

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 18 MARCH 2014 at 9.30 a.m.

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

OFFICERS: Karen Algie, Head of Human Resources and Customer First
John Angell, Head of Planning and Transportation
Robin Baird, Waste Strategy Co-ordinator
Fiona Campbell, Head of Policy, Technology and Improvement
Kevin Collins, Transport Planning Co-ordinator
Christopher Cox, Public Transport Officer
David Crighton, Estates Manager
Rhona Geisler, Director of Development Services
Tracy Gillespie, Human Resources Manager
Rose Mary Glackin, Chief Governance Officer
Elizabeth Hood, Neighbourhood and Access to Housing Manager
David McGhee, Head of Resources and Procurement
John Paterson, Head of Operational Services
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Bryan Smail, Chief Finance Officer

ALSO ATTENDING: Baillie William Buchanan (Item EX131)
Maureen Campbell, Chief Executive, Falkirk Community Trust.
Jane Clark, Business Development Manager, Falkirk Community Trust

EX127. APOLOGIES

Apologies were received from Councillor D Goldie and Councillor Spears.

EX128. URGENT BUSINESS

The Convener stated that, in accordance with Standing Order 9.1, he had determined that an additional item of business should be added to the agenda, namely a report by the Director of Development Services on the award of a contract for the design and construction of a play park in the Helix Park. The Convener was of the opinion that the item should be considered as a matter of urgency given that full funding for the project had now been confirmed and there was a the need for the facility to be open in time for the Helix launch in April.

EX129. DECLARATIONS OF INTEREST

Councillor Nicol declared a non-financial interest in item EX144 as a Director of Falkirk Community Trust, but did not consider that this required him to recuse himself from consideration of the item, having regard to the relevant specific exclusion contained in the Code of Conduct.

EX130. MINUTE

Decision

The minute of the meeting of the Executive held on 25 February 2014 was approved.

EX131. BONNYBRIDGE SOCIAL CLUB

The following motion, by Baillie Buchanan, had been referred to the Executive by Council on 11 December 2013. The Executive had, on 14 January 2014, continued consideration of the motion because Baillie Buchanan had been unable to attend the meeting due to illness. On 25 February 2014, the Executive again continued consideration of the motion because Baillie Buchanan had been unable to attend the meeting. The Executive had also at that meeting requested a report on the implications of the motion. A Report by the Director of Development Services was accordingly included as item 5 on the agenda. The motion and the report were considered together. The motion was:-

“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 the 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 heard on the motion before it was considered.

Decision

The Executive agreed to seek the following information from Bonnybridge Social Club:

- (a) a business plan including the last 3 years' certified accounts, and
- (b) details of the proposed loan including the amount, the proposed lender and confirmation from the lender that a loan will be provided on the basis of the proposal set out in the motion.

NOTED that Council officers were willing to work with the Social Club on the details of the proposal in order to bring a further report to the Executive for discussion.

EX132. REFERRALS FROM JOINT CONSULTATIVE COMMITTEE – 18 FEBRUARY 2014

The Joint Consultative Committee had referred the revised Capability and Driving at Work Policies to the Executive for approval.

The Executive considered a report by the Director of Corporate and Neighbourhood Services summarising the key revisions to the policies and presenting both for approval.

Decision

The Executive approved the following policies for immediate implementation:-

- (1) Capability at Work Policy; and**
- (2) Driving at Work Policy.**

At this point, Councillor Nicol declared a non-financial interest in the following item as a Director of Falkirk Community Trust but did not consider that this required him to recuse himself from consideration of the item, having regard to the relevant specific exclusion contained in the Code of Conduct.

EX133. POLICY DEVELOPMENT PANEL – CULTURE AND SPORT STRATEGY

The Executive considered a report by the Director of Corporate and Neighbourhood Services setting out the key findings and recommendations of the policy development panel established to review of the Culture and Sport Strategy.

The terms of reference for the panel were to reflect on the draft strategy and propose changes, to look at how the strategy would progress to implementation beyond the broad intent set within it and to make recommendations on a final strategy to the Executive.

Meetings of the panel were held between September 2013 and January 2014. All members of the Council together with key stakeholders were invited to contribute to the review.

The report provided an overview of the evidence submitted to the panel by Falkirk Community Trust and other key stakeholders, detailed outcomes from the panel meetings, summarised the panel's findings and presented a revised strategy, having made only relatively minor changes. The panel recognised that the Trust's delivery plans would set out in detail actions to implement the aims of the strategy and recommended that a protocol be established to enable members to participate meaningfully in the development of the plans.

Councillor Mahoney presented the findings of the panel.

Decision

Having noted the views and evidence provided to the Policy and Development Panel by Falkirk Community Trust and other stakeholders, the Executive agreed:-

- (1) the proposed protocol set out in the report to allow delivery plans supporting the strategy to be considered promptly by Members and to provide the Trust with the feedback it requires;**
- (2) to take steps to ensure that the Council optimises the opportunities provided by the HELIX to contribute to the attainment of the strategy and its supporting delivery plans;**
- (3) to advise the Trust, Falkirk Council and other partners to optimise opportunities and resources for collaborative and partnership working;**
- (4) to ensure that effective links are made between the strategy and delivery plans and the Council's Single Outcome Agreement and Strategic Community Plan and that the contribution made to these is clear**
- (5) to request officers in Corporate and Neighbourhood Services, Development Services and the Trust to progress the development of a Strategic Masterplan for our parks and to refresh the Parks Development Plan, as appropriate, by the end of 2014, and**
- (6) to approve the final draft of the Culture and Sport Strategy attached at Appendix 3 to the report.**

Councillor Gow joined the meeting during consideration of the foregoing item.

EX134. POLICY DEVELOPMENT PANEL – BEREAVEMENT SERVICES

The Executive considered a report by the Director of Corporate and Neighbourhood Services setting out the key findings and recommendations of the policy development panel review of bereavement services.

The terms of reference for the panel were to consider the Council's long term approach to the provision of cemetery space and other policies covering the Council's cemeteries and crematoria and to ensure that the Council's bereavement services were fit for purpose, met customer needs and had appropriate standards for the short, medium and longer term.

The report outlined the work of the panel and the input from stakeholders and included a summary of recommendations for consideration by the Executive.

Councillor Dr Martin presented the findings of the panel.

The Executive discussed the panel's recommendations and the work of the panel was commended. However, the following observations were made:-

- the views of bereaved persons with regard to the proposals were important and there should accordingly be public consultation on the panel's findings.
- there had to be flexibility within any policies and rules to recognise the views of bereaved persons.
- it was not practical to set a consistent maximum number of interments per grave across all cemeteries as the number would depend on variables including ground conditions.
- the Council's policies in regard to bereavement services had been in place for a number of years and it was likely that, in some cases, practice had developed which did not reflect the original policy. A review of all policies was therefore required.
- the proposal to ensure consistency in the material used for headstones was considered to be too rigid and it was suggested that the choice of material should be left to personal preference.
- while the health and safety risk of falling headstones was acknowledged, it was suggested that a limit in the size of headstones would not necessarily address those concerns, and that appropriate maintenance of all gravestones would have greater benefit.
- the length of services and the opening hours of the crematorium should be reviewed.

Councillor C Martin, seconded by Councillor Nicol, moved that the Executive:-

- (1) notes the recommendations of the policy development panel set out in appendix 1 to the report and agrees to consult on them with the residents of Falkirk and relevant counselling groups; and

- (2) requests a report on the outcome of the consultation exercise and on the issues raised with regard to the maintenance of headstones.

Decision.

The Executive agreed the motion.

EX135. PROTECTION OF VULNERABLE GROUPS SCHEME

The Executive considered a report by the Director of Corporate and Neighbourhood Services on the operation of the Protection of Vulnerable Groups (PVG) Scheme.

The PVG scheme was introduced by the Scottish Government in January 2011. It affects any employee working in regulated work, whether commencing or changing employment within the Council, and requires them to be PVG registered. The Policy and Resources Committee considered a report on the Scheme and how it would be applied within the Council at a meeting on 8 February 2011 (Ref PR74). Since then, a number of related issues had arisen and the purpose of the report was to address those issues, in particular: payment arrangements, repeat checking of existing employees and disclosure checks.

Councillor C Martin, seconded by Councillor Nicol, moved:-

- (1) that all employees (including teachers, modern apprentices and casual workers) would be responsible for payment of any fees (including scheme record updates and any additional costs that may be incurred following the disclosure of conviction information) relating to PVG scheme membership or Disclosure checks;
- (2) that the period for repayment for modern apprentices, casual workers and those on the minimum wage be extended to up to 2 years and that the same flexibility is applied to requests from other members of staff who may have difficulty making payment over 6 months;
- (3) to implement repeat checking for all PVG scheme members and those subject to Disclosure checks on a 5 yearly basis; and
- (4) that the Disclosure policy should be amended accordingly.

Decision

The Executive agreed the motion.

EX136. LOCAL HOUSING STRATEGY 2011-16 - 2013 UPDATE

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting an update on the Local Housing Strategy 2011-2016.

Council had agreed its Local Housing Strategy (LHS) for 2011-2016 in 2011. Since its introduction a number of changes at a national level had taken place which had impacted on the LHS, namely: the introduction of welfare reform, the requirements for the Strategic Housing Investment Plan and the Strategic Local Programme, and further

development with regard to the integration of Health and Social Care. The report set out progress made towards achieving the 6 outcomes in the LHS.

Additionally, the report highlighted changes to the Strategic Local Programme following up on a review of Resource Planning Assumptions by the Scottish Government and provided an update on projects to be taken forward as part of the Strategic Housing Investment Programme/Strategic Local Programme, both of which form part of the overall LHS.

An update was also provided on the Joint Strategic Commissioning Plan for older people which includes, as an appendix to the plan, a housing contribution statement. The statement forms part of the LHS and is relevant to one of the 6 outcomes.

Decision

The Executive:-

- (1) noted progress to date in delivering the Local Housing Strategy Objectives;**
- (2) agreed the revised Strategic Local Programme outlined in section 4.2 of the report; and**
- (3) noted the approach undertaken in relation to progressing older peoples' housing issues detailed in section 5 of the report and that a Local Housing Strategy for Housing for Older People would be submitted to a future meeting of the Executive.**

EX137. LOCAL HOUSING STRATEGY UPDATE 2013: HOMELESSNESS & ALLOCATION OUTCOMES

The Executive considered a report by the Director of Corporate and Neighbourhood Services providing an update on Homelessness and Allocation outcomes during 2013.

The Local Housing Strategy (LHS) is the Council's sole strategy on housing, homelessness and support. An update on the LHS had been considered as part of the preceding item. This report set out the annual homeless statement for 2012/13 and a summary of the key housing allocations outcomes for 2013.

Decision

The Executive noted:-

- (1) progress in delivering the Local Housing Strategy objectives incorporated within the Annual Homeless Statement and the Allocations Outcomes Report 2013, and**
- (2) that a review of the Allocations Policy would be undertaken during 2014 and a further update would be submitted to a future meeting of the Executive.**

EX138. TECHNOLOGY STRATEGY

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the Technology Strategy for approval.

The Technology Strategy had been developed in consultation with key stakeholders. The strategy set out the national and strategic context within which the Council operates, identified key priorities, set out a tactical response and included a summary of the services currently provided by the ICT Division.

Decision

The Executive agreed:-

- (1) the Technology Strategy set out in the report; and**
- (2) that an update report be provided later in the year with regard to progress on the Technology Strategy and its component parts.**

NOTED the way forward as set out in the report with regard to the proof of concept for the Council's mobile and remote working solution in order to comply with PSN accreditation in line with the decision of the Executive on 19 November 2013 (Ref EX91).

EX139. TREASURY MANAGEMENT STRATEGY 2014-15

The Executive considered a report by the Chief Finance Officer presenting the annual strategy report for consideration prior to referral to Council.

In terms of the CIPFA Code of Practice for Treasury Management, Council is required to agree an annual treasury management strategy. The recommended strategy for 2014/2015 was presented. The strategy set out:-

- the economic and interest rate outlook
- debt outstanding at 1 April 2014
- the long term borrowing requirement 2014/2015
- borrowing and investment strategies
- treasury indicators and management advisers
- requirements for member and officer training

Decision

The Executive agreed to recommend to Council that it:-

- (1) adopts the Borrowing Strategy for 2014/15 set out in section 5 of the report;**
- (2) adopts the Investment Strategy for 2014/15 and approves the list of "Permitted Investments" set out in section 6 of the report;**
- (3) approves the Treasury Indicators set out in section 7 of the report, and**

- (4) instructs the Chief Finance Officer to arrange training for Members as outlined in section 9 of the report.

EX140. LOCAL TRANSPORT STRATEGY AND ROAD TRAFFIC REDUCTION PLAN

The Executive considered a report by the Director of Development Services presenting the Local Transport Strategy 2014 for approval.

Council had prepared its current Local Transport Strategy (LTS) in 2005 for the period 2008 – 2009. The LTS sets out the Council's transport policy and incorporates the Road Traffic Reduction Plan (RTRP).

A review of the LTS had been carried out to coincide with the development of the Council's Local Development Plan with initial consultations commencing in 2011. A public consultation had been undertaken in 2013, with traffic calming, bus services, potholes/state of the Council's roads and town centre parking emerging as the key issues. The revised Local Transport Strategy for 2014 was presented for approval.

Decision

The Executive approved the Local Transport Strategy 2014 including the Road Traffic Reduction Plan.

EX141. LEADERSHIP DEVELOPMENT

The Executive considered a report by the Director of Corporate and Neighbourhood Services proposing a review of the current process in place for Chief Executive and Chief Officer leadership development and assessment. The report also proposed a review of the CPD framework for members.

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

- (1) a review of the current arrangements for the assessment of the Chief Executive and Chief Officers be undertaken and a report brought back to the Executive with recommendations on a process which can be implemented;
- (2) the work being undertaken to develop a leadership programme for the Chief Executive and Chief Officers which will support this process and address other identified needs be noted;
- (3) a review of the current CPD framework for elected members be undertaken in consultation with members and that a report be brought back to Council with any recommendations in this regard, and
- (4) options for a leadership programme for elected members be explored and a report be brought back to Council with any recommendations in this regard.

Decision

The Executive agreed the motion.

EX142. SUSTRANS COMMUNITY LINKS FUNDING APPLICATIONS

The Executive considered a report by the Director of Development Services (a) advising of bids made to the SUSTRANS cycling charity, (b) seeking authority to continue the bid process and to seek match funding for any approved bids and (c) seeking approval for the acquisition of land where required to deliver the projects.

The Council had been invited to bid for funding for community links projects by the SUSTRANS cycling charity. The deadline for bids for the funding, which was split into two categories (projects under £1m and projects over £1m) was 14 February 2014. Following consultation with the portfolio holder for the Environment, 9 bids had been made.

In the event that any bid is successful, match funding will be required. In most instances, that will include Council funding which has been reserved within the relevant capital and revenue budgets. It may also include applications to external funding bodies.

A table detailing each bid, highlighting the total cost, the contribution sought from SUSTRANS and potential sources of match funding, was presented.

Decision

The Executive:-

- (1) approved the bids to the SUSTRANS Community Links funding stream set out in the report and, following notification of successful applications, authorised officers to seek match funding from appropriate sources;**
- (2) agreed that, if any of the bids to SUSTRANS are unsuccessful, officers be authorised to continue with these projects, as approved resources allow, including seeking match funding;**
- (3) agreed, subject to the Chief Finance Officer being satisfied that funds for acquisition are available, to authorise the Director of Development Services and the Chief Governance Officer to enter into negotiations and thereafter conclude a bargain for the acquisition of land or rights of access necessary for the projects listed in the report (irrespective of success in the current round of bidding), with each of the transactions being at a purchase price considered satisfactory to the Director of Development Services; and**
- (4) agreed, in principle, to the promotion of Compulsory Purchase Orders under the Roads (Scotland) Act 1984 or the Land Reform (Scotland) Act 2003, as appropriate, subject to a further report to the Executive on the outcome of negotiations.**

EX143. MEMBER ATTENDANCE AT CONFERENCE – REQUEST FOR APPROVAL

The Executive considered a report by the Chief Governance Officer advising of a request by Baillie Buchanan to attend a conference on Fracking: The Debate on Hydraulic Fracturing for Gas to be held in the Mermaid Conference Centre in London on 19 May 2014 at a cost of £395 + VAT. The Council would also meet travel, accommodation and subsistence costs.

Additionally, the Chief Governance Officer advised that a request to attend the conference had also been made by Councillor McNally subsequent to publication of the report.

Councillor C Martin, seconded by Councillor Nicol, moved that the Executive:-

- (1) approves the attendance of Baillie Buchanan and Councillor McNally at the Fracking: The Debate on Hydraulic Fracturing for Gas conference in London on 19 May 2014 at a cost of £395 + VAT; and
- (2) agrees that members provide verbal or written feedback to Council on any conference they attend.

Decision

The Executive agreed the motion

Councillor Gow left the meeting following consideration of this item.

EX144. THE HELIX : HELIX PARK PLAY AREA

The Executive considered a report by the Director of Development Services requesting (a) an exemption from the requirement for competition in accordance with Contract Standing Order 5.6; and (b) that a tender from Timberplay Scotland Ltd in respect of the Helix play park in the amount of £376,975 be accepted.

The report set out the background to a decision to seek a tender from a single source for the design and construction of a timber play area within the Helix park.

Decision

The Executive agreed to:-

- (1) grant an exemption under Contract Standing Order 5.6 to the requirement for competition; and**
- (2) accept the tender submitted by Timberplay Scotland Ltd in the sum of £376,975 in respect of the Helix park play area.**

EX145. EXCLUSION OF PUBLIC

The Executive agreed, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in paragraphs 6, 8, 9 and 12 of Part 1 of Schedule 7A to the said Act.

EX146. CLOSURE OF AVONDALE ADVANCED WASTE TREATMENT FACILITY – PRACTICAL AND FINANCIAL CONSEQUENCES

The Executive considered a report by the Director of Development Services providing an update on the position with regard to the Avondale waste treatment facility and recommending a variation in the current contract price for the cost of landfill.

The Council's original contract for the disposal and treatment of residual waste, with Avondale Environmental Ltd, had been extended to 14 August 2015. In June 2013, the Executive had been advised of the closure of Avondale's processing plant with the effect that the company would only be able to landfill waste at the site. The Executive had agreed to landfill material with Avondale until 31 March 2014 and to consider its options. More recently, Avondale had advised the Council that the processing facility would not reopen to treat residual waste during the remaining term of the contract. Consideration, therefore, required to be given to the Council's options. Details were given of the financial and legal implications of the available options.

Decision

The Executive agreed:-

- (1) to continue to landfill at Avondale, Polmont for the remainder of the contract at a reduced landfill cost of £91.25 per tonne;**
- (2) in exchange for the negotiated financial arrangement outlined in the report, to the Council waiving its rights against Avondale Environmental Limited in respect of any financial loss arising from the withdrawal of the waste treatment facility; and**
- (3) to note that the recycling rate for the authority will decrease should it not divert additional material from landfill.**

EX147. IRRECOVERABLE DEBTS 2013/14

The Executive considered a report by the Chief Finance Officer recommending that irrecoverable debts in regard to council tax, housing benefit overpayments, non domestic rates, sundry accounts and payroll overpayments are written out of the 2013/14 accounts.

In terms of Financial Regulations, debts not exceeding £5000 can be written out of the accounts by the Chief Finance Officer. For debts exceeding £5000, Executive approval is required to write them off.

Details were given of debts exceeding £5000 in regard to council tax, housing benefit overpayments, non domestic rates, sundry accounts and payroll overpayments and approval was sought to write off these debts.

Decision

The Executive agreed that:-

- (1) Council Tax debts in excess of £5,000 totalling £24,610.20 as detailed in Appendix A to the report be written out of the Accounts in 2013/14, subject to further recovery action being taken should the opportunity arise;**
- (2) Housing Benefit Overpayments in excess of £5,000 totalling £71,840.92 as detailed in Appendix B to the report be written out of the Accounts in 2013/14, subject to further recovery action being taken should the opportunity arise;**
- (3) Non-Domestic Rates debts in excess of £5,000 amounting to £437,704.27 as detailed in Appendix C to the report be written off, with an appropriate adjustment to the Rate Income Return for 2013/14, subject to amendments should further information on the debtors concerned become available, and**
- (4) Sundry Account debts in excess of £5,000 totalling £106,281.31 (inclusive of VAT) as detailed in Appendix D to the report be written out of the Accounts in 2013/14, subject to further recovery action being taken should the opportunity arise.**