

DRAFT**FALKIRK COUNCIL****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 JUNE 2007 at 10.30 AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Nimmo, Oliver, Patrick, Spears, Thomson and Waddell.

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Commercial Services, of Development Services, of Education Services, of Finance, and of Housing and Social Work Services; Acting Director of Law and Administration Services; Heads of Accountancy and of Treasury and Investment, and Democratic Services Manager.

DECLARATIONS OF INTEREST:

In terms of Standing Order 14.2, and paragraphs 5.14 and 5.15 of the Councillors' Code of Conduct, Provost Reid; Councillors Alexander, Jackson, Lemetti, C MacDonald, C Martin, C R Martin, Nimmo and Patrick each declared a non-financial interest in relation to the item of business (ref FC 16 – Falkirk Community Stadium) on the basis of their regular attendance at matches involving Falkirk Football Club and further declared that, in terms of Paragraphs 5.17 and 5.18 of the said Code of Conduct, they had concluded that no member of the public acting reasonably would consider that they might be influenced by their respective interests in their roles as Councillors. Each Member, therefore, participated in the discussion and decision.

Prior to commencement of the formal business of the Meeting, the Provost congratulated former Councillor Pat McCafferty on recently being awarded an OBE.

FC11. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 7 March 2007.
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 23 April 2007.
- (c) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 18 May 2007.

- (d) There was submitted (circulated) and **NOTED** Volume of Minutes of Meetings held since 28 February 2007.
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1.

**FC12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, NEW RESOLUTION;
LATE HOURS CATERING POLICY AND CONDITIONS; STREET
TRADERS POLICY AND CONDITIONS – REFERRAL FROM POLICY AND
RESOURCES COMMITTEE**

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report dated 19 June 2007 by Director of Development Services enclosing the report considered by the Policy and Resources Committee held on 12 June 2007 proposing that a new Resolution be promoted under the Civic Government (Scotland) Act 1982 relating to the Council's Late Hours Catering Policy and Conditions, and Street Traders Policy and Conditions.

AGREED to approve:-

- (1) the recommendations detailed in the Report considered by the Policy and Resources Committee on 12 June 2007;
- (2) the publication of a notice in the Falkirk Herald on 5 July 2007 which shall, inter alia, identify the date of coming into operation of the Resolution as 1 August 2008 but acknowledging that this date may be amended;
- (3) a report being prepared for consideration by members following conclusion of the process detailed above;
- (4) a report being prepared to provide an assessment of the fee structure in respect of skin piercing and tattooing licences to ensure that the Council is recovering all costs associated with this activity, and
- (5) that the Director of Development Services puts in place arrangements for notifying all members, on a monthly basis of applications received for Civic Government licences.

FC13. NEW COMMUNITY SCHOOLS – PROJECT UPDATE

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Gow and Nimmo.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report by Chief Executive submitted to the meeting of Policy and Resources Committee held on 12 June 2007.

Councillor Alexander, seconded by Councillor Kenna, moved that Council agrees to use the underspend within the budget for the new schools project to bring forward a report to the Education and Leisure Committee that begins to rectify the disparity in community access to the new schools in comparison to the Class 98 Schools.

By way of an amendment, Councillor Gow, seconded by Councillor Goldie, moved that Committee notes the status of the project.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 Members present, with Members voting as undernoted:-

For the Motion (14):- Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

For the Amendment (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

FC14. NEW COMMUNITY SCHOOLS – ST MUNGO’S RC HIGH SCHOOL – ACCESS OFF A9

In terms of the Council’s Scheme of Delegation, this item had been called into Council by Councillors Gow and Nimmo.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report by Director of Development Services submitted to the meeting of Policy and Resources Committee held on 12 June 2007.

Councillor Alexander, seconded by Councillor Kenna, moved that:-

- (1) Council agrees to consult with staff, school boards and pupil councils at St Mungo’s and St Francis Schools on the options before Council;
- (2) Officers arrange for a site inspection for Members before a final decision is taken;
- (3) Community Services be asked to conclude their work on the configuration of the Sunnyside playing fields; and
- (4) Council make the appropriate decision once all of the aforementioned works and consultations are complete.

By way of an Amendment, Councillor Gow, seconded by Councillor Nimmo, moved:-

- (1) that Officers be authorised to take forward option D detailed in the Report as the preferred option, to finalise the detailed design for option D and thereafter submit an application for planning permission; and
- (2) that, if planning permission is granted for option D, the Director of Development Services be authorised to take all necessary steps to take forward the construction and completion of option D.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 Members present, with Members voting as undernoted:-

For the Motion (14):- Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

For the Amendment (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

FC15. ANNUAL ACCOUNTS 2006/07

There was submitted Report (circulated) dated 8 June 2007 by the Director of Finance advising of the submission of the Council's Unaudited Annual Accounts for the financial year ended 31 March 2007 to the Controller of Audit by 30 June 2007 as required in terms of the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985.

NOTED the formal submission of the Unaudited Annual Accounts to the Controller of Audit.

FC16. FALKIRK COMMUNITY STADIUM LTD

With reference to Minutes of Meetings of the Policy and Resources Committee held on 6 April 2006 (paragraph PR2 refers) and 17 October 2006 (paragraph PR67 refers), there was submitted Report (circulated) dated 21 June 2007 by the Chief Executive (a) updating Members on discussions between Falkirk Community Stadium Ltd (FCSL) and Terrace Hill (Falkirk) Ltd (THFL) with regard to proposed developments at Falkirk Stadium; and (b) detailing a range of requests from FCSL that require to be considered by the Council in its role as shareholder and landlord.

AGREED:-

- (1) to grant shareholder's consent to the proposals outlined in the report in line with the provisions of the Joint Venture Agreement between Falkirk Football Club and the Council;

- (2) to grant landlord's consent for the development sub-lease or partial assignation to Terrace Hill (Falkirk) Ltd;
- (3) to grant landlord's consent for the development of the South Stand subject to conclusion of negotiations on the Heads of Terms between Falkirk Community Stadium Limited and South Stand Development Company;
- (4) to extend the list of permitted uses in the ground lease between the Council and FCSL to include ancillary retail associated with the proposed health and fitness centre and waterside restaurant;
- (5) to approve deferment of the loan repayments until December 2009;
- (6) to the principle of re-phasing as detailed in Section 10.3 of the Report;
- (7) to instruct officers to bring further reports on options for development of the land owned by the Council adjacent to the stadium;
- (8) to instruct officers to report to the Policy and Resources Committee on the proposals for the indoor football centre;
- (9) to authorise the Chief Executive to agree to any consequential or associated amendments required to the ground lease or any other agreement or document to give effect to Members' decisions; and
- (10) to instruct officers to provide updates on progress as appropriate.

In terms of Standing Order 31.1 it was **AGREED** to continue the meeting beyond the 3 hour limit with a view to completing the business, following a short adjournment for lunch. The meeting adjourned at 1.45pm and reconvened at 2.30pm with all Members present as per the sederunt.

FC17. THE DATA PROTECTION ACT 1998 AND HOUSING ALLOCATIONS LISTS

There was submitted joint Report (circulated) dated 21 June 2007 by the Director of Housing and Social Work Services and the Acting Director of Law and Administration Services giving an explanation of the reasons for the decision to cease the practice of providing information on the housing allocation lists to Members and considering alternative ways for providing Members with information to allow them to perform their civic duties whilst protecting an individual's personal data.

Councillor Goldie, seconded by Councillor McNeill, moved that Council:-

- (1) authorise a consultation process with Members with a view to identifying a permissible civic role to be undertaken by Members in relation to housing allocations in accordance with the process set out in Sections 4.1 and 4.2 of the Report; and

- (2) note that in the interim, local information will be provided to Members in the format detailed in Sections 4.4 and 4.5 of the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor McNally, moved that the previous practice of advising Members on housing allocations be reinstated until there has been consultation with Members on this matter is complete.

On a division, 18 Members voted for the Motion and 14 for the Amendment.

Accordingly, **RESOLVED** in terms of the Motion.

FC18. LOCAL GOVERNANCE (SCOTLAND) ACT 2004 REMUNERATION, ALLOWANCES AND EXPENSES

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC7 refers), there was submitted Report (circulated) dated 13 June 2007 by the Acting Director of Law and Administration Services (a) confirming the office bearer positions under the remuneration framework agreed at the statutory meeting of Council; and (b) enclosing a proposed list of approved duties associated with the Local Government (Allowances and Expenses)(Scotland) Regulations 2007.

AGREED:-

- (1) to approve the remuneration framework detailed at paragraph 2.2 of the Report;
- (2) to adopt the list of approved duties as detailed in the Appendix to the Report, subject to it being revised to include reference to meetings with constituents including home visits; and
- (3) to note that a draft protocol with regard to attendance at conferences and seminars is in preparation.

FC19. MEMBERSHIP OF COMMITTEES ETC. AND APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC6 refers), there was submitted Report (circulated) dated 30 May 2007 by the Acting Director of Law and Administration Services advising of the nominations received for the appointment of Members to Committees etc and detailing a number of appointments that still require to be considered by Council.

AGREED:-

- (1) to note the appointment of Members to Committees etc;
- (2) to reduce the membership of the Civic Licensing Committee from 12 Members to 10 Members and appoint Members to vacant Committee positions as undernoted:-

Appeals Committee –	Convener – Councillor McNeill Depute Convener – Councillor McLuckie
Appointments Committee –	Convener – Councillor Gow Depute Convener – Councillor C MacDonald
Civic Licensing Committee -	Convener – Councillor Nicol Depute Convener – Provost Reid
Investment Committee -	Convener – Councillor Patrick Depute Convener – Councillor Fry
Joint Consultative Committee –	Convener – Councillor Nimmo
Civic Events Panel –	Councillor Spears

- (3) that nominations of Members from the SNP Group and Labour Group (4 Members from each) for appointment to the Civic Licensing Committee be submitted to the Acting Director of Law and Administration Services.

FC20. APPOINTMENT OF MEMBERS TO OUTSIDE ORGANISATIONS

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC8 refers), there was submitted Report (circulated) dated 11 May 2007 by the Acting Director of Law and Administration Services providing information on external bodies which had expressed a wish to have representation from elected Members of Falkirk Council.

AGREED:-

- (1) to reserve the opportunity to make appointments to CoSLA should the Council decide to take up membership with reference to the item appearing later on the Agenda;
- (2) to note the requirements upon Members to record any appointments to outside bodies in their register of interest in accordance with the terms of the Ethical Standards in Public Life (Scotland) Act 2000; and
- (3) to make appointments to outside organisations, as follows:-

<u>Organisation</u>	<u>Member appointed</u>
Age Concern – Falkirk	Provost Reid
Alcohol Support & Counselling	Councillor Nicol
Argyll, Loch Lomond & Forth Valley Tourism Partnership	Councillor A Mahoney
Association for Public Service Excellence (APSE)	

<ul style="list-style-type: none"> • Building and Housing Service Group • Parks, Grounds and Streets 	Councillor Goldie Councillor Patrick
Braveheart Association	Councillor C MacDonald
Central Scotland Institute of Sport	Councillor Fry
Central Scotland Racial Equality Council	Councillor C R Martin
Citizens Advice Bureau (Denny & Dunipace)	Councillor Waddell
Citizens Advice Bureau (Grangemouth & Bo'ness)	Depute Provost Black Councillor Mahoney
Cornton Vale Over 21s Visiting Committee	Provost Reid Mr Bill Strathearn Miss Gill McIntosh Miss Lindsay Drummond
(2 remaining vacant positions to be filled by a further public recruitment process)	
Council for Voluntary Sector (CVS Falkirk)	No nomination
East of Scotland European Consortium (ESEC)	Councillor C Martin
Edinburgh Airport Consultative Committee	Councillor Buchanan
Falkirk Enterprise Action Trust (FEAT)	Councillor Lemetti
Falkirk Environment Trust (FET)	Councillor McLuckie
Falkirk Sports Council	Councillor Blackwood Councillor Fry
Falkirk & District Arts & Civic Council	Councillor McLuckie
Falkirk & District Community Safety Panel	Councillor Nimmo
Falkirk & District Town Centre Management Ltd	Depute Provost Black
Falkirk & District Twinning Association	Depute Provost Black Councillor Buchanan
Falkirk Temperance Trust	Provost Reid Councillor Patrick
Forth Valley Economic Forum	Councillor C Martin
Forth Valley Joint Member/Officer Group Scottish Environment Protection Agency (SEPA)	Councillor Gow Councillor C R Martin

Forth Valley NHS Board	Councillor Gow
Forth Valley NHS Community Health Partnership	Depute Provost Black Councillor Gow
Highland Reserve Forces' and Cadets' Assoc	Councillor Spears
Joint Children's Panel Advisory Committee (JCPAC)	Councillor Kenna
Linked Work & Training Trust	Councillor Oliver
Local Authority Fairtrade Forum	Councillor Gow
National Association of Councillors	Councillor Gow Councillor C MacDonald Councillor Patrick
Order of Malta Dial-a-Journey Ltd and Shopmobility Ltd	Depute Provost Black
Paragon Housing Association Ltd	Councillor Goldie
Scottish Accident Prevention Council	Councillor C MacDonald Councillor McLuckie
Scottish Enterprise Forth Valley	Councillor Gow
Scottish Joint Council (COSLA)	Councillor Nimmo
Scottish Liaison Group on Radioactive Waste Management	Councillor Waddell
Scottish Local Government Forum Against Poverty	Provost Reid Councillor Blackwood (substitute)
Scottish Museums Council	Councillor Mahoney
Scottish National Federation for the Welfare Of the Blind	Provost Reid
Scottish Railway Preservation Society	Councillor Buchanan
Scottish Schools Equipment Research Centre (SSERC)	Councillor Waddell
South East of Scotland Transport Partnership (SESTran) (These are substitute members, the other two named members having been appointed at the last meeting)	Councillor Mahoney Councillor C R Martin

Standing Conference of Local Government in the Forth Estuary	Councillor Waddell
Stirlingshire Educational Trust	Provost Reid Councillor Coleman Councillor Hughes Councillor Lemetti Councillor A MacDonald Councillor Patrick Councillor Waddell
University of Stirling Conference	Councillor Waddell
WESLO Housing Management	Councillor Goldie
Workers' Educational Association (WEA)	Councillor Waddell

FC21. LOCAL LICENSING FORUM AND APPOINTMENT OF CLERK TO LICENSING BOARD

There was submitted Report (circulated) dated 19 June 2007 by the Acting Director of Law and Administration Services advising Council of the requirement under the Licensing (Scotland) Act 2005 to establish and administer a Local Licensing Forum consisting of people with an interest in the way that the Licensing Act is operated in the Falkirk Council area and proposing a process for appointing Members to the Forum. The Report also invited Council to approve the appointment of the Acting Director of Law and Administration Services to the position of Clerk to the Licensing Board.

AGREED:-

- (1) to establish a Local Licensing Forum;
- (2) to delegate the appointment of Members to the Forum to the Acting Director of Law and Administration Services, in consultation with Group Leaders or their nominees with a report back to a future meeting of the Policy and Resources Committee on the outcome of this process; and
- (3) to appoint the Acting Director of Law and Administration Services to the position of Clerk to the Falkirk Council Licensing Board.

FC22. TENDER REPORT

There was submitted Report (circulated) dated 14 June 2007 by the Director of Corporate and Commercial Services on tenders received for a contract for the servicing and maintenance of mechanical services equipment and conventional controls for a period of 2 years 9 months.

AGREED to accept the tender submitted by Skanska Rashleigh Weatherfoil Ltd in the sum of £665,721.80 for the term maintenance contract for servicing and maintenance of

mechanical services equipment and conventional controls for a period of 2 years 9 months.

FC23. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS

There was submitted Report (circulated) dated 15 June 2007 by Acting Director of Law and Administration Services seeking authority to delegate powers to Chief Officials to determine urgent issues during the summer recess in consultation with the Convener and Depute Convener of the appropriate Committee.

AGREED that Chief Officials be given delegated powers, in consultation with the Convener and Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 28 June to 13 August 2007) and to report the decisions thereon to the first meeting of the Policy and Resources Committee thereafter, provided that:-

- (a) any such decision is required to secure the proper delivery of Council services and to comply with the Council's statutory duties;
- (b) any such decision does not involve expenditure of Council monies outwith the approved revenue budgets and capital programme;
- (c) any such decision does not involve an increase in the permanent establishment of a particular Service, and
- (d) any such decision involves no dispute as to the legality, propriety or proper interpretation of Council policy as affecting the decision.

FC24. NOTICES OF MOTIONS

(a) Minimum Age for Sale of Alcohol

Councillor Alexander, seconded by Councillor Oliver, moved as follows:-

“Council notes with concern the ongoing problem of anti social behaviour and the role played by misuse of alcohol in this.

Council believes that the minimum age for the sale of alcohol through off licence premises should be 21.

Council therefore seeks to open discussion with the Licensing Trade with a view to a uniform approach of not selling alcohol to anyone under the age of 21 years.

This will come by way of an agreement between the Licensing Trade at Off Sales level and Falkirk Council whereby the premises to participate in the scheme will receive a certificate of participation and be listed as premises of best practice.

The Council will publish the list of those upholding the scheme thus promoting best practice”.

By way of an Amendment, Councillor Gow, seconded by Councillor C R Martin, moved that Council notes with concern the ongoing problem of anti social behaviour and the role played by misuse of alcohol in this. Council therefore agrees to continue to support the Falkirk Herald’s “Cork It” Campaign and that the issue of drink related anti social behaviour be referred to the Licensing Forum for early consideration.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 Members present, with Members voting as undernoted:-

For the Motion (14):- Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

For the Amendment (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

(b) CoSLA

Councillor Gow, seconded by Councillor C MacDonald , moved as follows:-

“That Falkirk Council takes up membership of the Convention of Scottish Local Authorities forthwith, this to be at no immediate cost to Falkirk Council”.

There being no amendment to this motion, Council proceeded to consider the appointment of members to CoSLA. The report on Appointments to Outside Bodies considered at Item 10 of the agenda had confirmed that the Council was entitled to 4 places on CoSLA.

Councillor Alexander, seconded by Councillor Coleman, moved that the 4 places available to the Council be split 2 each to the SNP and Labour Groups with Councillors Alexander and Coleman being nominated as the SNP Group’s representatives.

By way of an amendment, Councillor Gow, seconded by Councillor C MacDonald, moved that the places available to the Council be split 3 to the Labour Group and 1 to the SNP Group with Councillors Gow, C MacDonald and Nimmo being nominated as the Labour Group’s representatives.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 Members present, with Members voting as undernoted:-

For the Amendment (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nimmo and Waddell.

For the Motion (16) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Nicol, Oliver, Patrick, Spears and Thomson.

There being an equality of votes and in terms of Standing Order 21.6, Provost Reid used his casting vote in favour of the Amendment noting that this was on the understanding that a report would come back to Council once CoSLA had reviewed its guidance.

Accordingly, **RESOLVED** in terms of the Amendment.

FC25. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 14 June 2007 by the Acting Director of Law and Administration Services advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

AGREED to note the signing and sealing by the Acting Director of Law and Administration Services of the deeds specified in the appendix attached to the Report.

INDEX

Committee Meetings	<u>Date</u>	<u>Page Nos</u>
1. Regulatory On-Site	11 June 2007	15-16
2. Policy and Resources	12 June 2007	17-27
3. Regulatory	19 June 2007	28-35
4. Falkirk Council	27 June 2007	36-58
5. Regulatory On-Site	28 June 2007	59-63
6. Special Regulatory	28 June 2007	64-73
7. Policy and Resources	14 August 2007	74-81
8. Civic Licensing	15 August 2007	82-83
9. Community Health and Safety	21 August 2007	84-87
10. Education and Leisure	28 August 2007	88-99
11. Regulatory	29 August 2007	100-102
12. Civic Events Panel	29 August 2007	103-104
13. Housing and Social Services	4 September 2007	105-111
14. Policy and Resources	11 September 2007	112-120

VOL 2
2007/2008

CONTENTS

	Page
Economic Development	
	(blue)
• Riley Dunn and Wilson Ltd (RDW)	1
Education and Leisure	
	(yellow)
• Christmas and New Year 2007-08 Holiday Closures	2-5
• Education Matters –Volume 6 Issue 11	6-15
• Education Matters – Volume 7 Issue 1	16-27
• Gie Us Peace Youth Project: Development of the International Youth Exchange between Falkirk and Novia Scotia	28-29
• Parent Councils in Schools	30-31
• Wi-fi Connections in Libraries: Scottish Office/SLIC Funding	32-33
Tenders	
	(green)
Community Services	
Acceptance of Tenders upto £100,000 in value	
• For the Supply of Burnside Junior/Toddler Playpark, Carronshore, Falkirk	34
Corporate and Commercial Services	
Acceptance of Tenders upto £100,000 in value	
• For the Disposal of Redundant Computer Hardware	35
• For the Proposed Inspection and Testing of Portable Electrical Equipment to Non Housing Properties within the Falkirk Area (CAC-0538)	36-37
• For the Proposed Term Contract for Maintenance of Fire Alarm Systems within the Falkirk Area (CAC-0515)	38-39
• For the Proposed Window Replacement at Bainsford Primary School (CAC-0546)	40
• For the Proposed Curtain Walling and Window Replacement at Moray Primary School (CAC-0547)	41-42
• For the Supply of IT Training	43
• For Window Cleaning Services as part of a Framework Agreement	44-45

Acceptance of Tenders between £100,000 and £350,000 in value

- For the Proposed Kitchen Replacement Works at St Francis Primary School, Falkirk (CAC-0524) 46-47

Tender accepted under delegated powers

- BT Featurenet Telephone System 48-49

Development Services

Acceptance of Tenders up to £100,000 in value

- Contract for Proposed Replacement Doors to Units 14-16 and 22-23 at Winchester Avenue, Denny (DEN-6017) 50
- Contract (Loft Insulation Upgrade, Various Locations) (VAR-6179) 51-52
- Contract for Replacement of Faulty Drainage (GRA-5696) 53
- Proposed Public Realm Works at Denny Town Centre (DEN-6011) 54-55

Acceptance of Tenders over £100,000 and under £350,000 in value

- Parapet Strengthening Contract 10 56-57

VOLUME 2 2007/2008

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 11 SEPTEMBER 2007 at 10.30 am.

PR53. REFERRALS FROM HOUSING AND SOCIAL SERVICES COMMITTEE – 4 SEPTEMBER 2007

With reference to Minute of Meeting of the Housing and Social Services Committee held on 4 September 2007 (Paragraphs HSS2, HSS6, HSS11 and HSS5 refers), there was submitted Report (circulated) dated 5 September 2007 by Director of Housing and Social Work Services listing Reports considered by the Housing and Social Services Committee at its meeting on 4 September 2007, namely:-

- Equality Scheme
- Allocations
- Local Housing Strategy Update 2007
- Multi-Agency Public Protection Arrangements, National Accommodation Strategy for Sex Offenders.

The Reports considered by the Housing and Social Services Committee on 4 September 2007 were appended for Members' information.

Multi-Agency Public Protection Arrangements, National Accommodation Strategy for Sex Offenders

Councillor Gow, seconded by Councillor Nimmo, moved acceptance of the recommendations of the Housing and Social Services Committee subject to, in relation to the item entitled Multi-Agency Public Protection Arrangements, National Accommodation Strategy for Sex Offenders, an amendment to the wording of the additional recommendation that had been approved by the Committee as follows:-

“To authorise the Housing and Social Services Convener to write to the Justice Secretary to consider the naming of registered sex offenders.”

By way of an amendment on this specific report, Councillor Alexander, seconded by Councillor Kenna, moved that Committee approve the recommendations detailed in the original Report.

On a division, 4 Members voted for the Motion and 4 voted for the Amendment.

There being an equality of votes, and in terms of Standing Order 21.6, the Convener used her casting vote in favour of the Motion.

Accordingly, **RESOLVED** in terms of the Motion.

Allocations

By way of an amendment in relation to the Item entitled “Allocations”, Councillor Jackson, seconded by Councillor Kenna, moved that the Council remove the restriction on the number of bedrooms short on an application where the applicant is overcrowded by more than 2 bedrooms. This means that families who are more than 2 bedrooms short will receive the points they are entitled to, namely 90 points where a family currently living in a property 3 bedrooms short of their stated need and so on.

On a division, 4 Members voted for the Motion and 4 voted for the Amendment.

There being an equality of votes, and in terms of Standing Order 21.6, the Convener used her casting vote in favour of the Motion.

Accordingly, **RESOLVED** in terms of the motion.

There being no amendments submitted in respect of the remaining items, namely Equality Scheme and Local Housing Strategy Update 2007, **AGREED** in terms of the recommendations from the Housing and Social Services Committee.

FALKIRK COUNCIL

SUBJECT: Multi Agency Public Protection Arrangements
National Accommodation Strategy for Sex Offenders

MEETING: Housing & Social Services Committee

DATE: 4 September 2007

AUTHOR: Director of Housing & Social Work Services

1 PURPOSE

- 1.1 The purpose of this report is to brief Members on the content of the new guidance on the management of high risk offenders – Multi Agency Public Protection Arrangements. The content of this guidance includes a section dedicated to accommodation issues which is called the National Accommodation Strategy for Sex Offenders (Nasso). It is recognised that this area of work is of concern to communities and demanding for both members and officers.
- 1.2 The report sets out proposals for 2 posts, which are required in order to implement this guidance effectively in the Falkirk Council area. Members are being asked to approve the permanent post of Senior Clerical Assistant and note the requirement to seek approval of the Chief Executive in order to establish the temporary post of Co-ordinator.

2 BACKGROUND INFORMATION

- 2.1 Lady Cosgrove set up an expert Panel on sex offending which reported in 2001, with one of the recommendations being “to place a statutory duty on Chief Constables and Chief Social Work Officers to jointly establish arrangement for assessing, monitoring and managing risk”. This provision is now embedded within the Management of Offenders etc (Scotland) Act 2005.
- 2.2 The legislation provides the framework within which the measures taken by the Scottish Executive and its partner agencies to improve public protection can be delivered in a cohesive and consistent manner. The guidance on MAPPA sets out what measures should be in place.

3 MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS

- 3.1 The fundamental purpose of MAPPA is public safety and the reduction of serious harm. The protection of children, vulnerable adults and other victims is paramount. MAPPA outlines the steps that should be taken to ensure a co-ordinated approach by “the responsible authorities” to the management of the sexual and violent offenders in the community, who pose a serious risk of harm to others.

- 3.2 The legislation defines the ‘responsible authorities’ as: Scottish Prison Service, Local Authority, Police and NHS. (The latter service is the responsible authority in relation to mentally disordered offenders who are on the care programme approach).
- 3.3 The legislation also establishes the principle of the “duty to co-operate” (Management of Offenders etc (Scotland) Act 2005, Section 10 (3) & (4)). This requirement is intended as a means of enabling different agencies to work together but within their legitimate role whilst retaining responsibility for action. Section 1(2) of the Act defines ‘co-operate’ to include the exchange of information.
- 3.4 MAPPA refers to three categories of offenders and three levels at which risk is managed. The three categories of offenders are :

Registered Sex Offenders
Violent Offenders
Other Offenders

From 2 April 2007, the guidance relates only to Registered Sex Offenders. It will be rolled out to include the other categories at a later date.

The three levels of risk are:

Level 1 ~ Ordinary risk management whereby one agency is principally responsible for the management of the case.

Level 2 ~ Local inter agency risk management, whereby the active involvement of more than one agency is required.

Level 3 ~ This is where a Multi Agency Public Protection Panel is required to be set up in respect of the “critical few” who pose a significant risk of causing harm to others. This panel consists of Police, Local Authority, Scottish Prison Service, Health and other relevant agencies who can contribute to the Risk Management process.

- 3.5 A risk management plan is developed in order to manage the risk at the appropriate level. This plan is reviewed at regular intervals.
- 3.6 Central to the operation of MAPPA is the MAPPA Co-ordinator and his administrator. Notifications and referrals can be sent by Police, Criminal Justice Social Work, Scottish Prison Service and NHS in relation to Registered Sex Offenders (and at a later stage violent offenders). The co-ordinator then sets up MAPPA meetings in order to consider the risks and how they should be managed. These meetings are minuted and risks reviewed on a regular basis.

In the Forth Valley area, there is one Co-ordinator and one administrator who are based within Central Scotland Police Headquarters at the Risk Management Unit. There is a requirement for the MAPPA Co-ordinator to compile an annual report on behalf of the responsible authorities.

- 3.7 The National Accommodation Strategy for Sex Offenders (NASSO) is part of the MAPPA guidance and provides a framework for accommodating sex offenders in the

Community. It was developed by the Scottish Executive, in consultation with COSLA and has been supported by COSLA. It is relevant to all public bodies and other agencies with responsibility for managing sex offenders in Scotland. It emphasises that stable housing arrangements and effective monitoring are key to minimising the risks posed by sex offenders.

NASSO acknowledges the critical role of Housing providers and the fact that sex offenders reside in all forms of tenure, from which their risks must be managed. It refers to the importance of address profiling, which is undertaken by Police and Criminal Justice Social Work, whereby the geographical location of any proposed accommodation is taken into account, alongside the infrastructure of the local area (ie proximity to schools, parks and to other community resources). Other relevant information held on Police, Housing and Social Work Services Information systems is also taken into account. NASSO also refers to 'Block profiling', which is another process used by Housing Services in consultation with Police and Criminal Justice Social Work in order to monitor housing allocations in the vicinity of a housed sex offender. Funds are to be made available for Housing Services to establish a Sex Offender Liaison Officer, who will be the key contact point for all Criminal Justice, Housing and other agencies with an interest in managing sex offenders and maximising public safety.

NASSO discusses the appropriateness of certain types of accommodation for sex offenders and suggests that the following accommodation types are less appropriate:

- Specialist residential facilities
- Any hostel style accommodation within the mainstream of the social rented sector.
- Bed & Breakfast accommodation emphasised as unsuitable.
- Houses of multiple occupation.

The strategy also acknowledges the recommendations of the Justice 2 Committee, December 2006, namely that it is made a legal requirement for all Housing application forms for social rented housing to require information on whether the applicant is a Registered sex offender.

- 3.8** It is important to note that NASSO states that risks cannot be eliminated and that the framework has limitations (e.g. an address may be profiled as suitable for occupation by a registered sex offender, but this does not take account that there may be visitors to an apartment block e.g. children/vulnerable adults).

4 ADDITIONAL RESOURCES TO SUPPORT MAPPA/NASSO

- 4.1** The Scottish Executive has made additional funding available to create a post which will have designated responsibility for sex offender liaison work, located within the Housing Service and an administrative post to assist with the Mappa/Visor administrator duties, located within the Criminal Justice Service.
- 4.2** The Sex Offender liaison functions which the Scottish Executive require Councils to carry out are as follows:-

- To contribute to the management of risk by overseeing the provision of stable accommodation for High Risk Offenders.
- To be the key contact between responsible authorities and Housing providers.
- To attend Integrated Case Management meetings and Mappa meetings as appropriate.
- To contribute to the Address Profiling and Block Profiling process.
- To oversee all potential housing allocations in the vicinity of a sex offender.
- Development of information sharing protocols which involve appropriate Registered Social Landlords

- 4.3 It is proposed that these functions would be carried out by a Co-ordinator to be located within Tenancy Services and managed by the Service Manager, Tenancy Services. The funding available to create this post and establish ongoing Link Officer arrangements with Registered Social Landlords is £58,393. These resources are available for 2007/08 only, although the expectation from the Scottish Executive is that this post will be established as a permanent post and that the local authority will meet ongoing costs associated with the delivery of the strategy from within mainstream budgets.

The costs associated with the post Co-ordinator, including on costs and start up costs amount to £51,360 on a full year basis.

- 4.4 The Scottish Executive made £141,819 available to the Fife & Forth Valley Community Justice Authority in order to support the additional resources required to cover the administrative aspects of MAPPA. In particular, it was acknowledged that there were additional administrative burdens for local authorities associated with inputting information to the Violent and Sexual Offenders Register (Visor) and for the running costs to support the MAPPA Co-ordinator posts. It is anticipated that this funding will be made available on an ongoing basis. The acting Chief Officer for the Community Justice Authority has allocated 50% of the funding i.e. £70,909.50 to Fife Council and 50% to the Clackmannanshire, Falkirk and Stirling Councils. The allocation of this funding across the three councils has been agreed as follows:-

Total		£70,909.50
Falkirk Criminal Justice	£25,000	
Stirling/Clacks Criminal Justice	£25,000	£50,000
	<u>Balance</u>	<u>£20,909.50</u>

The balance will be spent on the MAPPA Co-ordinator and Administrator travel and other expenses, accommodation costs and training.

Falkirk Council Criminal Justice proposes to create a senior clerical assistant/typist post at Grade D in order to meet the outlined demands. The costs associated with this post, including on costs and start up costs amount to £24,800 on a full year basis.

5 IMPLICATION FOR FALKIRK COUNCIL

- 5.1 Falkirk Council was one of the first Councils in Scotland to adopt a corporate policy for the Management of Sex Offenders in the community in 1998 and so has a longstanding commitment to the promotion of public safety, through a co-ordinated approach to

assessing and managing risks posed by sex offenders. The MAPPA guidance formalises some aspects of existing practice. The guidance came into force in April 2007 and became operational in the Forth Valley in June 2007, in respect of registered sex offenders. It should enhance existing good practice, and contribute towards Community Safety. The guidance applies across Scotland, which should ensure a consistency of approach to managing risks when cases transfer from one area to another. The requirement to exchange appropriate information across agencies should also assist in minimising risks within Communities. NASSO highlights some challenges, particularly for Housing Services in monitoring the location of accommodation of registered sex offenders and in having systems in place which also address future housing allocations in the vicinity of a high risk offender.

6 HUMAN RESOURCE IMPLICATIONS

- 6.1 There are implications for recruitment, retention and ongoing training of a well skilled workforce in order to equip them to work effectively with a very difficult and challenging service user group. There will be a need for debriefing and counselling (where appropriate) in order to assist staff to work with disturbing facts in relation to certain aspects of our clients offending behaviour.
- 6.2 As outlined above, two new posts are required to support the implementation of MAPPA. These are the posts of Co-ordinator and Senior clerical assistant/typist.

7 POLICY IMPLICATIONS

- 7.1 The implementation of the Mappa guidance will have implications in relation to:
- **Community Safety** – The guidance is intended to strengthen risk management arrangements and enhance public safety.
 - **Social Inclusion** – There is strong evidence to suggest that offenders can be better assisted to reduce their offending behaviour if they can access mainstream services. Acquiring stable accommodation is vital in being able to manage the risks from more dangerous offenders.
 - **Child Protection** – It is important that at a local level, approaches to managing high risks offenders are aligned to approaches to protect children. Forth Valley has a shared approach to Child Protection and MAPPA provides a consistent, national approach to the management of high risk offenders.
 - **Housing Allocations Policy** – To ensure that community safety concerns can be taken into account, it is important that the requirements of MAPPA and NASSO are taken into consideration in the implementation of the Housing allocations policy.

8 FINANCIAL IMPLICATIONS

- 8.1 The implementation of MAPPA places significant demands on staffing resources at all levels in order to ensure that risks are managed appropriately. The allocation of resources to the Community Justice Authority to support the creation of MAPPA co-ordinator posts and related administrative posts is welcome. It is of concern, however, that no dedicated resources have been made available to support the day to day work associated with high risk offenders which is highly resource intensive. Likewise, the allocation of funding this financial year to create a post to take on sex offender liaison functions is welcome; however, it is of concern that the funding to continue this post would require to be found from the General Fund Housing budget. For this reason, and in view of budget pressures facing the Council, it is proposed that this post is created on a temporary basis for the duration of the available funding.

9 CONCLUSIONS

- 9.1 The issues raised in the MAPPA guidance are highly sensitive and emotive ones for communities, who may take the view that people who present risks to public safety should not be in their midst or should be publicly identifiable in their communities. The challenges which Council Services face is to be able to act, within the law, to provide the most robust arrangements for monitoring and supervising those people who we know to present risks and in respect of whom we may have statutory duties or powers. The MAPPA guidance is an important area of policy development which should further strengthen the ability of Council Services to work in partnership with other agencies in assessing and managing the risks posed by high risk offenders in our communities.

10 RECOMMENDATION

- 10.1 **Note the duty to co-operate in managing the risk posed by sex offenders introduced by the 2005 Act and the guidance issued under the Act and the guidance issued under it (consisting of the MAPPA guidance and NASSO) to which the council will have regard in implementing its duties under the Act**
- 10.2 **Members recommend that the Policy and Resources approve the creation of a permanent Senior Clerical assistant/typist post in order to facilitate the implementation of this guidance.**
- 10.2 **Request the Director of Housing & Social Work Services to keep the Committee informed of any further developments, including the compilation of the first Mappa Annual Report.**

.....
Janet Birks
Director of Housing & Social Work Service

Contact Officer: Sharon Stirrat, Service Manager, Criminal Justice Service
Brockville, Ext: 6487

Scottish Executive Reference for Mappa is :

<http://www.scotland.gov.uk/Resource/Doc/1099/0047856.pdf>

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the ENVIRONMENT AND HERITAGE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 18 SEPTEMBER 2007 at 10.30 AM.

EH2. FALKIRK TOURIST INFORMATION CENTRE

There was submitted Report (circulated) dated 4 September 2007 by the Director of Community Services which informed Members of a proposal by VisitScotland to relocate the Falkirk Tourist Information Centre from the High Street, Falkirk to the Falkirk Wheel and to install an Information Point in Falkirk High Street as a replacement for the Tourist Information Centre.

Discussion took place on:-

- Future enquiries at Tourist Information Centres by members of the public
- Location of information point in Falkirk High Street
- The number of tourists at the Falkirk Wheel compared to Falkirk High Street

Councillor Mahoney, seconded by Councillor C R Martin, moved that Committee:

- (1) note the content of the Report;
- (2) agrees that the Director of Community Services should work with VisitScotland to implement the plan outlined in the Report to move the Tourist Information Centre to the Falkirk Wheel and establish an Information Point in the Town Centre; and
- (3) receive an update/progress report in due course.

By way of an amendment, Councillor J Constable, seconded by Councillor Coleman, moved that the proposal to relocate the Falkirk Tourist Information Centre be opposed by the Council, and, should VisitScotland pursue their proposed course of action, the Council will review its financial contribution to that organisation.

In terms of Standing Order 21.4(1) a vote was taken by way of a roll call, there being 11 Members present, with Members voting as undernoted:-

For the Motion (7) – Councillors Buchanan, Lemetti, C MacDonald, McLuckie, Mahoney, C R Martin and Nicol.

For the Amendment (4) – Councillors Carleschi, Coleman, J Constable and McNally.

Accordingly, **AGREED** in terms of the Motion.

FALKIRK COUNCIL

Subject: FALKIRK TOURIST INFORMATION CENTRE
Meeting: ENVIRONMENT & HERITAGE COMMITTEE
Date: 18TH SEPTEMBER 2007
Author: DIRECTOR OF COMMUNITY SERVICES

1.0 INTRODUCTION

- 1.1 VisitScotland operates a network of Tourist Information Centres (TICs) in Scotland, including the TIC in Glebe Street, Falkirk. It provides all-year-round services to visitors in the area and has operated from this location for over 10 years.
- 1.2 Falkirk Council has a Joint Working Agreement with VisitScotland and makes a financial contribution towards VisitScotland services (including the provision of tourist information). In addition to the Falkirk TIC, VisitScotland operates a seasonal TIC in Bo'ness. This was relocated in 2006 to Bo'ness station.
- 1.3 Under the Joint Working Agreement, both parties recognise the need to make the provision of visitor information appropriate for a changing tourism market. VisitScotland has now put forward a proposal which includes relocating its principal Falkirk information outlet to The Falkirk Wheel. This report explains the proposal and the reasons behind it.

2.0 VISITOR INFORMATION PROPOSALS

- 2.1 The Falkirk TIC provides visitor information and an accommodation booking service. It also retails a range of products. In common with many other TICs in Scotland, the number of visitor enquiries has been declining in recent years. This is principally a result of internet usage. Visitors can very readily access information, book accommodation and buy other products and services directly from tourism operators without going through an information centre or agency.
- 2.2 While TIC usage has tended to decline for the reason stated, research shows that many tourists value personal contact with information staff. Face-to-face contact with local experts can provide a very high quality of service which enhances the visitor experience and benefits the area.
- 2.3 VisitScotland has conducted a national information and sales review and is in the process of implementing value-for-money solutions for the provision of TICs and related services. In the Falkirk area, it considers that The Falkirk Wheel is the location which offers the best location for a tourist information centre
- 2.4 The Falkirk Wheel has quickly established itself as one of Scotland's top tourist attractions, with over 400,000 visitors per annum. A TIC at the Wheel could "capture"

this large volume of visitors. While the existing TIC offers an excellent facility, it has fewer than 30,000 enquiries per annum. A TIC at The Falkirk Wheel could serve many more visitors and thereby be more efficient and effective. In particular, it would be in a good position to tell visitors about other things to do and see in the area, including visiting the town centre, and encourage them to extend their stay in Falkirk.

- 2.5 Following discussions with British Waterways, VisitScotland has developed a proposal for establishing a TIC at The Falkirk Wheel. It would be located in the foyer of the Falkirk Wheel Visitor Centre. It would be permanently staffed by VisitScotland, fitted out with displays and leaflet racking and offer the same services as are currently available in Glebe Street. VisitScotland's proposed arrangements with British Waterways would secure these premises for TIC operation for 5 years initially.
- 2.6 Falkirk town centre remains an important tourist destination. The costs of TIC operations are such that having a TIC at the Wheel and retaining the present facility is not considered a realistic or viable option. It is suggested that town centre visitor needs could continue to be addressed by establishing a tourist information point consisting of a touch-screen electronic kiosk and/or leaflet racks and other displays, but without the substantial staffing and property costs of a stand-alone TIC.
- 2.7 A suitable location for such a facility is currently being investigated and a location within or close to The Steeple Box Office is being considered. It is proposed to progress these investigations in tandem with the plan to move the TIC to the Falkirk Wheel.
- 2.8 Under the proposals, the cost of moving the TIC and operating it at the Wheel would be fully met by VisitScotland as part of its normal operations. VisitScotland staff would transfer to the new TIC and no redundancies are envisaged.
- 2.9 The costs of establishing a tourist information point in the town centre would be additional to the present Operating and Management Agreement and the Council would be required to make a contribution. The main cost is likely to be an electronic touch screen facility, estimated at £7,000 plus installation. This could be met from existing Economic Development budgets.
- 2.10 VisitScotland hope to commence the process of moving to the Falkirk Wheel at an early date in order to take advantage of a forthcoming break in their current lease arrangements in Glebe Street, to ensure the new facilities are fully bedded in for the 2008 season and to get the advantages of improved efficiency and effectiveness as soon as possible.

3.0 CONCLUSION

- 3.1 Tourism in Falkirk has expanded and changed considerably in recent years. The volume of visitors at The Falkirk Wheel presents a major opportunity for VisitScotland to reach its target market in this area while the existing TIC is unable to generate growth in visitor enquiries. The proposal to move the TIC to the Wheel, in conjunction with establishing an unstaffed information point in the town centre, is considered a viable and effective response to the changing tourism market.

4.0 IMPLICATIONS

4.1 Policy

None. The proposals are consistent the Area Tourism Strategy action to develop information provision at strategic gateways.

4.2 Legal

None.

4.3 Financial

The TIC costs would be met by VisitScotland. Any Council contribution to the information point would be met from within existing Economic Development budgets.

4.4 Personnel

None. VisitScotland employs the staff of the TIC.

5.0 RECOMMENDATIONS

5.1 It is recommended that Committee:-

- (i) notes the content of this report;**
- (ii) agrees that the Director of Community Services should work with VisitScotland to implement the above plan to move the TIC to the Falkirk Wheel and establish an information point in the town centre; and**
- (iii) receives an update/progress report in due course.**

.....
Director of Community Services

4th September 2007

Contact Officer: Douglas Duff Ext: 0905

LIST OF BACKGROUND PAPERS

Nil.

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the ENVIRONMENT AND HERITAGE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 18 SEPTEMBER 2007 at 10.30 AM.

EH4. LOCAL TRANSPORT STRATEGY 2006 – 2009: ANNUAL MONITORING REPORT 2007

There was submitted Report (circulated) dated 7 September 2007 by the Director of Development Services which provided Members with a summary of the first Annual Monitoring Report.

Councillor Mahoney, seconded by Councillor C R Martin, moved that the Report be noted.

By way of an amendment, Councillor J Constable, seconded by Councillor Carleschi, moved that this Council undertakes that any surveys undertaken will not result in an introduction of parking charges in outlying areas of the district.

The Committee adjourned for a short time at this point to consider the terms of the amendment.

On reconvening, and in terms of Standing Order 19.7, Councillor Mahoney, with the consent of himself as Convener, and the seconder of the motion, altered the text of the motion adding that the content of the report does not indicate that there are any proposals to introduce parking charges in outlying areas.

In terms of Standing Order 21.4(1) a vote was taken by way of a roll call, there being 11 Members present, with Members voting as undernoted:-

For the Motion (7) – Councillors Buchanan, Lemetti, C MacDonald, McLuckie, Mahoney, C R Martin and Nicol.

For the Amendment (4) – Councillors Carleschi, Coleman, J Constable and McNally.

Accordingly, **AGREED** in terms of the Motion that the Report be noted and, moreover that the content of the report does not indicate that there are any proposals to introduce parking charges in outlying areas.

FALKIRK COUNCIL

**Subject: LOCAL TRANSPORT STRATEGY 2006-2009 – ANNUAL
MONITORING REPORT 2007**
Meeting: ENVIRONMENT & HERITAGE COMMITTEE
Date: 18 SEPTEMBER 2007
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Following consideration by the Environment & Heritage Committee on 11 April 2006, the Policy & Resources Committee approved the Local Transport Strategy 2006-2009 on 9 May 2006. This report is the first annual monitoring report.

2. DETAIL

- 2.1 The appendix to this report provides where possible updated information for each of the targets in the various chapters of the Local Transport Strategy (LTS). It also summarises projects delivered since the LTS was published in May 2006. The main projects completed are as follows:
- Larbert Station Car Park extension on Foundry Loan
 - Westquarter Primary School – 2 footway/cycleway upgrades
 - St. Margaret's Primary School – 2 footway/cycleway upgrades
 - Denny Eastern Access Road Phase 1
 - 20mph Zones at Schools – Signing installed at all 56 schools (24 still to be activated by Scottish Power)
 - Falkirk Town Centre Parking Survey
 - Funding secured from Regional Transport Partnership for various projects (most notably Larbert Station Car Park, Falkirk High Station car park land acquisition, and the A801 Avon Gorge detailed design).
- 2.2 The various appendices to the appended report give more detail on the following:
- Traffic Growth Figures
 - Rail Patronage Figures
 - Bus Service Reliability
 - LTS Summary Action Table
 - Updated Road Accident Casualty Statistics
 - Falkirk Town Centre Parking Survey 2006 Results
- 2.3 Traffic growth within the Falkirk Council area is traditionally measured on the Motorway, Trunk Road and 'A' Class network. No recent figures have been supplied by the Motorway and Trunk Road Authority. However, traffic flow figures collected for the local road network highlight a small increase in the urban 'A' Class and a

decrease in the rural 'A' Class. The overall 10 year trend for all 'A' Class roads shows an average increase of 1.4% per annum since 1996.

- 2.4 Rail patronage figures for the Falkirk stations shows an overall continued increase in numbers - 2.21% between 2006 and 2007. The detailed figures for each station are listed in the accompanying report.
- 2.5 Bus surveys were carried out to determine the reliability of the services provided. In the morning reliability varied between 87% and 100% and in the afternoon reliability varied between 85% and 100% for buses being within 5 minutes of timetable. The detailed breakdown and routes surveyed can be found in the appended report.
- 2.6 The most recent analysis of accidents in the Falkirk Council area using a five-year average for the period 2001- 2005 can be summarised as follows:-
 - The casualty rate in the Falkirk Council area continues to be approximately 22% lower than the Scottish average.
 - Overall there continues to be a general downward pattern in the number of casualties noted in the Falkirk Council area.
- 2.7 When compared with the base five-year period (1994-1998):-
 - The average number of overall casualties has fallen by approximately 12%, with an overall decrease in the number of casualties either killed or seriously injured.
 - Higher than average casualty rates (per 100,000 population) continue to be evident in the age groups 17-24 and 25-54 years. In particular, the casualty rate for the 17-24 age group continues to be well above the average casualty rates for the Falkirk Council area.
 - There has been an increase in the numbers of casualties in the driver/rider class for the 25-54, 55-74 and 75-99 age groups compared with the base five-year average. There has been an increase in the numbers of casualties in the pedestrian class for the 11-16 age group, compared with the base five-year average.
- 2.8 A parking survey was carried out for Falkirk Town Centre in autumn 2006 and the results highlighted that overall capacity within the town centre had risen by 3% to 6,245 parking spaces with the total demand of 4,064 on Friday and 5,209 on the Saturday. Although there is no overall shortage of provision there are areas of parking pressure within the town centre and these are highlighted in the accompanying report and the 2006 Falkirk Town Centre Parking Survey report.

3. FUTURE MONITORING

- 3.1 Progress on projects / actions listed in the LTS Summary Action Table, in the appended report, which are not yet completed, will be reported in the 2008 Annual Update Report.

The 2008 Local Transport Strategy Update Report will also include updates on Traffic Growth, Rail Patronage, Public Transport Reliability, and Road Accident Causalities.

The update report will also include revised car parking data for the following town centres:

- Larbert
- Stenhousemuir
- Bonnybridge
- Denny
- Grangemouth
- Bo'ness
- Polmont

4. POLICY, FINANCIAL, LEGAL AND PERSONNEL IMPLICATIONS

- 4.1 The Local Transport Strategy is compatible with other Council policies. The monitoring report has no financial, legal or personnel implications.

5. RECOMMENDATIONS

- 5.1 It is recommended that the report be noted.

.....
Director of Development Services

Date: 7 September 2007

Contact Officer: Kevin Collins, tel. 01324 504728

LIST OF BACKGROUND PAPERS

2006 Falkirk Town Centre Parking Survey report

Anyone wishing to inspect these documents contact Kevin Collins on 01324 504728

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING OF THE ECONOMIC DEVELOPMENT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 25 SEPTEMBER 2007 at 10.30 a.m.

ED6. PORTFOLIO MANAGEMENT PLAN

There was submitted Report (circulated) dated 12 September 2007 by the Director of Community Services detailing proposals to review and update the Portfolio Management Plan to take account of progress with other new and planned developments and to reflect changes in the commercial property and investment markets in the area.

Discussion took place on the following:-

- fluctuations within the property market and the implications in respect of the Portfolio Management Plan
- the requirement to obtain updated property valuation and investment advice

Councillor Martin, seconded by Councillor Lemetti, moved acceptance of the recommendations as contained within the Report.

By way of an amendment, Councillor A MacDonald, seconded by Councillor Hughes moved that, to avoid any further delay, the existing property disposal plan and £13m investment programme be implemented according to the timescale agreed under the previous administration.

On a division, there were 6 votes for the motion and 5 votes for the amendment.

Accordingly, **AGREED:-**

- (i) to note the proposal to undertake a comprehensive review and update of the Portfolio Management Plan, as detailed in the Report, and
- (ii) to receive a future report detailing the outcome of the review including revised timescales for delivery.

FALKIRK COUNCIL

Subject: PORTFOLIO MANAGEMENT PLAN
Meeting: ECONOMIC DEVELOPMENT COMMITTEE
Date: 25TH SEPTEMBER 2007
Author: DIRECTOR OF COMMUNITY SERVICES

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise Members of proposals to review and update the Portfolio Management Plan (PMP) to take account of progress with other new and planned developments and to reflect changes in the commercial property and investment markets in the area.

2.0 BACKGROUND

- 2.1 The Business Property Strategy sets the context for the PMP which is a key action aimed at addressing the shortfall of appropriate modern “fit for purpose” business space in the Falkirk area.
- 2.2 The PMP is a £13m phased programme to reshape and modernise the Council’s business property portfolio funded initially through the Council’s Capital Programme and thereafter from the investment sale of the Council’s landlord’s interest in selected packages or lots of assets from the portfolio.

3.0 CURRENT POSITION

- 3.1 Policy and Resources Committee on 10th January 2006 endorsed the PMP and instructed the Director of Community Services to develop a detailed plan for consideration by Economic Development Committee.
- 3.2 Details of the disposal and reinvestment plans were presented to the Economic Development Committee in June ’06 but implementation was deferred as initial capital funding of £2m allocated to the project was redirected to facilitate the Alcan project.
- 3.3 Additional funding of £1.5m from the sale of Callendar Sq car park was subsequently allocated to the project and will fund phase 1 of a new office park at Wholeflats, Grangemouth. This project is currently out to tender.
- 3.4 Further phases of the reinvestment plan will be determined initially by the timing of income from the sales of sites at Alcan. Phase 2 at Alcan is now underway with completion of the infrastructure now expected by Spring ’08. Income from site sales is anticipated during the remainder of ’08 and ’09.
- 3.5 To recommence the PMP within these timescales the next step involves revisiting and updating the plan. The initial work upon which the plan was developed, the Business Property Review, commenced in 2004 and, therefore, it is appropriate to review its key components.

4.0 REINVESTMENT PLAN

- 4.1 The reinvestment plan focused on development of the Council's remaining key development sites allocated for business space and identified as part of the business property portfolio.
- Central Park, Larbert
 - Callander Business Park, Falkirk
 - South Bridge Street, Grangemouth
 - Wholeflats, Grangemouth
- 4.2 Development plans were prepared for these sites and initial phases of development at these locations were incorporated into a phased 5 year programme prioritising new investment in a timeframe when it was anticipated business demand would be greatest.
- 4.3 Sites at Bog Road, Laurieston and Murnin Road, Bonnybridge were also considered and together with additional phases at the above key sites were identified as potential long term opportunities subject to future disposals/capital availability.
- 4.4 The review will consider changes in the market and likely pattern of demand particularly given new developments currently underway or anticipated within the likely revised timeframe for the PMP e.g. Alcan, Gateway, Earlsgate Park, Forth Ports, Glenbervie etc. It is critical that the Council's plans complement these other developments and provide a range of options across the area to maximise economic development benefits.
- 4.5 The development plans will be revisited and updated as required to ensure the proposals and timing reflect market demand and will secure the necessary financial returns for the Council's investment. This will involve a review of the design and updating of the financial elements including rental valuations, building costs and cash flows. This approach is consistent with the Council's recently adopted Asset Management Plan 'Better Assets, Better Services'.

5.0 DISPOSALS

- 5.1 The PMP identifies investment sales of packages or lots of associated property as key to delivering a manageable plan and obtaining best price for disposal of the Council's interest (including its interest as landlord) in the properties and ultimately best value in delivering the overall plan.
- 5.2 Two disposal portfolios were approved for sale with the timing linked directly to fund the initial phases of the reinvestment plan. A comprehensive review of the business property portfolio is required to revisit these proposals to ensure the Council is retaining a balanced and effective portfolio as well as ensuring the correct packages of properties for sale are identified given the ever changing commercial investment market.
- 5.3 This will require a review of existing properties in terms of meeting long term financial and economic development objectives as well as providing businesses with "fit for purpose" accommodation. Updating of investment valuations and associated specialist market advice will also inform recommendations in respect of any revisions to the Disposal Plan.

5.0 IMPLICATIONS

- 5.1 Financial – Finance Services has previously carried out financial appraisals to ascertain the likely impact and financial risks associated with the PMP. As part of reviewing the PMP the financial

elements will require to be updated to ensure best value and affordability for the Council. As before, it is intended that rental income levels will be maintained as far is practical throughout the process and phasing of construction will be linked to funding generated through the linked disposal plan.

5.2 Legal – there are no immediate legal implications in respect of the review.

5.3 Personnel – there are no personnel implications for the review, although, it is proposed to reappoint property advisers Ryden Chartered Surveyors who provided specialist advice during the preparation of the original plan. Ryden will update previous valuation and investment advice etc in support of the review.

6.0 CONCLUSION

6.1 The current business property portfolio has provided an acceptable level of return to the Council whilst contributing to the delivery of our economic development objectives. However, parts of the portfolio requires significant redevelopment to respond to current and future business requirements. The PMP provides a viable framework to take this project forward in a co-ordinated, consistent and manageable way and given its complexities and importance from a Council finance point of view, it is prudent to undertake a full review and update of the plan prior to making any further recommendations to Committee.

7.0 RECOMMENDATIONS

7.1 It is recommended that Committee :-

- (i) Notes the proposal to undertake a comprehensive review and update of the Portfolio Management Plan, as detailed; and
- (ii) Agrees to receive a future report detailing the outcome of the review including revised timescales for delivery.

.....
Director of Community Services

12th September 2007

Contact Officer: Craig Isdale. Ext. 0974.

LIST OF BACKGROUND PAPERS

- 1. DTZ – Business Property Review.
- 2. Ryden – Portfolio Management Plan.

Any person wishing to inspect the background papers listed above should telephone 01324 590974 and ask for Craig Isdale.

FALKIRK COUNCIL

**Subject: REFERRAL FROM EDUCATION AND LEISURE COMMITTEE –
28 AUGUST 2007**
Meeting: FALKIRK COUNCIL
Date: 3 OCTOBER 2007
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION

1. INTRODUCTION

- 1.1 On 28 August 2007, the Education and Leisure Committee considered the attached report on the membership of the Committee. Following consideration, it was agreed that the recommendations in the report be referred to Council for approval.

2. RECOMMENDATION

- 2.1 That Council endorses the recommendations as outlined in the attached report and as approved by the Education and Leisure Committee on 28 August 2007.

.....
Acting Director of Law & Administration

Date: 25 September 2007

Contact Officer: Colin Moodie, Legal Services Manager, Tel. 01324 506097

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

Subject: EDUCATION & LEISURE COMMITTEE MEMBERSHIP
Meeting: EDUCATION & LEISURE
Date: 28 AUGUST 2007
Author: ACTING DIRECTOR OF LAW & ADMINISTRATION

1. INTRODUCTION

- 1.1 The purpose of this report is to outline the background to the current membership of the Education and Leisure Committee, the status of the non-elected members and to make proposals to regularise the membership of the committee for the term of the current council.

2. BACKGROUND

- 2.1 The Education and Leisure Committee is unique among the committees of the council, both in terms of the breadth of its membership and, in particular, in the ability of some of the non-elected members having full voting status on the committee. Both characteristics of education committees are of long-standing and can be traced back at least as far as the transfer of the management of public schools from the separate education authorities to local authorities in the 1920s.
- 2.2 The current statutory framework for the appointment of education committees is to be found at section 124 of the Local Government (Scotland) Act 1973. This provision is significant in two respects. Firstly, it requires local authorities appointing an education committee to include certain church representatives among those appointed to the committee. Secondly, it empowers local authorities to have a wider non-councillor membership of the education committee that would otherwise be permitted under the legislation.

3. RELIGIOUS REPRESENTATIVES

- 3.1 The obligation on the council is to appoint three religious representatives to the committee. For authorities other than the Island authorities, the membership prescribed by the act is:-
1. a representative appointed under arrangements approved by the General Assembly of the Church of Scotland;
 2. a representative appointed by the Scottish Hierarchy of the Roman Catholic Church; and
 3. a person selected by the authority having regard to the comparative strength within their council area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

- 3.2 It can be seen that nomination of the representatives from the first two categories lies in the hands of the respective churches. The third church representative is a matter for decision by the council. When this council succeeded Central Regional Council as education authority for the area in 1996, it continued the long-standing tradition of inviting the Scottish Episcopal Church to nominate the third church representative. Following the resignation of the representative of the Scottish Episcopal Church in 2003, and an indication by the church that they would not be able to provide a further representative, it became necessary to seek a representative from another church or denominational group.
- 3.3 In February 2004, the committee agreed to invite Rev Michael Rollo, representing the Evangelical/Pentecostal group of churches, to serve on the committee. In doing so, the committee had regard to the proportions of the population within the council area declaring their respective religious affiliations. Other than those expressing an affiliation with the Church of Scotland or Roman Catholic Church, the other Christian churches group was the most significant group by a considerable margin. The relevant statistics which derive from the 2001 Census are attached as appendix 2. The Rev Rollo represented a group of churches which forms a significant portion within the group of other Christian churches. No provision was made as to the term of office to be served by Rev Rollo.
- 3.4 The situation in relation to the proportions of religious affiliation is unlikely to have changed significantly since the census in 2001. The Rev Rollo remains willing to serve as the third church representative on the committee. In these circumstances, it is suggested that his appointment be confirmed for at least the remainder of the life of this council, *i.e.* until the next ordinary election in 2011. It would remain open to the council to reconsider the issue of third church representation (for instance, whether representation should be sought from another faith group) at the time of the appointment of new committees following the next ordinary election. It is also proposed that the appointments of the representatives of the Church of Scotland and the Roman Catholic Church be for the lifetime of this council.
- 3.5 It is important to note that the three religious representatives have the same status on the committee as elected members. This includes the ability to move and second motions and to vote. From time to time, questions have arisen as to the lawfulness of religious representatives voting on non-educational matters which come before the committee. The advice which has been given to committee is that having been appointed to the committee, the religious representatives are entitled to vote on all matters considered by the committee.

4. CO-OPTED MEMBERS

- 4.1 There are three further categories of members on the committee:-
1. teacher representatives;
 2. parent representatives; and
 3. pupil representatives.

These have generally been referred to as the co-opted members, although in a strict sense they are appointed to rather than co-opted by committee.

4.2 Teacher Representatives

Teacher representation has been part of the make-up of the committee for the whole life of the council. Two teachers serve on the committee having been elected by a ballot of all serving teachers from schools in the Falkirk council area. The decision of the then Education Committee, on 31 January 1996, to include teacher representation did not make any provision for the term of office of the persons so appointed. As elected members of the council require to be appointed to committees by the council following each ordinary election, there would be some logic in a similar approach being adopted in relation to the co-opted members. Accordingly, it is suggested that the teacher representatives be appointed for the remainder of the life of this council with nominations being sought from serving teachers at or around the next ordinary election. It would be open for the current teacher representatives to serve again should they be re-nominated or elected in the event of a ballot.

4.3 Parent Representatives

Like teacher representatives, there have been representatives of parents' interests on the committee since 1996. The matter of parent representation was last reviewed by committee in November 2005 when it was agreed that two parents nominated by the Parents Forum would serve on committee for a fixed term of two years. Of the two parent representatives serving on the committee immediately prior to the election, Mr McArthur has resigned as a representative and Mr Sharp continues in office until November 2007. It is suggested that there would be some logic, in the same way as with teacher representatives, in aligning parental membership with that of elected members. Accordingly, it is proposed that the Parents Forum be invited to nominate two parental representatives to serve for the remainder of the life of the council. Similarly, new nominations would be sought at or around the next ordinary election.

4.4 Pupil Representatives

There have been pupil representatives on the committee since February 2004 when the committee agreed to the nomination of two senior pupil representatives chosen by the Falkirk Schools Council. In this case, the term of office was fixed at two years. It is suggested that this be retained in relation to the pupil representatives. The representatives have been senior pupils who will not remain at school for longer than two years.

5. PROPOSED ARRANGEMENTS

- 5.1 It is suggested that subject to proposals made in relation to term of office that the membership of the committee remain as currently constituted. A tradition has developed whereby the committee has itself accepted nominations and appointed members when properly such appointments should be made by Council. It is recommended that this report be remitted to Council to approve the structure of the committee and the terms of office of the co-opted members, and thereafter to delegate to this committee the power to appoint new members within the approved structure. For ease of reference, the proposed membership is set out in tabular form at appendix 1.

6. RECOMMENDATION

6.1 It is recommended that Committee:-

- 1. note the position in relation to the religious representatives nominated by the Church of Scotland and the Roman Catholic Church;**
- 2. agree the continued appointment of the third church representative;**
- 3. agree the terms of office for the religious representatives and the co-opted members; and**
- 4. remit the above recommendations, if approved, to Council for consideration with a view to power to appoint being delegated to this Committee within the structure approved by Council.**

.....
Acting Director of Law & Adminsitration

Date: 14 August 2007

Contact Officer: Colin Moodie/Bryan Douglas ext 6097

LIST OF BACKGROUND PAPERS

NIL

Appendix 1

<u>MEMBERS</u>	<u>VOTING</u>	<u>TERM OF OFFICE</u>
12 Elected Members	Yes	Lifetime of Council
Cllr A Waddell (Convener) Cllr C Martin (Dep Convener) Cllr J Blackwood Cllr S Carleschi Cllr T Coleman Cllr G Hughes Cllr J Lemetti Cllr A MacDonald Cllr C R Martin Cllr J McNally Cllr A McNeill Cllr J Patrick		

3 Religious Representatives	Yes	Lifetime of Council
Mrs M Coutts (Church of Scotland) Mr G Boyle (Roman Catholic Church) Rev M Rollo (Evangelical/Pentecostal Alliance)		

2 Teacher Representatives	No	Lifetime of Council
Mrs C Leishman Mr M McIver		

2 Parent Representatives	No	Lifetime of Council
Vacancy Mr D Sharp		

2 Pupil Representatives	No	2 years
Vacancy Ms K Marjoribanks		

Appendix 2

Current Religion	Falkirk	Scotland
Church of Scotland	48.24%	42.40%
Roman Catholic	12.09%	15.88%
Other Christian	4.91%	6.81%
Buddhist	0.06%	0.13%
Hindu	0.03%	0.11%
Jewish	0.04%	0.13%
Muslim	0.55%	0.84%
Sikh	0.04%	0.13%
Another Religion	0.37%	0.53%
None	28.76%	27.55%
Not answered	4.91%	5.49%
Source 2001 Census		

FALKIRK COUNCIL

Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982; NEW RESOLUTION
Meeting: FALKIRK COUNCIL
Date: 3 October 2007
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. PURPOSE OF REPORT

- 1.1 On 12 June 2007 the detailed report attached as Appendix 1 was considered by the Policy and Resources Committee. This Committee agreed the recommendations and agreed to recommend them to Falkirk Council for approval. The report was then considered at Falkirk Council on 27 June 2007 and the Committee agreed the recommendations detailed in paragraph 3 of the covering report dated 27 June 2007, which is attached as Appendix 2.
- 1.2 In accordance with paragraph 3(2) of the report of 27 June 2007 a notice was published in the Falkirk Herald on 5 July 2007 to which no representations were received.
- 1.3 If Council approves the resolution today a further notice will be published in the Falkirk Herald on 11 October 2007 indicating that the new resolution will come into operation on 1 August 2008 and that the resolutions of 27 September 1983 and 22 November 1983 will be revoked on 31 July 2008. The notice will also state that, with effect from that date, (1 August 2008) it will be an offence under section 7(1) of the 1982 Act to do without a licence whatever the resolution specifies as being an activity that requires to be licensed and that applications for licences in respect of the activity will be considered by the authority after the expiry of one month after the date of making the resolution.

2. RECOMMENDATIONS

That Council:-

- 2.1 makes a new resolution in terms of the report and appendices approved by Policy and Resources Committee on 12th June 2007 and Falkirk Council on 27 June 2007.
- 2.2 approves the publication of a notice in the Falkirk Herald on 11 October 2007, which notice shall inter alia identify the date of coming into operation of the resolution as 1st August 2008.

.....
Director of Development Services

Date:

Contact Officer: Alison Cairns, Consumer Protection Manager (telephone 501005)

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

Subject: SCHEME OF DELEGATION
Meeting: FALKIRK COUNCIL
Date: 3 OCTOBER 2007
Author: ACTING DIRECTOR OF LAW AND
ADMINISTRATION SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to recommend to Members an alteration to the Scheme of Delegation as it refers to the determination of town and country planning decisions.
- 1.2 The amended Scheme of Delegation will represent an interim position pending further amendments that will be required consequent upon Regulations which are anticipated to be forthcoming in terms of the Planning (Scotland) Act 2006.

2. BACKGROUND

- 2.1 The current Scheme of Delegation has been in place, with some minor amendments, since 1999. Insofar as planning decisions are concerned, the current Scheme delegates authority to the Director of Development Services to take a variety of decisions, having regard to and within the context of the policy framework determined by Members. Decisions which would not be determined under delegated powers are those where:
 - (a) the nature of the application has been deemed controversial by the Director of Development Services (but the receipt of objections to the application will not, of itself, mean that the application is controversial), or
 - (b) determination of the application may result in a departure from the approved Development Plan, or
 - (c) for any other reason, the Director of Development Services considers it inappropriate to determine the application under delegated powers.
- 2.2 Those Members who attended the training session on planning matters which took place prior to the summer recess will recollect the Director of Development Services reflecting upon the definition of “controversial” within the context of the Scheme and noting that there can be differing views on the circumstances which would justify a matter being deemed “controversial”. The Director intimated the need to clarify the terminology in the interests of transparency and public accountability. Members have also have intimated concern about what

might be perceived as a lack of certainty over those applications which would be determined by Committee and those which would be determined under delegated powers. Moreover, Members have expressed a wish for a more defined role for themselves in referring matters of public interest to Committee, which might otherwise have been decided by Officers.

3. PLANNING ETC. (SCOTLAND) ACT 2006

- 3.1 Members in office prior to the 2007 elections will recollect reports to Committee and Council outlining the impact of the Planning etc. (Scotland) Act 2006 which received the Royal Assent on 20 December 2006. This Act represents a significant culture change in the delivery of town and country planning in Scotland. While only some of the provisions of the Act have been brought into effect to date, it is anticipated that the majority of the Act's provisions will be fully operational in 2008/09. This will involve significant amounts of secondary legislation and much consultation thereon over the next year to eighteen months.
- 3.2 The Act introduces a new hierarchy of national, major and local developments for handling and determining planning applications. It also provides for a new statutory Scheme of Delegation for determining planning applications. This will see most local development applications decided by Officers but with the right to a review of those decisions by Members. Consultation on the form of the Scheme of Delegation is anticipated before the end of the year with the Regulations likely to be brought into force next summer. Further reports will be brought to Members as this matter progresses.

4. INTERIM POSITION

- 4.1 Pending introduction of the Regulations under the 2006 Act, an interim amendment to the Council's existing Scheme of Delegation is suggested as shown in the Appendix to this report. While maintaining the position that the majority of planning applications will be determined by Officers, in the interests of efficiency and within the policy framework already determined by Members, the adjusted Scheme provides a route whereby Members can refer decisions to Committee in certain circumstances.
- 4.2 The proposed amendments to the Scheme involve giving members two opportunities within the development control process when an application can be referred to Committee, the first of which would be within 14 days of issue of the planning list which members have been accustomed to receiving weekly and which details all applications received during that reporting period. The second opportunity will involve the introduction of a new list which will be issued to members at the stage when planning officers have determined their professional recommendations. This "recommendations list" will include a summary of the officer recommendations. Members will have a period of 7 days from issue of this list to refer any matter on it to Committee for determination or to withdraw an earlier referral.

5. CONCLUSION

- 5.1 The amendments to the Scheme of Delegation as it refers to the Regulatory Committee are addressed at responding to concerns expressed about the operation of the Scheme as it currently exists. The amendments represent an interim position only. A more radical approach to the Scheme of Delegation will be required as the Planning etc. (Scotland) Act 2006 evolves and will be the subject of future reports to members.

6. RECOMMENDATIONS

- 6.1 It is recommended that Council approves the amendments to the Scheme of Delegation as outlined in this report and as detailed in the appendix hereto.

.....
Acting Director of Law and Administration Services

Date: 17 September 2007

Contact Officer: Rose Mary Glackin, ext 6076

REGULATORY COMMITTEE

Terms of Reference

1. To discharge the Council's regulatory and enforcement functions, in accordance with Council policy and so far as not delegated to any other Committee or Officer, which relate (but not exclusively) to:-
 - (i) Town and Country Planning;
 - (ii) Roads and Transportation;
 - (iii) Environmental Health and Trading Standards;
 - (iv) Building Control;
 - (v) Civic and other licensing;
 - (vi) Matters which require a Hearing before Committee to be held in terms of the Children (Scotland) Act 1989 and the Social Work (Scotland) Act 1968; and
 - (vii) Other matters of a regulatory or enforcement nature.

Powers

2. In relation to development control matters, to determine applications for:-
 - (i) planning permission
 - (ii) listed building and conservation area consent
 - (iii) discharge, amendment or deletion of conditions
 - (iv) certificates of lawfulness of existing or proposed development
 - (v) advertisement consent
 - (vi) hazardous substances consent
 - (vii) decisions on permitted development
 - (vii) notices of intention to develop

In circumstances where:-

- (i) there has been a request from an elected member to refer any matter to committee within 14 days of the periodical planning list being circulated

- (ii) there has been a request from an elected member to refer any matter to committee within 7 days of the periodical recommendations list being issued
 - (iii) determining the application (whether by grant or refusal) would result in a contravention of the development plan or a contravention of the Council's policies, whether or not objections have been made
 - (iv) material objections in terms of planning grounds and timescales (as defined by statute and case law) have been made to an application which cannot be addressed either by the imposition of suitable conditions or by any other means and the Director of Development Services considers it appropriate to refer the matter to committee
 - (v) the application has been submitted by an elected member of the Council or by an officer involved in the statutory planning process
 - (vi) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers
3. To hear and determine unresolved objections to any order proposed for the regulation of traffic and the implementation of traffic management schemes under the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984 and the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987, and to conduct any hearings required under those acts and Regulations.
 4. To consider and determine any of the regulatory and enforcement matters relating to the Council's functions as Roads Authority, in terms of the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the Town and Country Planning (Scotland) Act 1997 or any other relevant Acts or Regulations, where:-
 - (i) the nature of the matter has been deemed controversial by the Director of Development Services.
 7. To conduct hearings under the Building (Scotland) Acts 1959-70 and to make appropriate determinations.
 8. To consider and determine decisions and to conduct hearings, where required, regarding childminding and the provision of day care in which the applicant or registered person requires to be given an opportunity to make objections, in terms of the Children Act 1989.
 9. To consider and determine decisions and to conduct hearings, where required, regarding the registration of residential care establishments where any person is required to be given an opportunity to make objections, in terms of the Social Work (Scotland) Act 1968.
 10. In carrying out any of their powers hereunder, the Committee may:-
 - (i) conduct hearings in such manner as they consider appropriate, having regard to the subject matter under consideration and the requirements of law;

- (ii) visit any site connected with a matter under consideration if it would assist the Committee in the discharge of their functions;
 - (iii) authorise the institution, entering appearance in or defending of any proceedings before any Court, Tribunal or Inquiry (where not authorised elsewhere in these Schemes of Delegation) where Council involvement is necessary to protect or uphold the interests of the Council and its community in respect of any matter within the remit of the Committee, provided that it will remain open to any Chief Officer to provide the foregoing authority where time limits or an emergency situation requires immediate action to ensure the Council's participation in the proceedings.
11. Any regulatory or enforcement powers or duties conferred or imposed on the Council in terms of law, apart from those detailed herein as being within the remit of the Regulatory Committee, will be executed by the Chief Officer for the relevant Service and, in the event of there being any conflict as to which is the relevant Service, the Chief Executive will be entitled decide. Without prejudice to the generality of the foregoing, it is specifically acknowledged that the Director of Development Services will have power to:-
- (i) vary or otherwise any planning permission where the variation sought is not material, under section 64 of the Town and Country Planning (Scotland) Act 1997
 - (ii) advertise applications for planning permission when considered necessary or desirable
 - (iii) decide whether the topping, lopping or felling of trees subject to Tree Preservation Orders is necessary in terms of section 160 of the Town and Country Planning (Scotland) Act 1997 and the authorisation of such activities
 - (iv) make emergency Tree Preservation Orders
 - (v) issue stop notices and instruct action for interim interdicts
 - (v) issue breach of condition and planning contravention notices
 - (vi) pursue enforcement action
 - (vii) issue statutory notices in terms of the Building (Scotland) Act 2003 and any Regulations made there under or any amendment thereof

FALKIRK COUNCIL

Subject: LICENSING BOARD MEMBERSHIP AND APPOINTMENTS TO OUTSIDE BODIES
Meeting: FALKIRK COUNCIL
Date: 3 OCTOBER 2007
Author: ACTING DIRECTOR OF LAW & ADMINISTRATION

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise of a vacancy in the membership of the Licensing Board and to seek appointments to outside bodies since this matter was last considered by Members at the June meeting of the Council.

2. LICENSING BOARD

- 2.1 At the statutory meeting of Council held on 18 May 2007, Council agreed to establish a Licensing Board of ten Members, with Members being appointed in accordance with the Council's political proportionality. At that time, Council was advised that Members appointed to the Board were required, in terms of the Licensing (Scotland) Act 2005 and the Licensing (Training) (Scotland) Regulations 2007, to evidence that they had undertaken a course of training accredited by the Scottish Ministers within three months of appointment to the Board. Any Member who was unable to comply with this provision would cease to be a Member of the Board.
- 2.2 To date, only two bodies are accredited by the Scottish Ministers to provide training under the Act, ServeWise Scotland and BII (British Institute of Innkeepers). Arrangements were made for the former to deliver training and to administer the exam in respect thereof to Falkirk's Board members on 1 August 2007.
- 2.3 On that date, nine Members of the Board successfully completed the training course. Unfortunately, Councillor McNally was unable to attend on 1 August. While officers have been able to accommodate the requirements of other members who have been unable to attend internal training sessions for various Committees, this could not be done in the case of the Board given the nature of the statutory provisions. The very tight timescale also meant that alternative external provision could not be made. Consequently, Councillor McNally ceased to be a Member of the Board on 18 August 2007, by operation of law. It follows that a vacancy on the Board currently exists which would fall to be filled by a member of the SNP Group in accordance with the decision on membership taken by Council. There is no impediment to Councillor McNally being re-appointed. The three month time limit for training will start to run again following any new appointment.

3. APPOINTMENT OF MEMBERS TO OUTSIDE BODIES: CoSLA

- 3.1 At the meeting of Council on 27 June 2007, appointments to outside bodies were made. In addition, Council agreed to take up membership of CoSLA with the allocation of the Council's 4 places being agreed as 3 Labour and 1 SNP. This was agreed following a division and subsequent casting vote of the Provost. When using his casting vote, the Provost stated that this was based on the provisions of CoSLA's standing orders and on the understanding that CoSLA was committed to reviewing the associated guidance it issues to Local Authorities on the appointment

of members in relation to political proportionality. To date, there has been no indication that any revised guidance is available.

- 3.2 Membership of CoSLA has brought with it the opportunity for the Council to appoint Members to the range of CoSLA Executive Groups. These are detailed below and in Appendix 1 which also includes information on their respective remits along with future meeting dates where these are known. CoSLA's Model Terms of Reference for the Executive Groups is attached at Appendix 2.

- Health and Well-being
- Education, Children and Young People
- Community Well-being and Safety
- Regeneration and Sustainable Development
- Resources and Capacity
- Strategic Human Resources Management

- 3.3 COSLA is seeking the nomination of one member of the Council to each Group. There is some uncertainty over the membership of the Strategic Human Resources Executive Group and its relationship to the Scottish Joint Council on which further information is awaited from CoSLA. It is hoped that this information will be available for the Council meeting. In the meantime, Council may consider it appropriate to nominate a member but note that this appointment may be subject to further advice from CoSLA.

- 3.4 Some of these Groups have already met but the Council has only been represented at one (Regeneration and Sustainable Development) by the Convener of the Council's Environment and Heritage Committee. This was an interim arrangement pending the appointment of members by Council.

4. CORNTON VALE PRISON VISITING COMMITTEE

- 4.1 The Council has six places on the Cornton Vale Over 21's Prison Visiting Committee. At its June meeting, Council appointed four members, namely:-

Provost Reid
Mr Bill Strathearn
Miss Jill McIntosh
Miss Lindsay Drummond

- 4.2 Council also agreed that the remaining places be filled following a further recruitment process to attract additional lay members. As a result of this activity, a further application has been received from Ms Ann McFarlane, Depute Head Teacher at St Margaret's Primary School, Polmont. Ms McFarlane is considered suitable for appointment. If appointed, this will leave one vacancy and it is proposed that the recruitment process be continued to attract a further lay member.

5. FORTH VALLEY AREA WASTE STRATEGY WORKING GROUP

- 5.1 The appointment of Members to the Forth Valley Area Waste Strategy Working Group were inadvertently omitted from the report on outside bodies considered at the June meeting of Council.
- 5.2 The Council has two places on the Group. In accordance with previous decisions of Council, these appointments are ex officio, namely the Leader of the Council and the Convener of the Environment and Heritage Committee and are being reported to Council for noting.

5.3 For information, this Group consists of elected member representatives from Clackmannanshire, Falkirk and Stirling Councils.

5.4 The remit of the Group is:-

- to consider the implications of joint working arrangements with neighbouring authorities and to identify jointly beneficial waste management options;
- to implement a consultation plan and awareness raising programme for members of the public;
- to survey and report on the views of the local communities to identify priorities with regard to the various future waste management issues;
- to review the long-term waste management strategy for the Forth Valley Area.

6. RECOMMENDATION

6.1 It is recommended that Council:-

- (a) appoints a member from the SNP Group to the Licensing Board;
- (b) considers the appointment of members to the CoSLA Executive Groups set out at section 3 of the report;
- (c) approves the appointment of Ms Ann McFarlane to Cornton Vale Prison Visiting Committee, and
- (d) notes the ex-officio appointment of the Leader of the Council and the Convener of the Environment and Heritage Committee to the Forth Valley Area Waste Strategy Working Group.

.....
Acting Director of Law & Administration

Date: 14 September 2007

Contact Officer: Iain Tough, Democratic Services Manager, Tel. 01324 506110

LIST OF BACKGROUND PAPERS

NIL

Appendix 1

CoSLA Executive Group	Remit	Date of Next Meeting
Health and Well-being	<ul style="list-style-type: none"> ▪ Social Care/Joint Future ▪ Free Personal Care ▪ Care Homes ▪ Supporting People ▪ Homelessness (Support & Social Care) ▪ Local Government & NHS Interface ▪ CHPs/CHCPs ▪ Older People's Services ▪ Mental Health ▪ Substance Misuse ▪ Health Improvement 	30 October 2007
Education, Children & Young People	<ul style="list-style-type: none"> ▪ Integrated Children's Services ▪ Education ▪ Child Protection ▪ Corporate Parenting ▪ Young People/Youth Work ▪ Children and Young People's Commissioner ▪ Youth Justice 	8 November 2007
Community Well-being & Safety	<ul style="list-style-type: none"> ▪ Community Safety ▪ Community Justice Authorities ▪ Housing, Homelessness and Housing Improvement ▪ Social Justice/Inclusion ▪ Consumer Protection/Trading Standards ▪ Environmental Health ▪ Lifelong Learning & Community Learning ▪ Arts, Culture and Leisure ▪ Anti-Social Behaviour ▪ Health Improvement 	6 November 2007
Regeneration & Sustainable Development	<ul style="list-style-type: none"> ▪ Economic Development ▪ Planning ▪ Roads and Transportation ▪ Regeneration ▪ Environmental Issues ▪ Tourism ▪ Energy ▪ Waste ▪ Water Services ▪ Building Services ▪ Sustainable Development 	23 November 2007
Resources & Capacity	<ul style="list-style-type: none"> ▪ Finance ▪ Asset Management ▪ Efficient Government ▪ Outcome Agreements ▪ Procurement ▪ Shared Services 	To be confirmed
Strategic Human Resources Management	<ul style="list-style-type: none"> ▪ Personnel Resources ▪ Workforce Development/Planning ▪ Recruitment ▪ Liaison with Unions ▪ Negotiations ▪ Single Status 	3 October 2007

FALKIRK COUNCIL

Subject: PROGRAMME OF MEETINGS - 2008
Meeting: FALKIRK COUNCIL
Date: 3 OCTOBER 2007
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. INTRODUCTION

- 1.1 At the statutory meeting of Falkirk Council held on 18 May 2007, Members approved the Programme of Meetings for the period June to December 2007. This was based on the Council's established eight-week committee cycle. The purpose of this report is to present the attached Programme of Meetings for 2008 for approval.
- 1.2 When considering the programme of meetings, Members should also note that there may be a requirement to call special meetings in addition to those shown in the appendix.

2. RECOMMENDATION

- 2.1 Council is asked to consider the proposed Programme of Meetings for 2008 as detailed in the Appendix to this Report and to note that Special meetings may be called if necessary.

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Acting Director of Law and Administration Services

Date: 18 September 2007

Contact Officer: Iain Tough, ext 6110

LIST OF BACKGROUND PAPERS

1. Report to meeting of Falkirk Council held on 18 May 2007.

FALKIRK COUNCIL - PROGRAMME OF MEETINGS**JANUARY TO DECEMBER 2008 – ALL MEETINGS COMMENCE AT 10.30 AM UNLESS OTHERWISE STATED**

WEEK	COMMITTEE	CYCLE 3	CYCLE 4	CYCLE 5	CYCLE 1	CYCLE 2
	Policy & Resources Committee	Tues 15 January	Tues 11 March	Tues 6 May	Tues 12 Aug	Tues 21 Oct
	Civic Licensing (all meetings start at 9.30am)	Thurs 17 January	Wed 12 March	Wed 7 May	Wed 13 Aug	Wed 22 Oct
	Community Health & Safety Committee	Tues 22 January	Tues 18 March	Tues 13 May	Tues 19 Aug	Tues 28 Oct
	Education and Leisure Committee	Tues 29 January	Tues 25 March	Tues 20 May	Tues 26 Aug	Tues 4 Nov
	Regulatory Committee	Wed 30 January	Wed 26 March	Wed 21 May	Wed 27 Aug	Wed 5 Nov
	Housing and Social Services Committee	Tues 5 February	Tues 1 April	Tues 27 May	Tues 2 Sept	Tues 11 Nov
	Joint Consultative Committee	Wed 6 February	Wed 2 April	Wed 28 May	Wed 3 Sept	Wed 12 Nov
	Policy & Resources Committee	Tues 12 February	Tues 8 April	Tues 3 June	Tues 9 Sept	Tues 18 Nov
	Civic Licensing (all meetings start at 9.30am)	Thurs 14 February	Wed 9 April	Wed 4 June	Wed 10 Sept	Wed 19 Nov
	Environment & Heritage Committee	Tues 19 February	Tues 15 April	Tues 10 June	Tues 16 Sept	Tues 25 Nov
	Investment	Thurs 21 February		Thurs 12 June	Thurs 18 Sept	Thurs 27 Nov
	Economic Development Committee	Tues 26 February	Tues 22 April	Tues 17 June	Tues 23 Sept	Tues 2 Dec
	Regulatory Committee	Wed 27 February	Wed 23 April	Wed 18 June	Wed 24 Sept	Wed 3 Dec
	Falkirk Council	Wed 5 March	Wed 30 April	Wed 25 June	Wed 8 Oct	Wed 10 Dec

Public Holidays: 1st & 2nd January, 21st & 24th March, 5th May, 8th September and 25th and 26th December 2008**Licensing Board: 16 January 2008****Dates for Special Budget meetings of the Policy and Resources Committee and Falkirk Council to be confirmed w/b 4 February or w/b 11 February 2008**