

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 14 JANUARY 2014 at 9.30 a.m.**

**COUNCILLORS:**

Jim Blackwood  
Dennis Goldie  
Gerry Goldie  
Linda Gow  
Adrian Mahoney  
Malcolm Nicol  
Alan Nimmo  
Dr Craig R Martin  
Craig Martin (Convener)

**OFFICERS:**

Margaret Anderson, Director of Social Work Services  
Robin Baird, Waste Strategy Co-ordinator  
John Flannigan, Depute Chief Finance Officer  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Brian Pirie, Democratic Services Manager  
Mary Pitcaithly, Chief Executive  
Stuart Ritchie, Director of Corporate & Neighbourhood Services

**EX95. APOLOGIES**

An apology was intimated on behalf of Councillor Spears.

**EX96. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**EX97. MINUTE**

**Decision**

The minute of the meeting of the Executive held on 19 November 2013 was approved as a correct record.

**EX98. BONNYBRIDGE SOCIAL CLUB**

Council had, on 11 December 2013, in accordance with Standing Order 31.1, referred the following motion, which had been proposed by Baillie Buchanan, to the Executive:-

Bonnybridge Social Club like many other clubs eg. social, golf, bowling are all feeling the effects of not only the downturn in the economy, but also the changes in peoples social lives. Clubs are closing all the time and those that are not are struggling from week to week just to keep the doors open. Bonnybridge Social Club is no different and it's only through the sacrifices and hard work and endeavour of a few that it remains open for business. This club is an integral part of the community and is utilised by the whole community in a variety of ways, its closure would have a devastating effect on the community. They require the long term stability of clearing their debt and then starting afresh with the financial burden of debt off their shoulders. They firmly believe that they can continue to be viable. Those who have worked tirelessly deserve this opportunity, as do the community to safeguard the clubs future. So how can this Council support this club and show that they fully understand? The following motion simply spells it out

### Motion

Bonnybridge Social Club owns the building, the ground the club sits on is owned by the Council, they have been advised that the bank could give them the loan to remove their debt but only if they owned the ground. You therefore see the predicament, so I would move the following.

1. The Council requests a valuation of the ground from the District Valuer.
2. The Council then transfers the ground to the Social Club with the following conditions.
  - (a) that a payback agreement is entered into between the Club and the Council; and
  - (b) that should the transfer go through and if they club in future closes without the Council being fully paid then the ground would then go back into the ownership of the Council.

In terms of Standing Order 31.2, Baillie Buchanan was entitled to attend the meeting to be heard on the motion before it was considered or debated.

Baillie Buchanan had, however, advised that he was unable to attend through illness and requested the Executive to continue the matter to a future meeting to allow him to be heard.

### **Decision**

**The Executive agreed to continue consideration of this item to the next meeting, to allow Baillie Buchanan to be heard on the motion.**

## **EX99. RECORDS MANAGEMENT PLAN AND RECORDS MANAGEMENT POLICY**

The Executive considered a report by the Chief Governance Officer presenting a Records Management and Preservation of Archived Records Policy for approval, together with the Records Management Plan for information.

The Council was required, by the Public Records (Scotland) Act 2011 (PRSA), to prepare and implement a records management plan. Such plans require the approval of the Keeper of the Records of Scotland (the Keeper).

A draft Records Management Plan had been submitted to the Keeper in June 2013, and his agreement of the plan had been received in August 2013. The plan requires to include a records management policy statement. The Council's current Records Management and Preservation of Archival Records Policy was approved in 2006. The policy had been revised in 2013 to take into account the requirements of the Act.

The Records Management Plan was presented for information, together with the revised Records Management and Preservation of Archival Records Policy, which was submitted for approval. If approved, the latter will be incorporated within the Records Management Plan.

### **Decision**

**The Executive noted the Records Management Plan and approved the Records Management and Preservation of Archival Records Policy.**

## **EX100. STRATEGIC JOINT COMMISSIONING PLAN: SERVICES FOR OLDER PEOPLE 2014-2017**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting a Strategic Joint Commissioning Plan for Services for older people (JCP) for approval.

Health and Social Care partnerships were required, as part of the Scottish Government's reshaping care for older people and associated change programme, to produce a Joint Commissioning Plan (JCP). An informal partnership comprising Falkirk Council, NHS Forth Valley, CVS Falkirk and District and Scottish Care had developed, through consultation, a JCP for the period 2014-17. Details were given of the consultation process leading to the development of the JCP and the key themes of the plan.

### **Decision**

**The Executive approved the Strategic Joint Commissioning Plan for Older People 2014-17.**

## **EX101. TOURISM ACTION PLAN 2014**

The Executive considered a report by the Director of Development Services presenting the Tourism Action Plan for 2014 for approval.

The Council's Tourism Action Plan was updated annually. The key achievements of the 2013 plan were detailed together with the 2014 plan.

## **Decision**

**The Executive agreed the Tourism Action Plan for 2014 and noted progress in the key areas of activity on the 2013 Plan.**

### **EX102. FINANCIAL POSITION 2013/14**

The Executive considered a report by the Chief Finance Officer on the Council's financial position as at 30 November 2013.

At 30 November 2013 the projected General Fund net expenditure, for 2013/14, was forecast to be £2.172million below the approved budget. Details were given of significant deviations from budget.

The report also set out the proposed spends and transfers within the Council's reserves and earmarked funds and indicative expenditure within the Housing Revenue Account.

## **Decision**

**The Executive:-**

- 1) noted the projection of revenue spending for 2013/14 and the position within reserves, and**
- 2) approved the transfer and spending plans set out in the report.**

### **EX103. LOCAL GOVERNMENT FINANCE SETTLEMENT 2014/15**

The Executive considered a report by the Chief Finance Officer summarising the implications of the Scottish Government's Finance Circular No6/2013 setting out its provisional revenue and capital allocation for 2014/15.

The Scottish Government's Finance Circular No6/2013 set out the provisional national revenue and capital allocation for 2014/15 (the Local Government Finance settlement 2014/15) together with an update on grant charges for 2013/14, details of the increase in business rates poundage levels, and confirmation of relief thresholds.

The implications of the circular both nationally and in regard to Falkirk Council were summarised.

## **Decision**

**The Executive noted the provisional Local Government Finance Settlement 2014/15.**

#### **EX104. CAPITAL PROGRAMME UPDATES REPORT**

The Executive considered a report by the Chief Finance Officer on the Council's Capital Programme 2013/14. Details were given of the year end forecasts in regard to the General Services Capital Programme 2013/14 and for the Housing Capital Programme 2013/14.

Following adjustment, the General Services Capital Programme 2013/14 was forecast at £28.9million, resulting in slippage of approx £8.9million. The year end position of the Housing Capital programme was £47.02million (against a budget of £47.42million).

Details were also given of the progress in 'shovel ready' projects funded by an additional capital grant of £1.168million, which must be spent in 2013/14 and proposed revisions to the programme.

##### **Decision**

**The Executive noted the status of the General Services and Housing Capital Investment programmes for 2013/14, and approved the revisions to the Capital Programme as set out in the report.**

#### **EX105. FUNDING 'LEADER' - EUROPEAN PROGRAMME & COASTAL COMMUNITIES FUNDS**

The Executive considered a report by the Director of Corporate and Neighbourhood Services proposing the strategic realignment of Falkirk Council from the Forth Valley and Lomond LEADER local action group to the Kelvin Valley LEADER local action group.

Falkirk Council is currently a member of the Forth Valley and Lomond LEADER action group as part of the national LEADER programme to utilise European funds to deliver community-led rural development projects. Details were given of the LEADER project and the Council's success in securing funding to date. Details of a recommendation to join the current Kelvin LEADER local action group were set out together with the anticipated benefits to the Council.

##### **Decision**

**The Executive approved the involvement of Falkirk Council in a LEADER funding programme 2014-2020 in association with new partners drawn from the current Kelvin Valley local action group based on a strategic re-alignment more in keeping with the nature of the Falkirk Council area.**

#### **EX106. FAIRER FALKIRK UNDERSPEND PROPOSALS**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting proposals to utilise the projected £80,000 underspend from the Fairer Falkirk Fund.

Correspondence between Councillor C Martin and Councillor Meiklejohn regarding alternative proposals to utilise the underspend was circulated at the meeting.

An underspend of approximately £80,000 had been projected for the Fairer Falkirk Fund 2013/14. Proposals to utilise approximately £45,000 to allow Falkirk and District Credit Union to purchase and install a new IT system were set out, together with a proposal to utilise approximately £35,000 to engage external experts, to allow the Council to better understand the requirements of its customers and to improve service delivery to 'hard to reach' citizens impacted by welfare reform.

##### **Decision**

**The Executive approved proposals to fund the two projects set out in the report using the projected £80,000 underspend from the Fairer Falkirk Fund 2013/14.**

#### **EX107. OUTDOOR ACCESS PROJECTS – ACQUISITION OF LAND**

The Executive considered a report by the Director of Development Services recommending the purchase of land at Main Street, Shieldhill and seeking authority, in the event that a negotiated purchase cannot be achieved, to purchase the land by a compulsory purchase order.

The Executive had, on 8 October 2013, agreed the purchase of land at Main Street, Shieldhill in order to replace a missing bridge needed to carry core path 018/686 across the Polmont burn. The Executive had also agreed to utilise compulsory purchase order procedures to obtain the land in the event that attempts to purchase the land by agreement proved unsuccessful. Since then, it had been determined that the purchase of an additional piece of land was required to achieve the intended purpose.

The Council is currently engaged in discussion with the landowner in regard to the purchase of the land by agreement. In the event that the discussions prove unsuccessful, it was recommended that this additional land be included in any compulsory purchase order procedures required to secure the area.

##### **Decision**

**The Executive agreed to:-**

- 1) request that officers continue in their attempts to purchase land by agreement with the landowner, and**

- 2) in the event that agreement is not reached, to approve the inclusion of the extended area in the Council's promotion of a Compulsory Purchase Order under the Land Reform (Scotland) Act 2003 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.

#### **EX108. BUSINESS GATEWAY AND SUPPORT UPDATE**

The Executive considered a report by the Director of Development Services providing an update of the Council's business support activity since October 2012, and recommending the allocation of £207,000 to provide additional financial support to businesses.

The Council had agreed on 18 June 2012 to bring business support, including the delivery of Business Gateway, in-house with effect from 1 October 2012. Details were given of key results since 1 October 2012 in regard to start-up and existing business. An examination of Falkirk Council's funding to Falkirk for Business had identified unallocated funds of approximately £70,000. In addition, efficiency savings had been achieved through the delivery of Business Gateway in-house. Proposals were set out to utilise the total savings of £207,000 to provide additional financial support to businesses through the extension of the Council's grant and loan schemes.

#### **Decision**

**The Executive agreed to:-**

- 1) note the performance of Business Gateway and Business Support activities since October 2012, and
- 2) allocate £207,000 to provide additional financial support to businesses through extension of the Small Business Grant Scheme at a cost of £70,000, and the East of Scotland Investment Fund (£137,000), subject to the 2014/15 proposals being confirmed at the Council's budget meeting in February.

#### **EX109. TOWN CENTRE REGENERATION STRATEGY: UPDATE REPORT**

The Executive considered a report by the Director of Development Services presenting an update on the Council's town centre regeneration activities.

An email from Councillor McCabe to Councillor C Martin in regard to the consultation on the Denny War Memorial was circulated at the meeting.

Details were given of the Council's regeneration activities in Falkirk, Stenhousemuir, Bo'ness, Grangemouth and Denny town centres detailing work to date, current work and setting out the next steps for each town centre. The report also set out proposals for the re-siting of the Denny War Memorial and to introduce free parking after 3.00pm (Free after Three) in Council operated car parks in Falkirk.

### **Decision**

**The Executive agreed to:-**

- 1) note the progress of the Council's actions relating to town centre regeneration;**
- 2) introduce free car parking to Council operated Falkirk town centre car parks after 3pm until 8 December 2014 and further evaluation thereafter;**
- 3) the revised proposals for the temporary re-siting of Denny War Memorial;**
- 4) declare the Phase 2 site in Denny town centre as outlined in paragraph 8.8 of the report surplus to operational requirements and the disposal of the site on the open market for development;**
- 5) appoint a consultant to review the Council's Town Centre Regeneration Strategy, and**
- 6) receive further reports on town centre regeneration as work progresses.**

### **EX110. 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 8 and 12 of Part 1 of Schedule 7A to the said Act.

### **EX111. CONTRACT FOR THE PROVISION OF DRY RECYCLATE SEGREGATION AND RESALE SERVICE**

The Executive considered a report by the Director of Development Services in regard to the contract with Oran Environmental Solutions Ltd (OES) for the processing of dry recyclates. The report had been continued from a previous meeting on 19 November 2013 to allow further information to be evaluated.

The current contract with Oran Environmental Solutions Ltd (OES) expires in February 2014. Options for the provision of a service post February 2014 were presented together with legal and financial implications.

Following discussion, the meeting adjourned for 15 minutes to allow members to consider the options set out in the report and reconvened at 12.15pm with all members present as per the sederunt.



Councillor Dr CR Martin moved that the Executive agree to;

- 1) accept the proposals from Oran Environmental Solutions Ltd in paragraph 3.2 of the report and authorise the extension of the dry recyclates segregation and re-sale contract for one year (with the additional conditions set out in paragraph 3.4 of the report) with Oran Environmental Solutions Ltd with an estimated annual contract value of £30,000;
- 2) authorise the Director of Development Services, in consultation with the Portfolio Holder for the Environment, to implement contingency measures in the event of early termination of the contracts and to ensure that monthly updates are provided to the Portfolio Holder on progress with an oversight of this contract.
- 3) note that a claim for damages has been raised by the Council against Regen Waste Limited, and
- 4) authorise the Director of Development Services, in consultation with the Leader or one of the Depute Leaders of the Council, to conclude any settlement of the claim in the terms set out in the report.

As an addendum Councillor D Goldie moved that:

The Roughmote waste transfer station would not be utilised in the event that contingency measures are required without further approval from the Executive.

## **Decision**

### **The Executive agreed:-**

- 1) to accept the proposals from Oran Environmental Solutions Ltd to amend the terms of the contract for the provision of dry recyclate segregation and resale service as below:-**

- The replacement of the original £0 per tonne (pt) gate fee for processing with a surcharge of £2.50pt to continue the improvements in relation to the management of material;
- A commitment to the enhancement of local employment and to employ 8 people through the Council's Employment Training Unit (ETU);
- A commitment to continue to work in partnership with the Council to improve the quality of recyclate that can be produced through the sorting process and thus secure best price for the recyclate product;
- A commitment to continual improvement of the facility and to processing the recyclate material as quickly as possible for onward sale;
- The provision of a rebate to the Council if market prices improve as per the original assignment agreement.

**and to authorise the extension of the dry recyclate segregation and re-sale contract for one year with the following additional conditions applied:-**

- The SEPA Compliance Assessment Scheme rating from 1 January 2014 must remain at least “broadly compliant” throughout the extension period;
- Compliance with any enforcement notice;
- No environmental conviction served against the company or the company directors

**with Oran Environmental Solutions Limited with an estimated annual contract value of £30,000, and to ensure that monthly updates are provided to the Portfolio Holder on progress with an oversight of this contract;**

- 2) **to authorise the Director of Development Services, in consultation with the portfolio holder for the environment, to implement contingency measures in the event of early termination of the contract;**
- 3) **that the Roughmute waste transfer facility would not be utilised in the event that a contingency measure was required;**
- 4) **to note that a claim for damages has been raised by the Council against Regen Waste Limited, and**
- 5) **to authorise the Director of Development Services, in consultation with the Leader or one of the Depute Leaders of the Council, to conclude any settlement of the claim in the terms set out in the report.**