

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 AUGUST 2014 at 9.30 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

Margaret Anderson, Director of Social Work Services  
Robin Baird, Waste Strategy Co-ordinator  
Kevin Collins, Transport Planning Co-ordinator  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Annemarie Johnstone, Organisational Development Manager  
Mike Joyce, Estates Development Officer  
Brian Pirie, Democratic Services Manager  
Mary Pitcaithly, Chief Executive  
Stuart Ritchie, Director of Corporate and Neighbourhood Services  
Alan Rodger, Planning and Environment Manager  
Bryan Smail, Chief Finance Officer

**ALSO ATTENDING:**

Baillie William Buchanan

In terms of Standing Order 14.2 (i) the Convener 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.

**EX36. APOLOGIES**

An apology was intimated on behalf of Councillor Spears.

**EX37. DECLARATIONS OF INTEREST**

Councillor Nicol declared a non financial interest in item EX53 on the basis that he has been assisting one of the companies with which links were made in China to connect to local businesses. However, he did not consider that this required him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

**EX38. MINUTES**

**Decision**

- (a) The Minute of Meeting of the Executive held on 27 May 2014 was approved;
- (b) The Minute of Special Meeting of the Executive held on 17 June 2014 was approved; and
- (c) The Minute of Special Meeting of the Executive held on 25 June 2014 was approved.

**EX39. SPEND TO SAVE AT THE NEW CARRIDEN CEMETERY**

The Convener advised committee that the motion regarding New Carriden Cemetery which had been referred to the Executive by Council on 25 June 2014 had been withdrawn by Councillor Ritchie. The Convener nevertheless requested that a report on the matter be submitted to the next meeting of the Executive.

**Decision**

The Executive agreed to request that a report on New Carriden Cemetery be submitted to the next meeting.

**EX40. NON AVAILABILITY OF WASTE MANAGEMENT FACILITIES: CONTINGENCY ARRANGEMENTS**

The Convener moved that, in light of issues arising in the previous 48 hours, the Executive continue consideration of this item of business to the next meeting.

**Decision**

The Executive agreed to continue consideration of this item to the next meeting.

**EX41. BONNYBRIDGE MUGA PARK**

The following motion, by Baillie Buchanan, had been referred to the Executive by Council on 25 June 2014:

“To bring this matter to finality and to bring this long awaited Muga to our community, I would move the following.

The Muga pitch should be sited at Antonine Primary School. The facility would be shared by both Antonine Primary School and St Joseph's Primary School. It is supported by staff and parents of both schools and its location would not be detrimental to any residential areas.

In moving this motion I am well aware that should this proposal come forward to the Planning Committee then I would not take part in the decision making but I am like the community despairing of any real progress for our Muga.”

In terms of Standing Order 31.2, Baillie Buchanan, as the original proposer, was heard on the motion before it was considered.

Following debate of the motion, the Executive adjourned for 55 minutes, to allow members to discuss an appraisal of various potential sites in Bonnybridge. The Executive reconvened at 10.45a.m with all members present as per the sederunt.

Councillor Mahoney, seconded by Councillor Gow, moved that officers pursue the option of a site at Duncan Stewart park through to the planning application stage.

### **Decision**

**The Executive agreed the motion.**

Councillors G Goldie and Gow joined the meeting during consideration of the previous item. Councillor G Goldie then withdrew from the meeting on conclusion of the item.

## **EX42. DENNY EASTERN ACCESS ROAD**

(a) The Convener advised committee that the motion regarding Denny Eastern Access Road which had been referred to the Executive by Council on 25 June 2014 had been withdrawn by Councillor Oliver.

(b) A report by the Director of Development Services, summarising options for the delivery of the outstanding sections of the Denny Eastern Access Road (DEAR) was considered by the Executive.

### **Decision**

**The Executive agreed to await the adoption of the Local Development Plan in order that the Supplementary Planning Guidance for DEAR can be updated to reflect any inclusion of the additional housing sites of Mydub 2, Rosebank, Dunipace and the extension to the site in Broad Street before reconsidering matters.**

Councillor G Goldie rejoined the meeting during consideration of the previous item.

#### **EX43. SUSTAINABLE WASTE COLLECTION SERVICE - UPDATE**

The Executive considered a report by the Director of Corporate and Neighbourhood Services summarising the outcomes of the first phase of the new waste collection system and setting out proposals for the roll out of the system.

The Executive agreed, on 25 February 2014 (ref EX120), an implementation plan for the introduction of a new waste collection system. This had included an initial pilot covering Airth, Carron, Carronshore, Larbert, Stenhousemuir, Torwood and part of Bo'ness. The Executive had also requested a 'lessons learned' report following an assessment of the pilot, prior to further roll out.

The report summarised the pilot in terms of enquiries, waste collected by weight per household together with an analysis of the waste collected and set out the lessons learned. It was considered that, if the performance of the pilot was mirrored throughout the Council area, the Council would meet its recycling target of 60% by 2020 and reduce its landfill cost burden. It was proposed to complete implementation of the three weekly collections throughout the district over 2 further phases, commencing in October 2014, with the first phase covering 22,000 properties in wards 1, 3, 5, 7 and 9 and the final phase, covering 25,000 suitable properties in wards 2, 6, 7 and 8.

During the pilot, 3 recycling waste advisers, funded by Zero Waste Scotland, had supported the programme. Zero Waste Scotland had confirmed that it would fund two of the posts for the remainder of the roll out. Approval was sought to fund the third post, from existing resources.

#### **Decision**

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

- (1) to note the results and lessons learned from the pilot phase of the Sustainable Waste Collection System;**
- (2) to complete the roll out of the sustainable waste collection service as set out in paragraph 5.2 of the report; and**
- (3) to fund one recycling adviser post through existing budgets.**

Councillor Gow left the meeting during consideration of the previous item and rejoined the meeting following its conclusion.

#### **EX44. BANKNOCK AND HAGGS SPECIAL INITIATIVE FOR RESIDENTIAL LED REGENERATION - DEVELOPMENT FRAMEWORK ALTERATION**

The Executive considered a report by the Director of Development Services presenting draft alterations to the Supplementary Planning Guidance (SPG) in regard to the Development Framework for the Banknock and Haggs Special Initiative for Residential Led Regeneration.

Council agreed, on 24 June 2009 (ref FC21), the Banknock and Haggs Special Initiative for Residential Led Regeneration Development Framework as Supplementary Planning Guidance. The main purpose of the Framework was to guide the development of up to 750 houses and facilitate regeneration.

The report set out progress to date on the sites affected by the framework. Since 2009, the M80 Stepps to Haggs project has resulted in the redirection of traffic on the A803 corridor and consequently, following traffic modelling exercises, scope to allow new developments has been identified.

An alteration to the Development Framework, detailing how developments would be shared amongst sites along the A803 corridor, was presented. A consultation on the proposed alterations as set out in the appendix to the report was proposed.

### **Decision**

**The Executive agreed to instruct officers to consult on the draft Development Framework for Banknock and Haggs Special Initiative for Residential Led Regeneration, appended to the report, and to report back in due course.**

Councillor Nicol left the meeting during consideration of the previous item.

## **EX45. REVIEW OF THE OPEN SPACE STRATEGY AND PARKS DEVELOPMENT PLAN**

The Executive considered a report by the Directors of Corporate and Neighbourhood Services and of Development Services proposing that a policy development panel is established to review the Open Space Strategy and the Parks Development Plan.

The Council's 5 year Open Space Strategy had been agreed in 2010. It was proposed that a policy development panel is established to review the strategy. The Executive had also requested, in March 2014 (ref EX133), a review of the Council's Parks Development Plan by December 2014. As the review of the Parks Development Plan will be considered within the context of the Open Space Strategy it was proposed that the panel review both the Strategy and the Plan and that a consultative draft strategy incorporating the plan is submitted to the meeting on 2 December 2014 for approval.

### **Decision**

**The Executive agreed:-**

- (1) to establish a policy development panel comprising 5 members chaired by Councillor Mahoney, with the remit to review the Falkirk Council Open Space Strategy and Parks Development Plan;**
- (2) that nominations for the remaining places on the panel (2 members of the Administration and 2 members of the Opposition) are submitted to the Chief Governance Officer; and**

- (3) to instruct officers to progress and update the Parks Development Plan within the context of the review of the Falkirk Council Open Space Strategy and, in the process, to hold a seminar for elected members.

Councillor Nicol rejoined the meeting during consideration of the previous item.

#### **EX46. FALKIRK LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY GUIDANCE CONSULTATION SUMMARY**

The Executive considered a report by the Director of Development Services presenting three Local Development Plan Supplementary Guidance Notes for approval.

The Executive had, on 25 February 2014 (ref EX117), authorised preparation of, and consultation on, 16 Supplementary Guidance Notes to assist in the interpretation of the Council's proposed Local Development Plan. Four Notes were approved by the Executive on 27 May 2014 (ref EX19). A further three Notes have been developed and consulted upon since then: SG09 'Landscape Character Assessment and Landscape Designations'; SG10 'Education and New Housing Development' and SG12 'Affordable Housing'.

The report summarised each of the Notes and provided detail on the consultation process together with a summary of the responses received. Following consultation the Notes had been amended and were attached for approval.

In terms of the Local Development Plan Scheme, it was intended that each of the remaining Notes would be consulted upon later in the year.

It was now proposed that the finalised Supplementary Guidance Notes be submitted to the Scottish Ministers together with the Local Development Plan and adopted with the Plan.

#### **Decision**

**The Executive agreed:-**

- (1) the following Supplementary Guidance notes; - SG09 'Landscape Character Assessment and Landscape Designations'; SG10 'Education and New Housing Development' and SG12 'Affordable Housing' including modifications in response to consultations as detailed in appendix 1 to the report; and
- (2) to submit the Supplementary Guidance notes to Scottish Ministers for approval, along with the Falkirk Local Development Plan.

#### **EX47. POLICY DEVELOPMENT PANEL – REVIEW OF COMMUNITY COUNCILS**

The Executive considered a report by the Chief Governance Officer providing an update on the work of the policy development panel established to review the Scheme for the Establishment of Community Councils and support for community councils, since May 2014.

The policy development panel had presented its interim findings to the Executive on 27 May 2014 (ref EX21) and had been asked to report to this meeting on:-

- a review of the Scottish Government's model constitution and standing orders with a view to them being incorporated into the draft scheme approved in May together with a timetable for a formal review of the draft scheme and associated documents; and
- a review of practices adopted elsewhere within Scotland to enforce the model code of conduct for community councillors.

The report summarised the outcome of the panel's review of the model documents together with its review of enforcement procedures. A revised model constitution and revised model standing orders were presented for approval.

In regard to the potential introduction of enforcement procedures regarding the code of conduct, the panel recommended that the Executive awaits the outcome of dialogue between the Scottish Government and the Improvement Service before determining how to proceed.

It was proposed that a further report on the national position is submitted to the Executive on 2 December 2014 together with proposals for local enforcement procedures in the event that the Scottish Government is not minded to introduce national guidance. A timetable for formally reviewing the draft Scheme and associated documents was also provided.

#### **Decision**

**The Executive agreed:-**

- (1) to approve the revised model constitution and standing orders for incorporation within the draft scheme for consultation agreed in May 2014;**
- (2) that there is a need for enforcement procedures to be put in place to ensure compliance with the model code of conduct;**
- (3) to receive a further report, to the meeting on 2 December 2014, setting out the Scottish Government's position in regard to the introduction of a national mechanism and including proposals for a local mechanism as an alternative should the Scottish Government not be minded to introduce a national mechanism;**

- (4) to request that officers develop a workable enforcement process, for the meeting on 2 December 2014. Any procedure should include initial determination by the community council and an appeal to an independent panel; and
- (5) that any enforcement procedures should be set out in the final draft Scheme for consultation and, as such, any formal consultation should not be initiated until the enforcement procedures are finalised.

#### **EX48. EMPTY HOMES PLAN**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting an Empty Homes Plan for 2014 - 19 for approval.

An Empty Homes Plan, aimed at supplementing housing supply within the area by making better use of existing stock by reducing the number of empty properties, had been developed. The report summarised the key drivers for minimising the number of empty houses together with a summary of the plan and an action plan.

##### **Decision**

**The Executive agreed:-**

- (1) the Empty Homes Plan for 2014 – 19 and the accompanying action plan; and
- (2) to note that officers would bring back an update of progress on the action plan as part of the annual Local Housing Strategy update.

#### **EX49. NATIONAL REPORT ON INFANT CREMATIONS**

The Executive considered a report by the Director of Corporate and Neighbourhood Services advising of the publication of a national report by the Infant Cremation Commission.

The remit of the Commission had been to “review the current policies, guidance and practice in Scotland in relation to the handling of all recoverable remains (ashes) following the cremation of babies and infants and to make recommendations.”

The report summarised the main findings of the Commission and its recommendations, which included the creation of a National Committee with responsibility for baby and infant cremations and the appointment of an Inspector to monitor working practices and standards. The report also provided an overview of the Council’s practices set against the Commission’s findings and included, as an appendix, a summary of the Council’s position together with necessary actions in regard to each of the Commission’s 64 recommendations.



## **Decision**

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

- (1) to note the Council's position in regard to the findings of the National Commission on Infant Cremation and to agree that no further action is currently required; and**
- (2) to consider further reports on this matter as the work of the National Committee develops.**

## **EX50. CHIEF EXECUTIVE AND CHIEF OFFICER ASSESSMENT PROCESSES**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting processes for assessing the performance of the Chief Executive and Chief Officers.

The Executive had, on 18 March 2014 (ref EX141), agreed to review the current arrangements for assessing the performance of the Chief Executive and Chief Officers.

The report summarised the key findings of the respective reviews and presented, as appendices, a process for the assessment of the Chief Executive and a process for assessing Chief Officers.

It was proposed that, for the post of Chief Executive, an assessment panel comprising the Leader of the Council, the Provost and the Leader of the Opposition is established and that an independent adviser is appointed to facilitate the assessment process.

For Chief Officers, it was proposed that they continue to be assessed using the Achievement and Personal Development Scheme (APDS) and that this is supplemented with a 360° assessment against set leadership competencies. The proposed leadership competencies were set out in an appendix to the report.

## **Decision**

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

- (1) the proposed Chief Executive assessment process as set out in appendix 1 of the report;**
- (2) to arrangements being made for the appointment of an independent adviser as outlined in paragraphs 3.4 and 3.5 of the report; and**
- (3) the proposed Chief Officer assessment process as set out in appendix 3 of the report.**

## **EX51. FINANCIAL POSITION 2013/14**

The Executive considered a report by the Chief Finance Officer presenting the final revenue position, subject to audit review, for 2013/14.

At 31 March 2014, General Fund net expenditure was £325.846m, £1.973m below budget. The report set out the main reasons for deviations from budget.

The report also summarised the year end position in regard to General Fund reserves, including the repairs and renewals fund and earmarked reserves (including spend to save) and capital reserves, together with the year end position of the Housing Revenue Account.

It was proposed that £0.570m is deployed to supplement the £0.43m balance on the spend to save account to fund future spend to save initiatives.

### **Decision**

**The Executive agreed to:-**

- (1) note the Council's year end position for 2013/14;**
- (2) note transfers to the repairs and renewals fund and to earmark reserves, as detailed in appendix 2 to the report; and**
- (3) set aside a further sum of £0.570m within the revenue balance to fund future spend to save initiatives.**

## **EX52. DECISIONS TAKEN UNDER DELEGATED POWERS**

The Executive considered a report by the Chief Governance Officer advising of decisions taken by the Directors of Development Services and of Social Work Services, following appropriate consultations, during the summer recess, under delegated powers.

A summary of each decision was provided. The decisions were:-

- The award of a contract in respect of upgrading works to 48 residential properties in Avonbridge (FAL-7450) - Director of Development Services
- The award of a contract for the supply and installation of a replacement track surface for Grangemouth Sports Stadium – Director of Development Services
- The award of a contract for the supply and delivery of aids for daily living (C/N:SW/027/014) – Director of Social Work Services

### **Decision**

**The Executive noted the decisions made by the Directors of Development Services and of Social Work Services under delegated powers.**

#### **EX53. VISIT TO CHINA BY FALKIRK COUNCIL DELEGATION**

The Executive considered a report by the Director of Development Services providing information on a visit to China in May 2014 by a delegation from Falkirk, including representatives of Falkirk Council.

Following an invitation from Yueqing City, China, a delegation which included the Leader and Depute Leader of the Council, and 4 officers, including the Chief Executive, visited Shanghai, Hangzhou and Yueqing in May 2014. The purpose of the visit was to promote Falkirk and to develop business, educational and cultural links. The cost of the trip was met by contributions from Falkirk Council, Yueqing Municipal Government; the businesses involved and the elected members.

#### **Decision**

**The Executive noted the report.**

#### **EX54. EXCLUSION OF PUBLIC**

**The Executive agreed 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 items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraphs 6, 9, 11 and 12 of Part 1 of Schedule 7A to the said Act.**

#### **EX55. PAYMENT OF ANNUAL LEAVE**

The Executive considered a report by the Director of Corporate and Neighbourhood Services advising of the impact of recent case law on the methodology used to calculate annual leave pay.

A judgement by the Court of Justice of the European Union stated that all pay elements (such as overtime, standby and unsocial hours), intrinsically linked to the performance of the tasks carried out under the terms of a contract of employment should be included in the calculation of holiday pay.

The report summarised the Council's current position in regard to the calculation of holiday pay and set out a revised methodology together with the financial impact thereof.

Having heard from Director on the terms of the report, Councillors C Martin and Gow each declared a potential financial interest in the item as their spouses are employees of the Council. They both left the meeting and took no part in the discussion or decision making. By agreement, Councillor Nicol took the chair for the remainder of the item.

## **Decision**

**The Executive agreed to:-**

- (1) note the amended calculation methodology from August 2014, set out in section 4 of the report, to take account of non contractual pay elements;**
- (2) ask officers to commence negotiations with Trade Unions and to report back; and**
- (3) note that all Services will undertake further scrutiny of non contractual pay elements with the aim of reducing overall spend.**

Councillor Martin rejoined the meeting at the conclusion of the previous item and resumed the chair.

## **EX56. 8 CENTRAL BOULEVARD, CENTRAL PARK, LARBERT – UPDATE REPORT**

The Executive had agreed on 25 June 2014 (ref EX35) proposals by Rehab Group to acquire the operations of the Council's Sign Factory and to establish a centre of excellence for the training and subsequent employment of people who are distanced from the labour market, particularly those with disabilities.

The Executive considered a report by the Director of Corporate and Neighbourhood Services and the Director of Development Services on progress made following the meeting on 25 June and actions taken in regard to the lease of the premises, the transfer of the Sign Factory staff to Haven Products Ltd and the transfer of plant and machinery. The report also summarised discussions with the Department of Work and Pensions in relation to payments made for plant and machinery to upgrade the premises over 20 years ago.

## **Decision**

**The Executive agreed:-**

- (1) the transfer of the Sign Factory business and staff to Haven Products Ltd in the terms set out in the report; and**
- (2) to authorise the Chief Executive to enter into an agreement with the Department of Work and Pensions on the basis described in paragraph 2.3 or, following any changes occasioned by continued discussion, on such other basis she considers to be reasonable.**