

Mr R Kerr, Falkirk Taxi Forum outlined concerns on the proposals in respect of wheelchair accessible taxis and the impact of the introduction of newer vehicles on small operators.

Discussion took place in respect of the following issues:-

- cost of the taxi consultation review process to the Council
- numerical cap on taxis in the Falkirk Council area
- impact on small operators in respect of the proposals for vehicle types outlined in the report
- proposals in respect of reducing the age of vehicles entering the fleet
- drivers' dress standards
- number of taxis in the Falkirk Council area per head of population
- proposals in respect of hybrid or electric vehicles
- consultation exercise in respect of taxi operators in Denny
- impact on small operators in respect of the requirement to change vehicles frequently

Councillor Dr CR Martin seconded by Councillor Paterson moved the following:-

(1) Taxi Numbers

That the current approach continues and that no numerical cap is introduced for taxi operator licences;

(2) Licence Conditions

That the conditions appended to the report are approved (subject to allowing operators to continue to display their company name on the sign on top of the taxi) and that the conditions come into effect on renewal of the relevant licence;

(3) Vehicle Types

That the current policy on the age of vehicles is changed to reduce the age at which a vehicle can first enter the fleet from 6 years to 3 years but that this is done progressively by a reduction of 1 year each year starting on 1<sup>st</sup> April 2014 and that the current policy requiring that each new operator licence is in respect of a wheelchair accessible vehicle be modified to the requirement being for a wheelchair accessible vehicle or for a hybrid or electric vehicle;

(4) Driver Standards

That a training requirement is introduced for new taxi and private hire drivers only (with the option for the Civic Licensing Committee to attach the condition in other cases where it considers it necessary) and that officers are instructed to bring proposals on the content of the training requirement following discussion with training providers to a future Committee;

## (5) Advertising

That advertising is allowed on all taxis (but not private hire vehicles) subject to the restrictions set out in paragraph 6.4 of the Report and in accordance with a procedure to be determined by the Chief Governance Officer which would include a fee of £35.00, and

## (6) to refer the above to the next appropriate decision making committee of the Council.

By way of an amendment, Councillor Jackson seconded by Councillor Oliver, moved that a numerical cap for taxi operators licenses be implemented at the limit suggested by Halcrow of 444 and that this matter be referred to the next appropriate decision making Committee of the Council and for the remaining issues to be continued for further consideration.

On a division, 5 members voted for the Motion and 5 members voted for the Amendment.

There being an equality of votes and in terms of Standing Order 21.6 the Convener used his casting vote for the Motion.

Accordingly, **AGREED:-**

## (1) Taxi Numbers

That the current approach continues and that no numerical cap is introduced for taxi operator licences;

## (2) Licence Conditions

That the conditions appended to the report are approved (subject to allowing operators to continue to display their company name on the sign on top of the taxi) and that the conditions come into effect on renewal of the relevant licence;

## (3) Vehicle Types

That the current policy on the age of vehicles is changed to reduce the age at which a vehicle can first enter the fleet from 6 years to 3 years but that this is done progressively by a reduction of 1 year each year starting on 1<sup>st</sup> April 2014 and that the current policy requiring that each new operator licence is in respect of a wheelchair accessible vehicle be modified to the requirement being for a wheelchair accessible vehicle or for a hybrid or electric vehicle;

## (4) Driver Standards

That a training requirement is introduced for new taxi and private hire drivers only (with the option for the Civic Licensing Committee to attach the condition in other cases where it considers it necessary) and that officers are instructed to bring proposals on the content of the training requirement following discussion with training providers to a future Committee;

## (5) Advertising

That advertising is allowed on all taxis (but not private hire vehicles) subject to the restrictions set out in paragraph 6.4 of the Report and in accordance with a procedure to be determined by the Chief Governance Officer which would include a fee of £35.00, and

## (6) to refer the above to the next appropriate decision making committee of the Council.

**ECS35. ZERO WASTE STRATEGY 2012-2022**

There was submitted Report (circulated) dated 3 January 2013 by the Director of Development Services enclosing, as an appendix, the Council's updated Zero Waste Strategy 2012-2022.

Discussion took place in respect of the following issues:-

- frequency of bin collections
- mandatory food waste collections
- consideration of establishing a waste management group
- mini hydro electric scheme operated by Scottish Water in the Denny area

**NOTED** the intention to bring more detailed implementation and operational plans to an appropriate committee to help deliver on the action contained within the Strategy.

**AGREED:-**

- (1) to endorse the Council's new 10 year Zero Waste Strategy 2012-2022, and
- (2) to submit this report to the next appropriate decision making committee for its consideration and approval.

**ECS36. CLOSING REMARKS**

On behalf of the Committee, Councillor Blackwood thanked the Convener and Depute Convener for their Convenership and support to the Environment and Community Safety Committee.

DRAFT**FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 MARCH 2013 at 7.00 PM.**

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

**CONVENER:** Provost Reid.

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

**FC105. SEDERUNT**

The sederunt was taken by way of a roll call. Apologies were submitted on behalf of Councillors Bird and Coleman.

**FC106. PROVOST'S REMARKS – COLONEL FRANK SAUNDERS**

The Provost, followed by members, spoke in tribute at the passing of Colonel Frank Saunders, former member of Central Regional Council and Stirling Council who had died aged 106. Members requested that the Provost convey Council's condolences to Colonel Saunder's family.

**FC107. ORDER OF BUSINESS**

In terms of Standing Order 15.2 (i) Provost Reid varied the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order they were taken at the meeting.

**FC108. 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 ground that it would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A to the said Act.

#### **FC109. FORMER LISTED BUILDING SITE - CENTRAL BOULEVARD CENTRAL PARK, LARBERT**

With reference to the minute of the meeting held on 6 March 2013 (para FC104 refers) there was submitted report (circulated) by the Director of Development Services (a) advising of an interest in acquiring the purchasing option for the former listed building site at Central Park, Larbert and (b) setting out the terms of the proposal.

**AGREED** the proposals for the option to purchase the former listed building at Central Park, Larbert on the terms set out in the report.

#### **FC110. DECLARATION OF INTEREST**

With regard to Item FC112 on Welfare Reform, Councillor Jackson noted that while he was an employee of the Department of Work and pensions he did not consider that this gave rise to a declarable interest under the Code of Conduct.

#### **FC111. DECISION MAKING STRUCTURES**

With reference to the minute of meeting held on 5 December 2012 (Paragraph FC64 refers) there was submitted report (circulated) by the Chief Executive (a) presenting a decision making structure based upon the Executive and Scrutiny model; (b) summarising the key features of the proposed model; (c) presenting an alternative model incorporating an Education Committee; (d) presenting a draft timetable of meetings, should Council agree to adopt the Executive model as presented; (e) highlighting that, if the Executive model was adopted, Standing Orders would be revised and would be presented to a future meeting of Council; (f) summarising areas for discussion in regard to (i) the introduction of Baillies (ii) consideration of petitions (iii) reporting on external organisations (iv) the introduction of substitutes and pairing; (g) summarising considerations in regard to the Council's Remuneration Framework, and (h) detailing phasing and transitional arrangements in regard to the introduction of the proposed decision making structure.

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

- (1) to adopt the Executive model set out in section 2 of the report;
- (2) that a review of Standing Orders is undertaken to meet the agreed structure today and that this be presented to a meeting of Council on 24 April, 2013;
- (3) that the Executive will consist of 12 Members with nine drawn from the Administration and three from the Opposition. The nine Members of the Administration will consist of the Leader and eight Portfolio Holders, as follows:-

Resources  
Education  
Health & Social Care

Housing  
 Economic Development  
 Environment  
 Public Protection  
 Culture, Leisure and Tourism;

- (4) that the terms of each Portfolio Holder remit will be confirmed at the April meeting of Council along with the Standing Orders. The three Opposition Members will be as determined between the Opposition Groups or, failing agreement, by the Council. The Leader will be Convener of the Executive with Depute Convenership being chosen by the Executive;
- (5) that approval of the Policing Plan and the Fire & Rescue Plan should be reserved to Council rather than the Executive and that representatives of the Police and Fire and Rescue Services are available at Council meetings considering these Plans;
- (6) that both the Policy Development and Scrutiny Panels should not be formally constituted as Sub-Committees and that it should be open to the Panels themselves to determine the level of public access to their meetings;
- (7) in principle, that there should be no call-in from the Executive to Council and that the Standing Orders prepared for Council's consideration in April should reflect this. The issue of whether the Executive's decision-making powers should be exclusive should be considered as part of the review of Standing Orders;
- (8) that the Scrutiny Committee should consist of ten members with six drawn from the Administration and four from the Opposition. The four members of the Opposition will be as agreed between the Opposition Groups or, failing agreement, as determined by Council. The Convenership and Depute Convenership of the Committee will be determined by its members;
- (9) the new programme of meetings should begin in May as set out in the timetable at Appendix 3 to the report (noting that the arrangements for the meetings of the Audit Committee remain to be confirmed). In the meantime, Officers are granted standard recess powers;
- (10) the regulatory committees will meet as set out in para 13.3 of the report;
- (11) to appoint two Baillies to assist the Provost and Depute Provost in their civic role;
- (12) that no Petitions Committee is established;
- (13) that informal access to the minutes of external organisations will be made available on-line and in the Members' Lounge, that a full review is undertaken of members' appointments to external organisations and that a report on this will be made to the June meeting of Council;

- (14) no provision be made to allow for substitutes on any Committee or for pairing, and
- (15) any changes in the remuneration framework are made at the April meeting of Council.

In response to a question, the Chief Governance Officer confirmed that, the motion was competent.

Council then adjourned at 7.30pm to allow members of the opposition to consider the terms of the motion and reconvened at 8.10pm with all members present as per the sederunt.

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

- (1) agrees to adopt an Executive Committee model;
- (2) portfolios will be as per the motion;
- (3) Policy Development Groups and Scrutiny Panels should be formally established but be flexible to determine when to meet in public and when to meet less formally in private. They should also have the ability to call on external bodies and organisations to provide evidence and information;
- (4) there should be a call in process to full council;
- (5) decision making powers should be concurrent with full council;
- (6) all members require to be involved in either the Executive or Scrutiny Committees. The Scrutiny Committee must therefore contain all members who are not members of the Executive Committee. If the Administration control the Executive the counter balance dictates the opposition must control the scrutiny, the convenorship must therefore be a member of the official opposition;
- (7) implements the new decision making structure in May 2013;
- (8) revised Standing Orders relating to meetings and the Scheme of Delegation to Committees will be presented to a meeting of Council in April and a revised Scheme of Delegation to Officers and Contract Standing Orders will be presented to the June meeting. Preparation of proposals in these areas be referred to the Leaders Working Group to ensure all party involvement in the final proposals;
- (9) agrees not to introduce Baillies;
- (10) agrees to introduce a Petitions Committee under the jurisdiction of the Scrutiny Committee;

- (11) agrees to introduce a formal report back from appointees of outside bodies;
- (12) does not agree to substitutes, and
- (13) Executive Committee members should be treated as equals with the chair of the Scrutiny Committee also included in the scheme of remuneration.

Councillor Spears gave notice of a further amendment.

Council then adjourned at 8.20pm to allow members of the administration to consider the terms of the amendment and reconvened at 8.35pm with all members present as per the sederunt.

Following further discussion, a vote was taken by roll call, in terms of Standing Order 21.4 (i), there being 30 Members present with voting as undernoted:-

For the motion (17) – 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, Nimmo and Paterson.

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

The motion was accordingly carried. Councillor Spears, seconded by Councillor McCabe, moved, in substitution for the motion that Council agrees:-

- (1) to accept a model of Full Council meetings over 2 consecutive days where all council business is discussed, debated and agreed by ALL elected members for the benefit of the electorate;
- (2) to implement the new Full Council Model for June meeting of Council;
- (3) that revised Standing Orders relating to Meetings, and a revised Scheme of Delegation to Officers and Contract Standing Orders be presented to a special April meeting of Full Council for approval;
- (4) that standard recess powers are granted to Chief Officers pending commencement of the Full Council model. A meetings timetable to be agreed based on the current council calendar, and
- (5) to introduce a public petitions system and to establish a Petitions Committee.

Following further discussion, a vote was taken by roll call, in terms of Standing Order 21.4 (i), there being 30 Members present with voting as undernoted:-

For the motion (17) – 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, Nimmo and Paterson.



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

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

## **FC112. WELFARE REFORM - UPDATE**

With reference to Minute of Meeting of Falkirk Council held on 6 March 2013 (Paragraph FC100 refers), there was submitted report (circulated) by the Director of Corporate and Neighbourhood Services to the said meeting (a) providing an update on the impact of Welfare Reform on workstreams across the Council; (b) highlighting measures to mitigate the impact of reform on the citizens of the area such as the implementation of the Scottish Welfare Fund; (c) presenting a draft revised Discretionary Housing Payment scheme which would allow officers to better target those affected by current and planned changes in benefits, and (d) detailing proposals to utilise the Fairer Falkirk Fund to target those most in need.

Provost Reid confirmed that it was now 10.00pm and indicated that the meeting would close at 10.45pm with outstanding business to be determined at a special meeting to be held before 2 April 2013.

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

- (1) note the progress made to support the implementation and impact of Welfare Reform;
- (2) note in particular the approach to support the delivery of the Scottish Welfare Fund;
- (3) note the update provided in regard to the workstreams;
- (4) note Council's decision of 6 March 2013 to allocate £35,000k from the Fairer Falkirk Fund to increase the budget provision for Discretionary Housing Payments for 2012/13;
- (5) the proposed criteria/policy intentions for 2013/14 as detailed in appendix 2 to the report, in particular the definition of "significant adaptation" as set out in paragraph 5.2 of appendix 2, and
- (6) the proposed Fairer Falkirk Fund budget allocation for 2013/14 as set out in appendix 3 and the proposals to utilise £110,000 of the Falkirk Fairer Fund in 2013/14 to support Welfare Reform financial inclusion and capability services as detailed in paras 4.4 and 4.5 of the report.

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

- (1) note the progress made in the report to support the implementation and impact of Welfare Reform;

- (2) note in particular the approach outlined to support the delivery of the Scottish Welfare Fund;
- (3) note the previous decision to allocate £35k from the Fairer Falkirk Fund to increase the budget provision for DHP for 2012/13 and agree the proposed criteria/policy intentions in Appendix III for 2013/14 where any one of the adaptations detailed at para 5.2 would meet the definition of significantly adapted criteria;
- (4) review how the Welfare Reform impacts on both the Housing Allocations Policy and Housing Finance Policy to ensure that any one affected by the housing benefit size criteria under occupancy is not further disadvantaged;
- (5) note the update on the work streams and agree to provide a progress report to members in 3 months, and
- (6) the proposals set out in Appendix 3 and para 4.4 of the report for utilising the Fairer Falkirk Fund to support Welfare Reform.

Councillor Spears gave notice of a further amendment.

On a division, 13 members voted for the amendment and 17 voted for the motion.

The motion was accordingly carried. Councillor Spears, seconded by Councillor McCabe, moved the following in supplement to the motion.

- (7) to allocate £20k from Council reserves to increase the budget provision for each of the 3 CAB's for 2013-14. (3x£20k = £60k), to be identified as payment to permit each of the CAB's to provide an increase in support services for the imminent specialist welfare benefits advice demands.

On a division, 13 members voted for the amendment and 17 for the motion.

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

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 25 MARCH 2013 at 9.30 a.m.**

**PRESENT:-** R Stevenson; Provost Reid; Depute Provost Patrick; Councillors Black and Carleschi.

**CONVENER:-** R Stevenson.

**ATTENDING:-** Chief Executive; Directors of Corporate and Neighbourhood Services and of Development Services; Deputy Chief Finance Officer; Internal Audit Manager; Head of Educational Planning and Resources; Democratic Services Manager; and Service Manager, social Work Services.

**ALSO**

**ATTENDING:-** J Rundell and L Proctor (Audit Scotland)

**AC18. APOLOGIES**

An Apology was received from Councillor Coleman.

**AC19. DECLARATIONS OF INTEREST**

None.

**AC20. MINUTES**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Audit Committee held on 29 October 2012.

**AC21. INTERNAL AUDIT PROGRESS REPORT**

With reference to the minute of meeting held on 29 October 2012 (Paragraph JPB AC12 refers), there was submitted report (circulated) by the Internal Audit Manager summarising progress made in completing the agreed 2012/13 Internal Audit Plan, including information on Internal Audit's performance as measured against key performance indicators.

Discussion focussed on:-

- The work on Corporate Purchasing and Contract Management, and the methodology for selecting the samples of payments for review
- The key findings in regard to the audit of Premises Managers' Handbook Compliance, and the rationale for providing limited assurance

- The review of the Appointment of Consultants
- Internal Audit key performance indicators, and the work ongoing nationally to develop a balanced scorecard

**NOTED.**

## **AC22. INTERNAL AUDIT – RECOMMENDATIONS OUTSTANDING**

With reference to the Minute of the Meeting held on 29 October 2012 (Paragraph AC13 refers), there was submitted report (circulated) by the Internal Audit Manager (a) providing an update on recommendations made by Internal Audit which remain outstanding for the period 2008-2013 and (b) highlighting the progress made in reducing the number of recommendations outstanding (from 127 to 84).

Discussion focussed on:-

- the process employed by Corporate Management Team to manage the implementation of outstanding recommendations
- the need for Services to advise the Internal Audit Manager when outstanding recommendations are actioned
- the outstanding recommendations in regard to Following the Public Pound review

**NOTED.**

## **AC23. PUBLIC SECTOR INTERNAL AUDIT STANDARDS**

There was submitted report (circulated) by the Internal Audit Manager advising of the new Public Sector Internal Audit Standards and summarising the implications for Internal Audit at Falkirk Council of implementing the standards.

Discussion focussed on:-

- the advantages of introducing a pan public sector set of standards
- the work currently on-going to implement the new standards in full.

**NOTED.**

## **AC24. AUDIT COMMITTEE ANNUAL REPORT 2012/13**

There was submitted report (circulated) by the Audit Committee Convener (a) presenting a draft Annual Report to Council setting out the work of the Committee during 2012/13 and highlighting priorities for 2013/14; and (b) seeking member's comments on the layout and content of the draft report.

Discussion focussed on the potential for the Council's review of its decision making structures to impact upon the terms of reference of the Committee.

**AGREED** that a revised report would be circulated prior to its submission to Council.

## **AC25. CORPORATE GOVERNANCE ARRANGEMENTS – KEY FINANCIAL SYSTEMS CONTROLS**

With reference to Minute of Special Meeting held on 24 September 2012 (Paragraph AC3 refers), there was submitted report (circulated) by the Chief Finance Officer providing an update on actions taken since September 2012 in regard to recommendations following the External Audit review of the Council's systems of internal control.

Discussion focussed on:-

- the likely completion date for the implementation of revised Payroll authorised signatory arrangements
- Audit Scotland's intention to review progress made against the Action Plan.

**NOTED.**

## **AC26. ANNUAL AUDIT PLAN 2012/13**

There was submitted report (circulated) by Audit Scotland (a) summarising the planned External Audit activity for 2011/12, (b) highlighting audit issues and risks, (c) presenting a summary assurance plan for specific risks, (d) detailing planned External Audit outputs and (e) advising of an audit fee of £318,799 for 2012/13, a decrease of 4.54% on 2011/12.

Discussion focussed on:-

- the methodology for calculating the depreciation of Council dwellings
- the likely impact of Welfare Reform on Local Authority Services and the increased need to manage risk as a consequence

**NOTED.**

## **AC27. INTERNAL AUDIT PLAN 2013/14**

There was submitted report (circulated) by the Internal Audit Manager (a) advising of the requirement in terms of the CIPFA Code of Practice for Internal Audit in Local Government in the UK (2006) to prepare a risk based Internal Audit Plan and (b) presenting the proposed Internal Audit Plan for 2013/14.

Discussion focused on:-

- the allocation of 20 days to work on outstanding recommendations and the change in follow up approach
- the risks around information security and records management and the need to review these areas
- the potential for generating income by carrying out audits for other public sector organizations

- the arrangements with Falkirk Community Trust to provide Internal Audit services

**AGREED** the planned Internal Audit Coverage for 2013/14.

## **AC28. CORPORATE RISK MANAGEMENT UPDATE**

There was submitted report (circulated) by the Director of Development Services (a) summarising the background to the development of the Council's Risk Management Policy and Framework and of the associated Risk Management Work plan for 2013; (b) outlining the Council's approach to risk management, and (c) presenting the Corporate Risk Register.

Discussion focused on:-

- the need for risk management to be embedded across all Services
- the risks identified which centre around elected members
- the need to support members' learning and development
- the risk to an organisation of unsound decision making

**AGREED** the draft Risk Management Policy, Framework, and Workplan.

## **AC29. STRATEGIC PROCUREMENT IN FALKIRK COUNCIL**

There was submitted report (circulated) dated 18 March 2013 by the Director of Corporate and Neighbourhood Services (a) outlining the background to the review of corporate procurement arrangements in 2012; (b) highlighting deliverables achieved through the review; (c) highlighting the value of the national Procurement Capability Assessment (PCA) process in measuring procurement performance; and (d) advising that in 2012 Falkirk Council had improved its performance to 56% (compared to 35% in 2011) and now sat in the upper quarter of Scottish Councils.

Discussion focused on:-

- the comprehensive procurement training programme implemented across all Services to raise awareness of managers' roles and responsibilities.
- the composition of the procurement team.
- the outstanding performance of Falkirk Council in the national PCA.

**NOTED.**

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 MARCH 2013 at 11.00 A.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).

**PRC28. APOLOGIES**

No apologies were intimated.

**PRC29. DECLARATIONS OF INTEREST**

There were no declarations made.

**PRC30. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Planning Review Committee held on 14 March 2013.

**PRC31. OPENING REMARKS**

The Convener welcomed everyone in attendance to this meeting of the Planning Review Committee and following a short introduction asked Mr Henderson to provide a summary of the procedure to be followed at the Committee.

**PRC32. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0537/FUL, EXTENSION TO DWELLINGHOUSE TO FORM GARAGE WITH STORAGE LOFT, ORANGERY AND UTILITY ROOM AT 8 SOUTH BROOMAGE AVENUE, LARBERT (CONTINUATION)**

There were submitted documents (circulated) in relation to the Application for Review submitted by Acre Architects on behalf of Mr and Mrs Romanis for the extension to a dwellinghouse to form garage with storage loft, orangery and utility room at 8 South Broomage Avenue, Larbert.

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, the reasons for refusal and the written submissions relating to the application now being reviewed.

After discussion, and having heard advice from Mr Henderson and Mr Whittle, the Committee **AGREED** that they had sufficient information (a) within the papers provided in relation to the application for Review, (b) from the written submissions provided by Development Services and the response thereto, and (c) from the accompanied inspection of the site in question on 26 March 2013, and considered:-

- (1) Policies EQ1 and SC9 of the Falkirk Council Local Plan;
- (2) the Supplementary Planning Guidance Note on House Extensions and Alterations;
- (3) the consultation response from the Environmental Protection Unit;
- (4) the benefit of the site inspection, particularly in relation to providing an understanding of the scale and size of the proposed extension;
- (5) the variation in house style and types in the surrounding area;
- (6) the size of the proposed extension, and
- (7) the impact of the proposal on the character and appearance of the existing building and the visual impact on the surrounding area.

Councillor Mahoney, seconded by Councillor Meiklejohn moved:-

“that the Committee refuse the application for the reasons detailed in the decision made by the officer under delegated authority”

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

“that the Committee grant the application for planning permission subject to conditions considered appropriate by the Director of Development Services, including conditions relating (1) to the comments made by the Environmental Protection Unit, and (2) to the materials to be used in the development details of which shall be required to be submitted by the applicant to the Director of Development Services for approval prior to the commencement of the development.”

On a division, 2 Members voted for the motion and 3 Members voted for the amendment.



Accordingly, **AGREED:-**

- (1) to **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate, including conditions in relation to the following:-
  - (i) the comments made by the Environmental Protection Unit in relation to contaminated land, and
  - (ii) the type of materials to be used in the development the details of which shall be supplied by the applicant to the Director of Development Services for approval prior to the commencement of the development,
- (2) to delegate to the Chief Governance Officer the preparation of the decision notice.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 MARCH 2013 at 9.30 A.M.**

**PRESENT:** Councillors 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; Network Co-ordinator; Transport Planning Co-ordinator; Development Plan Co-ordinator; Senior Planning Officer (B Vivian); Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**P218. APOLOGIES**

Apologies were intimated on behalf of Councillor Alexander.

**P219. DECLARATIONS OF INTEREST**

Whilst having made no declaration at the commencement of business, Councillor Nicol however subsequently declared an interest detailed at item 7 (minute P224).

Councillor Mahoney declared a non-financial interest in Item 8 (minute P225) having submitted an objection to West Lothian Council in respect of the application 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.

Prior to consideration of business, the Member below made the following statement:-

- 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/12/0588/FUL, P/12/0611/FUL and P/12/0124/PPP (minute P221, P222 and P223).

**P220. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 27 February 2013;
- (b) Minute of Meeting of the Planning Committee held On-Site on 11 March 2013; and
- (c) Minute of Special Meeting of the Planning Committee held on 11 March 2013.

**P221. EXTENSION TO LOUNGE BAR AT REDDING AND WEST QUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WEST QUARTER UNITY CLUB - P/12/0588/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 30 January and 27 February 2013 (Paragraphs P180 and P204 refer), Committee gave further consideration to Reports (circulated) dated 22 January and 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 2013 by the said Director on an application for full planning permission for the erection of a single storey extension to accommodate an additional lounge/bar and seating area within the Redding and West Quarter Unity Club, Redding, Falkirk.

**AGREED** to **CONTINUE** consideration of the application to allow the applicant to gather the requested information.

**P222. CHANGE OF USE FROM CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF FAN AT 6 WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0ES FOR NEW YORK PIZZA CO INC - P/12/0611/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 30 January and 27 February 2013 (Paragraphs P175 and P205 refer), Committee gave further consideration to Reports (circulated) dated 22 January and 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 2013 by the said Director on an application for full planning permission for a change of use from a class 2 (financial, professional and other services) to a sui generis (hot food takeaway use) at 6 Waggon Road, Brightons, Falkirk.

Councillor McLuckie, seconded by Councillor Buchanan, moved that the application be approved subject to appropriate conditions as determined by the Director of Development Services.

By way of an amendment, Councillor Nicol, seconded by Councillor Carleschi, moved that the application be refused in accordance with the recommendations in the Report.

On a division, 5 Members voted for the motion and 5 for the amendment.

In accordance with Standing Order 21.6, in the case of equality of votes, the Convener used his casting vote for the motion.

Accordingly, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

**P223. DEVELOPMENT OF LAND FOR HOUSING PURPOSES ON LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK FOR MR JOHN PENMAN - P/12/0124/PPP (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 19 September and 31 October 2012 and 30 January 2013 (Paragraphs P98, P111 and P169 refer), Committee gave further consideration to Reports (circulated) dated 12 September and 23 October 2012 and 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 2013 by the said Director on an application for planning permission in principle for the development of land for housing purposes on land to the south of the Stables, Braeface Road, Banknock.

Councillor Black, seconded by Councillor Paterson, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

By way of an amendment, Councillor Carleschi, seconded by Councillor Meiklejohn, moved that Committee be minded to grant the application in accordance with the recommendations in the Report subject to amendments to reflect (a) that the legal agreement or agreements can be a Section 75 Obligation and/or other suitable legal agreement; (b) that the number of dwellinghouses granted by the permission in principle shall be a maximum of six; and (c) that the Section 75 Obligation and/or other suitable legal agreement shall provide for the financial contributions detailed at paragraph 21 of the Report.

On a division, 4 Members voted for the motion and 6 for the amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the following conditions:-

- (1) The provision of visibility at the entrance to the Estate to the satisfaction of the Director of Development Services; and
- (2) The satisfactory completion of an obligation, within the terms of the Section 75 of the Town and Country Planning (Scotland) Act 1997 and/or other suitable legal agreement or agreements to secure:-
  - (i) The reinvestment into the business of the income derived from the plot sales/house building;
  - (ii) The phased development of the housing linked to the phasing of completion of elements of the investment programme for the business; and
  - (iii) Developer contributions towards (a) increasing the future capacity of Bankier Primary School to be set at a rate of £2,600 per dwellinghouse; and (b) improving open space/play facilities in the local area to be set at a rate of £1,820 per dwellinghouse.

And thereafter, on satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle, subject to the inclusion of such conditions as the Director of Development Services deems appropriate to include a condition restricting the maximum number of dwellinghouses granted by planning permission in principle to six.

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

**P224. CHANGE OF USE FROM SHOP (CLASS 1) TO FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2) AT 7 YORK LANE, GRANGEMOUTH FK3 8BD FOR THE LETTING CO - P/13/0034/FUL**

Prior to commencement of this item of business, Councillor Nicol declared a financial interest in respect of the application in consequence of his wife's ownership of a shop in Grangemouth, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

There was submitted Report (circulated) dated 19 March 2013 by the Director of Development Services on an application for full planning permission for a change of use from shop (class 1) to financial, professional and other services (class 2) at 7 York Lane, Grangemouth.

**AGREED to GRANT** planning permission, subject to the following condition:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the Informatives below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

Reason:-

- (1) As these drawings and details constitute the approved development.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A.

**P225. CONSULTATION ON PLANNING APPLICATION - MIXED USE DEVELOPMENT PROPOSAL AT BURGHMUIR, LINLITHGOW - (0095/P/12)**

There was submitted Report (circulated) dated 19 March 2013 by the Director of Development Services on an application for planning permission submitted to West Lothian Council for a mixed use development at Burghmuir, Linlithgow and for consideration by Falkirk Council as a consultee.

**AGREED** that a response be submitted to West Lothian Council indicating that Falkirk Council maintains its objection to the proposed supermarket on the grounds that it would have a significant impact on the vitality and viability of Bo'ness Town Centre and undermine Falkirk Council's aspirations to improve it.

**P226. CLOSING REMARKS**

Following consideration of business on the agenda, the Convener invited the Development Manager to provide an update on the appointment of a specialist consultant and the organisation of a hearing in relation to planning application P/12/0521/FUL - Development for Coal Bed Methane Production, Including Drilling, Well Site Establishment at 14 Locations, Inter-Site Connection Services, Site Access Tracks, a Gas Delivery and Water Treatment Facility, Ancillary Facilities, Infrastructure and Associated Water Outfall Point at Letham Moss, Falkirk FK2 8RT for Dart Energy.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 APRIL 2013 at 9.30 A.M.**

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

**CONVENER:** Councillor Nicol.

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

**CL1. APOLOGIES**

Apologies were intimated on behalf of Councillors Hughes, McNally, Ritchie and Turner.

**CL2. DECLARATIONS OF INTEREST**

No declarations were made.

**CL3. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 13 March 2013.

**CL4. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN FEBRUARY 2013**

There was submitted Report (circulated) dated 2 April 2013 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 February to 28 February 2013 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications of public processions received during the same period.

**CL5. EXCLUSION OF PUBLIC**

**RESOLVED** in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraphs 3 & 6 of Part 1 of Schedule 7A to the said Act.

**CL6. CIVIC LICENSING ENFORCEMENT - MARCH 2013**

There was submitted Report (circulated) dated 3 April 2013 by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during March 2013.

**NOTED.**

**CL7. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr B, together with his representative, Mr S, entered the meeting.

There was submitted Report (circulated) dated 2 April 2013 by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

The applicant's representative, Mr S, spoke in support of the application.

Questions were then asked by Members of the Committee.

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

**CL8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr L, entered the meeting.

There was submitted Report (circulated) dated 2 April 2013 by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr L 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 six months with a warning letter detailing the standards expected of taxi drivers and subject to the standard conditions; and
- (2) that in the event of a renewal application being submitted, authority to determine the application without appearance before the Committee was delegated to officers provided that no supervening circumstances occurred which would require the application to come before Committee.



**CL9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr M, was not in attendance. The Licensing Co-ordinator advised that he had spoken with the applicant by telephone and was advised that the applicant wished to withdraw the application at this time. This was subsequently confirmed in writing by the applicant.

**NOTED.**

DRAFT**FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 APRIL 2013 at 10.00 AM.**

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

**CONVENER:** Provost Reid.

**ATTENDING:** Chief Executive; Director of Education Services; Chief Governance Officer; Head of Educational Planning and Resources; Depute Chief Governance Officer; Senior Forward Planning Officer and Democratic Services Manager.

**FC1. SEDERUNT**

The sederunt was taken by way of a roll call. Apologies were submitted on behalf of Councillors Buchanan, McNally, Oliver and Turner.

**FC2. DECLARATIONS OF INTEREST**

No declarations were made.

**FC3. NOTICE OF MOTION****RC Primary School Intake**

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

“Council notes the recent decision to cap the intake at St Mungo’s RC High School in order to manage future capacity pressures which was agreed by all members after full consultation with parents.

Council also notes the recent P1 cap imposed on RC feeder primary schools to St Mungo's has caused concern across the district; this was not subject to the same consultation process with parents, teaching staff and elected members.

Council instructs officers to remove the current cap placed on these RC primary schools for the coming academic year to allow a full review of the impacts of this policy to be consulted on with the parents, teaching staff and elected members".

By way of an amendment, Councillor Nimmo, seconded by Councillor Paterson, moved the following in substitution for the motion:-

"Council fully recognises the need for a fair and robust school admissions policy.

Council fully supports the criteria contained in the current policy and supports the need for a cap to be implemented this year to protect the viability of the RC Primary Schools in question, and that of St Mungo's High School in the longer term".

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 28 members present with voting as undernoted:-

For the motion (12) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, Meiklejohn, Ritchie and Spears.

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

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