

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 18 AUGUST 2015 at 9.30 a.m.

COUNCILLORS:

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

OFFICERS:

Douglas Duff, Head of Economic Development and Environmental Services
Rose Mary Glackin, Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer
Robert Naylor, Director of Children's Services

ALSO ATTENDING:

Councillor Colin Chalmers

EX25. 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 Corporate and Housing Services on the attendance of a member at a conference. The Convener was of the opinion that the item should be considered as a matter of urgency given that the conference was in early October and there was a need to make the necessary reservations should approval be given.

EX26. APOLOGIES

An apology was intimated on behalf of Councillor Spears.

EX27. DECLARATIONS OF INTEREST

No declarations were made.

EX28. MINUTES

Decision

The minutes of the meeting of the Executive held on 19 May 2015 and the Special Meeting of the Executive held on 9 June 2015 were approved.

EX29. MOTIONS

(a) Scottish Trades Union Congress (STUC) and Scottish Government – Memorandum of Understanding

Council referred, on 24 June 2015, in accordance with Standing Order 31.1, the following motion, which had been proposed by Councillor Chalmers, to the Executive:-

Council endorses the recent memorandum of understanding between the Scottish Government and the Scottish Trades Union Congress (STUC) promoting progressive employment practices. Falkirk Council not only welcomes such collaborative working but would wish to make a positive contribution. Officers are therefore instructed to bring forward a report on the STUC's best practice policies and how they relate to Falkirk Council.

In terms of Standing Order 31.2, Councillor Chalmers spoke in support of his motion.

Councillor C Martin, seconded by Councillor Alexander, moved that the Executive instruct officers to bring forward a report on the STUC's best practice policies and how they relate to Falkirk Council.

Decision

The Executive agreed the motion.

Councillor G Goldie joined the meeting during the previous item.

(b) Bus Regulation

Council had, on 24 June 2015, in accordance with Standing Order 31.1, referred the following motion, which had been proposed by Councillor C R Martin, to the Executive:-

Council agrees that the Scottish Government should bring forward legislation to allow the regulation of buses and ensure that service provision matches need and is of high quality to make public transport an attractive, reliable and affordable option.

Councillor C R Martin, seconded by Councillor C Martin, moved the terms of the motion.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved in substitution for the motion, that the Executive:-

- (1) notes that the former Labour leader in Scotland, Ian Gray, brought forward a similar proposal within the Scottish Parliament but dropped it due to the £1 billion cost of implementation; and
- (2) therefore agrees to call on the author of this motion to return with a detailed proposal that includes details of how this can be funded and what services are to be cut in order to accommodate this proposal.

On a division, 8 members voted for the motion and 3 voted for the amendment, with voting as follows:-

For the motion (8) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin and Nimmo.

For the Amendment (3) – Councillors Alexander, Coleman and Nicol.

Decision

The Executive agreed the motion.

EX30. COMMUNITY EMPOWERMENT (SCOTLAND) ACT

The Executive considered a report by the Director of Corporate and Housing Services summarising the Community Empowerment (Scotland) Act 2015 and highlighting the implications for the Council.

The Community Empowerment (Scotland) Act 2015 was passed by the Scottish Government on 17 June 2015. The overall aim of the Act is to empower communities through the ownership and control of land and buildings and by strengthening their voices in decisions about public services. The Act covers:-

- National Outcomes;
- Community Planning;
- Participation Requests;
- Community Right to Buy;
- Asset Transfer Functions;
- Delegation of Forestry Commission Functions;
- Supporter Involvement in Football Clubs;
- Common Good;
- Allotments;
- Participation in Public Decision Making including Participatory Budgeting; and
- Non Domestic Rates.

The report summarised each of these topics and set out the implications for Council.

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

- (1) note the Act as passed;
- (2) ask for updates in relation to the review of Local Community Planning; and
- (3) ask for further updates as further Guidance and Regulations are issued.

As an amendment, Councillor Coleman, seconded by Councillor Alexander moved, in addition, that the Executive refer the report to Council.

Following a commitment from Councillor Martin that a seminar on the Act would be held for all members (and before the next meeting of the Executive, if possible), the amendment was withdrawn.

Decision

The Executive:

- (1) noted the Community Empowerment (Scotland) Act 2015 as passed;**
- (2) requested updates in relation to the review of Local Community Planning; and**
- (3) requested further updates as further Guidance and Regulations are issued.**

EX31. ENGAGEMENT ON THE 16/17 COUNCIL BUDGET

The Executive considered a report by the Director of Corporate and Housing Services setting out proposals for engaging with the public on the Council's budget for 2016/17.

The Executive agreed, on 9 June 2015 (ref EX18), to consider different ways of consulting on the budget employed by other Councils in order to inform the Council's budget setting process.

The report set out the principles for engagement based upon:- purpose; involvement; methods; information; working together; and feedback.

In regard to engagement by other Councils, the report highlighted the City of Edinburgh Council's processes which include the use of an online planner. The report summarised the benefits in using such a tool together with the cost implications.

It was proposed that an internal and external engagement plan is developed and that it should include the following methods:-

- online information – this could include a questionnaire as in previous years or an online budgeting tool such as that used by City of Edinburgh and other Councils.
- Falkirk Council News. The next issues were due to be published at the end of September and the beginning of December. To accommodate budget information, the next issue will now be published in October;
- engagement with stakeholder groups, such as the Community Planning partners, discussions with special interest groups, such as parents and the business panel.
- Citizens Panel questionnaire and focus groups;
- engagement with employees and Trades Unions;
- media briefings; and
- social media activity, including Twitter.

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

- (1) that further information on the purpose of budget engagement will be considered at the meeting of Council in October 2015;

- (2) that information about the budget process will be made available from October onwards, using the methods set out at section 5.7 of the report;
- (3) to note the information about budget engagement carried out in other Council areas and that the required resources to populate the online budget planner tool described in section 4 of the report cannot be easily identified at this time; and
- (4) to note that officers will produce a tactical internal and external engagement and communications plan, to be implemented from October 2015.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved the terms of the motion, with an additional clause:-

- (5) to establish an all party budget group.

On a division, 9 members voted for the motion and 2 voted for the amendment with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the amendment (2) – Councillors Alexander and Coleman.

Decision

The Executive agreed the motion.

EX32. DISCRETIONARY HOUSING PAYMENT (DHP) – POLICY UPDATE

The Executive considered a report by the Director of Corporate and Housing Services presenting a revised Discretionary Housing Payments (DHP) policy and seeking approval to make retrospective payments in light of the proposed policy change.

The Executive had, on 19 May 2015 (ref EX13), requested a review of the DHP policy in light of a High Court judgment in regard to the DHP assessment process. A revised policy was provided.

The Council's current DHP policy states that "all income and capital will be taken into account when reaching our decision including income from disability benefits etc. The costs associated with managing any disability should be included in the statement of expenditure". However following the High Court decision it was proposed that the policy be amended to read, "all income and capital will be taken into account when reaching our decision, however we will disregard Disability Living Allowance (DLA) or Personal Independence Payment (PIP) and only include disability related expenditure above the amount of DLA/PIP that is in payment".

An exercise was undertaken to reassess payments made to date, taking the revised policy into account. To date, 8 cases from 2014/15 have been identified. Should assessment show that there is entitlement to a further award of DHP any funding would be met from the 2015/16 budget. It was anticipated that the projected sum, £2500, could be recovered from the Scottish Government.

Decision

The Executive agreed:-

- (1) the revised Discretionary Housing Payments (DHP) Policy as set out in the appendix to the report; and
- (2) that expenditure is made from the 2015/16 budget to award Discretionary Housing Payment (DHP) to claimants who would have qualified in 2013/14 or 2014/15 had Disability Living Allowance (DLA) been disregarded in the calculation of Discretionary Housing Payment (and this includes associated expenses up to value of DLA).

EX33. PORTFOLIO MANAGEMENT PLAN UPDATE REPORT

The Executive considered a report by the Director of Development Services providing an update on the progress of the Portfolio Management Plan (PMP).

The PMP seeks to sustain and enhance a visible property portfolio for economic development through the phased disposal of existing assets and re-investment of the proceeds in developing new business property.

The report summarised the outcome of disposals in 2014/15. In 2015/16, 11 lots are programmed for disposal, including 5 that are being remarketed.

The next phase of the re-investment programme is the industrial development at plot 6 at Abbotsford Business Park, with the Council making a £1.3m investment. It was anticipated that the development will generate £90k annually in rates and rental and will generate further interest in Abbotsford Business Park. It was proposed that the land is acquired through the existing Joint Venture Agreement (JVA) with Scottish Enterprise and that the cost, £165,000, is met by the Council and netted off future sale proceeds.

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

- (1) notes the performance of the Portfolio Management Plan and the contribution it is making to the local economy;
- (2) agrees to progress the purchase of Plot 6 Abbotsford Business Park for £165,000 plus VAT per the terms of the Abbotsford Business Park Joint Venture Agreement between Scottish Enterprise and Falkirk Council as outlined in paragraph 4.3 of the report; and
- (3) agrees to progress with the updated proposals for the Portfolio Management Plan disposal and reinvestment plans as set out in the report and detailed in appendices 1 and 2 to the report.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved clauses (1) and (2) of the motion and substitution of clause (3) with the following:-

- (3) notes the views of a number of former sitting tenants who believe their businesses have been financially damaged as a result of the sale of the property to other businesses and requests that officers bring a further report to the Executive outlining

the options open to facilitate the selling, at market value, to sitting tenants before commencing the plan outlined in appendices 1 and 2 of the report.

and the addition of a further clause;

- (4) notes with concern the lack of a credible investment strategy and therefore agrees to call on officers to carry out an audit of the prospective needs for growth of Falkirk's SME's beginning with the small businesses contained within the Council's own business incubators.

On a division 9 members voted for the motion and 2 voted for the amendment, with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the Amendment (2) – Councillors Alexander and Coleman.

Decision

The Executive agreed the motion.

EX34. FINANCIAL POSITION 2015/16

The Executive considered a report by the Director of Corporate and Housing Services presenting the Council's projected year end financial position.

At 31 July 2015, a year end overspend of £105,000 was projected in the General Fund. The report set out the main deviations from budget to date, by Service.

The projected year end positions in regard to the Trading Account, Housing Revenue Account and General Fund and Capital Reserves were also presented, together with details of movements on the Repairs and Renewals fund.

Councillor C Martin, seconded by Councillor C R Martin, moved that Executive notes:-

- (1) the Council's projected year-end financial position for 2015/16; and
- (2) the position with reserves.

As an amendment, Councillor Coleman, seconded by Councillor Alexander moved that, in addition:

- (3) the Executive agrees to refer those parts of the budgets referring to Social Work Adult and Children's Services to the Scrutiny Committee for general scrutiny.

On a division 9 members voted for the motion and 2 voted for the amendment with voting as follows:-

For the motion (9) – Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, C R Martin, Nicol and Nimmo.

For the amendment (2) – Councillors Alexander and Coleman.

Decision

The Executive agreed the motion.

EX35. CAPITAL PROGRAMMES OUTTURN 2014/15

The Executive considered a report by the Director of Corporate and Housing Services presenting the 2014/15 outturn positions for the General Fund and Housing Capital Programmes.

The outturn for the General Fund Capital Programme for 2014/15 was £26.389m, against a budget of £31.603m. The report summarised the main areas of spend and provided detail on the variance, in regard to savings, rescheduling of projects and slippage in the programme.

The outturn for the Housing Capital Programme for 2014/15 was £35.062m, against a budget of £36.533m. The report summarised the main elements of the programme which delivers a range of improvements to the council's housing stock and housing estates.

The prudential indicators, which demonstrate that capital spending plans are affordable prudent and sustainable, were provided for information.

Decision

The Executive noted:-

- (1) the outturn position, subject to audit for 2014/15 for both the General Fund and HRA Capital Programmes;**
- (2) the explanation for outturn variance for the 2014/15 General Fund Capital Programme; and**
- (3) the Prudential Indicators set out in appendix 1 to the report.**

EX36. DECISIONS TAKEN UNDER DELEGATED POWERS

The Executive considered a report by the Director of Corporate and Housing Services advising of two decisions taken by the Director of Development Services during the recess under delegated powers.

The decisions were:-

- the award of a contract for the provision of Residential Waste Disposal (C/N :SXL 14/13); and
- the award of a contract for the provision of upgrading works to 98 properties in the Stenhousemuir area (STE – 7592)

Decision

The Executive noted the decisions taken under delegated powers.

EX37. MEMBER ATTENDANCE AT CONFERENCE – REQUEST FOR APPROVAL

The Executive considered a report by the Director of Corporate and Housing Services advising of a request by Councillor Black to attend the Institute of Healthcare Management Annual Conference and Exhibition to be held at the Beardmore Hotel and Conference Centre in Glasgow on 8 and 9 October 2015, at a cost of £379, plus VAT.

Decision

The Executive approved Councillor Black's attendance at the Institute of Healthcare Management Scottish Annual Conference and Exhibition 2015.