

AGENDA ITEM 1 (a)

DRAFT

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 1 DECEMBER 2008 at 7.00 PM.

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, 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.

APOLOGY: Councillor Gow.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood and of Community Services; Acting Director of Law and Administration; Head of Treasury and Investment and Democratic Services Manager.

DECLARATIONS OF INTEREST:

Depute Provost Black declared a non-financial interest in item (b) as the owner of a business on Council owned property and took no part in the discussion and decision.

Councillor Nicol declared a non-financial interest in item (b) as a family member was a Council tenant and took no part in the discussion and decision.

FC78. MOTIONS

(a) Air Weapons

Councillor Meiklejohn, seconded by Councillor Thomson moved that:-

“Council notes with concern the decision of the UK Government not to press ahead with legislation seeking tighter control of air weapons.

Council believes that the Scottish Government position seeking greater control over the use of and access to such weapons is the correct course of action to preserve the safety and well-being of our community.

Council therefore resolves to seek to introduce a by-law similar to that being pursued by Aberdeen City Council and asks officers to begin this process and report back to members of the Community Health and Safety Committee progress as soon as possible.”

By way of an amendment Councillor C Martin seconded by Councillor C MacDonald moved that:-

“Council is aware that Aberdeen City Council is no longer pursuing a by-law to control air weapons after taking advice that adequate legal provisions already exist to deal with misuse of air weapons.

Council is of the opinion that such a by-law would have little effect and be difficult to implement and therefore proposes a local public awareness campaign to draw attention to the dangers of misuse of air weapons and the legal penalties for misuse.”

Following discussion, Councillor Nimmo seconded by Councillor C R Martin moved “that the question be now put.”

On a division 17 Members voted for the Motion with 14 against following which the mover of the original motion exercised her right to reply.

Members then voted for the motion and amendment.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call there being 31 Members present, with Members voting as undernoted.

For the Motion (13) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver and Thomson.

For the Amendment (17) – Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Abstention (1) – Councillor Spears

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

Depute Provost Black and Councillor Nicol withdrew from the meeting following consideration of the foregoing item of business.

(b) Rent Recalculation

Councillor A MacDonald seconded by Councillor Hughes moved that:-

“Council notes with concern the impact the current crisis is having on local businesses, particularly small to medium sized businesses (SMEs).

To assist local SMEs who are tenants of the local authority council agrees to an in principled halt to rent recalculation exercises that would result in a rent rise over the next two financial years.

Council therefore seeks a report from Community Services to be submitted to the Economic Development Committee on the mechanism and issues for implementing such a policy.

Council further instructs officers of the Economic Development Section to develop further initiatives, as a matter of urgency, to assist SMEs during the economic downturn, with a report presented to the Policy and Resources Committee at the earliest opportunity”.

There followed a 10 minute adjournment to allow members to consider the terms of the motion and reconvened with all members present as per the sederunt with the exception of Depute Provost Black and Councillor Nicol.

With the consent of the Provost and Councillor Hughes, as seconder, in accordance with Standing Order 19.7, Councillor A MacDonald withdrew the motion having been advised that the issues referred to in the motion would be considered in a report to Council on 10 December 2009.

Depute Provost Black and Councillor Nicol rejoined the meeting following the conclusion of the foregoing item of business.

(c) Falkirk Council – Consultation Responses

Councillor Alexander, seconded by Councillor J Constable moved that:-

“Council notes with approval the previous commitment of the Leader of the Council to ensure that all submissions to the Scottish Government on consultation documents reflect the views of all parties represented within Falkirk Council.

We view this as an example of good practice and have rightly praised the leader of Falkirk Council for this stance.

Council therefore notes with concern the refusal of the Convener of Falkirk Council’s Community Health and Safety Committee to honour the commitment given by his leader on the issue of the government’s consultation on the Alcohol Legislation. In particular council notes with concern the answer given by the Convener to the question of the assurance offered by the leader to the effect that “that is between you and her.”

Council therefore endorses the stance made by the leader of the council by making her commitments council policy thus ensuring that all consultations carry the views of all elected members who express an opinion.”

By way of an amendment Councillor C Martin seconded by Councillor Mahoney moved that:-

“Council re-affirms its commitment to allow scrutiny committees to respond to consultation exercises, where no financial issues arise.

Council also welcomes the opportunity of any individual grouping or party within the Council to express views directly to Government as part of a consultation process.”

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call there being 31 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 (17) – Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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

(d) Repair and Improvement Programmes

Councillor Alexander, seconded by Councillor McNally moved that:-

“Recent report considered by Falkirk Council has indicated that the Credit Crunch has had a significant impact on Falkirk Council’s ability to meet commitments and implement policies and programmes.

Council recognises that this will also impact on the ability of individual households to deal with circumstances that may arise from the changes we have all seen within the financial markets.

In particular Council believes that the ability of owner occupiers to meet requirements to participate in communal repairs and improvement programmes may be compromised by the lack of ability to obtain funding from the banks.

Council therefore agrees to,

- (1) recognise that we are living within unique times.
- (2) ask officers to bring forward a report on how occupiers can be assisted using the reports approved by Falkirk Council on the high rise flats contracts as a model for this and future year’s capital programme; and
- (3) present the findings and recommendations from this piece of work to a meeting of the Housing and Social Work Committee at the earliest opportunity”

By way of an amendment Councillor Goldie seconded by Councillor McNeill moved that:-

“Council recognises communities are living in unique times, and asks officers to bring forward a report on how owner-occupiers could be assisted to take part in repair/refurbishment programmes in mixed tenure estates.

Council asks officers to present these findings to a future meeting of the Housing and Social Work Committee, including any adverse impact on tenanted properties.”

On a division 14 Members voted for the Motion and 17 for the Amendment.

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

(e) Grangepans Post Office

Councillor J Constable, seconded by Councillor H Constable moved that:-

“Council re-affirms its opposition to the closure of the Grangepans Post Office and resolves to enter into immediate negotiations with Post Office Ltd with a view to Falkirk Council in partnership with the proprietor of the Grangepans Post Office and General Merchants offering a full post office service within the office’s catchment area.”

By way of an amendment Councillor Mahoney seconded by Councillor Goldie moved that:-

“Council re-affirms its opposition to the closure of post offices, including Grangepans in Bo’ness. Given the financial constraints placed upon it by the SNP Government. Council calls on the Scottish Government to provide extra funding to local authorities to help it save local post offices. If this is forthcoming, Council would ask officers to enter into discussions with Post Offices Ltd to consider partnerships to offer post office services in threatened communities such as Grangepans.”

Council adjourned for 15 minutes following a fire alarm and reconvened with all Members present as per the sederunt.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call there being 31 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 (17) – Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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

AGENDA ITEM 1 (b)**DRAFT****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 DECEMBER 2008 at 10.30 AM.**

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

CONVENER: Provost Reid

APOLOGIES: Councillor Fry.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Education Services, of Finance Services and of Social Work Services; Acting Director of Law and Administration Services; Heads of Human Resources and of Facilities Management; Service Manager (Strategic Support); Service Manager (Tenancy); Service Manager (Contracts and Commissioning) and Democratic Services Manager.

DECLARATION OF INTEREST:

Councillor Mahoney declared a non-financial interest in Item 2 as a member of the Friends of Kinneil Management Committee but did not consider that this required him to recuse himself from consideration of the item, standing the terms of the Code of Conduct.

Councillor McNally declared a non-financial interest in Item 6 as the owner of a local business but did not consider that this required him to recuse himself from consideration of the item, standing the terms of the Code of Conduct.

Councillor Nicol declared a non-financial interest in Item 11 as a family member was a tenant of Falkirk Council and took no part in the discussion and decision.

Depute Provost Black declared a financial interest in Item 11 as a tenant of Falkirk Council and took no part in the discussion and decision.

Councillor Gow intimated that a family member was a craft employee with Falkirk Council but did not consider that this gave her a declarable interest in Item 15 standing the terms of the report.

FC79. PROVOST'S REMARKS

Prior to commencement of the formal business of the meeting, Provost Reid congratulated all those involved in receiving the following awards:-

- Bankier Primary School - £50,000 for its Eco Attack project in the STV/Big Lottery's People's Millions Contest.
- David Hunter, Corporate and Neighbourhood Services, won the Association of Public Service Excellence Apprentice of the Year award for electrical and mechanical engineering.
- Falkirk Council's website won the gold award at the Chartered Institute of Public Relations awards. Four other Falkirk Communications projects, including Falkirk Council News were finalists.
- Rachael Cahill, St Mungo's pupil and pupil representative on the Education and Leisure Committee was appointed a UK Youth Ambassador and a Member of the Scottish Youth Parliament..
- The Children's Commission was shortlisted in the Guardian Public Services Awards for its innovative approach to partnership working.
- Finance Services was awarded Investors in People Status.
- Development Services' Emergency Planning Unit shared an award with Central Scotland Police for the multi-agency/partnership approach to installing the new Grangemouth Public Warning System.
- Sign-Now.Com, supported by Community Services, won £50,000 in the Stelios Award for Disabled Entrepreneurs.

The Provost also commended the 1st Annual Poetry awards and thanked all the participants.

Councillor A MacDonald thanked the organisers of this year's MOD held in Falkirk and thanked also all those involved in its success.

FC80. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 8 October 2008;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 6 October 2008;
- (c) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2008/2009; and
- (d) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2008/2009. Council also **AGREED** to ask the Group Leaders to review the mechanism by which Council representatives on CoSLA and its Executive Groups and on the Forth Valley NHS Board report back to Council.

FC81. ORDER OF BUSINESS

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

FC82. PARKS DEVELOPMENT PLAN

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 21 October 2008, and (b) Report by Director of Community Services, submitted to the said meeting, setting out the Council's proposed capital allocation under the Parks Development Plan.

AGREED:-

- (1) to approve the Report and draft Parks Development Plan;
- (2) to approve the capital spend allocation outlined in Appendix 5 of the Parks Development Plan totalling £275,000, comprising £200,000 approved Parks capital and £75,000 approved Culture and Leisure Strategy capital;
- (3) that Annual Reports be submitted to the Environment and Heritage Committee; and
- (4) that following consultation, the Parks Development Plan be submitted to the Environment and Heritage Committee for further consideration and thereafter to this Committee for ratification.

Councillor Goldie left the meeting during the foregoing item of business.

FC83. COMMUNITY WARDENS REVIEW

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors J Constable, Hughes and Meiklejohn.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Community Health and Safety Committee held on 28 October 2008, and (b) Report by Director of Corporate and Neighbourhood Services, submitted to the said meeting, detailing the review of the Community Wardens Service with proposals for its remit and funding beyond March 2009.

Councillor C MacDonald, seconded by Councillor McLuckie moved the recommendations in the report.

By way of an amendment Councillor Meiklejohn seconded by Councillor Hughes moved:-

“to authorise officers to take forward, in principle, the proposals in consultation with employees, human resources and trade unions”.

On a division 17 Members voted for the Motion and 13 for the Amendment.

Accordingly, **AGREED:-**

- (1) the proposal to combine the Environmental Enforcement Team and Community Warden Service;
- (2) to authorise officers to take forward the proposal in consultation with employees, Human Resources and Trade Unions, and
- (3) that Officers report back to the Community Health and Safety Committee as the proposal develops.

FC84. FINANCIAL POSITION 2008/09

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 18 November 2008; and (b) Report by the Director of Finance Services, submitted to the said meeting giving details of the financial position for the six month period to 30 September 2008.

NOTED the projected financial position as at 30 September 2008.

AGREED to instruct Directors to incur only expenditure which is essential in order to bring expenditure into line with the approved budget.

FC85. TREASURY MANAGEMENT – INTERIM REVIEW 2008/09

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 18 November 2008; and (b) Report by the Director of Finance Services submitted to the said meeting summarising the Council's borrowing and investment strategies.

Councillor Gow, seconded by Councillor C Martin, moved the recommendations in the Report.

By way of an amendment Councillor Coleman, seconded by Councillor Kenna moved the following:-

“Council notes the financial problems of the banks previously regarded as triple rated institutions by our advisers.

Council is of the view that this highlights the fact that we now live in changing times and the size of financial institutions are no guarantee of performance.

Council therefore believes that Scottish building societies such as the Dunfermline Building Society have demonstrated a high level of financial prudence and sound management in difficult times.

Council therefore agrees to include Scottish based institutions that have enjoyed the status of “mutual” within its approved list of institutions available to receive short-term investments.”

On a division 16 Members voted for the Motion and 14 for the Amendment.

Accordingly, **NOTED** the progress of the Councils’ Treasury Management Strategy for 2008/09.

Council then adjourned for lunch at 1.10 pm and reconvened at 1.45 pm with all Members present as per the sederunt.

Councillor Nicol left the meeting prior to consideration of the following two items of business.

FC86. TOWN CENTRE REGENERATION UPDATE

In terms of the Council’s Scheme of Delegation, this item had been called into Council by Councillors J Constable, Hughes, McNally and Oliver.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Economic Development Committee held on 2 December 2008; and (b) Report by the Director of Community Services submitted to the said meeting outlining progress in the various town centre regeneration projects.

Councillor C Martin, seconded by Councillor Lemetti, moved the recommendations in the Report.

By way of an amendment Councillor Oliver, seconded by Councillor McNally, moved the following:-

“Councillors should encourage no disparity of Town Centre Development Groups to ensure public participation. All community groups will have the opportunity to attend local Town Centre Development Groups if they express a desire to do so”.

On a division 16 Members voted for the Motion and 13 for the Amendment.

Accordingly, **NOTED** the progress of the Town Centre Regeneration Strategy.

Councillor Spears left the meeting during consideration of the foregoing item of business.

Depute Provost Black left the meeting prior to consideration of the following item of business.

FC87. ECONOMIC DOWNTURN ACTION PLAN

There was submitted Report (circulated) dated 3 December 2008 by Chief Executive summarising the anticipated impacts of the economic downturn, actions underway at a national and local level to bolster the area's economy and detailing an action plan for Council Services.

Councillor C Martin, seconded by Councillor Lemetti moved the recommendations in the Report, namely that Council agrees:-

- (i) the Action Plan for the Economic Downturn as set out in the Report;
- (ii) to allocate £100,000 of revenue funding to be committed over the financial years 2008/09 and 2009/10 to permit the extension of business support services delivered through the Council's Joint Working Agreement with FEAT;
- (iii) to accelerate the allocation of £600,000 capital funds for the 2009/10 budget, earmarked for economic development projects, for investment in business property.

By way of an amendment Councillor A MacDonald, seconded by Councillor Hughes moved that:-

"In addition Council agrees to consider:-

- (1) Giving tenants of Council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease,
- (2) Accelerating other projects in Falkirk Council's Capital Programme, in addition to £600,000 already earmarked for Economic Development projects,
- (3) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council's local procurement policy,
- (4) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges,
- (5) Discretionary support for non-vat businesses falling below current financial aid thresholds,
- (6) Implementing accelerated invoice payments by Falkirk Council to local businesses,
- (7) Implementing a "Keep Business Local" campaign,
- (8) Facilitating a summit meeting and ongoing dialogue with local banking official to ensure their support for the local business community, and
- (9) to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009".

There then followed a 15 minute recess to allow Members to consider the terms of the motion and the amendment. The meeting reconvened at 3.45 pm with all Members present as per the sederunt with the exception of Depute Provost Black and Councillor Nicol.

On re-convening, there was discussion around incorporating the terms of the amendment, with some adjustment, into the motion following which there was a further 10 minute recess to allow Members to consider the amended wording. The meeting reconvened at 3pm with all Members present as per the sederunt with the exception of Depute Provost Black and Councillor Nicol when, with the consent of the Provost and Councillor Hughes as seconder in accordance with Standing Order 19.7, Councillor A MacDonald altered his amendment to read:-

“In addition Council agrees to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009 and that a report will be presented to the Policy and Resources Committee on 13 January 2009 which considers:-

- (1) Giving tenants of Council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease,
- (2) Accelerating other projects in Falkirk Council’s Capital Programme, in addition to £600,000 already earmarked for Economic Development projects,
- (3) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council’s local procurement policy,
- (4) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges,
- (5) Discretionary support for non-vat businesses falling below current financial aid thresholds,
- (6) Implementing accelerated invoice payments by Falkirk Council to local businesses,
- (7) Implementing a “Keep Business Local” campaign, and
- (8) Facilitating a summit meeting and ongoing dialogue with local banking officials to ensure their support for the local business community”

With the consent of the Provost and Councillor Lemetti, as seconder, in accordance with Standing Order 19(7), Councillor C Martin altered the text of his motion to include the terms of the revised amendment.

Accordingly **AGREED:-**

- (1) the Action Plan for the Economic Downturn as set out in the Report;
- (2) to allocate £100,000 of revenue funding to be committed over the financial years 2008/09 and 2009/10 to permit the extension of business support services delivered through the Council’s Joint Working Agreement with FEAT;
- (3) to accelerate the allocation of £600,000 capital funds for the 2009/10 budget, earmarked for economic development projects, for investment in business property;

- (4) that a report would be submitted to Policy and Resources Committee on 13 January 2009 which would consider:-
- (i) Giving tenants of council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease;
 - (ii) Accelerating other projects in Falkirk Council's Capital Programme, in addition to £600,000 already earmarked for Economic Development projects;
 - (iii) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council's local procurement policy;
 - (iv) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges;
 - (v) Discretionary support for non-vat businesses falling below current financial aid thresholds
 - (vi) Implementing accelerated invoice payments by Falkirk Council to local businesses
 - (vii) Implementing a "Keep Business Local" campaign
 - (viii) Facilitating a summit meeting and ongoing dialogue with local banking officials to ensure their support for the local business community
- (5) to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009

Councillor Spears re-entered the meeting during consideration of the foregoing item of business.

Depute Provost Black and Councillor Nimmo re-entered the meeting following consideration of the foregoing item of business.

FC88. REFERRALS FROM HOUSING AND SOCIAL SERVICES COMMITTEE – 9 DECEMBER 2008

There was submitted (circulated) (a) report dated 9 December 2008 by the Director of Corporate and Neighbourhood Services outlining the decisions taken by the Housing and Social Services Committee at its Special meeting on 9 December 2008; and (b) Reports by the Director of Corporate and Neighbourhood Services, submitted to the said meeting summarising the stakeholders' consultations on the draft Allocations Policy and on the draft Homelessness Strategy and setting out, respectively, a revised Policy and a revised Strategy.

(a) Housing Allocations Review Update

Councillor Goldie, seconded by Councillor McNeill moved the recommendations in the Report.

By way of an amendment Councillor McNally, seconded by Councillor Meiklejohn moved that in place of recommendation 7.5 of the Report, the following should be substituted:-

“refer the Report to a special meeting of Falkirk Council in the near future for further consideration”.

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

For the Motion (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (14) – Councillor Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to:-

- (1) note the outcome of the consultation with stakeholders set out in Section 3 of the Report;
- (2) note the proposals to minimise any impact on the promotion of race, disability, age and gender equalities set out in Section 5 of the Report.
- (3) accept the proposal to bring further reports to Members setting out a timetable for transition to the new policy subject to the implementation of an IHMS as discussed in Section 6.1 for the Report; and
- (4) adopt the allocations policy as set out in Appendix 1 to the Report.

(b) Homelessness Strategy 2008-2013

Councillor Goldie, seconded by Councillor McNeil moved the recommendations in the Report.

By way of an amendment Councillor Alexander seconded by Councillor Meiklejohn moved that:-

“The Homeless Strategy must dovetail with such as the Council’s Corporate Plan, the Housing Strategy, the New Build Strategy and Affordable Housing Strategy yet their appears to be little in the way of joined up thinking.

Council has been rightly criticised by Audit Scotland for failing in scrutiny processes and therefore agrees to the following:-

1. establish a timetable for the completion of the Homeless Strategy and put in place a timetable of events leading up to that date which includes full participation by Council members;

2. arrange a full session of the committee to debate and discuss the problems of homelessness and the possible solutions;
3. bring forward at the policy session referred to in para 2, a full report on the available assistance from central government to tackle the problems of homelessness and how that fits with Falkirk Council's proposals, and
4. seek consensus on a whole council basis to bring about a joined up strategy to be put to an appropriate meeting of Falkirk Council for approval.

On a division 18 Members voted for the Motion and 13 for the Amendment.

Accordingly **AGREED:-**

- (1) the revised Homelessness Strategy 2008-2013 incorporating the changes to the Visions, Goals and Outcomes set out in Section 3 and in Appendices 2 and 3 of the Report; and
- (2) to request that the Director of Corporate and Neighbourhood Services withdraws 15 tenancies from each area office from the mainstream letting pool for use as temporary homeless accommodation and reviews the position in April 2009.

NOTED:-

- (1) that a Best Value Service Review of homelessness services will be carried out in 2009-10, and
- (2) that the Homelessness Strategy 2008-13 will be formally launched in Spring 2009.

FC89. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC90. EQUAL PAY, SINGLE STATUS AND CRAFT PAY AND CONDITIONS UPDATE

There was submitted Report (circulated) dated 8 December 2008 by Director of Corporate and Neighbourhood Services (a) summarising progress in negotiations with Trades Unions with a view to reaching a collective agreement with regards to the implementation of Single Status; and (b) providing an update on discussions with Trade Unions at a local level in respect of pay and conditions for craft workers.

AGREED to:-

- (1) extend the Single Status buy out arrangements for a 3 month period, as noted within the report, and

- (2) delegate authority to the Chief Executive in consultation with Group Leaders, to continue negotiations with Trade Unions as outlined within the report, with a view to reaching a collective agreement on the outstanding issues, which may incur additional costs and report back to Members with details of any agreement reached for final approval:

NOTED:-

- (1) the commencement of negotiations in respect of settlement of outstanding equal pay claims and that Officers would report back on progress, and
- (2) the on-going discussions with Craft Trade Unions and that a further report would be submitted where necessary to outline progress.

In terms of Standing Order 31 the Provost noted that the time was after 5pm. The meeting was accordingly adjourned with it being **AGREED** that the remaining items of business would be continued to a re-convened meeting to be held on 12 December 2008 at a time to be agreed.

AGENDA ITEM 1 (c)**DRAFT****MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 12 DECEMBER 2008 at 4.00 PM.**

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

CONVENER: Provost Reid.

APOLOGIES: Depute Provost Black; Councillors Blackwood and Nicol.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Education Services, of Finance and of Social Work Services; Acting Director of Law and Administration; Acting Head of Planning and Transportation; and Democratic Services Manager.

DECLARATION OF INTEREST: None.

FC91. AUDIT COMMITTEE – ROLE AND REMIT

With reference to Minute of Meeting of Falkirk Council held on 25 June 2008 (Paragraph FC47 refers), there was submitted Report (circulated) dated 19 November 2008 by the Chief Executive (a) summarising the three fundamental audit committee principles identified in the guidance issued by the Chartered Institute of Public Finance & Accountancy (CIPFA), (b) advising that the principles would form the core role of the audit committee, and (c) outlining CIPFA's suggested guidance in respect of membership of the committee.

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

- (1) the proposed role and remit of the Audit Committee as set out in paragraphs 2.1 to 2.3 of the report;
- (2) that the membership of the Committee should be set at 6 with a quorum of 4;
- (3) that the Committee should report directly to Council;
- (4) to amend the Standing Orders of the Council to reflect these decisions,
- (5) to appoint Councillors Gow, Blackwood and Lemetti as the Labour Group Members on the Audit Committee, and

- (6) to appoint Councillor Gow as Convener of the Audit Committee.

By way of an amendment Councillor Alexander, seconded by Councillor J Constable moved the following:-

“Recent examples of Council meetings being held at 7pm in the evening due to congested diaries indicates that the Council must streamline its decision making structures to allow for proper scrutiny and balance.

Council therefore agrees that the new Audit Committee should mirror the membership of the Policy and Resources Committee, similar to that of the Emergency Committee.

Audit Committee meetings would follow on from the completion of Policy and Resources agenda on the dates within the Council diary that both Committees would be due to meet.

When the Standing Orders of the Audit Committee are drawn up the content of paragraph 3.4 of the Report should be amended to delete “as the committee considered appropriate” after “other members of the council” as all members should have the right to sit in on the deliberations of all Committees of the Council.

Council also notes the failure of the Working Group established by the Administration to even meet since the recess. Council therefore agrees to allow opposition members to chair future Working Groups thus ensuring their remits are properly driven”.

Councillor Buchanan seconded by Councillor Waddell moved that Councillor Patrick be appointed to the Committee from the Conservative/Independent/Non-Aligned Independent groupings. Both Members also moved, in terms of Standing Order 25.2 (ii), that “the questions be now put”. Said motion was not put to the vote as the Provost was of the opinion that, at that stage, the matter had been discussed insufficiently.

Following further discussion and on a division, 14 Members voted for the Motion and 14 for the Amendment.

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

Accordingly, **AGREED:-**

- (1) the proposed role and remit of the Audit Committee as set out in paragraphs 2.1 to 2.3 of the report;
- (2) that the membership of the Committee would be set at 6 with a quorum of 4;
- (3) that the Committee should report directly to Council;
- (4) to amend the Standing Orders of the Council to reflect these decisions;
- (5) to appoint Councillors Gow, Blackwood, Lemetti and Patrick to the Audit Committee;

- (6) to appoint Councillor Gow as Convener of the Audit Committee; and
- (7) to note that the 2 SNP Group nominations to the Committee would be intimated to the Clerk in due course.

FC92. CORPORATE PLAN UPDATE

With reference to Minute of Meeting of Falkirk Council held on 5 March 2008 (Paragraph FC69 refers), there was submitted Report (circulated) dated 25 November 2008 by Chief Executive (a) advising of the progress made against the outcomes contained within the Corporate Plan, and (b) attaching as Appendix 1, performance indicators contained within the Single Outcome Agreement showing the progress made by Council Services.

Councillor Gow, seconded by Councillor Martin moved the recommendations in the Report.

By way of an amendment Councillor Alexander, seconded by Councillor A MacDonald moved the following:-

“Council recognises that since the agreement of the Corporate Plan the UK economy has fallen into recession with all the implications for this failure.

Council therefore believes that the existing Corporate Plan should be re-worked and re-focussed along with our partners on finding solutions to the new problems we now face as a community from even a few short months ago.

Council therefore agrees to urgently establish an all party working group entrusted with the specific task of bringing forward proactive policy initiatives to stimulate the local economy through a review and re-prioritisation of the Corporate Plan.

This working group will operate on a tight timescale and report back to a special meeting of Falkirk Council to be held early in the new year”.

On a division, 15 members voted for the Motion and 14 for the Amendment.

NOTED:-

- (1) the progress against outcomes contained within the Council’s Corporate Plan, and
- (2) the progress the Council and its Services are making against the performance indicators contained within the Single Outcomes Agreement and set out in appendix one of the report; and

AGREED that the refreshed and updated Single Outcome Agreement is presented to Members in the New Year.

Councillor Fry entered the meeting during consideration of the foregoing item of business.

FC93. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 24 November 2008 by the Acting Director of Law and Administration advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

NOTED the signing and sealing by the Acting Director of Law and Administration Services of the Deeds as detailed in the Appendix to the Report.

FC94. CENTRAL SCOTLAND JOINT FIRE AND RESCUE BOARD – APPOINTMENT OF SUBSTITUTE MEMBERS

There was submitted Report (circulated) dated 3 December 2008 by the Acting Director of Law and Administration advising of the need to appoint two substitute members to Central Scotland Joint Fire and Rescue Board following the appointment of Councillor Alexander to the Board and the resignation, as a substitute, of Councillor A Macdonald.

AGREED to appoint Councillors Carleschi and Meiklejohn as substitute members of Central Scotland Joint Fire and Rescue Board.

Councillor Patrick withdrew from the meeting following consideration of the foregoing item of business.

FC95. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A of the said Act.

FC96. FALKIRK GATEWAY

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 18 November 2008; and (b) Report by the Director of Community Services submitted to the said meeting providing an update on the status of the Falkirk Gateway project and outlining options for consideration.

Councillor Gow, seconded by Councillor C MacDonald, moved the recommendations in the Report.

By way of an amendment, Councillor A MacDonald, seconded by Councillor Carleschi, moved that:-

“Council notes with disappointment the failure to develop a Plan B for commencement of the Falkirk Gateway Project and the reluctance of the Administration to open constructive dialogue on the issue.

Council also notes the potential to develop the site on a phase basis by working to attract both public and private sector organisations to the area and believes this could be possible with a more pro-active stance by Falkirk Council.

Council therefore accepts the recommendations contained in the report with additional proposals to:

- (a) arrange an all party meeting with Macdonald Estates to discuss the options they have presented to Falkirk Council to date;
- (b) report on the feasibility of bidding to bring agencies such as Scottish Water to the Gateway and the capital Falkirk Council would have to invest in the short term to achieve such a goal;
- (c) have Macdonald Estates present regular updates, at least two per year, on progress made to the Economic Development Committee”.

On a division, 14 members voted for the Motion and 12 for the Amendment.

Accordingly, **NOTED** the further change in market circumstances that have impacted on the delivery of the Falkirk Gateway scheme on its existing terms.

AGREED to:-

- (1) Macdonald Estates’ request to extend the proposed longstop dates for a period of two years; and
- (2) enter into an amended Development Agreement jointly with the landowners and Falkirk Gateway Partnership.

Councillor Spears and Meiklejohn withdrew from the meeting during consideration of the foregoing item of business.

ASSIGNATION OF BURDEN OF RESTORATION GUARANTEES BY

The Royal Bank of Scotland plc to AIB Group (UK)
plc with consent of Falkirk Council, Caledon Coal Co
Ltd and James McCaig

Section 50 Guarantees relating to various open cast mining
sites near Falkirk

The Falkirk Council (Ronades Road, Falkirk) Compulsory Purchase Order 2008

DEED OF POSTPONEMENT amongst FALKIRK COUNCIL and

GE Money Home Lending Limited

45 Sutherland Drive, Denny

DEED of VARIATION between FALKIRK COUNCIL and

A J Swain

DISCHARGE by FALKIRK COUNCIL in favour of

M E Dick

44 Beaulay Court, Grangemouth

Executor of the late W Mawhinnie

32 Bruce Drive, Stenhousemuir

DISCHARGE of CHARGING ORDER by FALKIRK COUNCIL

The Executor of the late William Mawhinnie

32 Bruce Drive, Stenhousemuir

DISCHARGE of INHIBITION by FALKIRK COUNCIL in favour of:-

J McNamee and M McNamee

6 Arnothill, Falkirk

S Gray

173 Merchiston Avenue, Falkirk

DISCHARGE of OBLIGATION UNDER S50 AGREEMENT by FALKIRK COUNCIL

Fiona Elizabeth Crozier and John Crozier

Woodneuk, Castlecary

DISPOSITION by FALKIRK COUNCIL in favour of:-

J Russell and I Russell

68 Thornbridge Road, Falkirk

R Hunter McKinlay

2 Webster Avenue, Carronshore

S Riaz and H Mahmood

24 Grove Street, Denny

M Teadley and J Teadley

48 Newlands Road, Grangemouth

S P Distribution Limited

Sub Station, King Street, Stenhousemuir

J P F M Yuile

34 The Rumlie, Slamannan

A E M Easton, executor dative to R H M Easton

5 Glasgow Road, Dennyloanhead

A Forrester

44 Westquarter Avenue, Westquarter, Falkirk

R Stirling and M Stirling

89 High Street, Bonnybridge

J Cunningham

195 Stirling Street, Dunipace

W Nicol

22 Calder Place, Hallglen, Falkirk

D Johnston

Land at Shore Road, Airth

E C R Bellingham	255 Grahamsdyke Street, Laurieston
J J Rae and C Mill	2 Moy Court, Grangemouth
C Buchanan	81 Roxburgh Street, Grangemouth
H Bell and A B Bell	6 Carmuirs Street, Falkirk
A G Chirray and C Chirray	67 Wholequarter Avenue, Redding
W J Morton and M MacNeil	8 Coll Place, Grangemouth
W McBride	5 Johnston Avenue, Stenhousemuir
R K Irvine and C J Irvine	Land at Redford Place, Bathgate Road, Maddiston
C B M Penman and D J Hamilton	34 Main Street, Shieldhill
I Stewart	58 Glenview Avenue, Banknock
P Frew	27 Kirkwood Avenue, Redding
D McPake	97 Dollar Avenue, Falkirk
R Lyall and A Lyall	One half pro indiviso share of footpath at 10 Rodney Street, Grangemouth
J Lynn	5a Milton Row, Dunipace
D McGuire and L McGuire	1 Hillary Road, Stenhousemuir

GENERAL VESTING DECLARATION

The Falkirk Council (A9 Laurieston Bypass - Icehouse Brae) CPO 2007

INDEMNITY AGREEMENT between FALKIRK COUNCIL:-

Barnardo's, Tanners Lane, Barkingside Essex

LEASE between FALKIRK COUNCIL and:-

Scottish Historic Buildings Trust	The Hippodrome, Hope Street, Bo'ness
Jacquelyn McLean	2 David's Loan, Bainsford, Falkirk
A Miller Electrical Limited	0.07 acres at 8 Dundas Street, Grangemouth

LICENCE FOR WORKS AGREEMENT between FALKIRK COUNCIL AND

Stirling Council and Clackmannanshire Council and Forth Valley GIS	North Wing, 2nd Floor, Drummond House, Wellgreen, Stirling
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MINUTE of AGREEMENT between FALKIRK COUNCIL and:-

Ryden LLP	Planning Appeal - Wind Turbine at ASDA Distribution Centre, Falkirk
Biggart Baillie LLP, Solicitors	Grangemouth Town Centre Regeneration Project
G Ali, A Ali and S Ali	2 Loanhead Avenue, Grangemouth
F Smart, t/a Oliver Cameron Bridal	81 Mary Street, Laurieston
S Gray	32 Parkhall Drive, Maddiston, Falkirk

Baker Street Properties (UK) Ltd	Land to south of 27 of Lothian Street, Cadzow Avenue, Bo'ness
Ganton House Investments Ltd	28 La Porte Precinct, Grangemouth
George Wimpey East Scotland Limited	2 Areas at Waggon Road, Brightons
The Secretary of State for the Communities and Local Government	13/15 Charlotte Dundas Court, Grangemouth
Wan Cheung Chu	42 Main Street, Larbert
G C & A G Hogg LLP	21 High Street, Falkirk
A Hussain and N Akhtar	40 Charlotte Dundas Court, Grangemouth
BSH Home Appliances Limited	15 Winchester Avenue, Denny

MINUTE of RENUNCIATION between FALKIRK COUNCIL and:-

T Wright	15 York Arcade, Grangemouth
Central Training Services Limited	Units 1A, 1B, 17A, 17B & 17C and Yards 3 & 4 Victoria Sawmills, Bo'ness
Susan Ord or Leung	Unit 14, Ladysmill Industrial Estate, Kerse Lane, Falkirk

MINUTE of TERMINATION of LEASE between FALKIRK COUNCIL and

The Central Scotland Joint Police Board	2 David's Loan, Bainsford, Falkirk
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MINUTE of VARIATION between FALKIRK COUNCIL and

Inspection Ecosse Limited	1d Laurieston Ind Estate, Old Redding Road, Laurieston
P F P Contracting Limited	26B Abbotsinch Road, Grangemouth
Colin Greig, t/a C & G Concrete	1 Abbotsinch Court, Grangemouth
Your Independence Limited	66/68 La Porte Precinct, Grangemouth
Solutions for Quality	Office 7, 16 Melville Street, Falkirk

MINUTE OF WAIVER by FALKIRK COUNCIL in favour of

Diane Holmes	6 Clydesdale Street, Bo'ness
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SUB -LEASE between:-

Falkirk Community Stadium Limited and Falkirk Council	
Stirling Council, Falkirk Council and Clackmannanshire Council and Forth Valley GIS Ltd	North Wing, Second Floor, Drummond House, Stirling



AGENDA ITEM 1 (d)**DRAFT****FALKIRK COUNCIL**

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 JANUARY 2009 at 10.30 A.M.

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

CONVENER: Provost Reid

APOLOGIES: Councillors Fry and Spears.

ATTENDING: Chief Executive; Acting Director of Law and Administration Services; Head of Human Resources and Democratic Services Manager.

DECLARATIONS

OF INTEREST: None.

FC97. NOTICE OF MOTION**Committee Structures**

Councillor Gow, seconded by Councillor C Martin moved that:-

1. Council agrees to accept the Scrutiny Committee structure as detailed in Appendix 1, with effect from the March/April 2009 meetings cycle.
2. Council further agrees that the Regulatory Committee be renamed the Planning Committee.
3. Council agrees also that the Chief Executive bring a report to the meeting of Council on 4 March on proposals for a revised service structure which –
 - (i) take into account the proposed changes in the committee structures so as to ensure that the Council's decision-making processes are open and transparent, with members accountable for Council decisions
 - (ii) examine the management structure with a view to achieving a reduction in bureaucracy, greater efficiency and a greater concentration on the delivery of frontline services

- (iii) examine the possibility of further integration of services and an expansion of use of internal shared services, and
- (iv) take into account the Council policy, governmental and societal changes which have taken place since the last major review

By way of an amendment Councillor Alexander seconded by Councillor Coleman moved that:-

Council notes the failure to convene any meetings of the Structures Working Group established by the Council since May of 2008 and views this as indicative of the failure of the current Labour/Tory Administration to properly scrutinise the entire restructuring process. Council therefore agrees the following,

1. Agree the structure listed below in principle for four scrutiny committees aligned along departmental basis thus ensuring continuity of the policy and service development and the best use of officer and member time.
2. Amend the Council's scheme for the payment Senior Councillors Allowances and note that the restructuring will save the council taxpayers money which should be re-directed to front line services.
3. Work with officers to review the management structure of the relevant departments to ensure Best Value for council taxpayers. This process should involve members acting openly and not just behind the closed doors of the Administration, as has been the case to date. Council therefore agrees that the council instruct the group leaders of all groups to establish a diary of meetings of the Structure Working Group established in December 2007 to meet and bring back detailed proposals to the earliest meetings of Falkirk Council.
4. That officers be instructed to begin roll out changes in the committee structures in line with other changes within management required to accommodate these.

Education	<ul style="list-style-type: none"> • Education • Early Years Education • Other Educational items referred from Policy and Resources • Community Education & Lifelong Learning • Other Education items referred from Policy and Resources
Housing, Health & Social Wellbeing	<ul style="list-style-type: none"> • Housing • Children's Services • Elderly Persons Services • Health • Criminal Justice • Community Care

	<ul style="list-style-type: none"> • Welfare & Social Services • Community Safety • Other Housing Health & Social Wellbeing items referred from Policy and Resources
Community Regeneration & Leisure	<ul style="list-style-type: none"> • Economic Development • Business Support • Community Regeneration • Parks & Open Space • Leisure • Inward Investment • Tourism • Other Community Regeneration & Leisure items referred from Policy and Resources
Environment & Strategic Development	<ul style="list-style-type: none"> • Strategic Planning • Carbon Reduction • Waste Management • The Environment • Heritage • Consumer Protection, environmental health and trading standards • Transport Infrastructure & Roads matters • Other Environment & Strategy Development items referred from Policy and Resources

There then followed a 15 minute adjournment to allow Members to consider the terms of the amendment. The meeting reconvened with all Members present as per the sederunt.

On a division 17 Members voted for the Motion and 13 for the Amendment.

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

SCRUTINY COMMITTEES – RESTRUCTURING

Committee	Policy Areas
Education (Where required for any statutory purposes, this Committee will be the Council's Education Committee)	<ul style="list-style-type: none"> • The Council's education functions • Early years' education • Lifelong learning • Other education matters referred from Policy and Resources Committee
Environment and Community Safety	<ul style="list-style-type: none"> • Community health, safety and wellbeing • Crime reduction and criminal justice • Consumer protection, environmental health and trading standards • Road safety, traffic management and lighting • Sustainability • Waste • Other environment and community safety matters referred from Policy and Resources Committee
Leisure, Tourism and Community	<ul style="list-style-type: none"> • Libraries, museums, arts and community festivals • Parks, open spaces and countryside • Community development, support, regeneration and investment • Sport, community and leisure facilities and participation • Conservation and built heritage • Tourism • Cemeteries and crematoria • Other leisure, tourism and community matters referred from Policy and Resources Committee

Economic Strategy and Development	<ul style="list-style-type: none"> • Economic regeneration and development • Strategic transport and infrastructure planning • Business advice • Inward investment • Employment training • Town centre commercial and economic development • Development of structure and local plans and planning policy, generally • Other economic strategy and development matters referred from Policy and Resources Committee
Housing and Social Care	<ul style="list-style-type: none"> • Housing • Social policy • Community care • Welfare and social services • Child care • Equal opportunities • Opportunities and services for older people • Other housing and social care matters referred from Policy and Resources Committee

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 11 FEBRUARY 2009 at 10.00 AM.

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, J Constable 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

APOLOGIES: Councillors H Constable and Fry.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services; of Development Services, of Education Services, Finance Services, and of Social Work Services; Acting Director of Law and Administration Services; Heads of Accountancy, of Facilities Management and of Treasury & Investment; Service Manager (D Dunder); Accountancy Services Manager, Accounting Managers (J Flannigan and B Heron) and Democratic Services Manager.

DECLARATION OF INTEREST: Councillor Blackwood declared a non-financial interest in Item 2 as secretary of BHL Leisure Limited in relation to the proposed capital investment in Bankier Community Centre but did not consider that this required him to recuse himself from consideration of the item, standing the terms of the Code of Conduct.

FC98. MINUTE

There was submitted (tabled) and **NOTED** Minute of Special Meeting of Policy and Resources Committee held on 11 February 2009.

FC99. REVENUE BUDGET 2009/10 – 2010/11

With reference to Minute of Special Meeting of the Policy and Resources Committee held on 11 February (Paragraph PR105 refers), there was submitted joint Report (circulated) dated 3 February by the Chief Executive and Director of Finance (a) providing details of the provisional Local Government Finance Settlement for the financial year 2009/10, and (b) detailing draft Service Revenue Budgets for 2009/10, proposed Council Tax levels for 2009/10 and summarising Falkirk Council's position in relation to Band D Council Tax levels throughout Scotland.

Councillor Gow seconded by Councillor Patrick moved the recommendations in the report.

By way of an amendment Councillor Alexander, seconded by Councillor Coleman moved:-

“ The SNP Group believe that the financial starting point of the budget process is flawed based on the experience of the last five years.

Council therefore resolves to use £1.04m of reserves from the anticipated improvement in the council’s situation as we approach the end of the financial year. This is based on the formula of using 33% of the average difference between the position notified to members at the time of the budget to the actual end of year figures.

With these additional resources the SNP proposes to:-

1. Freeze all School, Nursery Meal and Child Care charges at existing levels to promote the council’s healthy affordable option and employment policies. Cost £340,000
2. Abolish Meals on Wheels, Lunch Club and Day Care & Housing with care meal charges. Cost £90,000
3. Freeze charges for Older People’s Homes and short breaks. Cost £40,000
4. Provide the communities served by Bo’ness Academy and Graeme High with the same opportunities to use their PFI school as those in the Braes and Larbert High catchment areas thus meeting our equal opportunities responsibilities, cost £290,000
5. Provide additional support to local businesses at this time of unprecedented financial downturn and recession. Cost £100,000
6. Additional resources for Community Services to be targeted at the regeneration of smaller settlements centres in light of the SNP Government’s £60m town centre regeneration fund. Officers are asked to bring forward Development Plans for each of these centres of population not covered by the District Centres Initiative for wider community consultation. Cost £100,000
7. Fees for sports centre activities to be frozen (£40k) and a lower fee set for the use of Burial and Cremation (40k value) charges where applicants opt for a “green funeral”. Cost £80,000”

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

For the Motion (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED:-**

- (1) that Council accepts the Draft 2009/10 Budget as detailed in the Report;
- (2) that estimated Expenditure for the financial year 2009/10 be set at £347.279m, before ring-fenced Grants of £17.081m, leaving net expenditure of £330.198m;
- (3) that Council levies the following Council Tax for the year 2009/10;
 - (a) A Council Tax to be paid in respect of a chargeable dwelling in Band D of £1,070, representing a nil increase in Council Tax;
 - (b) A Council Tax to be paid in respect of a chargeable dwelling in each of the other valuation bands in accordance with Section 74 (1) of the Local Government Act 1992 (as set out in Paragraph 9.2 of the Report)
- (4) that Council accepts the Indicative Council Tax levels for the financial year 2010/11 at Band D of £1,070 a nil increase as detailed in the Report, representing the best information available at this time, and
- (5) that Chief Officers be instructed to deliver Services within the Revenue Budget allocated to each Service.

Council then adjourned for 45 minutes for lunch and reconvened at 1.15 pm with all Members present per the sederunt with the exception of Councillor C Martin.

FC100. THREE YEAR GENERAL CAPITAL PROGRAMME 2009/10 – 2011/12

With reference to Minute of Special Meeting of the Policy and Resources Committee held on 11 February 2009 (Paragraph PR106 refers), there was submitted Report (circulated) dated 3 February 2009 by the Director of Finance setting out the Council's proposed capital investment plans for the next 3 financial years on all areas of service delivery, with the exception of Council Housing which was reported separately to this meeting of Council.

Councillor Gow seconded by Councillor Patrick moved the recommendations contained in the report.

By way of an amendment Councillor J Constable, seconded by Councillor Coleman moved the recommendations in the report subject to the following amendments to the proposed Service Investment Plans.

1. £50,000 to be taken from the Education Investment heading "School Capacity – Demographic and Class sizes" and allocated to the provision of a new school hall at Blackness Primary School.
2. £10,000 to be taken from the Flooding and Environmental Investment heading "Flood Prevention and Minor Projects" and allocated for the provision of sea defences at Blackness, and

3. £350,000 to be taken from the Flooding and Environment Investment heading “Flood Prevention Scheme –Chapel Burn/RSNH” and from the Roads and Transport Investment heading “River Avon Gorge” and allocated to the Education Services budget for the provision of a new dining facility at Antonine Primary School.

Councillor Spears intimated notice of a further amendment and detailed the terms thereof. Following discussion and with the consent of the Provost, Councillor Constable, with the approval of Councillor Coleman as his seconder, in accordance with Standing Order 19.7, altered his amendment to include the matter raised by Councillor Spears namely:-

4. a further £150,000 to be taken from the Education Investment heading “School Capacity – Demographic and Class sizes” and allocated for the provision of a nursery class at Beancross Primary School.

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

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

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to approve the General Services Capital programme for 2009/10 to 2010/11 and the Prudential Indicators as appended to the Report.

Councillor J Constable withdrew from the meeting following the conclusion of the foregoing item of business

FC101. HOUSING REVENUE ACCOUNT & COUNCIL HOUSE RENTS 2009/10 – 2011/12

With reference to Minute of Special Meeting of the Policy and Resources Committee held on 11 February 2009 (Paragraph PR107 refers), there was submitted joint Report (circulated) dated 3 February 2009 by the Directors of Finance and of Corporate and Neighbourhood Services (a) presenting a draft Housing Revenue Account for the financial year 2009/2010; (b) making recommendations on the level of council house and garage rents for 2009/10, and (c) showing indicative rent levels for the years 202011 to 2011/2012.

AGREED:-

- (1) that an average house rent increase of £74.88 per annum be applied from 1 April, 2009 (equivalent to £1.44 per week or £3.12 per fortnightly rent charge period). The new average fortnightly charge, based on the 24 fortnightly periods with no

rent being charged during the fortnightly periods commencing 29 June 2009 and 14 December 2009 would therefore be £107.83;

- (2) that no tenant face an increase of more than £119.52 per annum (equivalent to £2.30 per week or £4.98 per fortnightly rent period);
- (3) to utilise £1.4m from the Housing Revenue Account reserves;
- (4) that lock-up garage rentals be increased by an average of 12 pence per week with effect from 1 April 2009;
- (5) that garage site rentals be increased by £1 to £41 per annum with effect from 1 April 2009;
- (6) that Castings Hostel rentals be increased to a charge of £128.29 per room per week;
- (7) that Homeless property rentals be increased to an average of £148.72 per week; and
- (8) that the indicative Budgets and Rent Increases for 2010/11 and 2011/12 as outlined in the Report be noted, as representing the best information available at this time.

FC102. HOUSING INVESTMENT PROGRAMME 2009 TO 2012

With reference to Minute of Special Meeting of the Policy and Resources Committee held on 11 February 2009 (Paragraph PR108 refers), there was submitted Report (circulated) dated 29 January 2009 by Director of Corporate and Neighbourhood Services outlining expenditure proposals for the 2009 to 2012 HRA Investment programme.

AGREED to approve the expenditure proposals outlined in the report as the HRA Investment programme for 2009/10 to 2011/12.

Councillor J Constable rejoined the meeting during the foregoing item of business.

Councillor Buchanan withdrew from the meeting during the foregoing item of business.

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 13 JANUARY 2009 at 10.30 a.m.

PR86. REVIEW OF BUSINESS AND SUPPORT DELIVERY STRUCTURES

With reference to Minute of Meeting of the Economic Development Committee held on 17 June 2008 which considered a Report on the local organisations providing business support and the options available to modernise those local business support delivery structures (Paragraph ED9 refers), there was submitted Report (circulated) by the Director of Community Services proposing a revised business support delivery model.

Councillor Gow, seconded by Councillor Fry moved the recommendations contained in the report, namely to:-

- (1) approve the creation of a single business support organisation through the “merging” of FEAT and FDBP and the transferring of property back to the Council;
- (2) authorise the Director of Community Services to progress the establishment of the new model, on suitable terms, in consultation with the Directors of Law & Administration, of Finance and of Development Services and the boards of FEAT and FDBP; and
- (3) refer the overseeing of the establishment, future operations and performance of the new business support arrangements to the Economic Development Committee.

By way of an amendment, Councillor Alexander, seconded by Councillor Kenna moved that Committee:-

- (1) approves the creation of a single business support organisation through the “merging” of FEAT and FDBP and the transferring of property back to the Council;
- (2) authorises the Director of Community Services to progress the establishment of the new model on suitable terms including 2 elected members, one of which must be a member of the opposition, and 2 officers of Falkirk Council, with the Directors of Law & Administration, Finance and Development Services and the boards of FEAT and FDBP;
- (3) refers the overseeing of the establishment, future operations and performance of the new business support arrangements to the Economic Development Committee; and

- (4) notes the small minimal investment made by Falkirk Council in business support areas and calls for a report back to the Economic Development Committee on how this can be supplemented.

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

AGENDA ITEM 2 (ii)

FALKIRK COUNCIL

Subject: REVIEW OF BUSINESS SUPPORT DELIVERY STRUCTURES
Committee: POLICY & RESOURCES COMMITTEE
Date: 13TH JANUARY 2009
Author: DIRECTOR OF COMMUNITY SERVICES

1.0 INTRODUCTION

- 1.1 This report seeks approval to proceed with the establishment of a revised business support delivery model within the Falkirk Council area.

2.0 BACKGROUND

- 2.1 In September 2007, the Economic Development Committee agreed that it was appropriate to review local business support delivery mechanisms and organisational relationships. This decision was taken in the contexts of:-

- Ensuring that business support structures would effectively contribute to the area's Strategic Community Plan and Corporate Plan economic objectives, be customer facing, focused and promote seamless linkages with Council Services and other agencies and organisations; and
- The Scottish Government's proposals for the re-structuring of Scotland's Enterprise Networks, principally:-
 - The re-structuring of Scottish Enterprise and the abolition of local enterprise companies;
 - The transferring of Scottish Enterprise's Business Gateway contracts to local authorities; and
 - Improving business support services at a local level, such services to include advice on regulatory functions as well as the traditional start-up and established business services.

- 2.2 At its June 2008 meeting, the Economic Development Committee considered a report on the local organisations providing business support and the options available to modernise local business support delivery structures.

- 2.3 The role and remit of current organisations providing business support were conveyed to the Committee and are identified in Appendix I attached to this report.

- 2.4 The options considered to modernise how public sector business support was delivered within the Falkirk area were:-

- (i) maintaining the status quo and the continued provision of business support through the Council, Falkirk Enterprise Action Trust (FEAT) and Falkirk & District Business Parks Ltd (FDBP);
 - (ii) creating one organisation for the delivery of all business support functions, but excluding those relating to the letting and management of property; and
 - (iii) creating one body for business support, including property-related functions.
- 2.5 The report to the Economic Development Committee recommended the second option as set out in paragraph 2.4 and this was endorsed by Committee, noting that the proposal would be referred to the Policy & Resources Committee at the appropriate stage.
- 2.6 This preferred model involves, in effect, the ‘merging’ of FEAT and FDBP to provide a single business support organisation with FDBP staff transferring to FEAT. The model would be augmented with responsibilities for networking and marketing, including support for the operation of the Falkirk Business Panel. The Council would take on responsibility for management of the small property portfolio it owns but currently managed through leases by FDBP. It is considered that these additional property responsibilities can be undertaken utilising existing Council staff resources
- 2.7 Over the last six months, much work has been undertaken on the possible structure, products, services and operational processes of a single, dedicated business support organisation. This work has included consultation with the Boards and employees of FEAT and FDBP, the Leadership Group and general membership of the Falkirk Business Panel and Law & Administration Services.

3.0 SINGLE BUSINESS SUPPORT ORGANISATION – THE KEY FEATURES

- 3.1 It is envisaged that the proposed single, dedicated business support organisation would have the following key features:-
- Company limited by guarantee. Membership of the company would be open to any business located within the Falkirk Council area.
 - The company’s Board would be partially elected from representatives of business in the area.
 - Falkirk Council would have company representation at Board level – one member, one officer - and voting rights.
 - A number of Committees would report to the Board. The Committees would focus on specific operational areas to reflect the strategic priorities of the new structure e.g. finance and governance, products and services and marketing and communications.
 - Committee members would comprise Board members and co-optees, as agreed by the Board.

- The company would deliver and engage in business support activities services for member companies and engagement with the wider Falkirk business community.
 - Under the terms of the current Consortium arrangement, the organisation will have responsibility for the delivery of the Falkirk element of the Forth Valley-wide Business Gateway contract. It will also undertake Falkirk Council's non-Business Gateway assistance to start-up and existing businesses, including social enterprises. Such support encompasses information and advice, grants, BP Loan Fund and training.
 - The organisation will provide of a full range of assistance and services to local companies including the management of the Falkirk Business Panel, Falkirk Business and Growth Clubs, events, membership liaison (including database management), marketing, Enterprise in Education, links with the Council's regulatory, property, community planning and other services and links to other agencies such as Scottish Enterprise, Scottish Development International and Falkirk Council for Voluntary Services.
 - The company would be principally funded by the Business Gateway contract and Falkirk Council although additional income would be generated by the letting of existing accommodation for meetings and conferences. The potential to generate income from contracts or external funding bids would also be a possibility.
- 3.2 A Business Plan will be developed by the new organisation. An Operating Agreement between the Council and the new organisation will be put in place to form the basis of future monitoring reports. This will detail the range of services to be provided, operational relationships and working practices to be adopted in return for Council funding.

4.0 SINGLE BUSINESS SUPPORT ORGANISATION – THE MAIN BENEFITS

- 4.1 It was confirmed at the recent Business Panel Conference that the local business community consider that a single point of access for business support would be a significant service improvement by:-
- helping to clarify the nature and type of support available;
 - improving communications between support organisations;
 - removing the element of fragmentation of service delivery that currently exists; and
 - generally being more customer facing and focused.
- 4.2 The organisation will designate a responsibility for officers within the new organisation to develop existing linkages and foster relationships with Council Services. In particular, this will enhance connections with officers in Economic Development, Education and Development Services who engage with businesses on a day-to-day basis. This is intended as a major step forward in the provision of a business friendly, joined-up and responsive service for companies in the area.

5.0 IMPLICATIONS

5.1 Policy

The proposal seeks to improve how business support is delivered within the Council's area and is therefore consistent with the area's Strategic Community Plan and the Council's Corporate Plan. It also contributes to the Scottish Government's agenda with regard to local business support.

5.2 Legal

Consultation has taken place with the Council's Law & Administration Services, particularly with regard to the leases and sub-leases in respect of the property that will transfer back to the Council and on the matter of FDBP staff and potential implications arising from TUPE Regulations. On TUPE matters, Law & Administration consider that the FDBP staff can be successfully transferred to FEAT and that no TUPE issues need arise for the Council. This view is shared by FEAT's legal advisers and, following agreement by Committee and the Boards of FEAT and FDBP, arrangements for these transfers will be made.

5.3 Financial

It is proposed that the new structure can be established within existing and anticipated future economic development budgets. Recognising the current economic imperative for business in the Falkirk area it is not anticipated that the proposal will generate savings. In keeping with the recent Council decision on action to help address the economic downturn, any budget identified as a result of the restructuring (e.g. in reduced property maintenance charges) will be directed towards supporting businesses. The Council's financial support of the new organisation, likely to be of the order of £280,000 in 2009/10, will be met from existing budgets covering business support and the Falkirk Business Panel.

Falkirk Council Business Gateway.....	£165,000
<i>(BP Loan Adviser, Business Growth Co-ordinator, Grants, Events)</i>	
Enhanced business support.....	£ 50,000
<i>(as per approved Council report of 10th December)</i>	
Falkirk Business Panel.....	£ 65,000
<i>(Events, networking, membership development)</i>	

Disbursement of these funds will be governed through the Operating Agreement and reported under the terms of the Council's procedures for 'Following the Public Pound.'

6.0 CONCLUSION

- 6.1 The modernisation of how business support is delivered within the Council area is an exciting project with the potential of making a major contribution to the Council's economic objectives, improving service delivery and meeting the needs of the local business community.

7.0 RECOMMENDATIONS

7.1 It is recommended that Committee:-

- i. Approves the creation of a single business support organisation through the ‘merging’ of FEAT and FDBP and the transferring of property back to the Council;**
- ii. Authorises the Director of Community Services to progress the establishment of the new model, on suitable terms in consultation with the Directors of Law & Administration, Finance and Development Services and the Boards of FEAT and FDBP; and**
- iii. Refers the overseeing of the establishment, future operations and performance of the new business support arrangements to the Economic Development Committee.**

.....
Director of Community Services

Contact Officer: David Moffat. Ext: 0963.

LIST OF BACKGROUND PAPERS

- 1 Report: “Modernisation of Business Support Delivery Services”, April 2008.**
- 2. Report: “Business Support Delivery in Falkirk”, December 2008.**

Anyone wishing to inspect the background papers listed above should telephone 01324 590963 and ask for David Moffat.

BUSINESS SUPPORT ORGANISATIONS IN FALKIRK COUNCIL AREA

1. FALKIRK COUNCIL

A democratically elected statutory body responsible to the residents of, and businesses operating in, the Falkirk Council area for the provision of a full range local government services.

Principal business support services include existing and start-up business support and the regulatory services of planning, building control, trading standards, licensing and environmental health.

Currently, all Council existing and start-up support, apart from the management of the Falkirk Business Panel, is delivered on its behalf by FEAT. A close operational relationship exists between Council and FEAT officers.

2. FALKIRK ENTERPRISE ACTION TRUST (FEAT)

A company limited by guarantee. A Board of Trustees, comprising representatives from the public and private sectors, oversees operations and activities. The Board is chaired by a representative of the private sector. Falkirk Council's nominated representatives on the Board are at Member and officer level.

FEAT's customers cover pre start-ups, new starts and high growth starts and established businesses. A comprehensive range of business support products and services are delivered by FEAT that include: National Business Gateway services, Falkirk Council-funded business grants to complement Business Gateway, Marketing & Business Growth Clubs, information/advice, management of the BP Loan Fund, business skills training courses and signposting/networking.

3. FALKIRK & DISTRICT BUSINESS PARKS LTD (FDBP)

A company limited by guarantee. The company's Board comprises both public and private sector representatives; the Board's Chair is the same as for FEAT with Falkirk Council's representatives being senior officers, one of whom also represents the Council on the Board of FEAT.

FDBP's customers are businesses with viable growth plans with its main roles being to promote and encourage the formation and development of small businesses and the management of property at four business locations.

4. SCOTTISH ENTERPRISE (SE)

SEFV was a company limited by guarantee within the national Scottish Enterprise Network, the Scottish Government's economic development agency.

Up to March 2008, business support products and services were linked to SE's National Product Framework and grouped under the headings of Business Improvement, Innovation Framework, Investment Framework, Market Development Framework, Start-Up, Strategy Framework and Workforce Development.

From April 2008, SE re-structured into a number of Regions, with a focus on the delivery of a range of regional and national projects and initiatives to develop the Scottish economy. Local economic development and regeneration activities were transferred to local authorities although Scottish Enterprise will continue to provide support to client and account managed businesses that have been identified as offering significant growth potential and/or have the opportunities to benefit from innovation and R & D assistance.

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 13 JANUARY 2009 at 10.30 a.m.

PR90. PROVISION OF CARE AT HOME AND HOUSING SUPPORT SERVICE AS PART OF A FRAMEWORK AGREEMENT (C/N:SW/024/09)

With reference to Minute of Meeting of the Housing and Social Services Committee held on 2 September 2008 (Paragraph HSS42 refers), there was submitted Report (circulated) dated 23 December 2008 by the Director of Social Work Services (a) referring to the formal tendering process for the Care at Home and Housing Support Services Contract, and (b) attaching as Appendix 1, a list of tenders selected for the provision of care at home and housing support services as part of a Framework Agreement.

Councillor Gow, seconded by Councillor Fry moved the recommendations contained in the Report.

By way of an amendment Councillor Alexander, seconded by Councillor Kenna, moved that:-

- (1) Committee notes the real cuts in services being delivered to some of the most vulnerable within our communities and believes these are unacceptable in a civilised society; and
- (2) Committee therefore rejects the report until there has been a proper assessment carried out into the levels of service actually being delivered within these service areas. In the meantime the status quo both in terms of service level agreements and budgetary amounts remains in place.

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

AGREED:-

- (1) to approve acceptance of the tenders submitted as detailed in Appendix 1 of the Report with an estimated annual spend of approximately £7,500,000 in respect of a Framework Agreement for the Provision of Care at Home and Housing Support Service to Falkirk Council from 6 April 2009 to 31 March 2011; and
- (2) that a further Report be submitted to the Housing and Social Services Committee in November 2009 to provide information on the first six months of activity under the Framework Agreement.

FALKIRK COUNCIL

**Subject: PROVISION OF CARE AT HOME & HOUSING SUPPORT SERVICE
AS PART OF A FRAMEWORK AGREEMENT
(C/N: SW/024/09)**

Meeting: POLICY AND RESOURCES COMMITTEE

Date: 13TH JANUARY 2009

Author: DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 Care at Home and Housing Support Services are currently purchased from an approved provider list. To ensure compliance with current procurement legislation and support better and more consistent procurement practice a formal tendering process to establish a contract for Care at Home and Housing Support Services was initiated on the 28th October 2008.
- 1.2 A paper outlining the reasons for undertaking this tender exercise was presented to the Housing & Social Work Committee on 1st April 2008 and a second paper was presented on 2nd September 2008, covering the details on how the tender would operate and the associated timescales.
- 1.3 The contract approach is structured to emphasise quality of service and to support continuity in the delivery of existing care packages both for the service provider and the service user. The contract will be a framework agreement and is for an initial period of two years from 6th April 2009 to 31st March 2011. The contract includes an option to extend the framework agreement for a further two year period from 1st April 2011 to 31st March 2013.
- 1.4 Seventy-three companies notified their interest to tender for Care at Home and Housing Support Services to Falkirk Council as part of a Framework Agreement. Completed tenders were to be returned by Wednesday 3rd December 2008.

2. TENDERS RECEIVED

- 2.1 Forty-eight compliant tenders were received by the due date and opened in accordance with Standing Order 11.2 relating to contracts. The tendered prices ranged from £9.71/hour to £23.15/hour for the different types of service including Basic Care at Home, Personal Care, Extended Personal Care, Respite Care and Housing Support.
- 2.2 Following a detailed evaluation, tenders were selected which offered Best Value across the full range of services required. The tenders selected are detailed at Appendix 1.

- 2.3 Funding for this contract is within Social Work Service's Home Care budget and Housing Support (formerly Supporting People) budget and the estimated annual spend on the contract is £7,500,000. The contract will fix prices for the initial two years, from 6th April 2009 to 31st March 2011.
- 2.4 The combination of the fixed price along with the opportunities afforded by the new contracting structure will deliver cost savings of approximately £400,000 per year, which will assist us in addressing the current overspend on externally purchased Care at Home – 2008/09 overspend projection is £1.9m. Contracting for Care at Home and Housing Support Services has delivered efficiencies and will support the budget planning process.
- 2.5 A key achievement of this procurement exercise is that efficiencies are being achieved with no disruption to the care people already receive. The objective of continuity of care for service-users and providers has been achieved. All current approved providers, who submitted tenders, have been accepted onto the framework and the establishment of the contract, on the 6th April 2009. This means that all current service users should not be required to change their care provider.

3. CONTRACT MONITORING AND UPDATE

- 3.1 Contract mobilisation will take place during January to March 2009 to ensure that providers are prepared for the contract start date. As part of this the Service will put in place a Contract Management Framework which will clarify monitoring arrangements.
- 3.2 A report will be brought to Housing and Social Work Committee in November 2009 to update members on the first six months of the operation of the new contracting arrangements.

4. RECOMMENDATIONS

- 4.1 In accordance with Standing order 6.2(iv) that the Committee approves acceptance of the tenders submitted as detailed in Appendix 1 with an estimated annual spend of approximately £7,500,000 in respect of a Framework Agreement for the Provision of Care at Home and Housing Support Service to Falkirk Council from 6th April 2009 to 31st March 2011.
- 4.2 The Committee agrees that a further report is submitted to the Housing & Social Work Committee in November 2009, to provide information on the first six months of activity under the Framework Agreement.

.....
DIRECTOR OF SOCIAL WORK SERVICES

Date: 23rd December 2009
Contact Officer: Des McCart

Ext: 6499

LIST OF BACKGROUND PAPERS

1. * Tender documents
* Item not for publication on the grounds that it involves the disclosure of exempt information as defined in, paragraph 10 of part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.
2. H&SW Committee paper. 1st April 2008. *Tender for externally purchased Care at Home services*
3. H&SW Committee paper. 2nd September 2008. *Tender for the provision of Care at Home services*

FALKIRK COUNCIL

FRAMEWORK AGREEMENT FOR THE PROVISION OF CARE AT HOME &
HOUSING SUPPORT SERVICE

Company	Location
1st Homecare Ltd	Falkirk
Advanced Care Services	Larbert
Allied Healthcare Group Limited	Staffordshire
Alzheimer Scotland	Stenhousemuir
Ark Housing Association Ltd	Grangemouth
Autism Initiatives	Edinburgh
Barony Housing Association	Falkirk
Bield Housing Association Ltd.,	Glasgow
Braes Homecare Ltd	Grangemouth
Capability Scotland	Edinburgh
Care Solutions	Glasgow
Carewatch Forth	Stirling
Carr-Gomm Scotland	Edinburgh
Choices Community Care Services Ltd.	Livingston
Community Integrated Care	Baillieston
Crossroads Caring Scotland	Larbert
Dalriada Homecare Ltd	Bo'ness
Denovan Care	Denny
Elite HomeCarers	South Queensferry
ENABLE Scotland (LTW)	Glasgow
Extended Personal Care`	Torrance
Falkirk & District Association for Mental Health	Falkirk
Grangemouth Carers Ltd	Grangemouth
Hanover (Scotland) Housing Association Limited	Edinburgh
Hazelhead Homecare Ltd	Carluke
HRM Homecare Services Ltd	Prestwick
Independent Living Services	Alloa
Key Housing Association	Falkirk
LinkLiving Ltd	Falkirk
Loretto Care	Glasgow
Margaret Blackwood Housing Association	Edinburgh
Margarot Forrest	Falkirk
Medico Nursing & Homecare	Perth
Montana Home Care Ltd	Falkirk
Penumbra	Larbert
PSS	Kirkintilloch
Real Life Options	Cupar
Rowan Alba Limited	Edinburgh
SACRO	Falkirk
Scot Home Care	Falkirk
Scottish Association for Mental Health	Falkirk
Stoneywood Care Services Ltd	Denny
TACT (Scotland)	Paisley
The Action Group	Edinburgh

Company	Location
The Richmond Fellowship Scotland	Stepps
The Scottish Society for Autism	Alloa
Unique Care Solutions	Bathgate
Wymondley Co Ltd	Falkirk
YMCA Glasgow	Glasgow

FALKIRK COUNCIL

**FRAMEWORK AGREEMENT FOR THE PROVISION OF CARE AT HOME &
HOUSING SUPPORT SERVICE**

Number of companies who tendered for contract.	Forty-nine tenders received and all are being recommended for acceptance onto the framework.
Details of local companies receiving, requesting or invited to tender.	See above
Details of local companies excluded from tender at evaluation process and reasons.	N/A
Details of local companies awarded contract/included in framework agreement.	See above
Current Contractor(s)	
Anticipated tender value based on known prices/rates (e.g. RPI)	£15,000,000 over the two years (i.e. £7.5m per annum)
Awarded contract value	
How current and tendered costs compare.	

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 13 JANUARY 2009 at 10.30 a.m.

PR92. DRUMBOWIE RESERVOIR

With reference to Minute of Meeting of the Policy and Resources Committee held on 12 September 2006 (Paragraph PR60 refers), there was submitted Report (circulated) dated 23 December 2008 by the Director of Community Services (a) recommending that the Council does not proceed with the purchase of Drumbowie Reservoir, and (b) seeking approval for the provision of a loan to Bonnybridge Angling Club in order to allow the Club to purchase the Reservoir from Scottish Water.

Councillor Gow, seconded by Councillor Fry moved the recommendations contained in the Report.

By way of an amendment Councillor Alexander, seconded by Councillor Kenna moved the following recommendations:-

- (1) To agree to continue with the purchase of the Drumbowie Reservoir as agreed in 2006.
- (2) To seek a report back on favourable leasing terms to protect the interests of the Bonnybridge Angling Club.
- (3) To seek a report back on the other uses envisaged by the Council that could benefit wider sections of the local community without adversely affecting the angling community.

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

AGREED:-

- (1) not to proceed with the purchase of Drumbowie Reservoir and to instruct the Director of Community Services accordingly;
- (2) to approve in principle the option to make a loan advance of £30,000 to Bonnybridge Angling Club to facilitate the purchase of Drumbowie Reservoir subject to a "Following the Public Pound" assessment of the Club's financial position to ensure they have the financial capacity and ability to repay a loan from the Council in advance of confirming such an arrangement; and

- (3) to instruct the Director of Community Services in conjunction with the Directors of Law & Administration and of Finance Services, that arrangements be put in place to provide a financial loan to Bonnybridge Angling Club in order to allow them to purchase the Drumbowie Reservoir directly from Scottish Water.

FALKIRK COUNCIL

Subject: DRUMBOWIE RESERVOIR
Meeting: POLICY & RESOURCES COMMITTEE
Date: 13TH JANUARY 2009
Author: DIRECTOR OF COMMUNITY SERVICES

1 INTRODUCTION

- 1.1 The purpose of this report is to seek Members approval for the provision of a loan from the Council to Bonnybridge Angling Club in order to allow the Club to purchase Drumbowie Reservoir from Scottish Water.

2. BACKGROUND

- 2.1 Drumbowie Reservoir has been in existence since 1901. It was used up until 2006 for water supply and has subsequently been declared redundant by the owners Scottish Water.
- 2.2 At its meeting on 29th August 2006, the Education and Leisure Committee agreed a proposal to purchase Drumbowie Reservoir from Scottish Water at an estimated cost of £30,000, in order to ensure its retention as an important recreational resource for the local community, particularly Bonnybridge Angling Club who have leased access to the reservoir from Scottish Water since 1952. This was presented to the Policy and Resources Committee at its meeting on 12 September 2006 for approval.
- 2.3 Within the report to the Education and Leisure Committee, it was proposed that a full hydrology survey be carried out to ensure the integrity of the reservoir and its overall present condition before finally agreeing to purchase.
- 2.3 An inspection of the reservoir was carried out and the results and observations assessed with the overall findings considering the reservoir to be in acceptable condition but highlighting areas associated with ageing that will warrant a regular regime of monitoring and occasional remedial works as defects become evident in the future.

3. INSPECTION REPORT

- 3.1 A full Statutory Inspection of Drumbowie Reservoir was carried out by Mott and McDonald Engineers who have been involved in undertaking previous statutory inspections of the Dam over a number of years. The outcome of the inspection considers the Dam is in a satisfactory condition and that there are “no Matters in the Interests of Safety.”

- 3.2 However, the survey highlighted a number of matters of maintenance that will require to be addressed including some aspects such as repairs to the pitching of the Dam that will require attention annually. In addition, the report recommends that the reservoir should be visited weekly by a member of the owner's organisation both to record the water level and to inspect the condition of the dam.
- 3.3 The risk of failure of the Reservoir's earth embankment headwall although regarded as low, also has to be monitored closely particularly in light of recent high profile occurrences in England and in the recent failure of the East Ayrshire Dam, which also had an earth headwall similar to that at Drumbowie. These events have highlighted the uncertain nature of such structures and the difficulties in reliably predicting and maintaining these types of dams. The report identifies the Reservoir as having a combination of factors such as location and height of the Main Dam that considers it as a "Category A" structure.
- 3.4 The report concludes that in light of this that caution should be exercised by the Council in its proposal to acquire ownership of the Reservoir or indeed pass ownership of the reservoir if acquired, at some point in the future to the local angling club who may not have the necessary resources or skills to cope with unplanned events and their costs.
- 3.5 The cost to the Council would be considerable if such a failure of the Drumbowie Dam was to occur with a full breach having a significant impact on the lower Little Denny Reservoir and any resulting flooding impact that this might then have on the Little Denny Burn water system.
- 3.6 The Panel Engineer's report has been scrutinised by appropriate officers of the Council within Development Services who have advised that due to these identified potential high risks associated with the ownership of the Reservoir and the resulting financial consequences of any failure that the Council should not look to purchase.

4 BONNYBRIDGE ANGLING CLUB

- 4.1 Meetings with Bonnybridge Angling Club have confirmed their strong desire to purchase the reservoir directly from Scottish Water to secure its future and this report proposes how the Council might support this.
- 4.2 The Angling Club is self sufficient in terms of stocking the water and maintaining the Clubs boats and fishing equipment. Over the last two years, the Club have conducted considerable work on the management capacity within the Club and have developed an infrastructure that now facilitates them to generate a level of funding towards the purchase and ongoing maintenance costs of the Reservoir independently of the Council. Recent meetings have indicated their readiness to purchase the Reservoir as soon as possible.
- 4.3 It is with the purchase of the reservoir that the Club have requested a financial loan facility from the Council.

5 FINANCIAL IMPLICATIONS

- 5.1 The cost of purchasing the Reservoir is circa £30,000 with an estimated ongoing annual maintenance cost of around £7,000. To date the Club has secured approximately £10,000 of its own money towards the purchase of the Reservoir from the Scottish Water - a considerable feat for a voluntary sports club over a short period and confirms their determination to retain the facility.
- 5.2 It was previously agreed to negotiate the purchase of the Reservoir via the Council's Culture and Leisure Strategy Capital Fund in 2007/2008. In light of the findings of the inspection report which has been carried out and the move by the Club to now purchase the Reservoir directly themselves, it is proposed that the Council support the angling club's request for financial loan support of up to £30,000, with a payback period of 5 years including interest payments.
- 5.3 It is also proposed that a "Following the Public Pound" assessment be conducted to ensure the club have the financial capacity and ability to repay a loan from the Council in advance of confirming such an arrangement.

LEGAL IMPLICATIONS

- 6.2 Discussions with Legal Services have suggested that the Council could use the powers conferred on local authorities in the Local Government and Planning (Scotland) Act 1982 re the provision of recreational, sporting and social activities. This imposes duties to ensure the provision of such activities and describes a variety of powers to secure the duty, including the power to lend.
- 6.3 These general duties and powers are specifically excluded in relation to the provision of facilities for the recreational or sporting use of a Reservoir which is managed and operated by Scottish Water. However, at this time, the Reservoir is no longer part of the domestic water supply and as such has been isolated from the system and declared surplus from Scottish Water's asset needs and offered for sale as body of water. If sold to the Bonnybridge Angling Club, the Council would be in a position to provide the Club with a financial loan facility should it wish to do so.
- 6.4 It would also be possible to consider using the general power to incur expenditure which is to be found in S83 of the Local Government (Scotland) 1973 Act and the power to advance well being in the Local Government in Scotland Act 2003.

7 CONCLUSIONS

- 7.1 As identified earlier in the report there are a number of new issues that have emerged from the proposed purchase of the Reservoir by the Council. Recent climate change has only heightened the unpredictability of these types of structures and the need for diligence when entering into ownership.

- 7.2 Equally, Bonnybridge Angling Club's aspirations to purchase the Reservoir themselves from Scottish Water, through the support of the Council via a financial loan, rather than enter into further access lease arrangements is recognised as being an opportunity for the Council to support a local club.
- 7.3 It is suggested that the loan facility be for the purchase price of £30,000, allowing the Club time to build up its funds to cover in a sustainable way the ongoing maintenance requirements.

8 RECOMMENDATIONS

- 8.1 It is recommended that the Committee instructs the Director of Community Services to:
- i) Note that the advice to the Council is not to proceed with the purchase of Drumbowie Reservoir;
 - ii) Approve in principle the option to make a loan advance of £30,000 to Bonnybridge Angling Club to facilitate the purchase of Drumbowie Reservoir subject to conducting a "Following the Public Pound" assessment of the club's financial position to ensure they have the financial capacity and ability to repay a loan from the Council in advance of confirming such an arrangement; and
 - iii) In conjunction with the Directors of Law & Administration and Finance Services, arrangements are put in place to provide a financial loan to Bonnybridge Angling Club in order to allow them to purchase the Drumbowie Reservoir directly from Scottish Water.

.....
Maureen Campbell
Director

23 December 2008

Contact Officer: Tom Leighton - Tel 0904

List of Background Papers

1. Mott and MacDonald Engineers Report
2. Education & Leisure Committee, Purchase of Drumbowie Reservoir, 29th August 2006
3. Policy & Resources Committee, 12th September 2006

Anyone person wishing to inspect the background papers listed above should telephone 01324 590904 and ask for Tom Leighton.

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 13 JANUARY 2009 at 10.30 a.m.

PR87. ECONOMIC DOWNTURN – ACTION PLAN

With reference to Minute of Meeting of Falkirk Council held on 10 December 2008 (Paragraph FC87 refers), there was submitted Report (circulated) dated 6 January 2009 by the Chief Executive (a) summarising additional measures aimed at ameliorating the impact of the economic downturn in the local area, and (b) attaching as an appendix, the approved Action Plan detailing the support packages for local businesses.

Councillor Gow, seconded by Councillor Fry moved the recommendations as contained in the Report.

By way of an amendment Councillor Alexander, seconded by Councillor Kenna moved the following:-

“It is recommended that Committee –

- (1) Notes comments and intended actions for the suggested additional items of business support covered by this report and agrees to make the following changes to the existing recommendations.
- (2) Agrees the action plan as outlined in the report with the following amendments:
 - 2.1 To include non VAT rated businesses in all areas of business support.
 - 2.2 To instruct officers to bring a report back to Committee as soon as possible on the establishment of a council loan fund along similar lines as the BP loan fund that will provide short term opportunities for new and existing companies.
 - 2.3 To recommend to full Council that the Council’s Economic Development Committee must alter its membership and role to recognise the challenging times we live in. It has to become a Committee of entrepreneurial challenge containing the best of the best with representatives of local businesses large and small, those entrusted with the provision of business support and any other relevant stakeholder if we are serious about tackling the problems we have within the local economy.
 - 2.4 To note the concerns expressed by the Grangemouth Independent Retailers Association and agree to investigate these concerns accordingly, reporting back to the first available meeting of the Economic Development Committee. In particular officers are asked to produce a comparator

between public and private sector ground rents/lease costs and report findings and proposals back to members.

On a division, 3 Members voted for the Motion and 4 for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment, namely:-

NOTED the comments and intended actions for the suggested additional items of business support covered in the Report.

AGREED the action plan as outlined in the Report with the following amendments;

- (1) to include non VAT rated businesses in all areas of business support;
- (2) that Officers report back to Committee as soon as possible on the establishment of a Council Loan Fund along similar lines as the BP loan fund that will provide short term opportunities for new and existing companies;
- (3) to recommend to Falkirk Council that the Council's Economic Development Committee must alter its membership and role to recognise the challenging times we live in. It has to become a Committee of entrepreneurial challenge containing the best of the best with representatives of local businesses large and small, those entrusted with the provision of business support and any other relevant stakeholder if we are serious about tackling the problems we have within the local economy; and
- (4) to note the concerns expressed by the Grangemouth Independent Retailers Association and agree to investigate these concerns accordingly, reporting back to the first available meeting of the Economic Development Committee. In particular Officers are asked to produce a comparator between public and private sector ground rents/lease costs and report findings and proposals back to Members.

FALKIRK COUNCIL

Subject: ECONOMIC DOWNTURN – ACTION PLAN
Meeting: POLICY & RESOURCES COMMITTEE
Date: 13th JANUARY 2009
Author: CHIEF EXECUTIVE

1. INTRODUCTION

- 1.1 At its meeting on 10th December 2008 the Council approved an Action Plan to help address the economic downturn. Arrangements for delivery of the Action Plan are now underway. During consideration of this matter the Council also agreed to consider a number of other measures aimed at ameliorating the impact of the downturn in the local area and requested the submission of a report on those measures to this meeting of the Policy & Resources Committee.
- 1.2 This report details these measures and provides comments, recommendations and a set of Intended Actions in respect of each of the additional items after consultation with the Directors of Finance and Corporate & Neighbourhood Services.

2. ACTION PLAN: ADDITIONAL ITEMS

- 2.1 The approved Action Plan (Appendix 1) promotes a positive package of support for local businesses, including grant support, the provision of business health checks and networking events.
- 2.2 Granting tenants of Council-owned business property the option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease.**
- 2.2.1 The principle of assisting companies through control of rental costs is worthwhile at this time. It reflects practice that is adopted by the Council for viable companies facing financial pressures. The option of introducing a rent freeze was considered prior to the drafting of the report considered by Council on 10th December but it was not recommended for the following principal reasons:
- The Council has a responsibility to all businesses in its administrative area, not just its business tenants.
 - In many circumstances the economic downturn will naturally lead to nil rental uplifts.
 - Adoption of this option would potentially have an adverse impact on the Council's revenue budget.
 - The option would only be relevant to a relatively small number of businesses; and

- Adoption of the option would potentially bring the Council into conflict with the private sector.

Where it is required, rental re-scheduling can be implemented, if officers are satisfied that the business is viable and is actively pursuing other actions to address short-term trading difficulties.

- 2.2.3 It is recognised that business rent supports can be an important factor for some companies at this time. And therefore action will be initiated to:-

Intended Action:

- *Instruct Officers engaged in rent negotiations to be alert to the financial circumstances facing local companies; and*
- *Liaise with FEAT to ensure that any actions taken on rent are complementary to other business support.*

2.3 Accelerating other projects in Falkirk Council's capital programme in addition to the £600,000 already earmarked for economic development projects.

- 2.3.1 The principle of maintaining capital expenditure and where possible accelerating projects is supported and avenues to achieve this are being investigated. There is currently dialogue taking place between Councils, CoSLA and the Scottish Government to accelerate capital grant from 2010/11 to 2009/10. Virtually all Councils, including Falkirk, have agreed to this. Once a firm offer of grant is received, including assessment of conditions, this will be matched with the Council's potential to advance projects, taking account of any delivery constraints e.g. planning matters.

2.3.2 *Intended Action:*

- *Liaise with Scottish Government on acceleration of capital grants; and*
- *Monitoring of capital programme to maintain schedule of commitments.*

2.4 Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council's local procurement policy.

- 2.4.1 Local procurement is an acknowledged means of assisting local companies. The Council's Corporate Procurement Strategy sets out the framework within which the Council procures goods and services. An essential element of the strategy is how the Council's revenue and capital budget expenditure can support the local economy. In particular, the "How To Do Business Guide", which will continue to be widely distributed to the local business community, provides information for businesses on how to learn about and respond to tendering opportunities and how tenders are awarded.

- 2.4.2 Council contract opportunities can be accessed through www.falkirk.gov.uk or www.falkirkonline.net Businesses can browse contract information and full tender documents can be easily and quickly downloaded. Also, individual Council

Services are investigating all non-contracted expenditure outwith local postcodes with a view to determining if enhanced economic benefits could be achieved by such expenditure being awarded to local businesses.

- 2.4.3 In addition, the Council's Central Purchasing Team is moving towards communicating contracts through the Scottish Government's Advertising Portal as well as the Official Journal of the European Union, where appropriate. This will be augmented for local businesses, also where appropriate, by contract advertising in the Falkirk Herald.

2.4.4. Intended Action:

- *Distribute 'How to do Business Guide' to local companies;*
- *Investigate purchasing outwith local postcode;*
- *Local promotion of contract details.*

2.5 The implementation of a short-term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges. The principle of assisting companies with access to credit and funds to maintain cashflow is supported.

- 2.5.1 Local businesses can currently apply for funding through the BP Loan Fund and the Council's Business Support Grant delivered on its behalf by Falkirk Enterprise Action Trust (FEAT). The BP Loan Fund currently has funds available for companies seeking to sustain their activities during the downturn. Awards are normally c£10,000 and can be matched to bank loans or other loan fund assistance.

- 2.5.2 Loan guarantees, afforded to businesses that otherwise would not be supported in normal circumstances by traditional lending institutions may present issues of high default rates and potential loss of public funds which would have to met by the council tax payer. In light of the fact that funds are available in the BP Loan Fund, it is considered that this permits sufficient cover at this stage. This fund may need to be increased in future years should demand increase significantly and options for progressing this need to be examined.

Intended Action:

- *Promotion of BP Business Loan Fund support to local companies; and*
- *Review requirement to increase the Loan Fund in future years.*

2.6 The provision of discretionary support for non-VAT businesses falling below current financial aid thresholds.

- 2.6.2 Members are asked to note that the original Scottish Enterprise Business Gateway contract was recently varied, after consultation with Stirling and Clackmannanshire Councils and the contractor, to provide more 'one-to-one' business advice and support to start-ups and existing businesses. Non-VAT start-up and established businesses can now receive discretionary support under the Business Gateway contract and/or through the Council's business support activity delivered through FEAT. Examples include business start-up information sessions, website support and advice, access to the BP Business Loan Fund and

‘universal’ products provided by Scottish Enterprise and other public sector agencies e.g. free energy saving advice. This demand will need to be monitored over the course of the Business Gateway contract period.

Intended Action:

- *Monitoring of additional demand for support for non-VAT businesses.*

2.7 Implementing accelerated invoice payments by Falkirk Council to local businesses.

2.7.1 A rapid response to requests for payment is an important means of assisting with cashflow. The Council endeavours to pay all its suppliers within thirty days or other agreed timescale. This is monitored as a Statutory Performance Indicator by the Accounts Commission. In 2007/08, the Council paid 87.3% of a total of around 200,000 invoices on time. Performance in the current year to date has increased to 88.5%.

2.7.2 Intended Action:

- *Services to continue to monitor payment of all invoices to ensure prompt payment and to seek to address any areas that cause delays in processing of payments.*

2.8 Implementing a ‘Keep Business Local’ campaign.

2.8.1 The Council already attempts to spend as much as possible of its revenue and capital budgets with local business as legal and best value guidelines allow. The Action Plan agreed by Council on 10th December includes actions to support local independent retailers. This will involve FEAT, Town Centre Management Ltd and the Council and will build on the ‘Check It Out’ campaign already being run by the Council-supported town centre management company to encourage people to shop locally.

2.8.2 Intended Action:

- *Engage with Town Centre Management and Business Panel on local purchasing and promotion of local retailing.*

2.9 Facilitating a summit meeting and ongoing dialogue with local banking officials to ensure their support for the local business community.

2.9.1 The principal means of maintaining cashflow for companies is through the support of their bank. There is undoubted value in establishing the means of support being offered by local banks. A special meeting of the Business Panel Leadership Group is to be held on 8th January to outline the key points of the Action Plan and agree how best to ensure the information reaches businesses requiring assistance. FEAT already holds liaison meetings, attended by Council officers, with business advisers – banking officials, accountants, lawyers etc. The next such event for business intermediaries is scheduled for 17th February. In addition, the Council-agreed Action Plan also proposes a Landlord’s Forum, retailer events and tourism providers meetings. The Council will continue to

engage with all business community stakeholders to ensure their continued and ongoing support for local businesses.

2.9.2 Intended Action:

- *Meeting with local financial bodies and Business Panel Members*
- *Meeting with other Landlords*

3. CONCLUSION

- 3.1 The Action Plan agreed by Council on 10th December 2008 provides a comprehensive and realistic business-focused response to the current economic downturn. The additional items to support the local economy and businesses are generally supported and the intended actions set out in this report will be encompassed within the Action Plan and addressed through the business support measures delivered by FEAT/Business Gateway, Town Centre Management, the Business Panel and the Council

4. RECOMMENDATIONS

4.1 It is recommended that Committee:-

- (i) Notes comments and intended actions for the suggested additional items of business support covered by this report; and
- (ii) Agrees that the existing business support services together with the Action Plan provide a positive range of support for local businesses in the current financial climate.

.....
Chief Executive

6th January 2009

Contact Officer: Mary Pitcaithly Ext: 6002.

LIST OF BACKGROUND PAPERS

1. Council report “Economic Downturn: Action Plan,” 10th December 2008.

Anyone wishing to inspect the background papers listed above should telephone 01324 506002 and ask for Mary Pitcaithly.

APPENDIX 1

Falkirk Council Action Plan for the Economic Downturn

Action	Responsibility	Timescale	Intended Outcome
<p>a) Promote a package of local business support assistance delivered via the Business Gateway and the Joint Working Agreement with FEAT, including:</p> <ul style="list-style-type: none"> • Undertake a programme of business health checks/business development reviews and grant support to assist companies to identify areas to, for example, access financial support (e.g. Loan Funds, Hardship relief, overdraft or cash flow finance, external grant assistance), generate increased income (e.g. through marketing or promotion), and reduce operating costs. (Cost £60k) • Assist businesses to access support, financial and non-financial, from non-Business Gateway sources, where available. (Nil cost) • Implement, with FEAT, a local marketing campaign to promote Business Gateway services to start-up and existing businesses.(£10k) • Facilitate waste management and energy efficiency audits for Council commercial tenants to help reduce business costs. (Nil cost) • Convene a forum of Falkirk Council area property landlords to exchange views and agree actions during the economic downturn period. (Nil cost) • Continue to provide property-related support and assistance to Council commercial tenants. (Nil cost) • Conduct a series of networking opportunities for 	Community Services/FEAT/Business Panel	2009-10	<p>50+ Businesses assisted</p> <p>Financial savings to business</p> <p>Jobs safeguarded</p>

local companies via the Falkirk Business Panel			
b) Assist local retailers, by asserting the value of shopping locally, promoting town centres, and progressing town centre regeneration <ul style="list-style-type: none"> Establish a programme to support independent retailers to improve their trading performance. (£30k) Support and advice in accessing rates relief and other business support (Nil cost) Networking events for local retailers (Nil cost) 	Community Services/Town Centre Management	2009-10	Businesses assisted Financial savings to business Jobs safeguarded Trading levels sustained
c) Review the Council's responsiveness to business in : <ul style="list-style-type: none"> advice services, speed of decision-making and delegation exercise of regulatory powers. 	Chief Executive	March 2009	Improved access to business advice Improved speed of decision-making for business
d) Initiating a programme to promote local tourism <ul style="list-style-type: none"> upgrade local tourist signage, programme of local events 	Community Services/Development Services	2009-10	Improved access to tourist facilities Increased visitor numbers
e) Pursue the case for accelerated capital investment and progress the necessary planning and design work for investment under the recently announced Scottish Government capital programme fund to upgrade infrastructure links at: <ul style="list-style-type: none"> the A801 Avon Gorge the Grangemouth Port/Freight Hub and Petrochemical complex Motorway junctions (M9, M876) 	Development Services	2009	Improved access to Falkirk area Increased infrastructure investment

<p>f) Promote investment in new affordable housing and stimulate new housing development through:</p> <ul style="list-style-type: none"> • developing 300 affordable houses in the next three years • developing partnerships with local RSLs and other housing agencies to deliver new homes for rent or low cost home ownership • conducting a Seminar with housing agencies, including Homes for Scotland to stimulate investment in house construction; • exploring opportunities for house construction on development sites • including community benefits clauses to new investment contracts 	Corporate & Neighbourhood Services / Development Services	2009-10	<p>New Affordable Housing construction</p> <p>Investment levels in housing</p> <p>Community benefits achieved</p>
g) Seek to accelerate £600,000 of its planned investment in business property through the capital programme	Community/Finance Services	2009-10	Investment in business property
h) Adopt a flexible response to maintain investment in regeneration schemes, extending timescales for delivery and reviewing upfront infrastructure commitments;	Community/Development /Law & Administration	2009-10	Investment levels maintained in regeneration
i) Extend the flexibility of the Council's approach to planning – reviewing the Council's approach to Section75 agreements and material considerations in planning applications to attract investment and maintain jobs;	Development Services	2009-10	Investment in construction activity
j) Review access to jobs locally and redundancy support services to ensure a continuing co-ordinated response to unemployment, including a PACE event in January for people recently affected by redundancy.	Community/Social Work /Corporate & Neighbourhood Services	March 2009	Improved access to advice services
k) Assisting local companies to access training advice and support, particularly to engage young people in pre-vocational and apprenticeship programmes;	Community/Education Services	2009-10	Training places secured

l) Engage money advice and social services to assist in directing enquiries for increased support and assistance to meet local needs.	Community/Social Work /Corporate & Neighbourhood Services /CABx	March 2009	Improved access to advice services
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FALKIRK COUNCIL

EXTRACT of MINUTE of MEETING of the ENVIRONMENT AND HERITAGE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 17 FEBRUARY 2009 at 9.30 a.m.

PRESENT: Councillors Buchanan, Carleschi, Coleman, Lemetti, C MacDonald, McLuckie, McNally, Mahoney, C R Martin, Meiklejohn and Nicol.

CONVENER: Councillor Mahoney.

APOLOGY: Councillor J Constable.

ATTENDING: Directors of Community Services and of Development Services; Head of Cultural and Lifelong Learning; Head of Leisure Services; Head of Business Services; Head of Accountancy; Acting Head of Planning and Transportation; Planning and Environment Manager; Environmental Health Officer Co-ordinator; Development Plan Co-ordinator (C Hemfrey); Environment Co-ordinator (I Edwards); Acting Legal Services Manager (D Blyth); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Mahoney declared a non-financial interest in item EH48 due to his membership of the Management Committee of "Friends of Kinneil" and further declared that no member of the public acting reasonably would consider that he might be influenced by his interest. Councillor Mahoney therefore participated in the discussion and decision.

EH40. DESIGNATION OF A LITTER CONTROL AREA, MAIN STREET, AIRTH

There was submitted Report (circulated) dated 9 February 2009 by the Director of Development Services (a) on the sustained littering of the car park serving at the licensed grocers' premises at 47 Main Street, Airth; and (b) requesting the designation of a Litter Control Area in terms of Section 90 of the Environmental Protection Act 1990, as amended.

This designation followed ongoing concerns of local residents and difficulties by Environmental Health Officers in obtaining removal of materials. Designation as a Litter Control Area would enable service on the owner of an Abatement Notice in terms of Section 92 of the Environmental Protection Act 1990 and to take action to ensure the owner's removal of materials. Failure to comply with this Notice may incur a maximum fine on the owner of £2,500 on summary conviction. A maximum fine of £2,500 on conviction may also be imposed on any person littering on land which had been designated as a Litter Control Area.

Discussion took place on the following:-

- The widespread problem of littering within many Members' Wards and the need to utilise legal powers to address littering;

- The importance of designation as a Litter Control Area to a wide variety of business premises with littering problems; and
- The importance of ongoing monitoring of litter on designation as a Litter Control Area.

Members indicated the problem of littering within their Wards and requested information on the eligible areas for designation as Litter Control Areas. The Director of Development Services undertook to distribute to Members for information, copies of the Regulations on the designation of Litter Control Areas.

AGREED:-

- (1) to approve the proposal to designate the car park area serving the business premises at 47 Main Street, Airth, as a Litter Control Area by way of the “Airth (number 1) Litter Control Area Designation Order 2009”; and
- (2) to refer the matter to the full Council for approval with a request to make the Order as detailed in Appendix 1 to the Report.

FALKIRK COUNCIL

**SUBJECT: REFERRAL FROM ENVIRONMENT & HERITAGE
COMMITTEE**
MEETING: FALKIRK COUNCIL
DATE: 4TH MARCH 2009
AUTHOR: DIRECTOR OF DEVELOPMENT SERVICES

INTRODUCTION

The following report was presented to Environment and Heritage committee on 17th February 2009. Following consideration, it was agreed that the report be referred to Full Council for approval:

1. Designation of a Litter Control Area, Main Street, Airth.

RECOMMENDATION

That Full Council endorses the recommendations as outlined in the attached report and as approved by the Environment and Heritage committee on 17th February 2009.

.....
Director of Development Services

Date: ...24/02/09.....

FALKIRK COUNCIL

**Subject: DESIGNATION OF A LITTER CONTROL AREA, MAIN STREET
AIRTH**
Meeting: ENVIRONMENT AND HERITAGE COMMITTEE
Date: 17th FEBRUARY 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 If a local authority were of the opinion that, by reason of the presence of litter or refuse, the condition of relevant land, is, and, unless they make a designation order, is likely to continue to be, detrimental to the amenities of the locality, the authority may, by order, designate any relevant land in their area as a litter control area.
- 1.2 The purpose of this report is to:
- Highlight concerns over repeated and sustained littering of the car park serving the licensed grocers premises at 47 Main Street, Airth.
 - Request Members' support in controlling littering in this area by designating a Litter Control Area in terms of Section 90 of the Environmental Protection Act 1990 as amended.
- 1.3. The purpose of designating the car park serving the premises at 47 Main Street, Airth as a Litter Control Area is to enable enforcement officers to take action against appropriate persons (Owner) to ensure that the land is not so encumbered by litter and refuse as to be detrimental to the amenities of the locality.

2. BACKGROUND

- 2.1 A Council Member for the area expressed concerns on behalf of the local residents, that the car park serving the premises at 47 Main Street, Airth is continually subjected to littering and is a blight on the area.
- 2.2 The complaints have been substantiated by Environmental Health Officers over sustained periods who advise that the car park is consistently adversely affected by litter and broken glass and difficulties have been experienced in having offending materials effectively removed by the responsible persons.
- 2.3 Currently there is no suitable redress available to the Local Authority against the person responsible for littering the land and only limited legal powers are available against the occupiers/owners of the land to carry out effective removal of offending materials.
- 2.4 Designation of the car park as a Litter Control Area will enable the Local Authority to serve Litter Abatement Notice in terms of Section 92 of the Environmental Protection

Act, 1990. A Litter Abatement Notice served on the land owner/occupier can require them to remove the litter or refuse from the land and/or impose a prohibition on permitting the land to become defaced by litter or refuse.

- 2.5 Failure to comply with this Notice carries a maximum fine of £2,500 on summary conviction together with a fine of an amount equal to one twentieth of that level for each day the offence continues after conviction. Failure to comply with the Notice could result in the Local Authority removing the offending material and recovering costs.
- 2.6 In addition, it is an offence for any person to deposit litter on land within a Litter Control Area, which carries a maximum fine on conviction of £2,500. Enforcement Officers will further be enabled to issue a fixed penalty notice to any person depositing litter on land within the Litter Control Area which previously could not be served due to the area of land being private property.
- 2.7 As required, in terms of Section 90 of the Environmental Protection Act, 1990 the owners of 47 High Street, Airth (persons likely to be affected) by the proposed Litter Control Area designation order were notified, on 17th April 2008, and given the opportunity to make representations with regard to the proposal. To date no representations have been received.

3. IMPLICATIONS

- 3.1 Financial: The proposal does not incur any additional costs and may generate income from Fixed Penalty Notices.
- 3.2 Policy: The proposal aligns with the Council's Litter Strategy and objectives within the Council's Community Health and Safety Plan.
- 3.3 Personnel: No implications.

4. RECOMMENDATIONS

- 4.1 It is recommended that Members approve the proposal to designate the car park area (highlighted in attached map) serving the business premises at 47 Main Street, Airth, Falkirk a Litter Control Area and entitled "Airth (number 1) Litter Control Area Designation Order 2009" and refer the matter to the Full Council meeting of 4th March 2009.
- 4.2 Request Full Council to make the Order attached as Appendix 1 to this report.

.....
For Director of Development Services

Date:...09.02.09.....

Contact Officer: Graeme Webster, Environmental Health Co-ordinator (4762)

LIST OF BACKGROUND PAPERS

- Appendix 1, Litter Control Area Designation Order, map and plan highlighting boundary of Litter Control Area

APPENDIX 1

LITTER CONTROL AREA DESIGNATION ORDER

THE ENVIRONMENTAL PROTECTION ACT 1990

The Falkirk Council, being of the opinion that, by reason of the presence of litter or refuse, the condition of the land described in paragraph 2 of this Order is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality, hereby make the following Order under Section 90(3) of the Environmental Protection Act 1990:-

1. This Order may be cited as the Airth (number 1) Litter Control Area Designation Order 2009, and shall have effect from.....
2. The land which –
 - (i) is delineated and shown outlined in red on the map executed as relative to and forming part of this Order and marked “Map forming part of the Airth (number 1) Litter Control Area Designation Order 2009, and
 - (ii) is briefly described in the Schedule to the Order, is designated as a Litter Control Area for the purposes of Part IV of the Environmental Protection Act 1990.

.....
Director of Development Services

SCHEDULE

The area comprises 581 square metres or thereby and is bounded by a line commencing at the north access point from 47 Main Street, Airth; Falkirk at the south boundary of the property at 1a Forrester Place, Airth; thence extending approximately 27 metres in a south westerly direction along the south boundary of the property at 1a Forester Place, Airth; thereafter extending some 10 metres or thereby in a south easterly direction along the rear boundary of the properties of 18 and 16 High Street, Airth; thence turning 2 metres approximately in a south westerly direction along part of the rear boundary of the property at 16 High Street, Airth; thereafter extending approximately 27 metres in a south easterly direction along the line of the rear boundary of the properties at 16 to 8 High Street, Airth; prior to turning some 6 metres or thereby along the north boundary of an electricity sub-station; thereafter extending some 10 metres or thereby in a north-easterly direction to the footpath at Main Street, Airth; thence extending approximately 7.3 metres in a north westerly direction to the south gable of the premises at 47 Main Street, Airth; thereafter extending 10 metres or thereby along the south gable of the said premises; prior to turning some 5 metres approximately along the west gable of the said premises; thence extending some 3.2 metres or thereby in a westerly direction along the south west gable of the property; thereafter extending 12 metres approximately along the west gable of the premise; thence along the north gable of the premises some 13.2 metres or thereby to the footpath at Main Street, Airth and thence extending approximately 6.2 metres in a north easterly direction to the point of commencement

FALKIRK COUNCIL

Subject: COUNCIL SERVICE STRUCTURE
Meeting: FALKIRK COUNCIL
Date: 4 MARCH 2009
Author: CHIEF EXECUTIVE

1. INTRODUCTION

- 1.1 Council will recall the agreement reached at its meeting on 29 January 2009, that a report be submitted to this meeting of Council in respect of a revised Service structure.
- 1.2 In particular, Council will also recall that I was specifically asked to consider the following:
- The proposed changes in the Committee structures to ensure that the Council's decision making processes are open and transparent, with Members accountable for Council decisions;
 - The management structure with a view to achieving a reduction in bureaucracy, greater efficiency and a greater concentration on the delivery of front line services;
 - The possibility of further integration of services and an expansion of use of internal shared services; and
 - The Council policy, governmental and societal changes which have taken place since the last major review.
- 1.3 This report provides Council with an update on progress on the development of a revised Service structure.

2. CONTEXTUAL INFORMATION

- 2.1 It is essential for any progressive organisation such as Falkirk Council, to continually review its working arrangements and consider whether there are more effective ways of delivering services. Such reviews can be as small or as wide ranging as the organisation wants them. The outcome can often be very effective in terms of the positive impact on service delivery. For example, such reviews may include best value service reviews, reviews of the working arrangements within teams, reviews as a result of new legislation or new technology and other such reviews which impact on the way services are delivered. It is important to clarify that changes resulting from such reviews occur across the Council on a regular basis to ensure our services are as effective as possible. There are equally occasions where wider ranging reviews take place. The changes resulting from these can be implemented to suit the needs of the organisation, either on a phased or incremental basis, recognising the impact of the change on individuals and the need to minimise any disruption to service delivery whilst implementing the change.

- 2.2 In this respect, it is worth considering the historical position of the Council which established its Service structure in 1995 and agreed that it would begin to exercise its executive functions through 12 separate Service Departments. This structure remained fundamentally unchanged until September 1998 when a re-structuring exercise reduced the number of Services to 9. A further review of Service structures in 2000 further reduced the number of Services to 7. Council also agreed changes to Law & Administration Services in 2006 with the current Service structure being agreed by Council in June 2008. This is attached as Appendix 1. The structure now has 6 substantive Services with Law & Administration Services linked into the Chief Executive Office. Council will recall that the main changes in June 2008, were the creation of Corporate & Neighbourhood Services by the merging of Corporate, Commercial and Housing Services as well as the Social Work Service becoming a stand-alone Service.
- 2.3 Given this background, there has clearly been progressive and substantial change since 1995 with the number of Services being reduced from 12 to 6. It is important to consider such information in the current review of the Service structure and reflect on any lessons learned from previous service delivery arrangements. It is equally important to recognise the degree of change within some Services since 1995; some of which have been affected by each of the Service structure reviews. Thought must also be given to the impact this has had both in respect of service delivery and in terms of the level of continual change experienced by some employees.
- 2.4 Other contextual information relevant to a review of Service structures are the principles set out in my report of June 2008 against which any review should be conducted. These included the requirement that in recommending any changes to structure:
- There is a strong possibility that there will be improvements to service delivery;
 - We are not contravening any legislation by making the changes and we are promoting best practice;
 - The outcomes of any change will achieve best value;
 - There is not another means of achieving the same improvement and outcome; and
 - There has been detailed consultation with Trade Unions and employees on the options for change and the implications of these.
- 2.5 It is equally important to consider other matters which directly impact on the future needs of the Council. For example, the Council is currently working through the Best Value action plan which was developed as a result of the Best Value and Community Planning Audit report. There are a number of themes in the plan on which the Council will be required to report progress to Audit Scotland.
- 2.6 In addition, Audit Scotland recognised within the report that there are a number of vacancies within the senior management structure and highlighted that this should be addressed to ensure management capacity is in place to take forward the improvement agenda faced by the Council.
- 2.7 In this regard, Council will also be aware of the outcomes from both the Multi-Agency Inspection of Services to Older People (MAISOP) and the inspection conducted by the Social Work Inspection Agency (SWIA). Both of these inspections have resulted in challenging action plans for Social Work Services who must now take these forward. These are in addition to any recommendations made as a result of the Child Protection Inspection which have still to be formally received. Separate to this, Council will be

aware of the action plan being worked through by Housing Services as a result of the Communities Scotland Inspection.

- 2.8 The Council is fully committed to implementing any actions which address the recommendations made in such inspections. It must however, be recognised that these place added pressures on all Services to work together to deliver both the outcomes expected from the action plans, whilst maintaining good quality day-to-day service delivery.
- 2.9 Equally, there are regularly new pressures faced by services as a result of changing legislation or policy which must be implemented simultaneously with normal service delivery.
- 2.10 In making a recommendation in respect of a revised Service structure, all such factors should be taken into account.

3. ORGANISATIONAL DESIGN FRAMEWORK

- 3.1 In addition to the contextual information, it is important that any review of Service structures follows a logical organisational design framework to ensure the most effective structure is achieved. The first stage of this is to look at the aims of any structure review and the priorities facing the Council within this context. This has been part of the work undertaken since Council's decision in January 2009; some of which is detailed above in section 2. Research has also been undertaken on service delivery options which may be available as alternatives to those currently in place.
- 3.2 The next stage is to begin discussions with both relevant employees and Trade Unions on the options which may be available. To commence this work, Service Directors have been asked to consider areas of their Services in which changes to structure may bring benefits to service delivery. They have also been asked to identify any potential risks in undertaking this change. This will help inform consultation on options available for structure re-design. All such considerations will take account of the principles contained in my report of June 2008 and as detailed in paragraph 2.4, as well as the specific areas I was asked to consider by Council in its decision of January 2009, highlighted in paragraph 1.2.
- 3.3 It is proposed that once this work is complete, options for a revised Service structure be considered as part of a consultation exercise with both employees and Trade Unions.
- 3.4 In undertaking this consultation, I will of course be re-assuring the Trade Unions of the commitment Council provided in June 2008 in respect of any employee relations implications which in summary included the following:
- Job descriptions will be amended to reflect any additional or amended duties as well as changes in work remit or scope of responsibility;
 - Jobs will be graded appropriately using either a relevant method of job sizing or job evaluation as appropriate for the particular post;
 - Any impact of this on the overall pay structure will be addressed to ensure compliance with equal pay legislation;
 - Appropriate consultation will take place in respect of the impact on any individual jobs or contracts of employment;

- Depending on the nature of the proposals for a revised Service structure, training and support be provided as necessary to ensure effective service delivery.

3.5 Council will appreciate that Trade Union consultation is essential in undertaking any such review. Legislation requires that Trade Union representatives are consulted on any options being considered to ensure every step possible is taken to achieve minimal impact on employees. It is also required that this be done prior to any decisions being taken. As such, and to ensure compliance with legislation, I propose to commence this consultation as soon as practicable to ensure the early involvement of the Trade Unions.

3.6 It is however, essential for this work to be concluded as quickly as possible with recommendations being made to Council at the earliest opportunity. This will ensure some level of stability can be given to Service structures and to the employees on whom any changes may impact.

4. RECOMMENDATION

4.1 It is recommended that Council note the progress to date in reviewing the Council structure and ask the Chief Executive to progress the consultation with employees and Trade Unions on options for a revised Service structure, reporting back to Council as soon as possible and in any event, prior to the summer recess.

.....
CHIEF EXECUTIVE

Date: 20th February 2009
Ref: KA/MP
Contact Name: Mary Pitcaithly, Chief Executive, Extn 6002.

LIST OF BACKGROUND PAPERS

None.

LIST OF APPENDICES

1. Current Service Structure

CURRENT STRUCTURE CHART

Chief Executive Office/Law & Administration					
<ul style="list-style-type: none"> • Head of Paid Service • Clerk to Council • Clerk to Joint Board • Corporate Records Management • Democratic Services • Election administration 		<ul style="list-style-type: none"> • Legal Services • Members' Services • Monitoring Officer • Printing Services • Registration Services • Strategic Policy Advice 			
COMMUNITY SERVICES	CORPORATE & NEIGHBOURHOOD SERVICES	DEVELOPMENT SERVICES	EDUCATION SERVICES	FINANCE SERVICES	SOCIAL WORK SERVICES
<ul style="list-style-type: none"> • Asset Management • Cemeteries & Cremation Services • Community Education • Cultural Services • Economic Development • Employment & Training Unit • Library Services • Parks & Recreation • Sport & Leisure 	<ul style="list-style-type: none"> • Best Value • Building Maintenance • Homelessness Services • Housing & Estate Management • Private Sector Housing Services • Catering/School Meals • Cleaning • Communications • Community Planning • Corporate Policy • Energy Management • External Funding • Fleet Services • Gas Maintenance • Grounds Maintenance • HR & Customer First • ICT • Modernising Gov't • Procurement • Refuse Collection • Research & Information • Street Cleansing • Waste Disposal 	<ul style="list-style-type: none"> • Building & Structural Design • Building Standards • Consumer Protection • Development Planning and Management • Emergency Planning • Environmental Protection Management • Food & Workplace Safety • Licensing • Roads Design • Roads Maintenance • School Crossing • Transport Planning • Waste Strategy 	<ul style="list-style-type: none"> • Pre-five Care • Pre-five Education • Primary Education • Provision for Young People with Additional Support Needs • Secondary Education 	<ul style="list-style-type: none"> • Accountancy • Internal Audit • Payroll & Pensions • Revenues (Council Tax, Non Domestic Rates, Rents, Debtors, Benefits) • Treasury & Investment 	<ul style="list-style-type: none"> • Community Advice • Criminal Justice • Family Support • Home Care • Protection and support care of vulnerable children and young people • Residential Care • Services for vulnerable adults and people with disabilities • Sheltered Housing • Welfare Benefits Service

FALKIRK COUNCIL

Subject: SCRUTINY COMMITTEES and REMUNERATION
Meeting: FALKIRK COUNCIL
Date: 4 March 2009
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. PURPOSE OF THE REPORT

- 1.1 At its meeting on 29 January 2009, Council agreed to amend its Scheme of Delegation, as it refers to scrutiny committees, with effect from the March cycle of meetings. That cycle will commence with a meeting of the Environment and Community Safety Committee on 17 March.
- 1.2 The purpose of this report is to consider those matters which arise as a consequence of the changes agreed in January. In that respect, Council is requested to:
- Confirm membership of the scrutiny committees
 - Appoint Conveners and Depute Conveners of the committees
 - Agree the process for approving minutes
 - Confirm remuneration arrangements
 - Agree changes to the Council's Standing Orders and to the Scheme of Delegation.
- 1.3 The opportunity is also taken to advise members of changes introduced to the various categories of remuneration levels consequent upon the coming into force on 10 February 2009 of The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008 and to seek decisions with regard to payments to:
- Senior councillors and
 - The Council's civic head.

2. SCRUTINY COMMITTEES

- 2.1 Council has agreed that the following five scrutiny committees will replace the existing committees:
- Economic Strategy and Development Committee
 - Education Committee
 - Environment and Community Safety Committee
 - Housing and Social Care Committee
 - Leisure, Tourism and Community Committee
- 2.2 The remit of each committee is attached as appendix 1 to this report for information.

2.3 Scrutiny Committees comprise 12 members. At its meeting on 18 May 2007, Council agreed that the political composition on committees of 12 would be as follows:

- Labour – 5
- SNP – 5
- Conservative or Non-aligned Independent – 1
- Independent – 1

2.4 Council is invited to appoint members to its Scrutiny Committees and, further, to appoint from their membership, a Convener and Depute Convener.

2.5 In October 2008, Council agreed the meetings programme for 2009. A revised programme for the period 10 March to 31 December 2009 showing the names of the new committees is attached as appendix 2 to this report.

3. PLANNING COMMITTEE

3.1 The only change to the Regulatory Committee agreed at the January meeting was to its name, henceforth to be the Planning Committee. Council is asked to confirm that its membership therefore remains unchanged.

4. MINUTES

4.1 In terms of Standing Orders, the minutes of meetings will normally be approved by the next meeting of that Committee. It is proposed that, for the final cycle of meetings in the current structure, the minutes are submitted for approval as follows:-

Committee (Date)	To be approved by
Community Health & Safety 20 January 2009	Environment and Community Safety 17 March 2009
Housing and Social Services 3 February 2008	Housing and Social Care 31 March 2009
Education and Leisure 27 January 2009	Education 24 March 2009
Economic Development 24 February 2009	Economic Strategy and Development 21 April 2009
Environment and Heritage 17 February 2009	Leisure, Tourism and Community 14 April 2009

5. REMUNERATION

5.1 Members will recollect the remuneration arrangements previously reported to Council on 18 May and 27 June 2007, in terms of the The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. Those Regulations have now been amended by way of The

Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008 which came into force on 10 February 2009. The 2008 Regulations increase the level of payment due to councillors and to the Leader by 2.5% for the year to 31 March 2009 and a further 2.5% on 1 April 2009. Those payments are accordingly increased as follows:

	To 31 March 2008	To 31 March 2009	From 1 April 2009
Councillor	£15,452	£15,838	£16,234
Leader	£30,905	£31,678	£32,470

5.2 While the payments noted in the previous paragraph are prescribed in the Regulations, there is discretion with regard to payments made to the Council's civic head and to senior councillors. In the 2007 Regulations, if there was a payment made to the civic head then that amount was set at £23,179. The 2008 Regulations now set a maximum figure but leave it to individual Councils to determine what to pay up to that figure. The maximum is now £23,759 to 31 March 2009 and £24,353 thereafter. As with the prescribed payments, this equates to a 2.5% per annum increase.

5.3 For senior councillors, again Councils have discretion with regard to payment levels within certain parameters. In Falkirk, the maximum number of senior councillors is set at 14 (excluding the leader, civic head and joint board positions) and the total "pot" available for senior councillor payments is:

To 31 March 2008	To 31 March 2009	From 1 April 2009
£270,424	£277,176	£284,106

5.4 On 27 June 2007, Council agreed the following payment framework for senior councillors:

Senior Councillors - £20,753	Senior Councillors - £17,400
<ul style="list-style-type: none"> • Depute Provost • Convener of Community Health and Safety Committee • Convener of Economic Development Committee • Convener of Education and Leisure Committee • Convener of Environment and Heritage Committee • Convener of Housing and Social Services Committee • Convener of Licensing Board • Convener of Regulatory Committee 	<ul style="list-style-type: none"> • Depute Convener of Community Health and Safety Committee • Depute Convener of Economic Development Committee • Depute Convener of Environment and Heritage Committee • Depute Convener of Housing and Social Services Committee • Convener of Investment Committee • Leader of the main opposition Group

5.5 If a 2.5% p.a. increase is applied to those payments, senior councillors holding these positions would be paid £21,272 and £17,833 respectively for the period to 31 March 2009 and £21,803 and £18,280 respectively for the period from 1 April 2009.

- 5.6 The existing payment framework accords conveners of scrutiny committees the higher level of payment, while deputy conveners (with the exception of the Education and Leisure Committee) receive the lower level. If this approach was applied to the new committee structure, the payments would be as follows:

Senior Councillors – level 1	Senior Councillors – level 2
<ul style="list-style-type: none"> • Depute Provost • Convener of Environment and Community Safety Committee • Convener of Economic Strategy and Development Committee • Convener of Education Committee • Convener of Leisure, Tourism and Community Committee • Convener of Housing and Social Care Committee • Convener of Licensing Board • Convener of Planning Committee 	<ul style="list-style-type: none"> • Depute Convener of Environment and Community Safety Committee • Depute Convener of Economic Strategy and Development Committee • Depute Convener of Leisure, Tourism and Community Committee • Depute Convener of Housing and Social Care Committee • Convener of Investment Committee • Leader of the main Opposition Group

6. STANDING ORDERS

- 6.1 Changes to the names and remits of the scrutiny committees (and to the name of the Regulatory Committee) require to be reflected in Standing Orders. Appendix 3 shows those pages of Standing Orders on which changes have been made (the changes are highlighted in bold), for approval. The Audit Committee remit agreed by Council on 10 December 2008 is also included.

7. RECOMMENDATIONS

It is recommended that Council:

- 7.1 **Appoints a convener and deputy convener and members to each of its Scrutiny Committees as follows –**
- **Economic Strategy and Development Committee**
 - **Education Committee**
 - **Environment and Community Safety Committee**
 - **Housing and Social Care Committee**
 - **Leisure, Tourism and Community Committee**
- 7.2 **Confirms the membership of the Planning Committee.**
- 7.3 **Notes the revised programme of meetings from 10 March to 31 December 2009.**
- 7.4 **Approves the arrangements for approval of the minutes of meetings in the final cycle of the current Scrutiny Committees as set out in paragraph 4.1 of the report.**

- 7.5 Notes the 2.5% increase in the levels of remuneration due to councillors and the Leader under The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008.
- 7.6 Considers whether to apply the 2.5% increase to the posts of senior councillor and civic head.
- 7.7 Approves the changes to Standing Orders shown in Appendix 3.

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

Date: 16 February 2009

Contact Officer: Brian Pirie (Tel: 01324 506110)

LIST OF BACKGROUND PAPERS

Nil.

SCRUTINY COMMITTEES – RESTRUCTURING

Committee	Policy Areas
Education (Where required for any statutory purposes, this Committee will be the Council's Education Committee)	<ul style="list-style-type: none"> • The Council's education functions • Early years' education • Lifelong learning • Other education matters referred from Policy and Resources Committee
Environment and Community Safety	<ul style="list-style-type: none"> • Community health, safety and wellbeing • Crime reduction and criminal justice • Consumer protection, environment health and trading standards • Road safety, traffic management and lighting • Sustainability • Waste • Other environment and community safety matters referred from Policy and Resources Committee
Leisure, Tourism and Community	<ul style="list-style-type: none"> • Libraries, museums, arts and community festivals • Parks, open spaces and countryside • Community development, support, regeneration and investment • Sport, community and leisure facilities and participation • Conservation and built heritage • Tourism • Cemeteries and crematoria • Other leisure, tourism and community matters referred from Policy and Resources Committee

Economic Strategy and Development	<ul style="list-style-type: none"> • Economic regeneration and development • Strategic transport and infrastructure planning • Business advice • Inward investment • Employment training • Town centre commercial and economic development • Development of structure and local plans and planning policy, generally • Other economic strategy and development matters referred from Policy and Resources Committee
Housing and Social Care (Where required for any statutory purpose, this Committee will be the Council's Social Work Committee)	<ul style="list-style-type: none"> • Housing • Social policy • Community care • Welfare and social services • Child care • Equal opportunities • Opportunities and services for older people • Other housing and social care matters referred from Policy and Resources Committee

FALKIRK COUNCIL - PROGRAMME OF MEETINGS- 2009**4 MARCH TO 31 DECEMBER 2009 – ALL MEETINGS COMMENCE AT 10.30 AM UNLESS OTHERWISE STATED**

TIME	COMMITTEE	CYCLE 4	CYCLE 5	CYCLE 1	CYCLE 2
10.30 am	Policy and Resources Committee	Tues 10 March	Tues 5 May	Tues 11 Aug	Tues 20 Oct
9.30 am	Civic Licensing Committee	Wed 11 March	Wed 6 May	Wed 12 Aug	Wed 21 Oct
9.30 am	Environment and Community Safety Committee	Tues 17 March	Tues 12 May	Tues 18 Aug	Tues 27 Oct
9.30 am	Education Committee	Tues 24 March	Tues 19 May	Tues 25 Aug	Tues 3 Nov
9.30 am	Planning Committee	Wed 25 March	Wed 20 May	Wed 26 Aug	Wed 4 Nov
9.30 am	Housing and Social Care Committee	Tues 31 March	Tues 26 May	Tues 1 Sept	Tues 10 Nov
10.30 am	Joint Consultative Committee	Wed 1 April	Wed 27 May	Wed 2 Sept	Wed 11 Nov
10.30 am	Policy and Resources Committee	Tues 7 April	Tues 2 June	Tues 8 Sept	Tues 17 Nov
9.30 am	Civic Licensing Committee	Wed 8 April	Wed 3 June	Wed 9 Sept	Wed 18 Nov
9.30 am	Leisure, Tourism and Community Committee	Tues 14 April	Tues 9 June	Tues 15 Sept	Tues 24 Nov
10.30 am	Investment Committee		Thurs 11 June	Thurs 17 Sept	Thurs 26 Nov
9.30 am	Economic Strategy and Development Committee	Tues 21 April	Tues 16 June	Tues 22 Sept	Tues 1 Dec
9.30 am	Planning Committee	Wed 22 April	Wed 17 June	Wed 23 Sept	Wed 2 Dec
10.30 am	Falkirk Council	Wed 29 April	Wed 24 June	Wed 7 Oct	Wed 9 Dec

Public Holidays: 1st & 2nd January, 10th and 13th April, 4 May, 7th September and 25th and 26th December 2009

**CONSTITUTION, MEETINGS AND PROCEEDINGS
OF COMMITTEES AND SUB-COMMITTEES****34. COMMITTEES**

34.1 At its Statutory Meeting, the Council will appoint:-

- (i) Standing Committees, together with any other bodies required for statutory purposes. The powers of the Committees will be set out in their terms of reference,
- (ii) A Convener, Depute Convener and Members for each.

34.2 The number of Members on each Committee and the quorum for each will be as set out below:-

STANDING COMMITTEES

Committee	Membership	Quorum
Policy and Resources Committee	8	3
<i>Education Committee</i>	12 plus 3 representatives of denominational bodies as required by Section 124 of the 1994 Act; 2 non- voting, serving Falkirk Council teacher representatives; 2 parental, non- voting representatives and 2 non-voting young people to be nominated by the Falkirk Schools' Council	4 elected Members
<i>Environment and Community Safety Committee</i>	12	4
<i>Economic Strategy and Development Committee</i>	12	4
<i>Leisure, Tourism and Community Committee</i>	12	4

Housing and Social Care Committee	12	4
Planning Committee	12	4
Civic Licensing Committee	12	4
Audit Committee	6	4
Appeals Committee	8	3
Investment Committee	6	3
Appointments Committee	6 Plus the Convener of the relevant Scrutiny Committee on an ad hoc basis where he/she is not already a Member of the Committee; where there is more than one Scrutiny Committee to which the appointee would principally report, the Conveners should agree amongst themselves which Member will attend.	3
Joint Consultative Committee	10 Elected Members and 12 Trade Union Representatives	3 Elected Members and 3 Trade Union Representatives
Emergency Committee	The Members of the Policy and Resources Committee	3
Bo'ness Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3

Falkirk Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3
Grangemouth Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3

- 34.3 The ***Education Committee, the Environment and Community Safety Committee, the Economic Strategy and Development Committee, the Leisure, Tourism and Community Committee and the Housing and Social Care Committee*** are collectively referred to as the Council's 'Scrutiny Committees'.
- 34.4 The Convener of the Policy and Resources Committee will be the Convener of the Emergency Committee.
- 34.5 The Council may appoint special Committees for such purposes as it may from time to time consider expedient.
- 34.6 The Policy and Resources Committee may at any time appoint Sub-Committees or panels and may authorise the appointment of such Sub-Committees and panels by any of the Scrutiny Committees. Such bodies' terms of reference and the delegation of any powers to them must be explicit and within the appointing Committee's terms of reference.
- 34.7 A Member of a Sub-Committee or panel must be a Member of the Committee appointing it.
- 34.8 With the exception of the Common Good Fund Committees, Membership of all Committees and Sub-Committees will reflect the political balance of the Council. Seats allocated to Political Groups will be as resolved by the Council at the Statutory Meeting or at any other meeting of the Council as required to comply with the provisions of the 1989 Act or any Regulations made thereunder.
- 34.9 The Director of Law and Administration is authorised to appoint, nominate and convene Committees, boards and panels for specific statutory purposes. These include:-
- (i) Council Tax and Housing Benefit Review Boards;
 - (ii) Access to Personal Files Review Boards (Education, Housing and Social Work);

- (i) all references to “Provost” and “Depute Provost” will be read as “Convener” and “Depute Convener” respectively;
- (ii) the quorum for any meeting will be as set out in Standing Order 34.2 and, in the case of a Sub-Committee, by the parent Committee appointing it;
- (iii) at any meeting of the **Planning Committee**, the Convener may extend the period for transaction of business if (s)he considers that it will enable the Committee to complete its business;
- (iv) the time limit for meetings will not apply to the Appeals Committee, the Appointments Committee or any of the bodies referred to in Standing Orders 34.9 and 34.10;
- (v) no report need accompany an item on the Agenda for any of the Scrutiny Committees unless:-
 - (a) the Policy and Resources Committee issues a prior written direction to that effect, or
 - (b) the item on the Agenda requires consideration by the Committee of recommendations from officers;
- (vi) the Convener of any of the Scrutiny Committees may, in the interests of securing open debate, dispense in regard to any item on the Agenda with the requirements respecting rules of debate, procedural motions and points of order and will announce to the meeting that (s)he is so dispensing. Any such dispensation will be minuted and may be recalled by the Convener should the requirements of good order and expeditious dispatch of business require it. The aim of the Scrutiny Committees is for the Convener to conduct the meeting in a manner which will encourage interest and participation and without unnecessary formality such as would inhibit or discourage involvement.
- (vii) A Councillor may attend any Council Committee, Sub-Committee or panel meetings, even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the Committee has excluded the press and public, with the following exceptions:-
 - (a) Councillors who are not appointed Member of the Appeals Committee, Appointments Committee may not attend any part of these meetings;
 - (b) Councillors who are not appointed Members of any of the bodies referred to in Standing Orders 34.9 and 34.10 may not attend any part of these meetings;

39.1 In addition to the persons referred to in Section 124 of the 1973 Act as being entitled to be Members of the *Education Committee*, six other persons will be invited to sit on the Committee.

39.2 These six members will include:-

- two serving teachers employed within schools managed by Falkirk Council
- two parental representatives
- two young people to be nominated by the Falkirk Schools' Council

39.3 The six Members referred to in Standing Order 39.2 will not be entitled to vote on any matter before the Committee but will otherwise have the same rights as elected Members.

40. SPECIAL MEETING

40.1 The requirement to hold a Special Meeting of any Committee, except the Emergency Committee, will be determined by the Director of Law and Administration. Notice of the time and place of the meeting and the business to be transacted will be in terms of Standing Orders 8 and 9.

SCRUTINY COMMITTEES

1. The Council has appointed 5 Scrutiny Committees as follows:

- (i) ***Education Committee***
- (ii) ***Environment and Community Safety Committee***
- (iii) ***Economic Strategy and Development Committee***
- (iv) ***Leisure, Tourism and Community Committee***
- (v) ***Housing and Social Care Committee***

Terms of Reference

2. The Scrutiny Committees will advise the Policy and Resources Committee on policy matters relating to the following areas:-

Committee	Policy areas
<i>Education</i> (Where required for any statutory purposes, this Committee will be the Council's Education Committee)	<ul style="list-style-type: none"> • <i>The Council's education functions;</i> • <i>Early years' education;</i> • <i>Lifelong learning;</i> • <i>Other education matters referred from Policy and Resources Committee;</i>
<i>Environment and Community Safety</i>	<ul style="list-style-type: none"> • <i>Community health, safety and wellbeing;</i> • <i>Crime reduction and criminal justice;</i> • <i>Consumer protection, environment health and trading standards;</i> • <i>Road safety, traffic management and lighting</i> • <i>Sustainability</i> • <i>Waste</i> • <i>Other environment and community safety matters referred from Policy and Resources Committee;</i>
<i>Economic Strategy and Development</i>	<ul style="list-style-type: none"> • <i>Economic regeneration and development;</i> • <i>Strategic transport and infrastructure planning;</i> • <i>Business advice;</i> • <i>Inward investment;</i> • <i>Employment training;</i> • <i>Town centre commercial and economic development;</i> • <i>Development of structure and local plans and planning policy, generally;</i>

	<ul style="list-style-type: none"> • Other economic strategy and development matters referred from Policy and Resources Committee
<i>Leisure, Tourism and Community</i>	<ul style="list-style-type: none"> • Libraries, museums, arts and community festivals; • Parks, open spaces and countryside; • Community development, support, regeneration and investment; • Sport, community and leisure facilities and participation; • Conservation and built heritage; • Tourism; • Cemeteries and crematoria; • Other leisure, tourism and community matters referred from Policy and Resources Committee;
<i>Housing and Social Care</i> (Where required for any statutory purpose, this Committee will be the Council's Social Work Committee)	<ul style="list-style-type: none"> • Housing; • Social policy; • Community care; • Welfare and social services; • Child care; • Equal opportunities; • Opportunities and services for older people; • Other housing and social care matters referred to it by the Policy and Resources Committee.

Powers

3. The Scrutiny Committees will authorise appropriate responses to consultation documents submitted to the Council in accordance with the remit of each Scrutiny Committee.
4. Scrutiny Committees will decide upon any matter within their remit providing that the decision does not change or materially alter any Council policy, or involve additional resources, or changes to the establishment.
5. The Scrutiny Committees will develop policy proposals referred to them by the Policy and Resources Committee or by Council, within their own terms of reference. The Scrutiny Committees will:-
 - (i) Receive policy proposals from the Policy and Resources Committee;

8. In considering the proposal or issue, the Scrutiny Committee:-
 - (i) will identify the main issues to be addressed, the primary means by which they should be addressed and any financial implications;
 - (ii) may work in partnership with outside bodies in the public, voluntary and private sectors;
 - (iii) may establish working groups, and joint working groups with outside bodies, and consider their reports; and
 - (iv) may consult the public or sections of the public, and establish mechanisms for this purpose.
9. In reporting on the proposal or issue, the Committee should comment on it and may propose amendments.
10. No member of the Policy and Resources Committee may be a standing Member of a Scrutiny Committee.
11. The Scrutiny Committees may not establish Sub-Committees of the Council nor delegate decisions to officers of the Council, unless authorised by Council or the Policy and Resources Committee.
12. Without prejudice to any other power, to the extent that any of the respective areas of remit of the Scrutiny Committees cover any of the client functions of the Council's Direct Labour/Service Organisations, each of the Scrutiny Committees so involved will be responsible directly to Council for monitoring and reviewing the performance of the Direct Labour/Service Organisations within the respective terms of reference of the Committees.

PLANNING 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;

APPOINTMENTS COMMITTEE

Terms of reference

The functions delegated to this Committee are:-

- (i) To recommend to the Council, the appointment of the Chief Executive, Chief Officers and their Heads of Service.

AUDIT COMMITTEE

Terms of reference

(1) *The Audit Committee will provide:-*

- (i) independent assurance on the adequacy of the risk management framework and the associated control environment within the authority;*
- (ii) independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment; and*
- (iii) assurance that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with.*

(2) *The Functions delegated to this Committee are:-*

- (i) to consider the Council's governance and business management arrangements;*
- (ii) to consider the Council's risk management arrangements and action being taken to address risk related issues identified by auditors and inspectors, including consideration of periodic reports from the Corporate Risk Management Group;*
- (iii) to consider the adequacy of the Council's control environment;*
- (iv) to approve (but not direct) Internal Audit's strategy;*
- (v) to consider and agree Internal Audit Plans, ensuring that work is planned with due regard to risk, materiality and coverage;*
- (vi) to review summary Internal Audit reports and seek assurances that action has been taken to address issues identified;*
- (vii) to consider an Annual Assurance report from the Internal Audit Manager;*
- (viii) to consider the reports of External Audit and other inspection agencies and seek assurances that recommendations made are addressed;*

- (iv) to ensure there are effective relationships between Internal and External Audit;*
- (v) to review the Authority's assurance statements, including the statement on the System of Internal Financial Control or equivalent, to ensure they properly reflect the risk environment.*

COMMON GOOD FUND COMMITTEE

Terms of reference

The functions delegated to this Committee are:-

- (i) To consider and determine applications for grants and donations from organisations from Common Good Funds held by the Council as Trustees.

CIVIC EVENTS PANEL

Terms of Reference

The functions delegated to this Committee are:-

- (i) To determine ceremonial matters and hospitality in accordance with the policy of the Council.

EMERGENCY COMMITTEE

Terms of reference

The functions delegated to this Committee are:-

- (i) To take such immediate action as may be necessary (including consultation with such individuals or organisations as the Committee may consider appropriate) to protect the interests of the Council in relation to:-
 - (a) Emergencies arising from industrial action by employees of the Council; and
 - (b) Any other emergency the implications of which, in the opinion of the Convener or the Chief Executive, require to be referred to the Committee.

A Meeting of the Emergency Committee may be called with 24 hours notice.

AGENDA ITEM 9

FALKIRK COUNCIL

Subject: APPOINTMENT TO EXTERNAL ORGANISATIONS
Meeting: FALKIRK COUNCIL
Date: 4 MARCH 2009
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION

1. PURPOSE OF REPORT

1.1 The purpose of this report is to:

- invite Council to appoint a Member to the Forth Valley Tourism Partnership, and
- clarify membership of the Forth Valley Waste Strategy Group and the BID Management Group.

2. FORTH VALLEY TOURISM PARTNERSHIP

- 2.1 The Argyll, Loch Lomond and Forth Valley Tourism Partnership was established in 2005, with the aim of identifying local tourism related issues along with the needs and priorities within the region and to deliver actions identified to meet these priorities as part of a tourism framework. The Partnership agreed in 2008, following a review of its consumer focus to establish smaller, more locally focused Partnerships. Falkirk Council has been invited to nominate a member to the Forth Valley Tourism Partnership. The newly established Partnership will comprise members and officers from Falkirk Council, Stirling Council and Clackmannanshire Council together with representatives of Visit Scotland who will provide the secretariat to the Partnership .
- 2.2 In 2007, Council appointed Councillor Adrian Mahoney to the Argyll, Loch Lomond and Forth Valley Tourism Partnership. The Forth Valley Tourism Partnership has requested that Council appoints a Member to the successor organisation.

3. EX-OFFICIO APPOINTMENTS

- 3.1 Council membership on two external bodies flows from the office the member holds. With regard to the Forth Valley Waste Strategy Group, Council's membership is currently vested in the Leader of the Council and the Convener of the Environment and Heritage Committee, ex officio. Similarly, Council has previously agreed that its membership of the BID Management Group will vest in the Convener of the Economic Development Committee, ex officio, with the Depute Convener as substitute member. With the changes to scrutiny committees agreed by Council on 29 January 2009, there is a need to consider appropriate ex officio successors to these Groups.

- 3.2 As the waste remit is now held by the newly constituted Environment and Community Safety Committee, Council may consider the Convener of that Committee to be the appropriate person to join the Forth Valley Waste Strategy Group. Similarly, the Economic Strategy and Development Committee now holds the economic development portfolio and the Convener of that Committee may be the appropriate member of the BID Management Group with the Depute Convener as substitute. These are matters for members to decide, however.

4. RECOMMENDATION

4.1 Council is invited to:

- (i) appoint a Member to the Forth Valley Tourism Partnership, and**
- (ii) confirm successors to the ex-officio appointments to the Forth Valley Waste Strategy Group and the Bid Management Group.**

.....
Acting Director of Law and Administration

Date: 24 February 2009
Contact Officer: Brian Pirie

LIST OF BACKGROUND PAPERS

Nil.

FALKIRK COUNCIL

**Subject: FALKIRK COMMUNITY STADIUM LIMITED:
DEMERGER PLAN**
Meeting: FALKIRK COUNCIL
Date: 4TH MARCH 2009
Author: CHIEF EXECUTIVE

1. INTRODUCTION

- 1.1 This report provides Members with a further update in respect of the restructuring proposals previously presented to Council in a report on the outcomes of the strategic review carried out by Falkirk Community Stadium Ltd (FCSL). The review covered all aspects of its operations and concluded by setting out a proposal to restructure the existing arrangements to provide a robust and sustainable platform for future operation and development. At its meeting on 22 September 2008 Council previously approved, in principle, the restructuring proposals. This report recommends that Members now approve the demerger plan.
- 1.2 This report addresses the areas identified in the earlier report that required further detailed consideration and provides more information on the implications for the Council. It advises that the Council will take full ownership and control of the West Stand along with much of the work of the existing FCSL including its staff. Falkirk Football and Athletic Club (FFAC) will be responsible for the existing football assets and for the future development of the East Stand.

2. BACKGROUND

- 2.1 Members will recall that in August 2008 FCSL submitted a detailed proposal to its shareholders for consideration. It advised that the FCSL Board had carried out a strategic review and that three options were evaluated against three strategic criteria:-
- Delivering a completed Stadium and site development
 - Repaying the loans from Falkirk Council
 - Ensuring financial sustainability of the ongoing operation
- 2.2 The previous report to Council advised that the Board of FCSL had suggested that the most appropriate means of achieving the strategic objectives was through a reorganisation of the company in a commercially attractive and tax efficient manner. It proposed a detailed split of the assets and recent work has focussed on working through the detailed implications for FCSL, FFAC and the Council of the demerger plan. This work has been taken forward through a working group drawn from representatives of each organisation as well as each party taking independent advice when necessary.
- 2.3 Members previously agreed that whilst the Council was supportive in principle of the proposals more detailed work was required in the following areas:-

- Assessing the fair distribution of assets in the context of the District Valuer's involvement.
- Working on the delivery of the master plan for the successful development of the Stadium site.
- Reaching agreement on the management and responsibilities of the shared assets.
- Establishing the revenue implications associated with the asset transfer.
- Developing appropriate legal agreements to reflect the new arrangements.

2.4 The demerger plan will effectively split FCSL into three new companies with the assets and activities being allocated appropriately to the Council and FFAC. One of the newly created companies will be wholly owned by the Council, one will be wholly owned by FFAC and one will be set up to take the football assets and shares in FCSL initially and then it will be liquidated to transfer assets and shares to the other companies. This will result in the Council taking responsibility for all the existing commercial activities (including all non-football tenancies in the West Stand) and for the development of the entire site excluding stands. FFAC would take responsibility for all the football related areas including the West and North Stands (excluding non-football activities in the West Stand), pitch, floodlights and for the development of the South and East Stands. This split allows both shareholders to concentrate on their own core activities. The table below summarises this.

<i>Falkirk Council New Co3 Assets</i>	<i>FFAC New Co2 Assets</i>
West Stand Conference Centre Five-a-Side Football Third Party Leases Development Plots	Leases: West Stand Footballing Areas Ground Lease – Pitch, North Stand, South Stand, East Stand Plot
<i>Responsibilities</i>	<i>Responsibilities</i>
Management of Conference Centre Five-a-Side Football Management Third Party Leases Management Communal Areas Service charge Development and Collection West Stand Maintenance and Development Development Agreement for corner pods and associated developments	Development of football related assets in West Stand North Stand East Stand development South Stand development Pitch Maintenance Share external maintenance of West Stand
<i>People</i>	<i>People</i>
16 staff in full and part-time posts	None - FFAC to decide on Management

3. DETAILED CONSIDERATIONS

West Stand Ownership Model

3.1 Members may recall that FCSL originally proposed that the Council and FFAC share ownership of the West Stand. However, when the joint working group considered this in more detail, it became apparent to both parties that it would be more appropriate to identify a single owner and for the other party to have a lease with such obligations as to mirror ownership. It was considered that as the Council is landowner and landlord it was best placed to take full ownership of the West Stand and for FFAC to have a long term lease. The proposed lease gives each party a 50/50 share of the exterior maintenance liability. FFAC will also have a pro rata share of the internal maintenance and operational liability through their share of the service charge. After full

consideration it has been concluded that it makes sense for the Council to be the sole owner and for FFAC to have a lease within the West Stand because of the other lease interests that the Council would already have as a consequence of the demerger plan. This is in keeping with the previously identified asset split.

- 3.2 It is proposed that the allocation of the football assets that are transferring to FFAC be done by way of two leases, each for a period of 169 years being the period to the end of the original ground lease. The first lease will be for the areas within the West Stand described above and shown in Appendix 1 (a) to (d). As stated above the terms of the lease require the club to share in the external maintenance costs and to contribute through the service charge to the ongoing costs of operating the west stand. The second lease will be a ground lease for the areas of ground that accommodate the pitch, the North Stand and the South Stand along with the plot for the future development of the East Stand. The Club will be fully responsible for the maintenance and management of the pitch and the stands and for the future provision of the East Stand. The lease also identifies that no commercial development can take place on the East Stand plot without the construction of a permanent stand. The areas covered by this lease are shown in Appendix 2.

Assessment of the Fair Distribution of Assets

- 3.3 One of the issues identified in the previous report was the distribution of assets. In practical terms this concerned the split of the West Stand between the footballing areas and the areas not currently identified for commercial lease (the current FCSL offices, the conference centre, the stadium control room and support facilities). In view of the specialist and complex nature of the valuation required the Council has taken additional external specialist advice from a valuer with specific knowledge of football related assets. This indicates that the relative worth of assets transferring to the Club and Council is broadly similar thus supporting the original FCSL proposal that the asset value of the West Stand be split on a 50:50 basis. It is accordingly considered that this represents a fair and equitable distribution of this asset.
- 3.4 The other assets transferring to the Council including the development plots, the third party leases and the five-a-side football centre valuations are unchanged from the previous report. Whilst the market conditions have changed dramatically in the last six months and current day valuations would be likely to be below the previously reported level the deal still represents the best value option for the Council. The Council is still receiving the appropriate share of the overall assets. With those assets in its sole ownership it is better placed to decide how and when to maximise the opportunities arising from its investment in the Stadium from the economic development, commercial management and community engagement perspectives.

The delivery of the Masterplan for the Wider Site Development

- 3.5 The FCSL proposal suggested that the development plots within the current FCSL ground lease including the corner pods be allocated to the Council as part of the asset split. Since the last meeting officers have been in dialogue with Henry Boot Developments Ltd to take forward detailed Heads of Terms governing the outline masterplan previously considered. However, with the current economic market conditions impacting on potential tenant demand and availability of finance this work is not yet concluded. There are, moreover, procurement issues that require to be worked through before making further progress. These matters will be progressed further as development options become more certain.
- 3.6 In the previous report officers noted that further work was also required on the indicative infrastructure costs associated with the proposed outline masterplan. Early indications suggest that the costs may be nearer £1.7m rather than £1m suggested by FCSL. However, this is an estimate only and will be refined further in the detailed discussions with the developer. The

extent to which such costs might impact on the level of net capital receipts will be addressed through consideration as to the Council's support for the phased drawdown of land for development. This will be on the basis of finalised Heads of Terms which will require the Council's agreement and will be a critical factor for the best price/best value assessment. As previously stated it will be very important for the Council to consider carefully each disposal as it arises in order that best value criteria are properly satisfied.

- 3.7 The main issue for Members to consider at this stage is that the future development potential of the site will be in the sole control of the Council.

Reaching Agreement on the Management and Responsibilities of the Shared Assets

- 3.8 As outlined in paragraph 3.1 it is proposed that the West Stand will be managed by the Council through a lease with FFAC. This covers both the internal and external West Stand areas. The day to day management of the communal areas will be achieved through an operating model similar to the current FCSL management arrangements. It is proposed that, along with the transfer of the physical assets, the work in managing those assets and the staff who undertake the work should be encompassed in the new Council owned company.
- 3.9 FFAC will need to make appropriate arrangements for the management of the assets transferring to them and it may be that they will initially seek to share some services with the Council owned company e.g. building security and call out arrangements with the costs recovered from the Club.

Revenue Consequences of the Asset Transfer

- 3.10 One of the key aspects of the current work has been to make an assessment of the financial implications for the Council arising from the demerger plan.
- 3.11 The loans advanced by the Council of £5.095m are estimated to be around £6.160m as at March 2009 as a consequence of the capitalisation of interest throughout the deferred period. These loans will cease to exist, with the Council receiving alternative assets in lieu of the sum outstanding. The Council will bear the loan charges accruing on this balance until value can be released from the development plots. This cost has been incorporated into the 2009/10 budget. Other sums owed by FCSL in respect of professional fees and payroll costs will remain outstanding, until recovered through the future development value of the assets transferring to the Council.
- 3.12 The Council will own the West Stand through its wholly owned company (New Co 3), as well as the five-a-side pitches. Using the FCSL Management Accounts for the 7 months to December 2008, the Director of Finance has projected the 2009/10 income and expenditure of FCSL to be as follows:-

	£'000	£'000
Income		
Rents		198
Service Charge		224
Five-a-Side		131
Conferencing		38
Other Income		<u>6</u>
		597
Expenditure		
Employer Costs	308	
Other Expenditure	<u>301</u>	<u>609</u>
NET EXPENDITURE		<u>12</u>

- 3.13 The budgeted net operating position is likely to be very small and will be absorbed within the budget for Community Services. During the review period referred to in paragraph 3.17 the Council would be responsible for meeting any day to day cash flow requirements of the Council owned company.
- 3.14 It is worth noting that FFAC will be responsible for the revenue consequences of the assets transferring to them.

Developing Appropriate Legal Agreements to Reflect the New Arrangements

- 3.15 As previously stated the main legal agreements in respect of future operation of the stadium are the leases setting out the relationships between FFAC and the Council. In addition, a series of legal documents enabling the demerger to be formally carried out are being prepared by the legal advisers. These will enable the formation of the companies to take the new assets and to ensure the legal transfer of the responsibilities and liabilities accordingly. This has been a detailed and complex exercise and has included securing appropriate clearance from Her Majesty's Revenue and Customs (HMRC) for the members' voluntary liquidation of FCSL.
- 3.16 As stated previously the main consideration for Members has been the appropriate formation of the new Council owned company with specific responsibility to develop and manage the assets being transferred. The company has been properly set up and is able to comply with company law in the execution of the duties set out. The Council will be required to appoint directors to the new company; it is proposed that the current Council FCSL directors fulfil this role meantime. The company will have 16 people (13.4 fte) in a combination of full and part time positions each of whom are currently employed by FCSL.
- 3.17 However, it is proposed that a review of the Council owned company be carried out within a year of its establishment to determine whether the company should be retained or if its work would be better integrated within the general work of the Council and efficiencies achieved as a result. As Members are aware the Council has significant expertise in managing and delivering development opportunities, managing business tenants in a range of locations and in providing a diverse range of leisure services across the Council area. It may be that greater integration would offer benefits and therefore it is suggested that this be explored further once the Council has been operating the company and has a better understanding of the associated issues.

4. LEGAL IMPLICATIONS

- 4.1 Members will recollect the legal advice from Morton Fraser which was set out in the September report. This dealt with the broad outline of the demerger proposals and concluded that, while they were not without risk, they nevertheless made the best contribution to achievement of the strategic objectives which were referred to in the report. That position has not changed and Morton Fraser has continued to be involved in advising the Council and developing the legal agreements referred to above.
- 4.2 As FCSL will remain as a stand alone company, albeit wholly owned by the Council, those employees referred to in paragraph 3.16 will remain within the employment of the company. If the work undertaken by that company is subsequently transferred at any stage then the potential for TUPE transfers may arise. This will be fed into the review referred to in paragraph 3.17.

- 4.3 As far as the development sites are concerned further consideration still requires to be given to the procurement options as they develop, to ensure the Council complies with statutory responsibilities.

5. CONCLUSION

- 5.1 The group set up by FFAC, FCSL and the Council to work through the detailed consequences of the demerger plan have gone through the current operational model and legal arrangements to clearly establish the future roles, remit and responsibilities of the new companies being set up under the ownerships of FFAC and the Council. Appropriate clearances have been obtained from HMRC to enable the members' voluntary liquidation to proceed and the associated legal documentation is being prepared.
- 5.2 It is proposed that the FFAC interests be encompassed in two leases, one in respect of the West Stand football assets and one in respect of the ground lease covering the pitch, North Stand, South Stand and future development area for the East Stand. It is proposed that the Council will have a wholly owned company responsible for the West Stand, the conference centre, the five-a-side football centre, the third party leases. It will also take forward negotiations on the completion of the future development sites including the corner pods.
- 5.3 The new Council owned company will undertake much of the work of the current FCSL and will employ the staff currently based at the stadium. It is proposed that a review of the company be carried out within a year of its formation to ascertain if efficiencies can be achieved through greater integration with similar Council services.
- 5.4 Given that Members have previously agreed in principle to the demerger and reorganisation arrangements it is suggested that as the areas of further detailed work have not identified any new or additional risks Members should now give formal approval for the demerger plan to be implemented.

6. RECOMMENDATIONS

6.1 It is recommended that Members:-

- i. Approve the restructuring of FCSL to form 3 new companies and the subsequent transfer of assets to the new companies which will be wholly owned by FFAC or the Council;**
- ii. Agree that the company wholly owned by the Council retain the current FCSL Council directors as its company directors (i.e. Directors of Development Services, of Community Services and Head of Accountancy);**
- iii. Agree that a review of the new company be undertaken within a year of its formation and a further report be prepared in this regard for Members' consideration;**
- iv. Note that a further report will be presented on the issues associated with taking forward the proposed Heads of Terms with Henry Boot Developments Ltd; and**

- v. Authorise the Chief Executive to take such action and to agree the terms of such documentation as is required to give effect to the foregoing.

.....
Chief Executive

Date: 25th February 2009.

Contact: Mary Pitcaithly, Chief Executive. Ext. 6002.

LIST OF BACKGROUND PAPERS

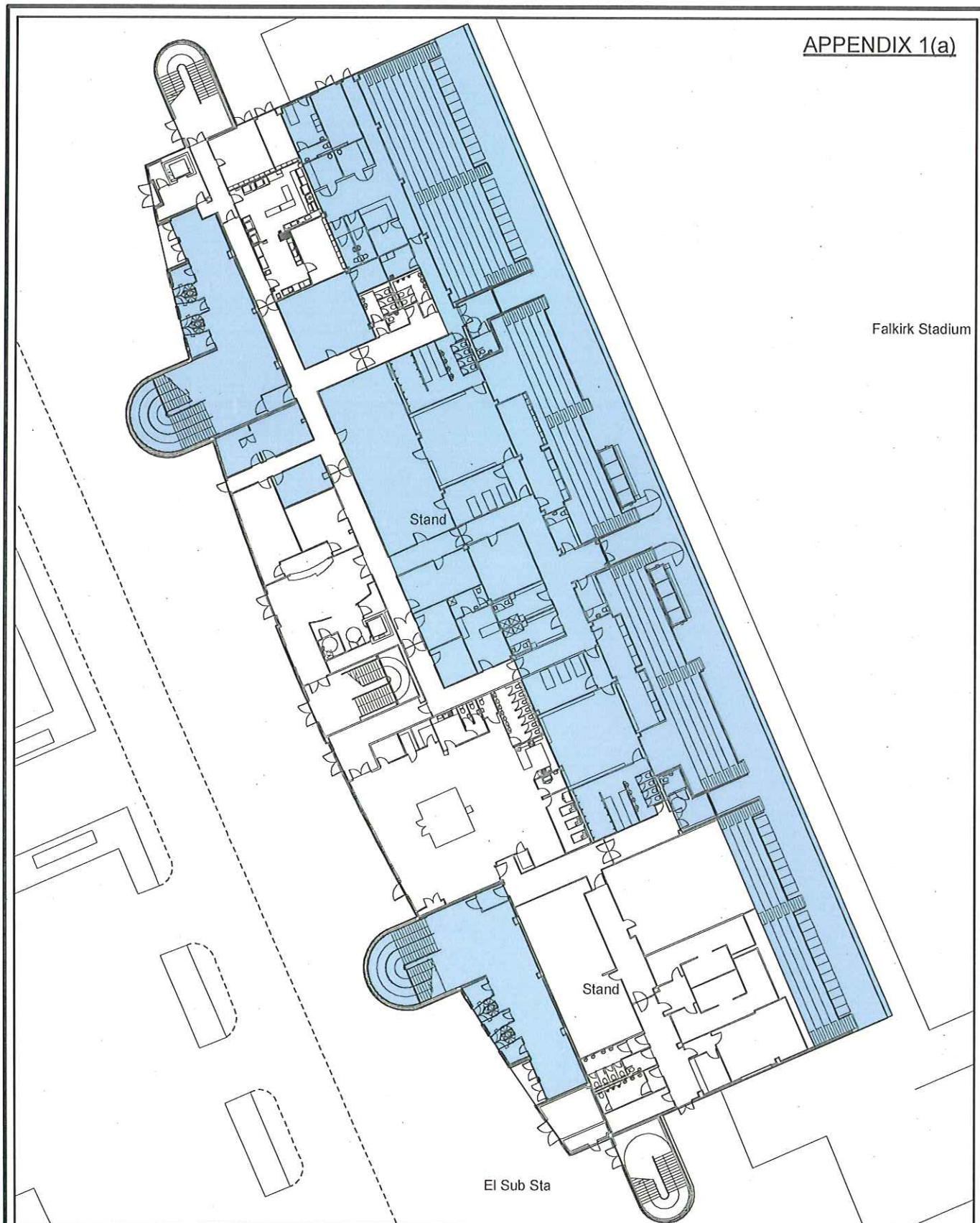
1. Ryden's Report re Falkirk Stadium for Falkirk Council dated 11th January 2009.

Items not for publication on the grounds that they involve the disclosure of exempt information as defined in paragraphs 6, 8, 9 and 12 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

Any person wishing to inspect the above background papers should telephone Falkirk 01324 506002 and ask for Mary Pitcaithly.

APPENDIX 1(a)

Falkirk Stadium



Falkirk Council

Community Services
The Falkirk Stadium, Westfield, Falkirk FK2 9DX
Telephone: 01324 590900 Fax: 01324 590913

Scale: 1:500



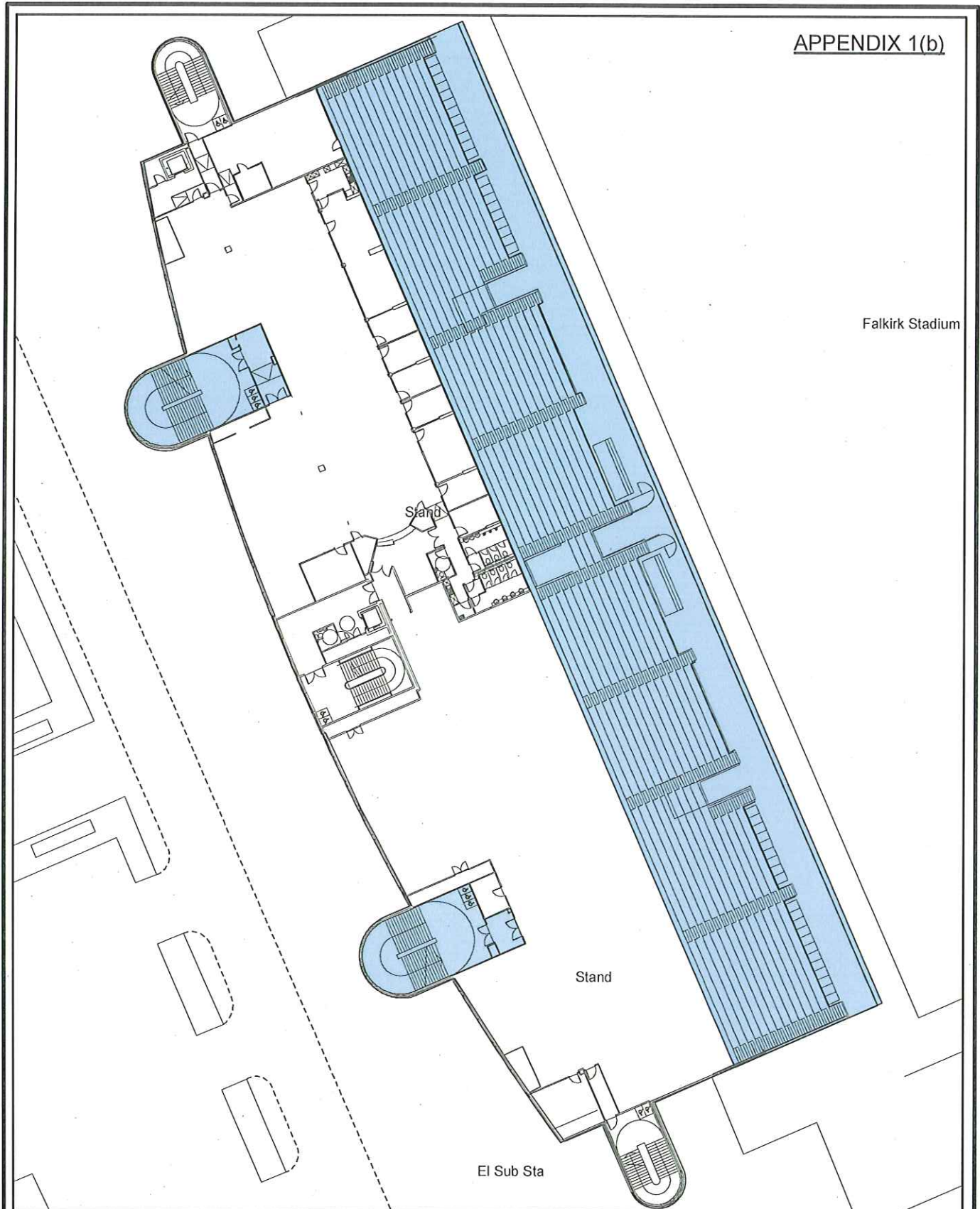
Subject

Falkirk Stadium - Ground Floor, West Stand.
FFAC Area.

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APPENDIX 1(b)

Falkirk Stadium



Falkirk Council

Community Services
The Falkirk Stadium, Westfield, Falkirk FK2 9DX
Telephone: 01324 590900 Fax: 01324 590913

Scale: 1:500



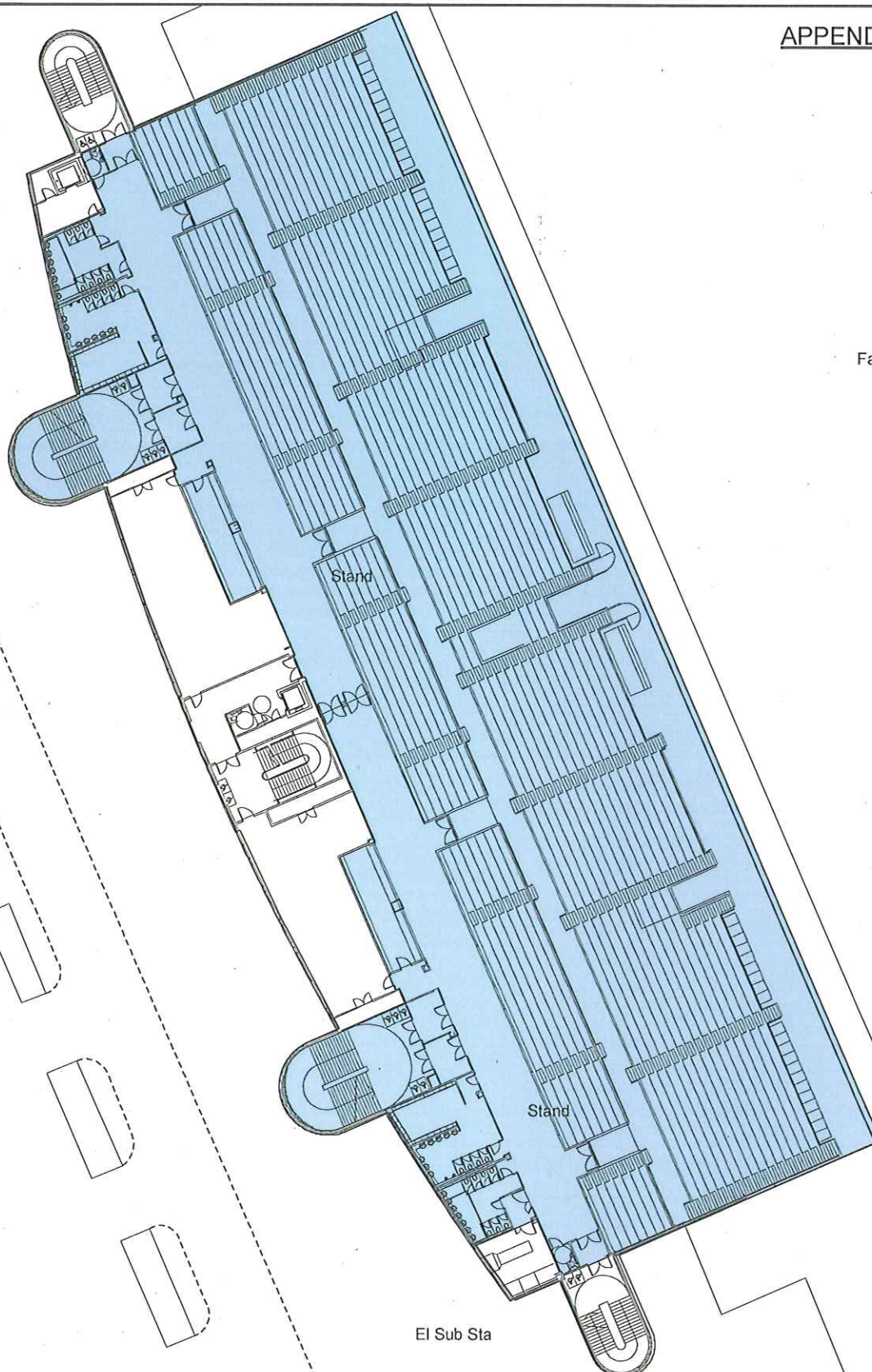
Subject

Falkirk Stadium - First Floor, West Stand.
FFAC Area.

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APPENDIX 1(c)

Falkirk Stadium



Falkirk Council

Community Services
The Falkirk Stadium, Westfield, Falkirk FK2 9DX
Telephone: 01324 590900 Fax: 01324 590913

Scale: 1:500



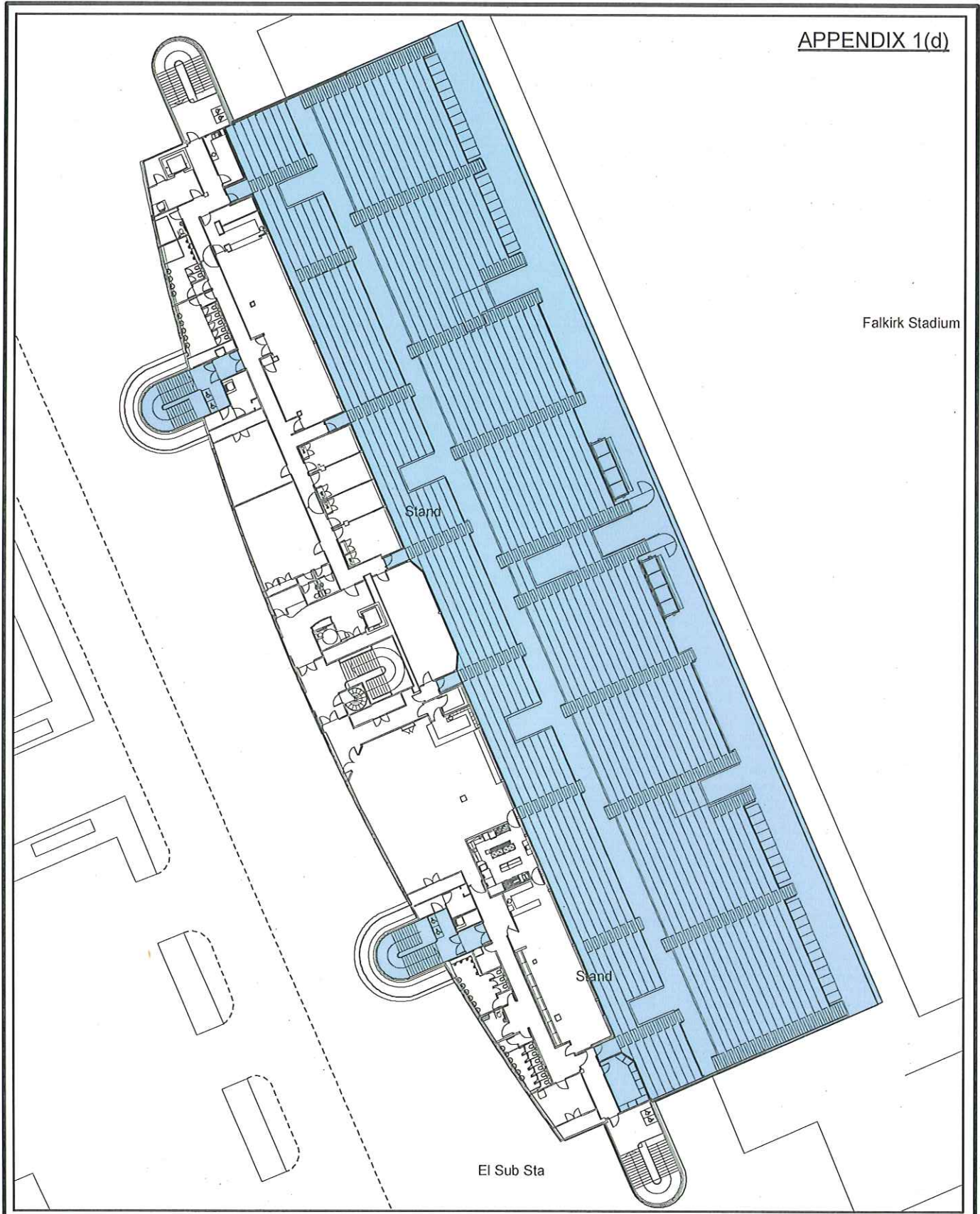
Subject

Falkirk Stadium - Second Floor, West Stand.
FFAC Area.

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APPENDIX 1(d)

Falkirk Stadium



Falkirk Council

Community Services
The Falkirk Stadium, Westfield, Falkirk FK2 9DX
Telephone: 01324 590900 Fax: 01324 590913

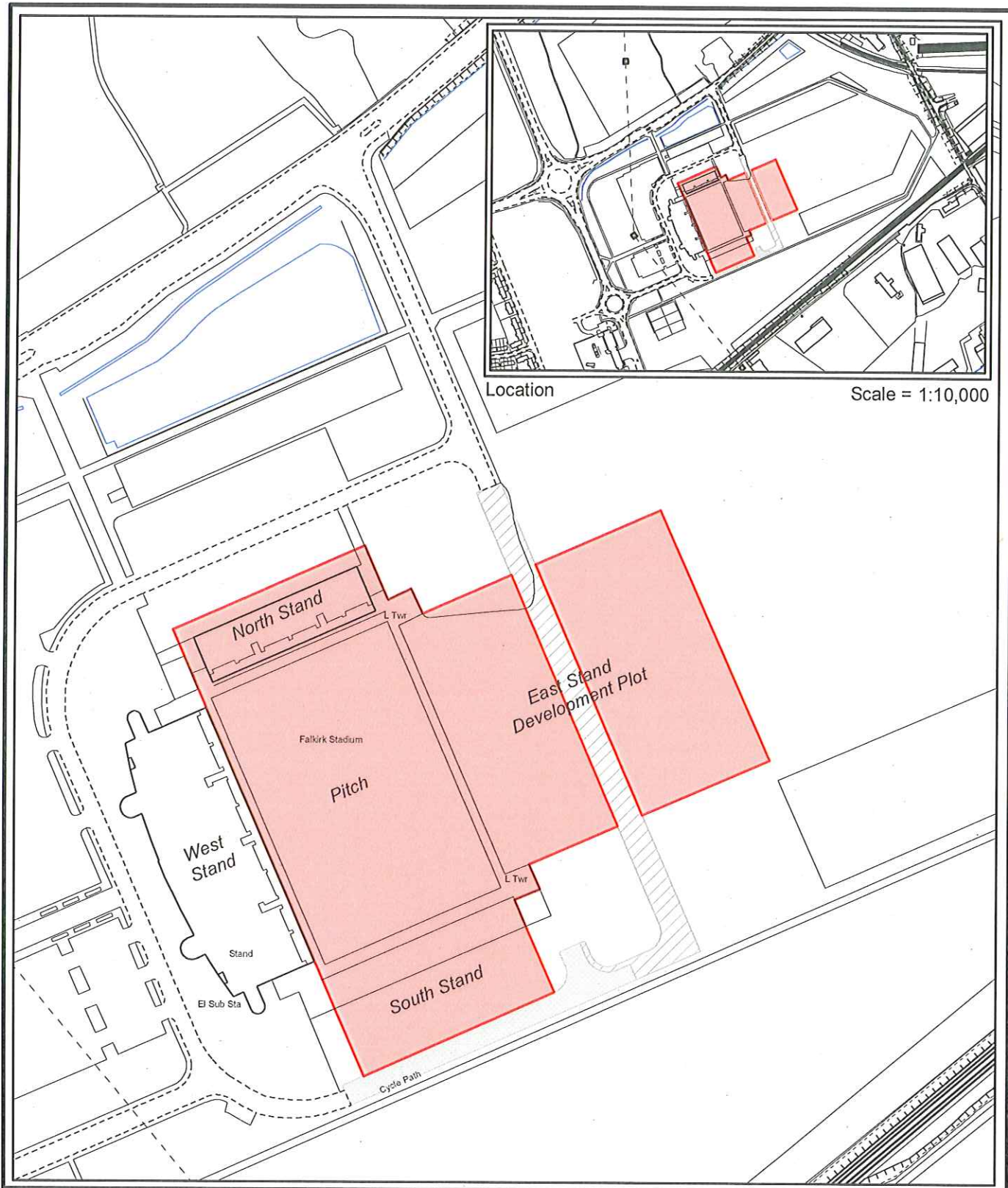
Scale: 1:500



Subject

Falkirk Stadium - Third Floor, West Stand.
FFAC Area.

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APPENDIX 2



Falkirk Council

Community Services
The Falkirk Stadium, Westfield, Falkirk FK2 9DX
Telephone: 01324 590900 Fax: 01324 590913

Scale: 1:2,000



Subject

Falkirk Stadium - Ground Lease to FFAC.

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FALKIRK COUNCIL

Subject: EXECUTION OF DEEDS
Meeting: FALKIRK COUNCIL
Date: 4 March 2009
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. INTRODUCTION

- 1.1 The Deeds shown in the Appendix to this Report have been signed and sealed on behalf of the Council by the Acting Director of Law and Administration Services.

2. RECOMMENDATION

- 2.1 That Council notes the signing and sealing by the Acting Director of Law and Administration Services of the Deeds listed in the Appendix.

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

Date: 16 February 2009

Contact Officer: Brian Pirie (Tel: 01324 506110)

LIST OF BACKGROUND PAPERS

Nil.

ACCESS AGREEMENT between FALKIRK COUNCIL and

David Stout

133 Burnhead Road, Larbert

ADMISSION AGREEMENT between FALKIRK COUNCIL acting in its capacity as the administering authority of

The Falkirk Council Pension Fund and Falkirk Council and Forth and Oban Limited

AGREEMENT between FALKIRK COUNCIL and

Schools Gateway Limited

Construction and servicing of four new High Schools

COLLATERAL WARRANTY UNDERTAKING in favour of FALKIRK COUNCIL

BHC Limited

Sub contract works for Structural steelwork to library at Town Centre Development Stenhousemuir

Greenberg Glass Limited

Sub contract works for Curtain Walling Library (E) Block B, C (Asda) at Town Centre Development Stenhousemuir
Sub-contract works for Aluminium Entrance Doors and Screens Installation to Library at Town Centre, Development Stenhousemuir

Record UK Limited
Rodger Bullivant Limited with consent of Tannson Limited

Sub contract works for Piling Installation to Library at Town Centre Development Stenhousemuir
Sub contract works for Roof and Wall Cladding Installations to Library, Changing Facility and garages at Town Centre Development Stenhousemuir

H S Roofing Limited

Tannson Limited with consent of Macdonald Estates plc

Town Centre Development Stenhousemuir
Sub Contract Works for Lift Installation Library at Town Centre Development Stenhousemuir

Clyde Valley Lifts Limited
Mason Partnership Limited with consent of Tannson Limited
Henderson Warnock Limited with the consent of Macdonald Estates plc

Town Centre Development Stenhousemuir
Mechanical and Electrical Engineer's Appointment New Library Development at Stenhousemuir Town Centre
Civil/Structural engineer's appointment Town Centre Development Stenhousemuir
Landscape Architect's Appointment Town Centre Development Stenhousemuir
Appointment as Employer's Agent, Planning Supervisor Quantity Surveyors, and Project Manager Town Centre Development Stenhousemuir
Architect's Appointment Town Centre Development Stenhousemuir
Traffic Consultant's Appointment Town Centre Development Stenhousemuir

Struer Consulting Engineering Limited
Paul Hogarth, trading as The Paul Hogarth Company with the consent of Tannson Limited

Faithful and Gould Limited with the consent of Macdonald Estates plc
Fouin & Bell Architect's Limited with the consent of Tannson Limited

Faber Maunsell Limited

COMULSORY PURCHASE ORDER

The Roads (Scotland) Act 1984 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

Plots 18, 19 & 21, M8/M9 Link Road, A801, Maddiston

CONTRACT between FALKIRK COUNCIL and

Cash Registers (Buccleuch) Limited, t/a CRB Solutions

NPDO Schools - Provision of Cashless Catering Equipment

DEED OF CONDITIONS by FALKIRK COUNCIL

Wholeflats Business Park, Wholeflats Road, Grangemouth

DEED of POSTPONEMENT amongst FALKIRK COUNCIL and

M Sweeney and C Sweeney

83 Allandale Cottages, Allandale

DEED of SERVITUDE by FALKIRK COUNCIL

J Penman and J Penman

Queens Drive, California

DEED of VARIATION between FALKIRK COUNCIL and

J M Rintoul

9 Gauze Place, Bo'ness

DISPOSITION by FALKIRK COUNCIL in favour of

J Miller and E C Millar

110 Braes View, Denny

J G Campbell and C Campbell

57.5 sq m at Drumside Terrace, Bo'ness

C B Beattie

35 Mavisbank Avenue, Shieldhill

J Templeton and C Templeton

10 Shanks Avenue, Denny

A Laird and J M McKinnon

41 Valeview, Stenhousemuir

J B McLellan

14 Carribber Avenue, Whitecross

A E Sneddon

63 Redbrae Avenue, Bo'ness

H H Friars

12 Lyon Court, Bo'ness

A R Gordon

5 Glenview Avenue, Banknock

Alistair Duncan McLay

44 Letham Terrae, Letham

B T McCall

24 Gateside Avenue, Bonnybridge

A G Paterson and L M Paterson

67 Culmore Place, Hallglen

P Williamson and L Williamson

1 Hillhead Avenue, Banknock

A Ferguson

3 Dundas Road, Laurieston

W Miller & Others

Area of ground adjacent to 40 Wilson Street, Grangemouth

John Jenkins & Son (Scotland) Limited

Yards 1 & 2, Redding Industrial Estate, Redding

M M Maxwell or Reid

5 Moy Court, Grangemouth

P F Mulhern

6 Charlotte Dundas Court, Grangemouth

F G Malloy

59 Windsor Crescent, Maddiston

A B Young

5 Carronhall Avenue, Carronshore

L L McArthur and K Easton

19 Langton Road, Westquarter

R K Morris and D J Morris

33 Gilchrist Drive, Falkirk

John Robert Leiper

149 Carmuir Avenue, Falkirk

J W M Lightbody and B J Lightbody

16 St Laurence Crescent, Slamannan

A McMillan and S McMillan

46 Kintyre Place, Falkirk

K McCormick and H McCormick

49 Sunnyside Street, Falkirk

R Hughes, K F Hughes and M R Hughes

1 Crownest Loan, Stenhousemuir

J B Jenkins and M Jenkins

10 Newtown Street, Bo'ness

J C Cannon

46 Jackson Avenue, Grangemouth

W B McIntyre and A M McIntyre

115 Symon Tower, Falkirk

A Philip

36 North Street, Falkirk

G M F Simpson

43 Kennard Street, Falkirk

M W Ozkan

7 Glenbervie Road, Grangemouth

A Morrison and M Morrison

64 Wotherspoon Drive, Bo'ness

LEASE between FALKIRK COUNCIL and

D L McCabe, T/A Back2life Clinics, Falkirk

54 Vicar Street, Falkirk

Powdrake Servicecentre Ltd

1 & 2 Powdrake Industrial Estate, Grangemouth

Mohammed Imtiaz

4 Fleming Court, Denny

Liquefied Gas Pumping Services Ltd

18 Abbotsinch Road, Abbotsinch Industrial Estate, Grangemouth

Propshaft Services Limited

Unit 3, Murnin Road, Bonnybridge

Douglas Livingston, t/a D C L Joinery & Contractors
Firstform (200) Ltd
G McLean, G R McKenzie and S D Anderson as
Partners of and Trustees for the firm of Dalriada
Partnership

26A Abbotsinch Road, Abbotsinch Ind Est, Grangemouth
14 Wholequarter Avenue, Redding, Falkirk

Dalriada House, South Street, Bo'ness

MINUTE of AGREEMENT between FALKIRK COUNCIL and

J Douglas and E L Douglas as partners of and trustees
for the firm of J D Joinery
Arinsdale Limited
Horizon Housing Association Limited

Land to east of Broomhill Road, Bonnybridge
6A and 6B West Mains Industrial Estate, Grangemouth
Land to south of 7 McTaggart Avenue, Denny
Assessment of Optins for use of Callendar Park and Associated
Buildings
24 Castle Road, Falkirk
LDP Household Survey

Ironside Farrar Ltd
Gap Group Limited
Research Resource

MINUTE OF EXTENSION AND RENT REVIEW MEMORANDUM between FALKIRK COUNCIL and

Paterson Building Services Limited

Unit 1, Etna Road, Falkirk

MINUTE of LEASE between FALKIRK COUNCIL and

SP Distribution Limited

Wholeflats Road, Grangemouth

MINUTE OF RENUNCIATION between FALKIRK COUNCIL AND

A S McNeil and E I McNeil
S Ord or Leung
C Campbell
J Strang
Acer Media Limited

10 York Arcade, Grangemouth
Unit 14, Ladysmill Industrial Estate, Kerse Lane, Falkirk
4 Foundry Road, Bonnybridge
Unit 7, Redding Industrial Estate, Falkirk
Office No 6, Bo'ness Business Centre, 12-16 Corbiehall, Bo'ness
Office No 5, 7 & 8 Bo'ness Business Centre, 12-16 Corbiehall,
Bo'ness

INNP (Scotland) Limited

MINUTE OF TERMINATION of LEASE between FALKIRK COUNCIL and

J Lapsley
S Kerr

85 Church Walk, Denny
72 La Porte Precinct, Grangemouth

MINUTE OF VARIATION between FALKIRK COUNCIL and

Leengate Welding Group Limited
Air Products Plc
Gibson Fencing Supplies Limited
Studbolt (Scotland) Limited

8 & 9 Abbotsinch Court, Abbotsinch Industrial Estate,
Grangemouth
12 Castle Road, Bankside Industrial Estate, Falkirk
Block 9, West Mains Industrial Estate, Grangemouth
8 Abbotsinch Road, Grangemouth

SECTION 75 AGREEMENT among FALKIRK COUNCIL and

J Penman and E Penman and Skipton Building

Cloybank Farm, Banknock

**STEP-IN AGREEMENT among FALKIRK COUNCIL
and**

MacDonald Estates plc and The Trustees of the
Macdonald Estates Group plc Pension Scheme

Health Centre and Tryst adjoining Stenhousemuir Town Centre