



Falkirk Council

**VOLUME OF COUNCIL
AND COMMITTEE MINUTES**

**VOLUME 1
2016/2017**

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**Volume 1
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MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 APRIL 2016 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
Paul Garner
Gordon Hughes
Baillie Joan Paterson
Depute Provost John Patrick
Provost Pat Reid (Convener)
Ann Ritchie
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor

CL1. APOLOGY

An apology for absence was intimated on behalf of Baillie Buchanan.

CL2. DECLARATIONS OF INTEREST

No declarations were intimated.

CL3. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 16 March 2016 was approved.

CL4. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN FEBRUARY 2016 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 February and 29 February 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

Councillor Hughes entered the meeting during discussion of the previous item of business.

CL5. CIVIC LICENSING ENFORCEMENT – FEBRUARY 2016

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during February 2016.

Decision

The committee noted the report.

CL6. KNOWLEDGE TEST FAILURE

The committee considered a report by the Chief Governance Officer (a) summarising two applicants' applications and knowledge test results, and (b) the options available to members.

Decision

The committee agreed to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Ms Paris and Mr McCallum, having both failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL7. EXCLUSION OF PUBLIC

RESOLVED 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 Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL8. APPLICATION FOR THE VARIATION OF STREET TRADER LICENCE NO. 1280

The applicant, Mr C, entered the meeting accompanied by his wife.

The committee considered a report by the Chief Governance Officer detailing an application received for the variation of a street trader licence and attaching as an appendix, the proposed location plan.

Mr C spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the variation of street trader licence No.1280.

CL9. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr K spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the new taxi driver licence for a period of one year, subject to the standard conditions.

CL10. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr A , entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr A spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the private hire car driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL11. APPLICATION FOR THE RENEWAL OF TAXI DRIVER LICENCE NO. 1981

The applicant, Mr M, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for renewal of a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the application's record.

Mr M spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the renewal of taxi driver licence No.1981, with a warning letter.

CL12. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1606

Sergeant M White and PC A Kane, both representatives of Police Scotland, entered the meeting. The licenceholder, Mr M, was not in attendance.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 17 March 2016, submitted by Police Scotland requesting the immediate suspension of the licenceholder's taxi driver licence; (b) setting out the details of the complaint; (c) summarising the decision taken by the Chief Governance Officer, and (d) advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

After hearing from the Licensing Co-ordinator, the committee agreed to hold the hearing in the absence of the licenceholder and the letter of complaint was circulated to members.

PC Kane was heard in relation to the letter of complaint.

Questions were asked by members of the committee.

Decision

The committee agreed to suspend the licence for the unexpired portion of its duration, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2)(a) & (c), on the basis that, in the opinion of the committee, the licenceholder was not a fit and proper person to be the holder of such a licence, and the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety. The Committee additionally determined that the licence should be suspended immediately in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(10).

FALKIRK COUNCIL

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 21 APRIL 2016 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
John McLuckie (Convener)
Stephen Bird
Linda Gow
Sandy Turner

OFFICERS: Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Interim Legal Services Manager
Antonia Sobieraj, Committee Services Officer

A11. APOLOGIES

Apologies were intimated on behalf of Depute Provost Patrick and Councillor D Goldie.

A12. DECLARATIONS OF INTEREST

No declarations were made.

A13. EXCLUSION OF PUBLIC

RESOLVED 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 item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A14. APPEAL AGAINST DISMISSAL

The Committee considered papers relating to an Appeal against a final written warning and redeployment which included (a) Note of Procedure; (b) Submission from the Head of Procurement and Housing Property dated 12 April 2016; and (c) Copies of core documents relating to the Appeal.

The Interim Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Ms B, was present and was accompanied by D Turnbull and C Lambie, GMB.

The Head of Procurement and Housing Property was present as a representative of the Council.

The Appellant and her representative (D Turnbull) presented the case.

The Head of Procurement and Housing Property then then asked questions of the Appellant.

Members of the Committee then asked questions of the Appellant and her representative(s).

The Head of Procurement and Housing Property presented the case on behalf of the Council.

The Appellant and representative (C Lambie) then asked questions of the Head of Procurement and Housing Property.

Members of the Committee then asked questions of the Head of Procurement and Housing Property.

The Committee agreed a short adjournment at 10.25 a.m. to allow the Head of Procurement and Housing Property to provide the answer to a member's question within the agenda papers as presented. The meeting reconvened at 10.30 a.m. with parties present.

The Head of Procurement and Housing Property summarised the case on behalf of the Council.

The Appellant's representative (C Lambie) summarised the case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to dismiss Ms B from Council service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 APRIL 2016 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	Robert Spears

OFFICERS:

John Angell, Head of Planning and Transportation
 Rhona Geisler, Director of Development Services
 Rose Mary Glackin, Chief Governance Officer
 Iain Henderson, Legal Services Manager
 David McGhee, Head of Procurement and Housing Property
 Brian Pirie, Democratic Services Manager
 Mary Pitcaithly, Chief Executive
 Stuart Ritchie, Director of Corporate and Housing Services
 Alistair Shaw, Development Plan Co-Ordinator
 Bryan Smail, Chief Finance Officer

ALSO ATTENDING :

Maureen Campbell, Chief Executive, Falkirk Community Trust

EX1. APOLOGIES

No apologies were intimated.

EX2. DECLARATIONS OF INTEREST

Councillor Gow declared a non-financial interest in item EX7 as a Director of Falkirk Community Trust, but did not consider that this required her to recuse herself from consideration of the item, having regard to the specific objective test exclusions contained in the Code of Conduct.

EX3. MINUTE**Decision**

The minute of the meeting of the Executive held on 15 March 2016 was approved.

EX4. GARDEN AID SERVICES

The Executive considered a report by the Director of Corporate and Housing Services presenting options for the future delivery of the Garden Aid Scheme.

At its meeting on 17 February 2016 (ref FC84), Council considered a proposal to generate savings through cessation of the garden aid scheme and agreed to consult on the proposal.

The report detailed the consultation which had been carried out and summarised the responses. The report set out 6 options for future service delivery. These were:-

- stop the provision of service;
- revise the eligibility criteria to reflect support needs and the ability to pay i.e.: in receipt of Community Care support and Council Tax reduction;
- revise the eligibility criteria to reflect support needs only i.e. in receipt of Community Care support;
- revise the eligibility criteria to reflect those over 80 years old (born pre 1936), currently on the Garden Aid list;
- introduction of a chargeable service; and
- continue the service based on current eligibility criteria.

The Garden Aid Scheme falls within the remit and responsibility of the Health and Social Care Integration Joint Board (IJB). At its meeting on 24 March 2016 the IJB agreed to allow Council to take a decision on future service delivery, recognising that, should the Executive agree to continue with some or all of the service, an additional payment would be made to the IJB on 2016/17.

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

- (1) *to note the feedback from the consultation exercise;*
- (2) *to note also the assessment of impact and the actions available to mitigate some of that impact, particularly for those service users assessed as having the greatest need for support;*
- (3) *that there should be a review of the criteria for access to the Garden Aid Scheme to ensure that it is appropriately targeted to those in most need;*
- (4) *that, in the meantime, the scheme continues but with the provision that any new applicants to join it will require to meet the criteria set out in option 3 detailed in the report i.e. be in receipt of community care support;*
- (5) *to note that, in accordance with the decision of Council on 17 February 2016, the consequent shortfall in budgeted general fund savings of £275k will require to be met from the Corporate and Housing Services budget for 2016/17; and*
- (6) *to note that additional funding of £550k will be made to the Integration Joint Board as a consequence of this decision.*

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved in substitution for the motion that the Executive *agrees to continue the Garden Aid service based on current eligibility criteria (option 6 in the report) and that it is reinstated with immediate effect.*

On a division 9 members voted for the motion and 3 voted for the amendment, with voting as follows:-

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

For the amendment (3) – Councillors Alexander, Coleman and Spears.

Decision

The Executive agreed the motion.

Councillors D Goldie and Spears joined the meeting during the consideration of the previous item.

EX5. DEVELOPMENT PLAN SCHEME 2016

The Executive considered a report by the Director of Development Services presenting the Local Development Plan Scheme 2016.

The current Local Development Plan (LPD1) had been adopted in July 2015. The proposed scheme set out a programme for preparing and reviewing the Local Development Plan (LPD2). The proposed Scheme:-

- explained the development plan framework for the area, and how it is evolving;
- explained the key stages in preparing a local development plan;
- set out the intended programme for preparing LDP2 and the remaining Supplementary Guidance associated with LDP1;
- described the progress made to date on LDP2; and
- explained how Council would involve people and agencies at each stage in the preparation of LDP2 (participation statement).

Decision

The Executive agreed the Development Plan Scheme 2016 as detailed in appendix 1 to the report.

EX6. 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 item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

EX7. SOFT PLAY PROPOSAL AT THE MARINER CENTRE – REQUEST FOR LANDLORD’S CONSENT

The Executive considered a report by the Director of Corporate and Housing Services presenting proposals by Falkirk Community Trust to alter the Mariner Centre to accommodate a soft play area.

Councillor Mahoney, seconded by Councillor D Goldie, moved that the Executive agrees:-

- (1) *to grant landlord’s consent to Falkirk Community Trust for the works to the Mariner Centre set out in paragraph 2 of the report and to provide an offer to the Trust, for consideration by the Board, that the works are funded by the Council with the Council directly commissioning the works and that the Chief Executive or her nominee is authorised to prepare, issue and conclude the offer; and*
- (2) *to request that Falkirk Community Trust brings forward options and proposals for the other main sports centres, in Bo’ness and Grangemouth.*

Decision

The Executive agreed the motion.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 APRIL 2016 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan (Convener)
 Steven Carleschi
 Colin Chalmers
 Paul Garner
 Adrian Mahoney
 Craig Martin
 John McLuckie
 Malcolm Nicol
 Alan Nimmo
 Martin Oliver
 Baillie Joan Paterson
 Sandy Turner

OFFICERS: John Angell, Head of Planning and Transportation
 Ian Dryden, Development Manager
 Kevin Collins, Transport Planning Co-ordinator
 Elspeth Forsyth, Senior Planning Officer (Landscape)
 Rose Mary Glackin, Chief Governance Officer
 Iain Henderson, Legal Services Manager
 Antonia Sobieraj, Committee Services Officer
 Russell Steedman, Network Co-ordinator
 Danny Thallon, Planning Officer
 Brent Vivian, Senior Planning Officer

P4. APOLOGIES

No apologies were intimated.

P5. DECLARATIONS OF INTEREST

No declarations were made.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Chalmers informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/15/0583/FUL (minute P158).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/15/0583/FUL (minute P158).

- Baillie Paterson informed the Committee that as she had not attended the site visit she would not take part in consideration of planning application P/15/0583/FUL (minute P158).

P6. MINUTES

Decision

- (a) **The minute of meeting of the Planning Committee held on 23 March 2016 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 4 April 2016 was approved.**

P7. THE FALKIRK COUNCIL (COW WYND, FALKIRK) PROHIBITION OF WAITING) ORDER 2015

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council Cow Wynd, Falkirk (Prohibition of Waiting) Order 2015.

Councillor Nicol, seconded by Baillie Buchanan, moved that the Committee continue consideration of the matter to a Hearing in terms of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

In accordance with Standing Order 20.9, and with the unanimous consent of the meeting, Councillor Nicol and his seconder withdrew the motion to allow further consideration of the matter.

Decision

The Committee agreed to continue consideration of the matter to a future meeting to allow consideration of the objections made to the proposed Order.

Councillor Nimmo left and re-entered the meeting during consideration of the following item of business.

P8. THE FALKIRK COUNCIL (UNION ROAD AND MAIN STREET, CAMELON, FALKIRK) (PROHIBITION OF SPECIFIED TURNS AND ONE WAY TRAFFIC) ORDER 2015

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P113 refers), Committee (a) gave further consideration to the report by the Director of Development Services; and (b) considered an additional report by the said Director seeking a decision on the Falkirk Council (Union Road and Main Street, Camelon, Falkirk) (Prohibition of Specified Turns and One Way Traffic) Order 2015.

As the recommendation in the report sought to change a decision taken within the last six months, Standing Order 35 applied. As a preliminary point, and prior to any discussion on the substance of the report, consideration was given to whether there were grounds to review or reconsider the decision previously reached. Following discussion, and having had regard to advice from the relevant officer, the Convener determined that the Committee be given the opportunity to consider whether the matter should be reconsidered in terms of Standing Order 35.1(iii). The Committee members unanimously agreed that the matter be reconsidered.

Decision

The Committee agreed not to make the Traffic Regulation Order referred to in the Report.

Baillie Paterson left and re-entered the meeting during consideration of the following item of business but did not take part in consideration thereon.

P9. ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE ON LAND TO THE WEST OF 10 AGRICULTURAL HOLDINGS, KILSYTH ROAD, LONGCROFT FOR MRS FIONA CARLIN – P/15/0583/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 March 2016 (Paragraph P151 refers), Committee (a) gave further consideration to the report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the erection of a four bedroom two storey detached dwellinghouse and an attached double garage on a site consisting of open grazing land lying to the west of an existing dwellinghouse on land to the west of Agricultural Holdings, Kilsyth Road, Longcroft.

The Convener agreed an adjournment at 11.35 a.m. prior to full consideration of this item of business to allow members to read the contents of a letter received from the landowner following the meeting of the Planning Committee On Site held on 4 April 2016. The meeting reconvened at 11.45 a.m. with all Members present as per the sederunt.

Councillor Oliver, seconded by Councillor Turner, moved that the Committee (1) note the undertaking by the owner of the entire H10 site that she (a) has no intention now or in the future of allowing development of the site with the exception of the self build house which is the subject of this application; and (b) will support removal of the site from the Falkirk Local Development Plan; and (2) grant planning permission subject to conditions 1 to 8 detailed within the report.

By way of an amendment, Councillor Martin, seconded by Councillor Mahoney, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (5) - Baillie Buchanan; Councillors Carleschi, Garner, Oliver and Turner.

For the amendment (4) - Councillors Mahoney, C Martin, McLuckie and Nimmo.

Decision

The Committee (1) noted the undertaking by the owner of the entire H10 site that she (a) has no intention now or in the future of allowing development of the site with the exception of the self build house which is the subject of the application; and (b) will support removal of the site from the Falkirk Local Development Plan; and (2) agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) No development shall commence until the exact details of the colour and specification of the proposed external finishing materials have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) No development shall commence until the exact details of the height, location, construction, colour and plant species etc. of all proposed means of boundary enclosure have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and a timescale(s) to be agreed in writing by the Planning Authority.
- (4) The dwellinghouse shall not be occupied until acoustic glazing with a specification of 10/12/6 or acoustic equivalent is installed and permanent ventilation is provided in order that windows can be kept closed without loss of ventilation. The acoustic glazing shall ensure that internal levels with the windows closed do not exceed 35dB daytime and 30dB night-time, when measured as LAeq,T.
- (5) No development shall commence until the exact details of the finalised scheme for sewage and surface water drainage has been submitted to and approved in writing by the Planning Authority. If the approved scheme includes drainage via the existing stone culvert, a CCTV survey of the culvert shall be carried out before the development commences, to determine its condition and any blockages, and any necessary remedial

works and the maintenance arrangements shall be subject to the written approval of the Planning Authority.

- (6) Vehicular access to the property shall be via a dropped kerb footway crossing, formed in accordance with details to be approved in writing by the Planning Authority.
- (7) The driveway shall be formed with a maximum gradient of 1 in 10 and in a manner to ensure that no surface water is discharged, or loose material is carried, onto the public road.
- (8) The dwellinghouse shall not be occupied until visibility splays measuring 2.4 metres x 59 metres are provided in both directions from the access onto the A803. There shall be no obstruction to visibility greater than 600mm above the height of the carriageway within these splays.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,3) To safeguard the visual amenity of the area.
- (4) To ensure the occupiers of the property are safeguarded against excessive noise intrusion from transportation noise.
- (5) To ensure that adequate drainage is provided.
- (6-8) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04 and 05.
- (3) Formation of the dropped kerb will require Minor Roadworks Consent. The applicant should contact Roads Services on 01324 506070 to obtain the relevant application form.
- (4) The applicant is advised to ensure that noisy works that are audible at the application site boundary are only conducted during the following hours:-
 - Monday to Friday 0800 to 1800 hours
 - Saturday 0900 to 1700 hours
 - Sunday/Bank Holidays 1000 to 1600 hours

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

- (5) The applicant is advised to ensure that all works on the affected of the application site cease in the event that any made ground, suspect substances or odours are encountered following the commencement of the development. In such circumstances, the applicant is required to notify the Planning Authority immediately, carry out a contaminated land assessment and undertaken any necessary remediation works, and only recommence the development with the prior written approval of the Planning Authority.

Councillor Garner left the meeting following consideration of the foregoing item of business

P10. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DELIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE – P/14/0094/FUL

With reference to Minutes of Meetings of the Planning Committee held on 25 March, 29 April, 25 June and 28 October 2015 and 1 February, 24 February and 23 March 2016 (Paragraphs P132, P10, P34, P77, P115, P135 and P150 refer), Committee (a) gave further consideration to reports to those meetings by the Director of Development Services; and (b) considered an additional report by the said Director in relation to conditions imposed in a planning permission granted for the use of land for an end of life vehicle decontamination and de-liquidising facility and storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge.

Decision

The Committee:-

- (1) noted the contents of the report; and
- (2) agreed to consider a further update report at the meeting of the Committee in September 2016.

FALKIRK COUNCIL

MINUTE of MEETING of the SCRUTINY COMMITTEE (EXTERNAL) held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 12 MAY 2016 at 9.30 a.m.

COUNCILLORS:

David Balfour
Gordon Hughes
Steven Jackson (Convener)
Charles MacDonald
Brian McCabe
John McLuckie
Rosie Murray
Depute Provost John Patrick

OFFICERS:

Sally Buchanan, Welfare Reform Project Manager
Caird Forsyth, Corporate Policy Officer
Jack Frawley, Committee Services Officer
Iain Henderson, Legal Services Manager
George Paul, Team Leader, Housing

SE1. APOLOGIES

There were no apologies.

SE2. DECLARATIONS OF INTEREST

There were no declarations of interest.

SE3. MINUTE**Decision**

The minute of meeting of the Scrutiny Committee (External) held on 10 March 2016 was approved.

SE4. FOLLOWING THE PUBLIC POUND (FPP): ADVICE SERVICES

The committee considered a report by the Director of Corporate and Housing Services which provided an update on the work of external organisations in receipt of funding in whole or in part, who provide debt and money advice services, and who fall within the Following the Public Pound (FPP) reporting and monitoring arrangements. Sally Buchanan provided an overview of the report.

(a) Forth Valley Macmillan Money Matters Project

George Paul provided an overview of the report, advising that Forth Valley Macmillan Money Matters Project received a direct grant of £40,000 in the reporting period.

Decision

The committee approved the report and acknowledged progress by Forth Valley Macmillan Money Matters Project.

Councillors Hughes and McLuckie entered the meeting at this point.

(b) Falkirk & District Credit Union

Sally Buchanan provided an overview of the report, advising that Falkirk Credit Union received a direct grant of £17,511 in the reporting period and highlighted that the credit union also received in-kind support of free lets in Council buildings for their collection points.

Members commented on the ambition of the organisation and asked what its maximum level of growth would be. Sally Buchanan advised that an upper limit on membership numbers had not been explored and that the organisation was keen to sustain its growth.

The committee asked how the organisation performed in comparison to other credit unions. Sally Buchanan advised that she would liaise with the development worker and then provide the information to members. She highlighted that the development worker had assisted in the production of the organisation's volunteers' handbook.

Members asked how many schools the credit union was involved with. Sally Buchanan stated that there was active involvement in five High Schools and two Primary Schools which was supplemented by promotional work in community centres, at Forth Valley College and at the Council. The organisation was focussed to ensure that its positive relationships were maintained and expanded.

The committee asked about the rates which were available through the organisation. Sally Buchanan stated that she would confirm this information and provide it to members after the meeting. She advised that the 'Quick Loan' attracted a slightly higher rate than the standard product.

Members asked if the organisation had a desire to open branches and where these would be. Sally Buchanan stated that the organisation had been looking into this with the support of the development worker. A collection point would be situated at Forth Valley College which would be available to both students and the public in general. However, these collection points required volunteers to staff them and thereby had a resource cost to the organisation. The organisation was also looking at utilising payroll deductions and online systems.

The committee then asked for an update on the implementation of online banking facilities. Sally Buchanan advised that online joining had been fully implemented and that allowed someone to join the credit union at any time. It was anticipated that online management of accounts would be fully rolled out by June 2016.

Members asked what support was available to board members particularly in relation to capacity building. Sally Buchanan stated that support had been offered to the board but that how much this was taken up was left to them. The board was keen to drive toward self sustainability. The monitoring officer still met regularly with the organisation but no longer attended their board meetings at the request of the credit union.

In response to a question on membership levels and the number of dormant accounts, Sally Buchanan stated that more people were joining than leaving and that a large number of dormant accounts had been closed in the previous year. This was due to the transfer of accounts following amalgamation with Grangemouth. All accounts which held less than £5 when charged their annual fee were closed after their holders were written to advising them of the process.

The committee asked if there had been any evaluation of the impact of credit unions on payday lenders. Sally Buchanan stated that she was not aware of any evaluation of impact and commented that although the markets may partially overlap many people using payday lenders would not be able to access credit union loans if they had no savings history there. The credit union tried to help people develop savings before making loans available. George Paul stated that the Council's Debt Advice team worked closely with the credit union when people in multi debt positions presented at the service.

Decision

The committee requested further information on specific aspects of the service provided by Falkirk & District Credit Union, namely:

- (i) performance information providing a comparison with that of other credit unions, and**
- (ii) the interest rates applied to the organisation's products.**

(c) Falkirk, Grangemouth, Denny & Dunipace Citizens Advice Bureaux

Sally Buchanan provided an overview of the report considering the performance of Falkirk, Grangemouth, and Denny & Dunipace Citizens Advice Bureaux. She advised that a direct grant was received by each organisation in the following amounts for the reporting period:

- Falkirk – £186,986 (including £30,000 of core funding retained during 2015/16 as a contribution towards the refurbishment of new premises)
- Grangemouth – £113,163
- Denny & Dunnipace – £107,321.

The committee asked what was included within core funding and if this related to managers salaries. Sally Buchanan advised that salaries of paid staff accounted for approximately 80% of the organisation's costs.

In relation to the increased number of appointments relating to welfare benefits, members asked if the organisation's majority of work related to welfare benefits. Sally Buchanan confirmed that this was the case and that she could provide members with a percentage figure as a total of all enquiries after the meeting.

The committee asked about the amount of client gains achieved relating to bankruptcy/trust deeds. George Paul stated that where debts were written off that was counted as a gain for the client as they no longer needed to pay the amount.

Members asked about the figures in relation to appeals and what types of decisions were being appealed. George Paul stated that the majority related to disability benefit claims. He advised that the figures were comparable to the national levels. Following discussion regarding the role of the Council's Welfare and Benefits Team he clarified that where appellants desired the attendance of someone as a support this would most often be done by the Council's staff but that written submissions were often compiled by Citizens Advice Bureaux volunteers.

The committee discussed that within the district there were three distinct organisations with three identities and respective Chief Executives and asked if partnership working was encouraged. Sally Buchanan advised that there was a joint action group in place which included the three Citizens Advice Bureaux, Citizens Advice Scotland and the Council. Training and recruitment was carried out across the three organisations.

Decision

The committee approved the report and acknowledged progress by Falkirk, Grangemouth, Denny & Dunipace Citizens Advice Bureaux.

(d) Falkirk Armed Services Advice Project

Caird Forsyth provided an overview of the report, advising that Falkirk Armed Services Advice Project received a direct grant of £18,000 in the reporting period.

Members asked how many veterans utilising the service reported post traumatic stress disorder. Caird Forsyth stated that he could get a further breakdown of the figures and provide this to members following the meeting.

The committee asked if there was any impact on the resources of the Denny & Dunipace service through hosting the Armed Services Advice Project. Caird Forsyth stated that referrals went directly to the Armed Services Advice Project officer and that although they could go through the general office they would be referred on.

Members asked about the future projections of demand on the service. Caird Forsyth stated that there would be a continued need for the service due to the age of clients who presented and that they could come to the service for assistance for many years after finishing their service.

Decision

The committee approved the report and acknowledged progress by the Falkirk Armed Services Advice Project.

FALKIRK COUNCIL

MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 12 MAY 2016 at 9.30 a.m.

COUNCILLORS: Tom Coleman
Craig Martin
Cecil Meiklejohn
Alan Nimmo
Provost Pat Reid

OFFICERS: Kathleen Docherty, Senior Human Resources Advisor
Brian Pirie, Democratic Services Manager
Robert Naylor, Director of Children's Services

AP1. APOLOGIES

Apologies were intimated on behalf of Councillors Black and Nicol.

AP2. DECLARATIONS OF INTEREST

None.

AP3. EXCLUSION OF PUBLIC

RESOLVED, 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

AP4. APPOINTMENT PROCESS FOR THE POST OF HEAD OF EDUCATION

The committee considered a report by the Director of Children's Services which outlined the available options for recruitment and selection for the post of Head of Education. The report provided information on the advantages and disadvantages of three recruitment options, namely:

- recruitment and selection restricted to an internal pool of applicants;
- external advertisement with internally managed recruitment and selection, and
- external recruitment managed by appointed consultants.

A draft timetable for recruitment to the post was also included. Appended to the report were a: job description; personal specification; candidate information pack, and draft advert.

Decision

The appointments committee approved:-

- (1) the recruitment of the post of Head of Education by external advertisement with an internally managed recruitment and selection process;**
- (2) the draft advert;**
- (3) that the advert was placed in the Recruitment Portal – myjobscotland, and the Times Educational Supplement Scotland;**
- (4) the job description, personal specification and terms and conditions appended to the report, and**
- (5) the selection methods outlined in paragraph 4.1 of the report.**

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 17 MAY 2016 at 9.30 a.m.

COUNCILLORS:

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

OFFICERS:

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 and Housing Services
 Alistair Shaw, Development Plan Co-Ordinator
 Bryan Smail, Chief Finance Officer

EX8. 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 an application for funding. The Convener was of the opinion that the item should be considered as a matter of urgency given that the funding related to a planned march in Falkirk on 25 June 2016.

EX9. APOLOGIES

An apology was intimated on behalf of Councillor Nicol.

EX10. DECLARATIONS OF INTEREST

No declarations were made.

EX11. MINUTE

Decision

The minute of the meeting of the Executive held on 26 April 2016 was approved.

EX12. JOINT CONSULTATIVE COMMITTEE – 19 APRIL 2016

- **DISPUTES POLICY**
- **GRIEVANCE POLICY**
- **CROWN OFFICE AND PROCURATOR FISCAL SERVICE LETTER**

The Executive considered a report by the Director of Corporate and Housing Services presenting revised Disputes and Grievance policies for approval. The policies had been considered by the Joint Consultative Committee on 19 April 2015 and were referred to the Executive for immediate implementation.

Additionally the Joint Consultative Committee had referred a report for noting on the outcome of the Glasgow Fatal Accident Inquiry concerning the bin lorry incident of 22 December 2014.

Decision

The Executive agreed to:

- (1) implement the Disputes and Grievance Policies; and**
- (2) note the report on the Crown Office and Procurator Fiscal Service Letter.**

EX13. CORPORATE RISK MANAGEMENT – POLICY AND FRAMEWORK

The Executive considered a report by the Director of Corporate and Housing Services presenting the Corporate Risk Management Policy and Framework, which had been referred to the Executive by the Audit Committee of 18 April 2016.

Decision

The Executive agreed to approve the Corporate Risk Management Policy and Framework and its immediate implementation.

EX14. CONSULTATIVE DRAFT DEVELOPMENT FRAMEWORK FOR THE MADDISTON EAST STRATEGIC GROWTH AREA

The Executive considered a report by the Director of Development Services presenting a draft Development Framework for the Maddiston East Strategic Growth Area (SGA).

The Local Development Plan (LDP) identified Maddiston East as one of 12 Strategic Growth Areas in the Council area. The SGAs provide the focus for residential growth over the period of the LDP.

The Maddiston East area comprises 6 development sites, 5 of which are included within the Development Framework which sets out how these sites should be developed so as to provide a cohesive and sustainable extension to the village. The draft Framework provides guidance for landowners and developers on planning, design and infrastructure requirements.

It was proposed that a 6 week consultation on the draft Framework is undertaken prior to final consideration.

Decision

The Executive approved the draft Development Framework for the Maddiston East Strategic Growth Area, for consultation.

EX15. BUSINESS TRANSFORMATION – STRATEGIC PROPERTY REVIEW

The Executive considered a report by the Director of Development Services seeking authority to engage HubCo to undertake a strategic property review.

Council agreed, on 16 December 2015 (ref FC3), to a strategic assessment of the Trust's service delivery and property portfolio which would interface with the current review of the Council's own asset portfolio.

The report set out the proposed scope of the strategic review together with expected outputs for the 2 main phases of the project. The aim of this review is to analyse current stock, including that managed by Falkirk Community Trust, against collective service needs to inform the 2017/18 budget process.

Decision

The Executive agreed:-

- (1) the scope of the Strategic Property Review and Project Plan as detailed in the report; and**
- (2) to appoint HubCo to progress the review.**

EX16. TRAFFIC MANAGEMENT ARRANGEMENTS FOR MARCHES, PROCESSIONS AND PARADES

The Executive considered a report by the Director of Development Services requesting the suspension of fee charges in relation to the promotion of Temporary Traffic Regulation Orders (TTROs) to support the arrangements for marches, processions and parades.

Police Scotland had recently advised the Council that nationally it would no longer provide traffic management support at public marches, processions and parades.

As a licensing authority, the Council is required to have regard to the likely effect of any march, parade or procession on public safety; public order; damage to property and disruption to the life of the community. This includes ensuring that traffic is managed in a way which secures public safety. In the absence of police support, traffic at such events can be regulated by the promotion of a Temporary Traffic Regulation Order (TTRO). In order for a TTRO to be promoted the Council must be satisfied that

effective traffic management arrangements will be put in place by the event organiser. A charge of £725 was imposed for each TTRO required for an event.

Research indicated that nationally neither the Licensing Authorities' nor Police Scotland's approaches to traffic management for such events was consistent. It was proposed that the Council's procedures were reviewed, and in the meantime, to suspend the charge for TTROs in regard to marches parades and processions.

Decision

The Executive agreed:-

- (1) to suspend the relevant fee for Temporary Traffic Regulation Order applications where they relate to traffic regulation in respect of marches, processions and parades and other community based activities which suspension shall be in place until the review has been completed and considered by members or a period of 6 months, whichever is the shorter;
- (2) to request that the Leader of the Council write to the Cabinet Secretary for Justice expressing the Council's concerns regarding the position taken by Police Scotland; and
- (3) to request that the Chief Executive raises the issue with COSLA seeking the introduction of a national approach.

EX17. TRAFFIC MANAGEMENT ARRANGEMENTS – REQUEST FOR SUPPORT

The Executive considered a report by the Director of Development Services advising of a request for financial support to help defray traffic management costs for a parade due to take place in Falkirk on 25 June 2016. The report was linked to the immediately preceding one dealing with TTROs and the recently advised change in practice by Police Scotland.

The request for a cost sharing approach had been made by the Loyal Orange Institution of Scotland Falkirk Branch 36. In support of their application, the organisation had set out certain benefits they considered would accrue to the local economy.

Councillor Blackwood, seconded by Councillor C Martin, moved that the Executive *agrees to the request by the Loyal Orange Institution of Scotland Falkirk Branch 36 for funding in the sum of £1,145.*

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved, in substitution for the motion, that the Executive *does not agree to the request on the following grounds:-*

- (1) *the impact on the local community grant fund;*
- (2) *the decision taken previously at this meeting in regard to the cost of Temporary Traffic Regulation Orders effectively gives a subsidy; and*

(3) *it doesn't meet the local criteria.*

The Executive then adjourned, at 11.40 a.m. to allow members of the Administration to consider the terms of the amendment, and reconvened at 11.50 a.m. with members present as per the sederunt.

On a division 8 members voted for the motion, 2 voted for the amendment and 1 abstained, with voting as follows:-

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

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

Abstention (1) – Councillor Spears.

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 MAY 2016 at 9.30 a.m.

COUNCILLORS: Jim Blackwood
Gordon Hughes
Baillie Joan Paterson (Convener)
Depute Provost John Patrick
Ann Ritchie
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer (Items CL13-CL17)

CL13. APOLOGIES

Apologies for absence were intimated on behalf of Baillie Buchanan and Provost Reid.

CL14. DECLARATIONS OF INTEREST

No declarations were intimated.

CL15. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 20 April 2016 was approved.

CL16. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MARCH 2016 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 March and 31 March 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

Councillor Hughes entered the meeting during discussion of the previous item of business.

CL17. CIVIC LICENSING ENFORCEMENT – MARCH 2016

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during March 2016.

Decision

The committee noted the report.

CL18. EXCLUSION OF PUBLIC

RESOLVED 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 Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL19. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mrs D, entered the meeting accompanied by Mr P, the day to day manager of the premises.

The committee considered a report by the Chief Governance Officer on an application received for the renewal of a late hours catering licence (a) advising of the background to the application; (b) referring to the recent amendments made to the policy and conditions applicable to late hours catering licences as it relates to Falkirk Town Centre, and (c) detailing the consultations undertaken and the responses received.

Mrs D spoke in support of the application.

Decision

The committee agreed to renew the late hours catering licence for a period of three years, subject to the standard conditions.

CL20. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE (USED VEHICLES)

The applicant, Mr K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new second hand dealers licence (used vehicles) (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr K spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the new second hand dealer licence (used vehicles) for a period of three years, subject to the standard conditions.

CL21. APPLICATIONS FOR THE GRANT OF 4 NEW PRIVATE HIRE CAR OPERATOR LICENCES

Mr B, an employee and representative of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications received for the grant of 4 new private hire car driver licences (a) advising on the background to the applications, and (b) summarising the consultations undertaken and responses received.

Decision

The committee agreed to grant the four new private hire car operator licences for a period of one year, subject to the standard conditions.

CL22. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

Mr A, a Director of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new private hire care operator (a) advising on the background to the application, and (b) summarising the consultations undertaken and responses received.

Questions were asked of Mr A by members of the committee.

Decision

The committee agreed to grant the new private hire car operator licence for a period of one year, subject to the standard conditions.

CL23. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for renewal of a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr M spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter.

CL24. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr I, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for renewal of a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the application's record.

Mr I spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter.

CL25. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Ms C, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for renewal of a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the application's record.

Ms C spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter.

CL26. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr F, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for renewal of a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the application's record.

Mr F spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter.

The committee agreed to a short adjournment. The committee adjourned at 10.30 a.m. and reconvened at 10.35 a.m. with all members present as per the sederunt.

CL27. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1899

Sergeant M White and Inspector G Capes, both representatives of Police Scotland, entered the meeting. The licenceholder, Mr S, was not in attendance.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 8 April 2016, submitted by Police Scotland requesting the immediate suspension of the licenceholder's taxi driver licence; (b) setting out the details of the complaint; (c) summarising the decision taken by the Chief Governance Officer, and (d) advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

The Licensing Co-ordinator advised that he had received an email on 16 May 2016 from the licenceholder, Mr S, requesting that the matter be continued and the reasons for the request. He also advised that he had received an email from the licenceholder's partner, the contents of which related to the complaint referred to in Police Scotland's letter of complaint.

The committee agreed to the circulation of the letter of complaint dated 8 April from Police Scotland, the email from Mr S and the email from the licenceholder's partner.

Sergeant White was heard in relation to the letter of complaint.

Discussion took place on the continuation request made by the licenceholder.

The committee agreed to a short adjournment. The committee adjourned at 10.55 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

Decision

The committee agreed to continue the matter to the next meeting of the Civic Licensing committee to be held on 15 June 2016.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 MAY 2016 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan (Convener)
 Steven Carleschi
 Paul Garner
 Adrian Mahoney
 Craig Martin
 John McLuckie
 Alan Nimmo
 Martin Oliver
 Baillie Joan Paterson
 Sandy Turner

OFFICERS: John Angell, Head of Planning and Transportation
 Kevin Collins, Transport Planning Co-ordinator
 Ian Dryden, Development Manager
 Jack Frawley, Committee Services Officer
 Rose Mary Glackin, Chief Governance Officer
 Iain Henderson, Legal Services Manager
 Russell Steedman, Network Co-ordinator

P11. APOLOGIES

Apologies were intimated on behalf of Councillors Chalmers and Nicol.

P12. DECLARATIONS OF INTEREST

No declarations were made.

Councillor Martin entered the meeting during consideration of the previous item of business

P13. REQUEST FOR SITE VISITS

Having heard a request by a member for a site visit, the Committee agreed to the continuation of planning application P/16/0104/FUL.

Baillie Paterson entered the meeting during consideration of the previous item of business.

P14. MINUTE**Decision**

The minute of meeting of the Planning Committee held on 27 April 2016 was approved.

P15. THE FALKIRK COUNCIL (COW WYND, FALKIRK) (PROHIBITION OF WAITING) ORDER 2015 (CONTINUATION)

With reference to Minute of Meetings of the Planning Committee held on 27 April 2016, (Paragraph P7 refers), Committee gave (a) further consideration to a report by the Director of Development Services prepared for the Planning Committee on 27 April 2016; and (b) considered an additional report by the said Director seeking a decision on the Falkirk Council Cow Wynd, Falkirk (Prohibition of Waiting) Order 2015.

Decision

The Committee agreed to make the Prohibition of Waiting Order.

Councillor McLuckie entered the meeting during consideration of the previous item of business.

P16. DEVELOPMENT OF UP TO 550 HOUSES, A NEIGHBOURHOOD CENTRE INCLUDING RETAIL AND COMMUNITY USES, ACCESS JUNCTIONS, NEW ACCESS ROADS, PROVISION OF A NATURE CONSERVATION AREA, ASSOCIATED ROADS AND INFRASTRUCTURE AT LAND TO THE NORTH OF BANKVIEW NURSING HOME, KILSYTH ROAD, BANKNOCK FOR I & H BROWN LTD - P/10/0360/PPP

With reference to Minutes of Meetings of the Planning Committee held on 1 February and 7 March 2012, 25 February 2015 and 1 February 2016, (Paragraphs P122, P135, P155 and P117 refer), Committee gave (a) further consideration to reports to those meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application for planning permission in principle for the development of land for up to 550 dwellinghouses, a neighbourhood centre including retail and community uses, a nature conservation area and associated infrastructure including access junctions, new roads and paths, surface water drainage facilities and landscaping on land to the north of Bankview Nursing Home, Kilsyth Road, Banknock.

Decision

The Committee:-

- (a) noted the contents of this report;

- (b) agreed to amend item (iv) of the Section 75 terms to acknowledge that the applicant is entitled to build out 80 units in advance of the slip road junction upgrades (subject to review by the Director of Development Services in 5 years' time if the applicant has not completed 57 units by that time);
- (c) agreed to remove item (xii) of the Section 75 terms which requested an £80,000 financial contribution to address any issues which may emerge as the access strategy is further refined, and to add a new planning condition to require the applicant to provide an additional toucan crossing (East of Bog Road) as part of Phase 4 of the development; and
- (d) agreed to the updated terms of the Section 75 Planning Obligation and addition of new planning condition 47, as detailed below, and
- (e) agreed to continue consideration of the application noting that if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted (with the updated planning conditions detailed below) by 30 September 2016, the matter will require to be brought back to Committee for further consideration and potential refusal.

Section 75 terms

(sums quoted are at March 2012 price levels, with the possible exception of the increased element within items (viii) and (ix))

- (i) The provision of an extension to Bankier Primary School;
- (ii) The provision of additional and/or enhanced pre-school/nursery facilities;
- (iii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
- (iv) The upgrade of the M80 east and west slip road junctions on the A803 (noting that the applicant is entitled to build out 80 residential units in advance of the slip road upgrades, provided that this will be reviewed if the applicant has not completed 57 units within 5 years of the date of grant of this application);
- (v) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR), in the sum of £90,000;
- (vi) The preparation of a Travel Plan Framework;
- (vii) The payment of a financial contribution towards the upgrade of the local Core Path Network, in the sum of £50,400;
- (viii) The payment of a financial contribution towards the upgrade and enhancement of existing recreational facilities in the local area, in the sum of £169,600 less the cost of the proposed on-site equipped play provision;
- (ix) The payment of a financial contribution towards the implementation of local community projects, in the sum of £75,000;
- (x) The payment of a financial contribution towards (a) the monitoring of air quality in the local area, at a rate of £500 per annum until the end of the build period, and (b) the implementation of air quality action plan measures;
- (xi) The amount, type and phasing of the provision of affordable housing, and

- (xii) Maintenance of the relevant area to the Council's satisfaction in all time coming (being the land required to achieve the necessary forward visibility at the proposed enlarged M80 east slip road/A803 junction);

Planning Conditions

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2013 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced in the respective development phase:
- (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
- (a) the expiration of 5 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,
- whichever is the latest.
- Provided that only one such application may be made in the case after the expiration of the 5 year period mentioned in sub-paragraph (a) above.
- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Approval of Further Details

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, and yearly thereafter until 3 years after the development has been fully constructed, a suitably qualified person shall submit an update report for the written approval of this Planning Authority in respect of implementation of the following:-
- (a) The Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011) or any subsequent amendment agreed by this Planning Authority in consultation with Scottish Natural Heritage;
 - (b) Conditions 16 to 23 of this permission;
- (5) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted for the written approval of this Planning Authority:-
- (a) An Energy Framework/Strategy; and
 - (b) A Public Art Framework/Strategy;
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, a detailed design and a Stage 2 Road Safety Audit for the proposed western and eastern access junctions and the proposed upgrades to the A803 Kilsyth Road/M80 east and west slip road junctions, shall be submitted to and agreed in writing by this Planning Authority, unless an alternative time(s) is agreed in writing by this Planning Authority for the submission of this information.
- (7) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details for consideration for approval in writing by this Planning Authority in so far as they relate to the relevant development phase:-
- (a) Detailed site layout and design information, which accords with the approved Banknock North SIRR Development Masterplan (Drawing No. 8 06 AL(0) 105, Revision J, January 2016) or any subsequent approved revision of the Development Masterplan, unless otherwise agreed in writing by this Planning Authority;
 - (b) A detailed Phasing Plan showing the exact sequence of preparatory levelling/earthworks and vegetation removal and development for the proposed land uses, provision of infrastructure, landscaping, open space and play facilities;
 - (c) A detailed strategy for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, having regard to the approved site-wide Energy Framework/Strategy;
 - (d) Proposals to incorporate public art/interpretive facilities into the development having regard to the approved site-wide Public Art Framework/Strategy;

- (e) A detailed scheme of soft landscaping works incorporating measures to promote, enhance and safeguard biodiversity. The scheme shall include the location of all proposed new trees, shrubs, hedges and grass areas and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
- (f) Proposals for the provision of newt friendly infrastructure within residential areas, which accord with the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (g) An updated Tree Protection and Removal Plan, as informed by an updated Tree Survey;
- (h) A detailed scheme of hard landscaping works, which includes the specification and colour of all proposed surface material and the location and design of all proposed artefacts, structures and enclosures e.g. street furniture, lighting, walls, fences and gates;
- (i) The proposed long term management and maintenance arrangements for all open spaces, water bodies, SUDS ponds and structured landscaping areas;
- (j) A Construction Environmental Management Plan;
- (k) The exact location and design of all proposed waste management facilities, which accord with the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (l) A Contaminated Land Assessment, which determines the nature and extent of any contamination on the site, including contamination that may have originated elsewhere, and any potential risks to human health, property, the water environment and designated ecological sites;
- (m) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (n) An updated Flood Risk Assessment/Statement, which details all proposed flood alleviation measures and demonstrates that pluvial flood risk is managed as part of the drainage design, that all properties have a suitable freeboard over the design event, that all properties have safe access and egress during the design event and that the design of the new culverts is robust and provision has been made for flood waters to safely bypass them in the event of blockage;
- (o) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (p) A Travel Plan, including a Travel Pack;
- (q) Proposals for access to public transport services (including school bus services); and
- (r) A Noise Impact Assessment.

Number of Units

- (8) Notwithstanding that the development description is for 'development up to 550 houses', the overall number of residential units shall not exceed 504, unless otherwise agreed in writing by this Planning Authority;

Tree Protection and Removal

- (9) No trees or scrub shall be removed from each respective development phase until an updated Tree Protection and Removal Plan for that phase has been submitted to and approved in writing by this Planning Authority;
- (10) Before the respective development phase commences, the details and specification of the protective measures necessary to safeguard the trees and other types of vegetation to be retained shall be submitted to and approved in writing by this Planning Authority;
- (11) Upon completion of the approved protection measures, the Planning Authority shall be notified and no work within the respective development phase shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable;
- (12) The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;

Biodiversity

- (13) Unless otherwise agreed in writing by this Planning Authority, the development shall be carried out in accordance with the Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011);
- (14) Unless otherwise agreed in writing by this Planning Authority, all approved tree and scrub removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds;
- (15) Where the respective development phase has not commenced within 12 months of the last survey of the site for badgers, bats, otters and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority prior to that development phase commencing;

Great Crested Newts

- (16) The development shall be carried out in accordance with the mitigation and compensation measures set out in Section 4.2 of the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011 unless otherwise agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage;
- (17) The integrity of all amphibian fencing shall be monitored at least monthly between February and November every year, or for the anticipated duration of construction estimated at 15 years, after which time the fence shall be removed. Any repairs or appropriate remediation measures shall be undertaken immediately in the event of the fence being found to be damaged or affected in any way which is likely to impair its effectiveness;

- (18) The habitat creation and enhancements works within the proposed Nature Conservation Area shall be completed, and made available to newts (i.e. all newt fencing removed from this area), by 31 December 2016 or any other date that may be agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage;
- (19) A new pond shall be created during the construction period to replace the loss of the Railway Pond (PN13) and be situated in approximately the same location;
- (20) The new ponds (i.e. the new Railway Pond, the new Brown Pond and the new ponds within the proposed Nature Conservation Area) shall be monitored for three years from their creation, within any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (21) A risk assessment for all staged works proposed within the application site boundaries shall be carried out to determine if they are likely to cause an offence under Regulation 39/43 of the Habitats Regulations. The risk assessment(s) shall be submitted for the written approval of this Planning Authority and shall include an appraisal of the monitoring and maintenance records for the one-way newt fence.
- (22) The great crested newt meta-population shall be monitored for 3 years after the development has been constructed and the one-way newt fence removed, with any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (23) Arrangements shall be made to secure the long-term management of the newt-friendly infrastructure, including the new ponds and associated habitat, in accordance with details approved in writing by this Planning Authority;

Cultural Heritage

- (24) Unless otherwise agreed in writing by this Planning Authority, no development shall take place within the relevant development phase until the applicant has secured the implementation of a programme of archaeological work for that development phase in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority;
- (25) During implementation of the approved programme of archaeological work, access at all reasonable times shall be afforded to any archaeologist nominated by this Planning Authority, to allow that person to observe work in progress and record items of interest and finds;

- (26) Not less than 14 days prior to the development commencing, the Planning Authority shall be notified in writing of the commencement date of ground breaking works, the site contact person and the archaeologist appointed by the applicant;

Provision of New/Enhanced Local Facilities and Features

- (27) Unless otherwise agreed in writing by this Planning Authority, the proposed retail development, associated public realm area and gateway features shall be fully completed prior to the completion of either phase 1 of the proposed development or the 100th residential unit, whichever is the earliest, in accordance with details approved in writing by this Planning Authority;

Contaminated Land

- (28) Before the respective development phase is brought into use, any necessary remediation works to make the ground safe from contamination (as defined in part IIA of the Environmental Protection Act 1990) shall be carried out in accordance with a remediation strategy approved in writing by this Planning Authority;
- (29) Before the respective development phase is brought into use, any necessary remediation completion report/validation certificate, endorsed by the relevant parties, shall be submitted to and approved in writing by this Planning Authority;

Surface Water Drainage/Flooding

- (30) Any proposed surface water drainage retrofit to release foul capacity to serve the proposed development, shall be fully completed in accordance with a final design scheme approved in writing by this Planning Authority;
- (31) No land-raising or built development shall occur within the 0.5% annual probability flood plan as shown hatched on the approved Banknock North SIRR Development Masterplan (Drawing No. 8 06 AL(0)105 Revision J, January 2016) or any subsequent approved revision of the Development Masterplan;

Outdoor Access

- (32) The existing Core Path Network/Right of Ways shall be retained for use by the public during the construction phase unless temporary arrangements are put in place for a diversion(s) in accordance with details, including the provision of signage, approved in writing by this Planning Authority;

Roads/Transportation

- (33) Unless otherwise agreed in writing by this Planning Authority, having regard to the Scottish Government Policy Statement: Designing Streets, all new roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area existing at the time of the Council's minded to grant decision;
- (34) Unless otherwise agreed in writing by this Planning Authority, no part of the development shall be occupied until the proposed western junction, the proposed toucan crossing of Kilsyth Road, west of Hollandbush Avenue, and relevant signalisation is installed and has been fully completed in accordance with details submitted to and approved in writing by this Planning Authority; unless otherwise agreed in writing by this Planning Authority, the proposed eastern junction and relevant signalisation shall be fully completed and operation prior to occupation of the 200th residential unit, in accordance with details to be submitted to and approved in writing by the Planning Authority;
- (35) Within one month of opening of each new/upgraded road junction, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority. Any required changes to the design as a consequence of the Stage 3 Road Safety Audit shall be funded and implemented by the applicant;
- (36) Before the development commences, exact details of the proposed pedestrian / toucan crossings of the A803 Kilsyth Road and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, shall be submitted to and approved in writing by this Planning Authority unless otherwise agreed. Thereafter any agreed facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (37) Before the development commences, exact details of the provision of a suitable route through the site to accommodate bus use, including stopping points and shelter facilities, shall be submitted to and approved in writing by this Planning Authority, unless otherwise agreed in writing by this Planning Authority that this infrastructure within the site is not required. Thereafter any such approved infrastructure shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (38) Before the development commences, exact details of the proposed relocation/upgrading of the existing bus stops on Kilsyth Road shall be submitted to and approved in writing by this Planning Authority. Thereafter the facilities shall be relocated in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;

- (39) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area existing at the time of the Council's minded to grant decision; unless otherwise agreed in writing by this Planning Authority;
- (40) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 West Slip Road Junction as generally illustrated in the JMP Drawing No SCT3178/I/WS/001/ Rev E dated October 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;
- (41) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 East Slip Road Junction as generally illustrated on the JMP Drawing No SCT3178/I/ES/001 Rev I dated December 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;
- (42) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until details of proposed new signage on the M80 West Slip Road have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland;
- (43) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until lighting details within the site have been submitted to and approved by this Planning Authority in consultation with Transport Scotland;
- (44) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until boundary fencing details with the M80 Slip Road have been submitted to and approved in writing by this Planning Authority in consultation with Transport Scotland;
- (45) The development shall not affect the integrity of the trunk road drainage network. No connections shall be made to the trunk road drainage network;
- (46) Unless otherwise agreed in writing by this Planning Authority, the first application for the Approval of Matters Specified in Conditions shall be accompanied by detailed design proposals for the internal access junction to serve the proposed retail and car parking area. The details to be submitted shall include an analysis of the operation of the proposed junction arrangement with the scoping of the analysis to be agreed with this Planning Authority. The submitted details shall be subject to the written approval of this Planning Authority and thereafter the approved details shall be completed in accordance with an agreed timescale.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (8) To limit the number of units to reflect the scale of development subject to the Transport Assessment.
- (9-12) To safeguard the visual and environmental amenity of the area.
- (13-23) To protect, mitigate and enhance natural heritage and protected species interests.
- (24-26) To safeguard the archaeological interest of the area.
- (27) To secure the delivery of new facilities in accordance with appropriate timescales.
- (28-29) To ensure the ground is suitable for the proposed development.
- (30-31) To ensure that suitable drainage is provided and that potential flood risk is mitigated to an acceptable level.
- (32) To safeguard the existing public path network.
- (33-35) To safeguard the interests of the users of the highway and to ensure the delivery of infrastructure in accordance with appropriate timescales.
- (36-38) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.
- (39) To ensure that adequate parking is provided.
- (40-42) To ensure the impact of the development is adequately mitigated against with minimum interference to the safety and free flow of traffic on the trunk road.
- (43) To ensure there will be no distractions or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- (44) To minimise the risk of pedestrians gaining uncontrolled access to the road with the consequential risk of accidents.

- (45) To ensure the efficiency of the existing trunk road drainage is not affected.
- (46) To safeguard the interests of the users of the highway and ensure appropriate provision of roads infrastructure.
- (47) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

P17. EXTENSION TO FLAT AND FORMATION OF HARDSTANDING AT 4 WEST TERRACE, BLACKNESS, LINLITHGOW EH49 7NN FOR MR DAVID HEWITT - P/16/0104/FUL

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 3 JUNE 2016 at 2.30 p.m.

COUNCILLORS: Allyson Black
Tom Coleman
Craig Martin
Cecil Meiklejohn
Alan Nimmo
Provost Pat Reid

OFFICERS: Karen Algie, Head of HR & Business Transformation
Jack Frawley, Committee Services Officer
Robert Naylor, Director of Children's Services
Mary Pitcaithly, Chief Executive

AP5. APOLOGIES

An apology was intimated on behalf of Councillor Nicol.

AP6. DECLARATIONS OF INTEREST

There were no declarations of interest.

AP7. EXCLUSION OF PUBLIC

RESOLVED, 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

AP8. APPOINTMENT PROCESS FOR THE POST OF HEAD OF EDUCATION

The committee considered a report by the Director of Children's Services which outlined the available options for recruitment and selection for the post of Head of Education. Application forms and supporting papers for the post were appended.

Decision

The committee agreed:-

- (1) to take four candidates forward to the next stage of the appointments process;**

- (2) that a three stage assessment process be undertaken by candidates as set out at section 3.4 of the report;
- (3) that the Chief Executive, Director of Children's Services and Head of HR & Business Transformation agree the shortlist of candidates to be interviewed by the committee following the three stage assessment process, and
- (4) the presentation topic.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 6 JUNE 2016 commencing at 9.30 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener)
Colin Chalmers
Adrian Mahoney
John McLuckie
Sandy Turner

OFFICERS:

Ian Dryden, Development Manager
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Karen Quin, Solicitor

P18. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson and Councillor Carleschi.

P19. DECLARATIONS OF INTEREST

No declarations were made.

P20. EXTENSION TO FLAT AND FORMATION OF HARDSTANDING AT 4 WEST TERRACE, BLACKNESS, LINLITHGOW EH49 7NN FOR MR DAVID HEWITT - P/16/0104/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 May 2016 (Paragraph P17 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for a two storey extension to the side of a flat and linked by a single storey flat roofed extension and the formation of hardstanding at 4 West Terrace, Blackness, Linlithgow.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application and issued detailed plans associated with the application.

Mr Hewitt, the applicant, was heard in relation to the application. Mrs Hewitt the applicant's wife was heard in response to points of clarification.

The submitted letter of support was noted.

Ms Leeds, an objector, was heard in relation to the application and confirmed that she had been authorised by objectors unable to be present to speak on their behalf.

Ms Donlin, co-owner of objector's property, was heard in relation to the application.

Mr Readman, an objector, was heard in relation to the application.

Ms Wexelstein, an objector, was heard in relation to the application.

The objections included the following issues:-

- The unacceptable visual impact of the extension and the parking area;
- The development by reason of size, design and materials would be detrimental to the character of the area;
- The extension may be used as bed and breakfast or holiday letting accommodation;
- The inadequate drainage system in the area;
- That the proposal would increase the amount of traffic using the access road;
- The insufficient parking provision;
- That the construction would result in heavy goods vehicles using the access road, the damage to the road and the retaining wall;
- The road safety issues;
- The detrimental impact on Firth of Forth Special Protection Area;
- The flood risk;
- The loss of privacy; and
- The overshadowing.

Questions were then asked by Members of the Committee.

Councillor Ritchie, a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance. The matter would be determined at the Planning Committee on 21 June 2016.

Members thereafter viewed the garden area of the neighbouring property number 8 west Terrace.