

FALKIRK COUNCIL

Minute of meeting of the EXECUTIVE held within the Municipal Buildings, Falkirk on Tuesday 7 June 2016 at 10.30 a.m.

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

Officers:

Robin Baird, Waste Manager
Fiona Campbell, Head of Policy, Technology and Improvement
Colin Frame, Principal Surveyor
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Gary Greenhorn, Head of Planning and Resources
Colin Moodie, Depute 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

EX18. Apologies

Apologies were intimated on behalf of Councillors Dr C R Martin and Nicol.

EX19. Declarations of Interest

No declarations were made at this point.

EX20. Minute

Decision

The minute of the meeting of the Executive held on 17 May 2016 was approved.

EX21. Data Protection

The Executive considered a report by the Director of Corporate and Housing Services giving an update on progress with the actions set out in the undertaking given to the Information Commissioner's Office (ICO) in November 2015 following a data breach, and presenting a Data Protection Policy for approval.

A draft Data Protection policy, the need for which had been identified in the undertaking, was attached as an appendix to the report. The policy set out at 8 high level commitments, each of which requires further work to ensure compliance across the Council, with the work being taken forward by the Information Governance Manager.

Decision

The Executive:-

- (1) approved the Data Protection Policy as appended to the report, and**
- (2) noted the steps taken by officers to ensure compliance with the undertaking given to the Information Commissioner's Office.**

EX22. Community Empowerment (Scotland) ACT 2015

The Executive considered a report by the Director of Corporate and Housing Services on the Community Empowerment (Scotland) Act 2015 presenting proposed responses to consultations issued in regard to the Act and providing information on locality planning and participatory budgeting.

While the Act was passed on 17 June 2015, much of the secondary legislation bringing it into effect is still to be enacted.

A report on the Act was submitted to the Executive 18 August 2015 (ref EX30) and a seminar for all members on its likely implications was held on 23 September 2015.

The report summarised the key features of the Act in regard to:

- community planning;
- participation requests;
- community right to buy; and
- asset transfer requests.

When the report was written, the Scottish Government was consulting on the following:-

- draft Guidance and Regulation for Community Planning (closing date 13 June 2016);
- draft Regulations on Participation Requests (closing date 15 June 2016);
- draft Regulations on Asset Transfer (closing date 20th June 2016); and
- secondary legislation relating to part of the Land Reform (Scotland) Act 2003 (closing date 20 June 2016).

The consultations documents were appended to the report together with proposed responses for each.

A further seminar on the latest position in regard to the implications of the Act was proposed.

Decision

The Executive:-

- (1) noted the consultation documents and approved the responses attached as appendices 2 to 5 of the report;**
- (2) approved the work already started in relation to locality planning and participatory budgeting and asked officers to continue to develop the work and to provide further updates in relation to it;**
- (3) asked officers to develop processes and procedures in relation to parts of the Act where draft regulations have been issued with a view to reporting back to the Executive in the autumn;**
- (4) asked for further updates in progress as further guidance and regulations are issued, and**
- (5) noted that a seminar will be held for all elected members on the latest position of the Community Empowerment (Scotland) Act 2015.**

EX23. Falkirk Community Trust Policy Development Panel – Interim Conclusions

The Executive considered a report by the Director of Corporate and Housing Services presenting interim conclusions from the policy development panel which had been reviewing Falkirk Community Trust.

On 17 March 2015, the Executive established a policy development panel to review Falkirk Community Trust (ref EX138). The remit of the panel was to review:-

- the original intention of establishing the Trust and whether those objectives and expectations have been realised;
- what has been achieved since its establishment in terms of service performance;
- governance, monitoring and relationships with the Trust as a charitable company limited by guarantee;
- financial performance and risk management issues, and
- where relevant, how other Councils manage their relationships with similar arm's length independent bodies.

The report set out the work of the panel to date and the areas considered as part of its work plan. The panel's findings in regard to governance, communication and engagement and service delivery were summarised.

The panel had identified areas for further discussion with the Trust and had recommended that these be facilitated by an external and independent party. The areas for further discussion are:-

- Governance
- Increasing external funding and income
- Accountability and responsibility for the Trust to the Council
- Engagement with the community and stakeholders
- Vision and planning for services over the coming years

During the discussion, Councillors D Goldie and Spears both declared a non-financial interest in the item as Directors of the Trust but did not consider that this required them to recuse themselves from the meeting having had regard to the specific exclusion in the Code of Conduct.

On 16 December 2015, Council had agreed to extend the remit of the panel to co-ordinate a strategic assessment of the Trust and Council's asset portfolio and requested that the panel complete this work by the end of August 2016(ref FC69). To accommodate the submission of its interim findings, the panel had agreed to take forward this further phase of its work with a view to reporting to the Executive on it, and on the outcome of the facilitated discussions, in the autumn.

Decision

The Executive agreed:

- (1) to note the interim findings of the policy development panel;**
- (2) that the panel will engage with Falkirk Community Trust on the issues arising from its work as set out in paragraph 4.4 of the report;**

- (3) to the appointment of external and independent support for the panel in taking forward discussions with the Trust, and**
- (4) that the panel will report back in autumn 2016 on those discussions along with its findings as per the Council decision in December 2015.**

EX24. Review of Borrowing and Treasury Management Governance and Reporting Methods

The Executive considered a report by the Director of Corporate and Housing Services providing an update on the review of current borrowing and treasury management governance arrangements and reporting methods.

The review followed consideration of a report by Audit Scotland entitled 'Borrowing and Treasury Management in Councils' which was considered by the Scrutiny Committee on 20 August 2015 (ref S16) and referred to the Executive on 29 September 2015 (ref EX42).

The report set out the main findings of the review, highlighting the training sessions on treasury management held for members on 15 and 31 March 2016 and the suggestions emerging therefrom including the addition of benchmarking information in future treasury management reports.

The report also addressed the current governance arrangements which had been reviewed by the Council's Treasury Advisors, Capita Asset Services, and assessed against the approach taken by other Councils, and which were deemed to be fit for purpose. Moreover, Internal and External Audit had carried out a review of the Council's investment arrangements with the former reporting a conclusion of "substantial assurance" in relation to them.

Decision

The Executive agreed:-

- (1) to note the details of the review that was carried out, and**
- (2) that benchmarking data would be routinely incorporated into future Treasury Strategy reports.**

EX25. Treasury Management Annual Review 2015/16

The Executive considered a report by the Director of Corporate and Housing Services presenting the Treasury Management Annual Review 2015/16.

As set out in Regulations issued under the Local Government in Scotland Act 2003, Council is required to produce an annual review of treasury

management activities together with the prudential and treasury indicators for 2015/16.

The report provided a review of:-

- economic and interest rates;
- the borrowing strategy 2015/16
- investment strategy;
- treasury management prudential indicators; and
- member training.

Decision

The Executive noted the Treasury Management Annual Review 2015/16 and agreed to refer the report to Council for consideration.

EX26. Business Transformation Update

The Executive considered an update report by the Director of Corporate and Housing Services on progress with projects being taken forward as part of the Council's Business Transformation agenda.

The report noted the fundamental aim of Business Transformation as being to streamline and modernise processes and services. It comprises a suite of projects and initiatives, some of which are complex, cross-cutting and multi-year, and sits alongside the financial budgeting process.

The report provided an overview of the following key business transformation projects:-

- Support Services Transformation and Review (SSTAR);
- Mobile and Flexible Working;
- Building Maintenance; and
- Social Work Information System.

The report also provided an overview of the Service and Corporate reviews planned for 2016 and detailed the scope of the work of Improvement Groups which had been established to consider new ways of working.

Decision

The Executive agreed to note:-

- (1) progress made to date in relation to key Business Transformation projects and short life Improvement Groups, and**
- (2) that progress with corporate and Service reviews will be reported and monitored through the Business Transformation Board as these projects progress.**

EX27. Financial Outturn 2015/16

The Executive considered a report by the Director of Corporate and Housing Services presenting the financial position of the Council for 2015/16 as at 31 March 2016.

At 31 March 2016, an underspend of £2.3m was projected in General Fund net expenditure.

The report set out the main deviations from budget as well as highlighting workforce changes throughout the year.

The report also summarised the year-end position in regard to General Fund Reserves, including the Repairs and Renewals Fund, Earmarked Reserves and Capital Reserves, together with the year-end position on the Housing Revenue Account.

Decision

The Executive noted:

- (1) the Council's year-end financial position for 2015/16, and**
- (2) the transfers to the Repairs and Renewals Fund and Earmarked Reserves as outlined in appendix 3 to the report.**

EX28. Charter for Household Recycling in Scotland

The Executive considered a report by the Director of Development Services on the options developed to support implementation of the Charter for Household Recycling in Scotland.

The Executive had agreed, on 12 January 2016 (ref EX80), to sign up to the Charter, having considered recommendations from the policy development panel. The panel had, thereafter, met on a further three occasions to review the options available for, and the budgeting implications of, implementing the terms of the Charter recognising that the current provision is not charter compliant.

The panel had considered 4 options and had carried out public consultation on them. However, at its final meeting on 12 May 2016, the panel was unable to agree on a preferred option to recommend. The options were:-

- option 1 - 4 weekly collection of wheeled bins;
- option 2 - weekly collection of trolley box;
- option 3 - fortnightly trolley box with blue bin paper and card only;
- option 4 - fortnightly non-recyclable waste with 4 weekly collection of other wheeled bins

The report set out the current agreed budget position for the service, the revenue and capital costs associated with each option and the respective variations from the budgeted position concluding with a recommendation to adopt option 1 given its potential to achieve the highest savings as well as continuing the roll out of the intended waste diversion implantation strategy.

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

- (1) notes the outcome of the Policy Development Panel considerations and in particular that no recommendations on a way forward had been settled on by the panel; and
- (2) does not accept the officer recommendation as set out in paragraph 3.5 of the report at this stage.

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

- (1) notes the outcome of the Policy Development Panel considerations and in particular that no recommendations on a way forward had been settled on by the panel;
- (2) adopts scenario 4 as set out paragraph in 2.10 of report as the favoured option for proceeding;
- (3) authorises the Director of Development Services to complete the transition plan referred to and submit a funding bid to Zero Waste Scotland on this basis; and
- (4) instructs the Director of Development Services to report back on the outcome of the bid process.

On a division 7 members voted for the motion and 2 voted for the amendment, with voting as follows:-

For the motion (7) - Councillors Blackwood, D Goldie, G Goldie, Mahoney, C Martin, Nimmo and Spears.

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

Decision

The Executive agreed the motion.

EX29. Denny Town Centre Regeneration: Phase Two Development

The Executive considered an update report by the Director of Development Services on the Denny Town Centre regeneration project.

The Executive had agreed, on 23 February 2016 (ref EX94), to conclude an agreement with County Properties (Northern) Ltd, in regard to the marketing of the phase 2 site, subject to a commitment being secured from B&M Retail Ltd. as the operator.

Since then, County Properties had advised that B&M's national strategy had changed to focus on larger store formats with connection to garden centre provision and consequently B&M no longer had an interest in locating in Denny and County Properties had no other operator for the site at this time.

The report set out two options in regard to phase 2 of the project. These were to:-

- remarket the site now, or
- remarket the site on completion of phase1

In regard to phase 1, it was expected that the units would be available for fit out from September, with the first tenants expected to open for business in November.

Councillor Alexander advised the Executive that he had recently received correspondence in regard to B&M's interest in the site which appeared to contradict the information provided by County Properties Ltd. Members asked the Director of Development Services to look into the substance of the correspondence and continued consideration of the item of business until later in the meeting to allow enquiries to be made (see item EX32).

Councillor Gow entered the meeting during consideration of the foregoing item of business.

EX30. 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 9 of Part 1 of Schedule 7A to the said Act.

EX31. Thomas Cook Retail LTD, Central Park, Larbert

The Executive considered a report by the Director of Development Services on a proposal to extend the term of the lease of 4 Central Boulevard, Central Park, Larbert held by Thomas Cook Retail Ltd.

Decision

The Executive approved the lease extension with Thomas Cook Retail Ltd. on the terms detailed in paragraph 3.2 of the report.

The Executive adjourned at 1.30 pm to allow officers to enquire into the information referred to by Councillor Alexander during the debate at item EX29 and reconvened at 2.15 pm with members present as per the sederunt with the exception of Councillors G Goldie and Mahoney.

EX32. Denny Town Centre Regeneration: Phase Two Development (Continued)

Upon resumption of this item the Director of Development Services confirmed the position in regard to B&M's interest in the site as confirmed by County Properties Ltd.

The Executive agreed to:-

- (1) note the report on the progress of the Denny Town Centre regeneration project; and**
- (2) remarket the site on completion of phase 1 of the project (option 2 as outlined in paragraph 3.3 of the report).**