliver, Ritchie and Turner.

Abstention (1) – Councillor McCabe.

The motion was accordingly carried. By way of further amendment, Councillor McCabe, seconded by Councillor Turner, then moved that in addition to the motion:-

“Council agrees the immediate reinstatement of regeneration groups to facilitate community communication. Officers will prepare an expanded remit for the regeneration groups to include economic initiatives, infrastructure assessments and community referrals”.

On a division, 16 members voted for the motion and 13 voted for the amendment.

Accordingly, **AGREED** the terms of the motion.

Council then adjourned at 1pm for lunch and reconvened at 1.45pm with all members present as per the sederunt.

FC65. STRATEGIC COMMUNITY PLAN – SINGLE OUTCOME AGREEMENT ANNUAL MONITORING STATEMENT 2011/12

There was submitted report (circulated) by the Chief Executive (a) presenting the Single Outcome Agreement (SOA) Monitoring Statement September 2011/12, (b) summarising progress made against the Council’s indicators, and (c) advising of a requirement for the Community Planning Partnership to develop a new SOA for implementation no later than 1 April 2013.

Councillor C Martin, seconded by Councillor Nicol, moved the recommendations in the report.

Councillor Meiklejohn requested that, in addition, a report is submitted to the Best Value Forum highlighting those indicators over which the Council has control and where performance is deteriorating.

Councillor Martin, with the consent of the Provost, and of Councillor Nicol, as his seconder, agreed to adjust the terms of his motion to accommodate the request.

Accordingly, **NOTED** the Falkirk Community Planning Single Outcome Agreement Monitoring Statement 2011/12 as appended to the report.

AGREED that:-

- (1) officers will bring forward a new Single Outcome Agreement for approval in the Spring of 2013 and in line with emerging guidance; and

- (2) a report on those performance indicators over which the Council has control and where performance is deteriorating will be submitted to the Best Value Forum for scrutiny.

FC66. MEMBERS' LEARNING AND DEVELOPMENT

With reference to the minute of meeting held on 26 September 2012 (Paragraph FC50(a) refers), there was submitted joint report (circulated) by the Chief Governance Officer and the Director of Corporate and Neighbourhood Services (a) making proposals on how the learning and development policy could apply to elected members.

AGREED:-

- (1) to endorse the distinction between approved and developmental learning and training set out in the report;
- (2) to endorse the principles set out in paragraph 3.5 of the report;
- (3) to delegate to the Chief Governance Officer decision making in relation to members' attendance at courses and seminars where the cost does not exceed £200;
- (4) to delegate to Policy and Resources Committee (and any similar successor body) the decision to select the method by which decisions are made in relation to members' access to any other developmental learning/or training, including funded or part funded qualifications;
- (5) the changes to the learning and development policy shown in the appendix to the report and to authorise the Chief Governance Officer and the Director of Corporate and Neighbourhood Services to make any further adjustments necessary to give effect to the decision of Council today;
- (6) that the Chief Finance Officer ensures that a separate budget head is identified for members' training; and
- (7) that the size of the budget available should be considered in the context of consideration of the revenue budget in February 2013.

FC67. EXCLUSION OF PUBLIC

Councillor Meiklejohn, seconded by Councillor Alexander, moved that the immediately following item be considered in public.

Councillor C Martin, seconded by Councillor Nimmo, moved that it be considered in private.

On a division 16 members voted to exclude the pres and public and 13 voted to consider item FC 69 in public.

There was no division on the proposal to consider item FC70 in private.

Accordingly **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 8 and 9 of Part 1 of Schedule 7A of the said Act.

FC68. ACCESSIBLE TRANSPORT SERVICE PROCUREMENT

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Meiklejohn and Ritchie.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 13 November 2012, and (b) report by the Director of Development Services to the said meeting (i) advising that negotiations had taken place with Order of Malta Dial-a-Journey on the provision of an accessible transport service and taxicard booking service within the £200,000 budget available and (ii) outlining various proposals for service provision.

Councillor C Martin, seconded by Councillor Black, moved that Council agrees:-

- (1) to continue consideration of the matter pending the review of non-commercial bus service provision (due for completion by 31 January 2013) as agreed by the Policy and Resources Committee on 9 October 2012; and
- (2) to extend from 1 April 2013 for 6 months, if required, the current contract with Order of Malta Dial-A-Journey.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Chalmers, moved that Council agrees:-

- (1) the removal of the Passenger Trip Targets "penalty" at a saving of £17,900;
- (2) to pay Order of Malta Dial-a-Journey quarterly in advance at a saving of £1,600;
- (3) to award Order of Malta Dial-a-Journey a 5 year contract with Order of Malta Dial-a-Journey contributing £20,000 towards the service; and
- (4) the restructuring of the evening services and Saturday taxicard booking services as detailed.

On a division, 13 members voted for the amendment and 16 voted for the motion.

Accordingly, **AGREED** the terms of the motion.

FC69. REFUSE COLLECTION SERVICES

With reference to the minute of the meeting held on 14 March 2012 (Paragraph FC110 refers), there was submitted report (circulated) by the Director of Corporate and Neighbourhood Services presenting an assessment of the 6 month pilot arrangement for refuse collection services working a 42 hour week together with an analysis of the equal pay risk.

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

“Following the option set out in section 3.5 of the report and recognising the improvements that have been achieved in relatively short timescales alongside the potential equal pay risks, it is proposed that a further period be allowed to permit demonstration of an Improvement Plan according to the criteria set by the Council in March 2012. This period should be to the date of the first meeting of Council after 30 April 2013.

Any extension is subject to a collective agreement being agreed by 31 January 2013. Such collective agreement should address the issues raised at 3.5 of the report and the potential equal pay liability. Without prejudice to the March 2012 requirements, the collective agreement should reflect the following principles:

- Payment can only be for hours worked
- Working arrangements should be directed to achieving optimum performance
- Flexibility and team working are key requirements
- Management are entitled to issue reasonable management instructions in support of these principles and in ensuring the proper and effective operation of the service.

The Director of Corporate and Neighbourhood Services should also detail any procedures and resources that would be required to maintain and monitor any non-standard (ie other than 37 hours) working arrangements in any future report.

The Director of Corporate and Neighbourhood Services is granted authority to enter in to any transitional working arrangements required to maintain the service”.

Council then adjourned for 10 minutes to allow members of the opposition to consider the terms of the motion. Council reconvened at 3.20pm with all members present as per the sederunt.

AGREED the terms of the motion.

Members of the public and press were then re-admitted to the meeting.

FC70. NOTICES OF MOTION

(a) **Christmas Parking**

Councillor Jackson agreed to withdraw his motion, the matter having been dealt with at Item FC65.

(b) **School Crossing Patrols**

Councillor Jackson, seconded by Councillor Chalmers, moved that:-

“Council is instructed to reinstate the School Crossing patrol at Station Road/Salmon Inn Road immediately pending a review of the policy being submitted to the Environment and Community Safety Committee at the earliest date”.

Councillor Dr C R Martin, seconded by Councillor MacDonald moved the following amendment in substitution for the motion:-

“The Council are satisfied that officers followed council policy when dealing with the school crossing patrol at Station Road/Salmon Inn Road. Council supports the view that the deployment of school crossing patrols should continue to be dealt with at officer level in accordance with the policy set by Council members based upon the extremely generous criteria that have governed the deployment of such patrols in the Falkirk Council area since 1998”.

On a division, 16 members voted for the amendment and 13 votes for the motion.

Accordingly, **AGREED** the terms of the amendment.

(c) **Language Assistants**

Councillor Hughes, seconded by Councillor Carleschi, moved that:

“Falkirk Council as a forward thinking authority committed itself to the Lisbon protocol shortly after it was created in the year 2000.

In this respect Council is asked to renew its commitment to Lifelong Learning especially through the teaching of foreign languages and the recruitment of foreign language assistants.

Council is further asked that a progress report on recruitment procedures enacted in relation to foreign language assistants is presented at the first meeting of the Education Committee in 2013”.

Councillor Nimmo, seconded by Councillor Dr C R Martin, moved the following amendment in substitution for the motion:-

“Council is committed to the “Lisbon protocol” and “Life Long Learning” in general, subject to the appropriate funding being provided by the SNP Scottish Government.

This Council will undertake to look at the British Council Scheme as well as the “Comenius” and “Erasmus” and report back to Committee at the earliest opportunity”.

On a division, 16 members voted for the amendment and 13 voted for the motion.

Accordingly, **AGREED** the terms of the amendment.

(d) Library Opening Hours

Councillor Coleman, seconded by Councillor McNally moved that:-

“Prior to the inception of the Falkirk Community Trust this Council reduced the opening hours of Falkirk’s libraries. This was a budget review exercise designed to achieve a potential saving of around £170k. Both the Chief Executive’s report to the Best Value Forum of 12th October on the performance of the Community trust and the Trust’s own performance report of 18th October produced by the trust’s own Business Development Manager highlight a substantial and alarming drop in library usage. The Business Development Manager notes that the trust is unlikely to meet even its revised target for library issues. Members will remember that libraries are a statutory responsibility of this Council. Accordingly, only the Council has the legal authority to alter library hours.

I request that this Council instructs officers to restore library opening hours to the level that existed before the inception of the Trust in order to give the Trust the opportunity to meet its targets”.

Councillor Mahoney, seconded by Councillor D Goldie moved the following amendment in substitution for the motion:-

“Council notes the national fall in library usage over the last decade and the pressure on libraries caused by the SNP Government’s ongoing Council Tax Freeze (trimming millions of pounds from Council and associated services).

Council welcomes efforts by Falkirk Community Trust to reverse the decline, including the introduction of a new e-book lending service and other marketing initiatives.

Council calls on the SNP Government to follow the Labour-led Welsh Assembly, by creating a national strategy for libraries across Scotland – showing real support for our libraries and the Councils and Trusts providing these vital services, and promoting best practice”.

On a division, 16 members voted for the amendment and 13 voted for the motion.

Accordingly, **AGREED** the terms of the amendment.

The Provost indicated that it was now 5pm and in terms of Standing Orders he confirmed that he intended to vary the order of those motions which remained to be determined and stated that in terms of Standing Order 31.2.2 those which were moved and seconded would be considered without discussion.

(e) **Community Council Funding**

In terms of Standing Order 28.8 Council **AGREED** to postpone the consideration of motion by Councillor Spears on Community Council Funding.

(f) **Disposal of Property**

(g) **Pay Day Loans**

(h) **Public Sector Information Regulations 2005**

(i) **Supplementary Planning Guidance**

In terms of Standing Order 28.8 Councillor McCabe, who had given notice of the motions under the headings (f) to (i) above, indicated he did not intend to move them and consequently, with no other member moving the motions on his behalf, they were **DROPPED**.

(j) **Forth Valley Royal Hospital**

Councillor Coleman, seconded by Councillor Carleschi, moved that:-

“When permission was granted for the construction of the new Forth Valley hospital at Larbert, a section 75 agreement was put in place with the purpose of encouraging sustainable travel to the hospital. The primary consequence of this was a reduction of the number of parking spaces that would normally have been provided on site. Since the hospital opened in 2010 there has been extensive car parking spillage on to the A9 Stirling Road and five other adjacent streets. The parking deficit at the hospital almost entirely relates to the under provision of staff parking. Consequently, residents have suffered all day obstruction to their

properties. Reviews of the on street parking problem and monitoring reports have been produced initially in November 2011 then subsequently in February 2012, March 2012 (revised report) April 2012, May 2012 culminating with a meeting with myself and the hospital facility managers on 31st August.

I request that this Council acts to obtain the agreement of Scottish Ministers to remove the conditions of the section 75 placed on the hospital site in order that proper and realistic parking provision can be put in by FVNHs on the hospital site”.

By way of an amendment, Councillor Buchanan, seconded by Councillor McLuckie moved that:-

“When permission was granted for the construction of the new Forth Valley hospital at Larbert, a section 75 agreement was put in place with the purpose of encouraging sustainable travel to the hospital. The primary consequence of this was a reduction of the number of parking spaces that would normally have been provided on site. Since the hospital opened in 2010 there has been extensive car parking spillage on to the A9 Stirling Road and five other adjacent streets. The parking deficit at the hospital almost entirely relates to the under provision of staff parking. Consequently, residents have suffered all day obstruction to their properties.

Council notes that NHS Forth Valley are proposing to provide additional staff car parking of about 200 spaces to the rear of the hospital. Council agrees that, in addition, an early meeting be arranged between senior Council officers and NHS officers with a view to putting in place a realistic public parking provision sufficient to meet the demand proven by experience since the hospital opened”.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 29 members present with voting as undernoted:-

For the motion (13) – Councillors Alexander, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie and Turner.

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

Accordingly, **AGREED** the terms of the amendment.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the PENSIONS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 6 DECEMBER 2012 at 9.30 A.M.

PRESENT: Depute Provost Patrick; Councillors Blackwood, Coleman, Carleschi; Councillor C Campbell (Employers Representative) and A Redpath (Pensions Representative).

CONVENER: Depute Provost Patrick.

ATTENDING: Chief Finance Officer; Pensions Manager and Senior Committee Services Officer.

ALSO IN

ATTENDANCE: A Craik (Audit Scotland) B Miller (Lothian Pension Fund) and L Selman (Hymans Robertson).

PE16. APOLOGIES

Apologies were intimated on behalf of Councillors Paterson and Mr G Eals.

PE17. DECLARATIONS OF INTEREST

There were no declarations made.

PE18. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Pensions Committee held on 13 September 2012, and **NOTED** Minute of Meeting of the Pensions Panel held on 22 November 2012.

PE19. FALKIRK COUNCIL PENSION FUND - AUDITED ANNUAL REPORT AND ACCOUNTS 2011/12

There was submitted Report (circulated) dated 1 November 2012 by the Chief Finance Officer (a) advising that administering authorities of local government pension funds are required to publish a pension fund annual report and pension fund accounts that are separate from the other accounts of the administering authority, and (b) presenting as appendices to the Report copies of both the Falkirk Council Pension Fund Annual Report and Accounts 2011/12 and the Annual Report on the 2011/12 Audit as prepared by Audit Scotland.

NOTED:-

- (1) the completion of the 2011/12 Accounts process, and
- (2) the presentation by Audit Scotland of the Annual Report on the 2011/12 Pension Fund Audit.

PE20. PUBLIC SECTOR PENSIONS REFORM

There was submitted Report (circulated) dated 5 November 2012 by the Chief Finance Officer presenting an update on the latest proposals for public sector pensions reform.

NOTED.**PE21. PENSION FUND - GENERAL GOVERNANCE MATTERS**

There was submitted Report (circulated) dated 1 November 2012 by the Chief Finance Officer presenting an update on the undernoted matters associated with the business of Falkirk Council Pension Fund.

Areas covered by the Report:-

- Auto Enrolment
- LGPS Regulations Made
- LGPS Regulations in Draft Form
- Consumer Price Index
- National Fraud Initiative
- Local Authority Pension Fund Forum

NOTED.**PE22. FUNDING AND INVESTMENT STRATEGY UPDATE**

There was submitted Report (circulated) dated 9 November 2012 by the Chief Finance Officer presenting the latest funding position of the Falkirk Council Pension Fund.

Ms Linda Selman of Hymans Robertson gave a presentation on the Funds Funding and Investment Strategy.

NOTED the content of the Report and the details presented by Ms Selman.

PE23. PENSION FUND CASH MANAGEMENT

With reference to the Meeting of the Pensions Panel held on 30 August 2012 when discussion took place on the investment of short term cash with the Clydesdale Bank and Northern Trust, there was submitted Report (circulated) dated 7 November 2012 by the Chief Finance Officer addressing the issue and providing details of the Pension Fund's current approach to Cash Management.

NOTED the Fund's practices in relation to the management of cash.

AGREED that a Cash Management Strategy be prepared for the Fund.

PE24. 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 9 of Part 1 of Schedule 7A of the said Act.

PE25. SCHRODERS UK EQUITY MANDATE – OVERSEAS ELEMENT

With reference to the meeting of the Pensions Panel held on 30 August 2012 when discussions took place on extending the mandate of Schroders Investment Management to include an overseas dimension, there was submitted Report (circulated) dated 6 November 2012 by the Chief Finance Officer presenting the arguments for and against extending the mandate.

NOTED.

AGREED that the mandate should continue to be limited to UK Equities only.

PE26. SCHRODERS PROPERTY MANDATE – UNDER-PERFORMANCE

There was submitted Report (circulated) dated 8 November 2012 by the Chief Finance Officer (a) referring to the Pension Fund's Property Mandate which is managed by Schroder Investment Management; (b) advising that the Mandate has been performing below benchmark for some period of time, and (c) outlining options which could assist in improving performance.

NOTED.

AGREED:-

- (1) that officers and the Investment Consultant engage with Schroders regarding the management of the Property Mandate, and

- (2) to invite Schroders to the next meeting of the Pensions Panel to discuss the Property Mandate performance in detail.

PE27. GROUP ACTION – ROYAL BANK OF SCOTLAND

There was submitted Report (circulated) dated 8 November 2012 by the Chief Finance Officer (a) referring to the participation in 2008 by the Falkirk Council Pension Fund in a Rights Issue made to shareholders by the Royal Bank of Scotland (RBS); (b) outlining the allegations that the financial information supporting the Rights Issue misled investors to the bank's true financial position; (c) detailing the position of the Fund in respect of the civil action being co-ordinated against RBS, and (d) presenting an update on the current status of the action.

AGREED to withdraw from the civil action being coordinated against RBS

PE28. PENSION FUND - INFRASTRUCTURE INVESTMENT

With reference to the meeting of the Pensions Committee held on 13 September 2012, there was submitted Report (circulated) dated 12 November 2012 by the Chief Finance Officer presenting information about current developments involving local authority pension funds, local investment and infrastructure, and how, in particular, these developments might be utilised to benefit the local economy.

AGREED that a seminar be arranged comprising Members of the Committee, Panel, Scottish Government and interested other bodies including Housing Associations to consider and discuss the matter in full.

PE29. PERFORMANCE AND MANAGEMENT REVIEW

There was submitted Report (circulated) dated 12 November 2012 by the Chief Finance Officer reviewing the overall performance of the fund and of the undernoted fund managers:-

- Aberdeen Asset Management
- Baillie Gifford Bonds
- Baillie Gifford Diversified Growth
- Legal and General
- Newton Investment Management
- Schroder Investment Management

NOTED the performance and actions taken by the Managers, in accordance with the investment policies, for the period ending 30 September 2012.

PE30. PRIVATE EQUITY AND ALTERNATIVES UPDATE

There was submitted report (circulated) dated 8 November 2012 by the Chief Finance Officer, updating on the progress and events arising from the Investments Programme of SL Capital, Wilshire Associates, Credit Suisse and M&G for the quarter ending 30 September 2012.

NOTED the progress of the Private Equity and Alternatives Programmes as at 30 September 2012.

PE31. FUND MANAGER REVIEW

Presentation by Baillie Gifford

Laurence Linklater and Anne-Marie Gillon from Baillie Gifford gave a presentation covering the following areas:-

- Portfolio position as at 30 September 2012
- Asset Allocation
- Fund Value and Distribution
- Changes occurred during past 6 months
- Fund Performance
- Investment Views
- Positioning of Physical Bonds and Cash
- Corporate Bond Holdings

The Chair thanked Mr Linklater and Ms Gillon for their informative presentation.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 7 DECEMBER 2012 at 3.30 P.M.

PRESENT: Councillors Buchanan, Mahoney, McLuckie, Meiklejohn and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Legal Services Manager (I Henderson); Development Management Co-ordinator (B Whittle), and Committee Services Officer (S Barton).

PRC12. APOLOGIES

No apologies were intimated.

PRC13. DECLARATIONS OF INTEREST

There were no declarations made.

PRC14. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Planning Review Committee held on 2 October 2012.

PRC15. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0398/FUL, EXTENSION TO DWELLINGHOUSE (DORMERS TO FRONT AND REAR) AT 60 VALEVIEW, STENHOUSEMUIR

There were submitted documents (circulated) in relation to the Application for Review submitted by Mr and Mrs S Henderson for the Extension to Dwellinghouse (Dormers to Front and Rear) at 60 Valeview, Stenhousemuir.

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

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

- (1) that they did not have sufficient information to allow them to make a determination, therefore the matter be continued to a future meeting of the Committee on a date to be agreed, and

- (2) to conduct an unaccompanied inspection of the site in question, and to visit the streets identified in the Notice of Review (Queens Drive and Stirling Road, Stenhousemuir) on a date to be agreed.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 10 DECEMBER 2012 commencing at 9.15 a.m.

PRESENT: Councillors Alexander, Buchanan, Carleschi, Chalmers, McLuckie, Mahoney, Nicol and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Development Manager; Senior Planning Officer (B Vivian) (for application P/12/0180/FUL); Planning Officer (K Brown) (for application P/12/0487/FUL); Transport Planning Co-ordinator; Network Co-ordinator; Transport Planning Officer (K Swanson); Technical Officer, Environmental Health (J McClung) (for application P/12/0487/FUL); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

ALSO

ATTENDING: Provost Reid (for application P/12/0180/FUL).

P150. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Black.

P151. DECLARATIONS OF INTEREST

No declarations were made.

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

P152. EXTENSION TO DWELLINGHOUSE AT 1 DUMYAT RISE, LARBERT FK5 4FL FOR MR S CUNNINGHAM - P/12/0501/FUL

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P145 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services on an application for full planning permission for a first floor front extension to a two storey dwellinghouse above the existing single storey garage at 1 Dumyat Rise, Larbert.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 30 January 2013.

Thereafter the applicant directed the bus to view other properties granted previous extensions within local streets affected by the measures.

Members thereafter visited the objector's garden to view the area of the proposed extension.

P153. THE FALKIRK COUNCIL (RESTRICTION ON WAITING AND PARKING PLACES) (LARBERT AND STENHOUSEMUIR) (AMENDMENT NO 5) ORDER 2012

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P137 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development seeking a decision on the Falkirk Council (Larbert and Stenhousemuir) (Amendment No.5) Order 2012 to manage on-street parking in the vicinity of the Forth Valley Royal Hospital for the proposed amendment Traffic Regulation Order introducing waiting restrictions on the A9 Stirling Road, Robert Bruce Court, Ladywell Court and Logie Drive.

The Convener introduced the parties present.

Neither the applicant nor objectors were invited to attend and make representations to the site meeting. The governing legislation for roads procedures of this nature, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, set down formal requirements and timescales for objections to Orders to be made and if it were determined by the authority that a Hearing should be held, the Hearing required to be conducted by an independent Reporter appointed by the authority from a list of persons compiled by the Scottish Ministers and in accordance with procedures determined by the Reporter. To hear objectors at a site visit of this nature would not be in compliance with the procedures set down in the legislation. Members of the Planning Committee were, however, fully apprised of the written objections received during the statutory objection period ending on 16 August 2012.

The Network Co-ordinator outlined the nature of the application.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 30 January 2013.

Thereafter the Network Co-ordinator directed the bus through the streets affected by the measures.

P154. INSTALLATION OF RADIO ANTENNA AT 3 SUNNYBRAE TERRACE, MADDISTON, FALKIRK FK2 0LP FOR MR STUART MCNEILL - P/12/0487/FUL

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P147 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services on an application for full planning permission for the installation of radio antenna at 3 Sunnybrae Terrace, Maddiston, Falkirk.

The Convener introduced the parties present.

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

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

Mrs McNeill, the applicant's mother, was heard in relation to the application.

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

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

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

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

The objections included the following issues:-

- The visual impact of structure;
- The wires currently dangling from the existing structure on the site;
- The impact on property values; and
- The health and safety hazard.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 30 January 2013.

P155. ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFE) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF, 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P148 refers), Committee gave further consideration to Report (circulated) dated 22 November 2012 by the Director of Development Services on an application for full planning permission for the erection of a mixed use building with 11 No. units (comprising class 1 and 2 units and café) and library with a community space, Formation of car parking and undertaking of public realm works and ancillary works at 1-31 (odds) Church Walk, Denny, 133-167A (odds) Church Walk, Denny.

The Convener introduced the parties present.

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

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

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

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

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

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

Councillor McCabe, an objector and subsequently local Member for the area, was heard in relation to the application.

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

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

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

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

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

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

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

The objections included the following issues:-

- The deficiencies in the application;
- The plans were not what the people of Denny wanted within their area nor fit for purpose of a new Town Centre;
- The whole strategy for the new shopping centre should be rethought to make the town shopper friendly and so generate interest in the local shops that will take over the new units;
- The lack of attraction for small retailers;
- The lack of detail in relation to future retailers;
- The entire space should be utilised and the overcapacity of supermarkets in the Falkirk area;
- The lack of community indoor space;
- The value of the demise of Church Walk;
- The proposal is not in keeping with the existing environs of a historical town centre;
- The unsuitability of the design;
- The design of the retail units is poor, with limited window display and service access;
- The building looks like a great wooden barn;
- There is no need for a two storey development;
- The concern at the huge scale of the roof;
- The pitch of the roofs is not a traditional solution and will not allow the use of slate to maintain a watertight covering;
- The massing of the building is an anachronism;
- The window fenestration bears no relevance to tradition, context, scale etc;
- The use of inappropriate materials;
- The concerns at lifespan of the proposed building, sustainability of the materials and longer term maintenance;
- The materials and design will not stand the test of time and will have to be replaced in 30 years time;
- The object to the use of wooden facings which already look worn and dated on other recently built structures;
- The lack of consideration for the disabled, elderly and mothers with young children in relation to access;
- There is no break in shops and shoppers (with heavy shopping bags) would have to walk the whole length of Stirling Street and along Duke Street to gain access to the car park and library;
- The location of the service area within the car park would hinder access e.g. for the disabled;
- The communal service access to the upper and lower floors is from a car park where it is proposed to site permanent refuse collection facilities. This is not supported and will lead to constant litter problems;
- The lack of detail in relation to the safety and security measures proposed for the community terrace space;
- The hanging around by youths at night;
- The proposed traffic system is unworkable; and
- The re-routed traffic will put added traffic congestion on the surrounding streets.

Questions were then asked by Members of the Committee.

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 30 January 2013.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 DECEMBER 2012 at 9.30 a.m.

PRESENT: Depute Provost Patrick; Councillors Chalmers, D Goldie, Gow, Jackson and Turner.

CONVENER: Councillor Gow.

ATTENDING: Depute Chief Governance Officer; Human Resources Manager, and Committee Services Officer (S Barton).

A14. APPOINTMENT OF CONVENER

In the absence of the Convener and Depute Convener, the Committee **AGREED** to appoint Councillor Gow as Convener.

A15. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Blackwood and McLuckie.

A16. DECLARATIONS OF INTEREST

Councillor Goldie declared a non financial interest in item A19 in that he is a member of UNITE the Union, but did not consider that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

A17. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Appeals Committee held on 22 November 2012.

A18. EXCLUSION OF PUBLIC

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

A19. APPEAL AGAINST DISMISSAL

There were submitted (circulated) copies of (a) Note of Procedure; (b) Submission from Head of Operational Services dated 7 December 2012, and (c) copies of core documents relating to the Appeal.

The Depute Chief Governance Officer and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr A, was present and was represented by L Turner, UNITE.

The Head of Operational Services and Human Resources Adviser, A Reid were present as representatives of the Council.

The Appellant and his representative presented his case.

The Head of Operational Services asked questions of the Appellant and his representative.

Members of the Committee then asked questions of the Appellant and his representative.

The Head of Operational Services presented the case on behalf of the Council and led evidence from a witness Mr M.

The Appellant and his representative then asked questions of the Head of Operational Services and of Mr M.

Members of the Committee then asked questions of the Head of Operational Services and of Mr M.

The Head of Operational Services summarised the case on behalf of the Council.

The Appellant and his representative summarised his case.

The parties to the appeal withdrew.

The Committee having given careful consideration to all of the submissions made, were satisfied that the decision by the Head of Operational Services to dismiss Mr M from Council service was justified in all the circumstances. Accordingly the appeal was **REFUSED**.

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

DRAFT**FALKIRK COUNCIL**

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 7 JANUARY 2013 at 3.00 PM.

PRESENT: Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, Macdonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Mahoney, Meiklejohn, Murray, Nicol, Nimmo, Paterson, Ritchie and Turner.

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services and of Social Work Services; Chief Governance Officer; Chief Finance Officer; Head of Policy, Technology and Improvement; Depute Chief Governance Officer and Democratic Services Manager.

FC71. SEDERUNT

The sederunt was taken by way of a roll call.

FC72. APOLOGY

An apology was intimated on behalf of Councillor Oliver.

FC73. DECLARATIONS OF INTEREST

No declarations were made.

FC74. NOTICES OF MOTION**(a) Committee Membership**

Councillor Meiklejohn seconded by Councillor Coleman moved that:-

- (i)** Council notes the problems encountered with the breakdown of membership on Council Committees, in particular the attempt to find parity within the "other" category when there are 3 members aligned to the Administration and 2 not aligned.

To assist in clearing the impasse Council has at present, it is agreed to allow the SNP and Independent Groups to fill the places allocated to them on Committees and other bodies from a joint slate of members.

- (ii) In the event that Council agrees part (i) of this motion, Council will accept at this meeting the resignation of a member of the SNP Group from the Planning Committee to be replaced by a member of the non aligned independent group.

Councillor C Martin, seconded by Councillor D Goldie, moved the following amendment in substitution for the motion:-

Council notes that the political proportionality agreed unanimously at the inaugural meeting of this council on May 2012 is firmly in line with standing order 34.8.

On a division 17 members voted for the amendment and 14 voted for the motion.

Accordingly **AGREED** the terms of the amendment.

(b) Disposal of Property

Councillor McCabe, seconded by Councillor McNally, moved that:-

At a recent meeting of the Planning Committee, the decision was made to refuse planning permission to an applicant who wished to turn the building into a hot food take-away. At the on-site meeting it was suggested that the applicant could appeal the decision. It was also suggested that Council could withdraw the site from sale.

Council therefore recognises the unique location of the Stationmaster's house in Denny and reverses its decision of 20 October 2009. The building and adjoining land will therefore be returned to the Development Services Account.

Councillor C Martin, seconded by Councillor D Goldie, moved the following amendment in substitution for the motion:-

Council recognises the importance of the portfolio management plan and the asset realisation plan as previously agreed by Council, and for this reason agrees to continue with the proposal to dispose of the property at 19 Glasgow Road, Denny and utilise monies from this site and others to invest in projects such as Denny Town Centre Regeneration.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (14) – Councillor Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner.

For the amendment (17) – Provost Reid; Depute Provost Patrick; Councillor Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr CR Martin, Murray, Nicol, Nimmo and Paterson.

Accordingly, **AGREED** the terms of the amendment.

(c) Pay Day Loans

Councillor McCabe seconded by Councillor Coleman moved that:-

There are serious concerns over the inadequate self-regulation of this relatively new financial sector industry which has seen a six-fold increase in the number of short term loan companies on our High Streets.

Council therefore recognises the alarming rise in the availability of 'Pay Day Loan' facilities and instructs the Directors of Corporate & Neighbourhood Services and Social Work Services to identify the current use and projected impact on residents within the Council's catchment area.

Councillor G Goldie, seconded by Councillor Black moved the following amendment in substitution for the motion:-

Falkirk Council notes that in July 2012 the Government announced that the four main trade associations covering payday lenders had agreed to revise their Codes of Practice to improve practice in the payday lending industry. The Good Practice Charter has been signed by up to 90% of payday lenders and sets out a number of rules which the lenders must abide by when dealing with their customers.

Falkirk Council also notes that there is no system in place to monitor whether the industry is adhering to this voluntary Code of Practice and calls on the Scottish Government to put in place an appropriate system. In the meantime Falkirk Council will join Citizens Advice Scotland in monitoring the experience of those presenting with difficulties in dealing with payday loan companies.

Falkirk Council also notes with disappointment that other high interest long and short term loans have not been dealt with in a similar manner to the high profile problem of payday loans and will write to the appropriate Minister requesting that the Code of Practice be extended to encompass these.

Council asks officers to look at ways of making affordable loans more accessible for those Falkirk citizens who require financial assistance and bring a future report back to the appropriate committee.

Council then adjourned for 15 minutes to allow members of the opposition to consider the terms of the amendment. Council reconvened at 4.55pm with all members present as per the sederunt.

Following discussion, Councillor Goldie, with the consent of the Provost and Councillor Black, as his seconder, agreed to adjust the terms of the amendment to the following:-

Falkirk Council notes that in July 2012 the UK Government announced that the four main trade associations covering payday lenders had agreed to revise their Codes of Practice to improve practice in the payday lending industry. The Good Practice Charter has been signed up to 90% of payday lenders and sets out a number of rules which the lenders must abide by when dealing with their customers.

Falkirk Council also notes that there is no system in place to monitor whether the industry is adhering to this voluntary Code of Practice and calls on the **Westminster** and Scottish Governments to put in place an appropriate system. In the meantime Falkirk Council will join Citizens Advice Scotland in monitoring the experience of those presenting with difficulties in dealing with payday loan companies.

Falkirk Council also notes with disappointment that other high interest long and short term loans have not been dealt with in a similar manner to the high profile problem of payday loans and will write to the appropriate UK Minister or **Chancellor of the Exchequer** requesting that the Code of Practice be extended to encompass these.

Council asks officers to look at ways of making affordable loans more accessible for those Falkirk citizens who require financial assistance and bring a future report back to the appropriate committee.

AGREED the terms of the adjusted amendment.

(d) Community Council Funding

Councillor Spears seconded by Councillor McCabe moved that:-

It is unanimously recognised that the role played in local governance issues by all of our Community Councils is invaluable under severe economic constraint. Current funding levels have been in place for approximately 10 years.