

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 8 OCTOBER 2013 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
Gerry Goldie
Alan Nimmo
Malcolm Nicol
Adrian Mahoney
Dr Craig R Martin
Craig Martin (Convener)

OFFICERS: Margaret Anderson, Director of Social Work
John Angell, Head of Planning and Transportation
Wendy Barber, Team Leader, Legal Services
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Richie, Director of Corporate & Neighbourhood Services
Bryan Smail, Chief Finance Officer

ALSO ATTENDING: Patricia Weeks, Historic Scotland

EX63. APOLOGIES

Apologies were intimated on behalf of Councillors Dennis Goldie, Linda Gow and Robert Spears.

EX64. DECLARATIONS OF INTEREST

Councillor Mahoney declared a non-financial interest in items EX69 and EX70 as a member of Friends of Kinneil and of Historic Scotland but did not consider that this required him to recuse himself from consideration of the items having regard to the objective text in the Code of Conduct.

EX65. URGENT BUSINESS

The Convener stated that, in accordance with Standing Order 9.1, an additional item of business had been added to the agenda, namely a report by the Chief Executive on the Community Council Elections 2013. The Convener stated that the community council nomination process closed on 2 October, which postdated issue of the agenda for this meeting, and there was an urgent need for the Executive to determine how to proceed with those community councils where the number of nominations was fewer than the number of vacancies.

EX66. MINUTE

Decision

The minute of the meeting of the Executive held on 17 September 2013 was approved.

EX67. REFERRALS FOR JOINT CONSULTATIVE COMMITTEE – 16 SEPTEMBER 2013

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting 6 policies which had been referred by the Joint Consultative Committee to the Executive for approval.

The Joint Consultative Committee had considered the following policies at its meeting on 16 September and had agreed to refer them to the Executive for approval:- Communications Policy, Casual Employment Policy, Equal Opportunities Policy, Family Leave Policy, Recruitment and Selection Policy and Short Term Supply/Fixed Term Employment Policy for Teachers.

Decision

The Executive approved the policies detailed above.

EX68. INFORMATION GOVERNANCE: FOI PUBLICATION SCHEME/RE-USE OF PUBLIC SECTOR INFORMATION

The Executive considered a report by the Chief Governance Officer on the Council's compliance with the Re-use of Public Sector Information Regulations 2005.

The Regulations provide a framework for the use by a person of a document held by a public sector body for a purpose other than the initial purpose for which the document was produced. Consent to re-use can be by request, in which case the Council would have a specific time limit within which to respond; conditions could be imposed as could a charge for the document and a procedure is required for determining any complaints relating to the Council's actions under the Regulations. Alternatively, the Council could adopt the Open Government Licence which would cover automatic permission to re-use information obtained via the publication scheme and the re-use of documents obtained under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. The advantages of such an approach together with measures taken to advise the public of the change in the Council's position were set out.

Decision

The Executive:-

- 1) noted adoption of the model publication scheme with effect from 31 May 2013;**

- 2) agreed that the Open Government Licence be used for the use and re-use of information available under the publication scheme, and for information given out under FOISA or the EIRs;
- 3) noted that the documents available through the publication scheme comprise the Council's asset list for the purposes of the Re-use Regulations; and
- 4) noted the Council's published complaints procedure as required by the Re-use Regulations.

EX69. FALKIRK GREENSPACE: A STRATEGY FOR OUR GREEN NETWORK

The Executive considered a report by the Director of Development Services on the outcome of a consultation on the draft Falkirk Greenspace: a Strategy for our Green Network, the report recommended certain amendments to the strategy consequent on the consultation exercise.

The draft consultative document set out the Council's approach to greenspace enhancement and delivery. It detailed the Council's priorities and defined a locally relevant programme to help Council meet the ambitions of the Central Scotland Forest Strategy and the Central Scotland Green Network.

The consultation had been undertaken between April and June 2013 and, following analysis of the comments received, the draft strategy had been amended and was presented for approval.

Decision

The Executive approved 'Falkirk Greenspace: A Strategy for our Green Network'.

EX70. THE FRONTIERS OF THE ROMAN EMPIRE (ANTONINE WALL) WORLD HERITAGE SITE MANAGEMENT PLAN 2014-19: FINAL DRAFT

The Executive considered a report by the Director of Development Services presenting Historic Scotland's management plan for the Antonine Wall.

A management plan, for the period 2014-19, had been developed by Historic Scotland and key partners including Falkirk Council. The plan provides a framework for the overall management of the site in a manner specific to its character and needs. A consultation on the plan had been undertaken between April and June 2013 and the draft had been amended following the process. It was intended that, subject to approval by the key partners, the plan would be launched in December 2013.

Decision

The Executive approved the Frontiers of the Roman Empire (Antonine Wall) Management Plan 2014-19 final draft and the accompanying Consultation Report and Strategic Environment Assessment Statement.

EX71. CONSULTATION ON BUS REGULATION (SCOTLAND) BILL

The Executive considered a report by the Director of Development Services presenting the proposed response to a consultation document.

The Council had been invited to comment on a proposal by Iain Gray MSP for a Bill to provide transport authorities with greater powers to set service levels for local bus services.

In terms of the Council's procedures for dealing with policy based consultations the draft response had been circulated to the Group Leaders. There had been no agreement in regard to the draft and it was therefore now submitted to the Executive for consideration.

Councillor Dr C R Martin moved the terms of the proposed response, subject to the substitution of paragraph 1 in the answer to question 1 with the following:

'Falkirk Council supports the proposed Bill to regulate bus services. The Council wishes to have a greater role in improving the standard of bus operation throughout the local area.'

Decision

The Executive agreed the adjusted response to the consultation by Iain Gray MSP on a Bus Regulation (Scotland) Bill.

EX72. RISK MANAGEMENT POLICY AND FRAMEWORK

The Executive considered a report by the Director of Development Services presenting the revised Risk Management policy and framework for approval.

The Council's Risk Management policy sets out the framework for embedding risk management across Falkirk Council. The policy and framework had been reviewed and the revised document was presented for consideration.

Decision

The Executive approved the Risk Management policy and framework.

EX73. FINANCIAL POSITION 2013/14

The Executive considered a report by the Chief Finance Officer on the Council's financial position as at 31 August 2013.

At 31 August 2013 the projected General Fund net expenditure for 2013/14 was forecast to be £1.434m below the approved budget with reserves forecast to be £13.020m. Details were given of significant deviations from budget.

The report also set out the proposed spend and transfers within the Council's reserves and earmarked funds in addition to indicative expenditure on the Housing Revenue Account.

Decision

The Executive;

- 1) approved the transfer and spending plans set out in the report; and**
- 2) noted the initial projection of revenue spending for 2013/14 and the position with Reserves.**

EX74. CAPITAL PROGRAMMES UPDATE REPORT

The Executive considered a report by the Chief Finance Officer on the Council's Capital programme.

Details were given of the audited year end position of the General Services and Housing capital programmes for 2012/13 together with year end forecasts for 2013/14.

Following adjustment for the 2012/13 year end position, the 2013/14 General Services capital expenditure was forecast at £36.04m (against the budget of £38.812m). Consent was sought to adjust the social work capital programme to accommodate revised priorities.

The forecast year end position of the Housing Capital programme was £50.42m (against a budget of £47.419m)

Consent was sought to adjust the social work capital programme to accommodate higher priorities. The 2012/13 audit of the Housing Capital Investment plan confirmed slippage of £2m. The year end forecast for 2013/14 currently shows an overspend of £1.5m to be met by additional borrowing and capital receipts.

Decision

The Executive noted the status of the General Services and Housing Capital Investment Programmes for 2012/13 and agreed revisions to the Social Work Capital Programme.

EX75. SCOTTISH GOVERNMENT DRAFT BUDGET 2014/15

The Executive considered a report by the Chief Finance Officer summarising the implications for local government of the Scottish Government draft budget 2014/15.

The Scottish Government's draft budget 2014/15 (including figures for 2015/16) includes an allocation to local government of £10,531.4m for 2014/15 and £10,608.2m for 2015/16. In return for the proposed settlement, Councils would be expected to deliver certain specific commitments, including:

- maintenance of a council tax freeze
- maintenance of teacher numbers in line with pupil numbers and securing places for all probationers who require one under the teacher induction scheme.

Given the draft budget and the long term profile of the austerity regime, the most financially challenging cuts were expected in 2016/17 and beyond with the three year (2014-17) cumulative budget gap for Falkirk Council forecast at £35m.

Decision

The Executive noted the Scottish Government's draft budget for 2014/15 and the indicative position for 2015/16 together with the Council's currently estimated financial position and agreed that a budget seminar be held for all members.

EX76. RAIL STATIONS INVESTMENT FUND

The Executive considered a report by the Director of Development Services on the findings of a study into the Scottish Government's Station Investment fund and of an appraisal of the possibility of new stations at Bonnybridge and Grangemouth.

Falkirk Council had, along with SEStran, appointed consultants to audit car parking provision and access arrangements at Falkirk Stations. The findings also identified highlighted enhancements which could be funded or part funded from the Stations Investment fund.

Additionally the Council, through SEStran, had appointed a consultant to review and update previous work undertaken to investigate the possibility of new stations being developed in Bonnybridge and Grangemouth. The review had concluded that it would be advisable to delay any detailed appraisal and business case until the current Edinburgh-Glasgow electrification programme (EGIP) is complete and decisions are made on the Greenhill Junction improvements and on High Speed Rail between Glasgow and Edinburgh.

Decision

The Executive agreed:-

- 1) **that further detailed appraisal work on potential new stations is delayed until more details are available on the following:**
 - **Timetable for completion of the EGIP Project in the Falkirk Council area**
 - **Greenhill Junction Improvements**
 - **High Speed Rail link between Glasgow and Edinburgh**
- 2) **to submit in partnership with SEStran, a bid for funding of the Falkirk High Station Car Park from the Scottish Government's Station Improvement Fund, and**

- 3) to liaise with SEStran, who are submitting a bid for minor improvements at existing railway stations in the SEStran area, to include any appropriate or eligible improvements to stations in the Falkirk Council area.

EX77. CONTRACT FOR M9 JUNCTION 6 TO EARLSGATE INTERCHANGE SIGNALISATION (IA0151)

The Executive considered a report by the Director of Development Services on her decision to award the contract for signalisation at the M9 Junction 6 to Earlsgate Interchange, conform to a previous decision taken by the Executive on 6 August 2013.

The Executive had previously delegated authority to the Director of Development Services to award the contract for the M9 Junction 6 to Earlsgate Interchange signalisation works. The contract had been advertised and 7 tenders had been received by the due date. The lowest priced tender, from Wills Bros. Ltd, in the sum of £1,827,000 was considered to represent best value. The contract was therefore awarded to Wills Bros. Ltd.

Decision

The Executive noted the decision of the Director of Development Services to award the contract for the M9 Junction 6 to Earlsgate Interchange signalisation to Wills Bros. Ltd. for the sum of £1,827,000.00.

EX78. OUTDOOR ACCESS PROJECTS – ACQUISITION OF LAND

The Executive considered a report by the Director of Development Services seeking approval for the promotion of a compulsory purchase order for land between Shieldhill and California should the Council and the land owner fail to reach a negotiated agreement.

Decision

The Executive:-

- 1) instructed officers to continue in their attempts to purchase the land by agreement with the landowner, and
- 2) approved, in the event that officers determine that a voluntary acquisition is unlikely to be achieved, the Council's promotion of a Compulsory Purchase Order in terms of the Land Reform (Scotland) Act 2003 over the private interests outlined in the report and subsequent referral to the Scottish Ministers, for the construction of the following project:
 - (i) Footbridge across Polmont Burn to replace collapsed culvert.
 - (ii) Path reinstatement and improvements along Core path 018/686 between Main Street, Shieldhill and Bellsrigg Community Woodland, California.

EX79. COMMUNITY COUNCIL ELECTIONS

The Executive considered a report by the Chief Executive on the outcome of the nomination process for the Community Council elections 2013.

The Executive had previously agreed the 2013 Community Council election timetable. Details were given of the number of nominations received by the close of the nomination period on 2 October. Of the 23 Community Council areas, 4 had received nominations equal to the number of vacant places and as such could be established on 31 October. Of the remaining 19 Community Councils all had received fewer nominations than there were places. The report set out options available to the Executive.

Decision

The Executive:-

- 1) noted the formation of Airth Parish; Banknock, Haggs and Longcroft; Bo'ness and Maddiston Community Councils;**
- 2) agreed to permit the following Community Councils to form with the remaining vacancies being filled by co-option- Avonbridge and Standburn; Brightons; Denny and District; Falkirk South; Grahamston, Middlefield and Westfield; Larbert, Stenhousemuir and Torwood; Reddingmuirhead and Wallacestone; and Shieldhill and California, and**
- 3) agreed to extend the nomination period to 30 October 2013 for the following Community Councils:- Blackness; Bonnybridge; Camelon, Bantaskine and Tamfourhill; Carron and Carronshore; Falkirk Central; Grangemouth; Langlees, Bainsford and New Carron; Lower Braes; Polmont; Slamannan and Limerigg; and Whitecross.**

EX80. EXCLUSION OF PUBLIC

The Executive agreed, in terms of s50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraphs 6&9 of Part 1 of Schedule 7A of the said Act.

EX81. WHITECROSS SIRR – MORSTON ASSETS LTD

The Executive considered a report by the Director of Development Services on the current position in regard to negotiations for the payment of the Council's land value.

The Executive had previously agreed the process to be followed in regard to the sum to be sought from Morston Assets Ltd. for their purchase of land owned by the Council. Details were given of negotiations with Morston Assets Ltd., and of advice given by the District Valuer on a proposal by Morston Assets Ltd. The Executive was requested to determine how to proceed with negotiations.

Decision

The Executive agreed to seek premium overage payments in respect of the land referred to in the report.