

The background of the slide is the coat of arms of the City of Vancouver. It features a shield divided into four quadrants. The top-left quadrant shows a beaver, the top-right a stag, the bottom-left a sailing ship, and the bottom-right a grizzly bear. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto 'CANE FOR A'.

AGENDA ITEM

3

Minute

FALKIRK COUNCIL

Minute of meeting of the EXECUTIVE held within the Municipal Buildings, Falkirk on Tuesday 27 September 2016 at 3.00p.m.

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

Officers:

Fiona Campbell, Head of Policy, Technology and Improvement
Danny Cairney, Acting Depute Chief finance Officer
Colin Frame, Principal Surveyor (Strategic Projects)
Duncan Gardner, Senior Network Officer
Rhona Geisler, Director of Development Services
Kenny Gillespie, Property and Asset Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Sara Lacey, Senior Service Manager, Children's Services
Alexandra Lewis, Planning Officer
Joe McElholm, Head of Social Work Adult Services
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Housing Services
Vivien Thomson, Service Manager

Also Attending:

Maureen Campbell, Chief Executive, Falkirk Community Trust
Lesley O'Hare, Culture and Libraries Manager, Falkirk Community Trust

EX48. Order of business

The Convener varied the order of business from that detailed in the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

EX49. Apologies

An apology was imitated on behalf of Councillor Spears.

EX50. Declarations of Interest

Councillor Gow declared a non-financial interest in the item EX65, as a family member was the owner of a business referred to in the report, and stated that she would take no part in the discussion or decision making on the item.

EX51. Minutes

(a) Minute of Meeting of the Executive held on 16 August 2016

(b) Minute of Special Meeting of the Executive held on 6 September 2016

Decision

The minutes of the meeting of the Executive held on 16 August 2016 and the special meeting of the Executive held on 6 September 2016 were approved.

EX52. Rolling Action Log

A rolling action log showing progress on outstanding actions from previous meetings was provided.

Decision

The Executive noted the rolling action log.

EX53. Joint Consultative Committee – 23 August 2016

The Executive considered a report by the Director of Corporate and Housing Services presenting three revised policies for approval. The policies had been considered by the Joint Consultative Committee on 23 August 2016 and had been referred to the Executive for immediate implementation.

Decision

The Executive agreed the immediate implementation of the:-

(1) Recruitment & Selection Policy;

(2) PVG and Criminal Convictions Checking Policy; and

(3) Gender Based Violence Policy.

EX54. Whistleblowing Policy

The Executive considered a report by the Director of Corporate and Housing Services presenting a whistleblowing policy for approval together with a related anti-fraud and corruption strategy.

Council had a confidential reporting policy in place which had enabled employees, and others, to raise any concerns they had about serious wrongdoing in the Council. The policy, which sat within the corporate governance arrangements alongside other policies, such as the anti-fraud and corruption strategy, was intended to prevent, detect and investigate fraud and corruption.

The confidential reporting policy had been updated and refreshed to take account of guidance which had been issued by the charity, Public Concern at Work and the Department for Business, Innovation and Skills. It dovetailed with the facility for Council staff to raise concerns relating to fraud or corruption. The refreshed document, which was now in a more plain English style, had been renamed in recognition that “whistleblowing” was a more generally understood term.

The aim of the policy is to encourage employees and others who have serious concerns about any aspect of the Council’s work to come forward and voice their concerns. The report also referred to the anti-fraud and corruption strategy, approved by the Audit Committee on 22nd September 2014 (ref AC17), and the corporate fraud team which had been established within the Internal Audit unit in February 2016.

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

The Executive:

- (1) approves the whistleblowing policy attached as appendix 1 to the report; and
- (2) notes and endorses the anti-fraud and corruption strategy attached as appendix 2.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved the terms of the motion and in addition that:

- (3) the policy be amended to include reference in part 4 thereof to the ‘Internal Audit Manager, as the whistleblowing champion’ as one of the persons with whom concerns should be raised.

Following discussion, Councillor Martin, as Convener and mover of the motion and Councillor Nimmo, as his seconder, altered the text of the motion accordingly.

Decision

The Executive agreed to:

- (1) approve the whistleblowing policy subject to the inclusion of the Internal Audit Manager in the list provided at section 4 of the policy; and**
- (2) endorse the anti-fraud and corruption strategy.**

EX55. Falkirk Local Development Plan – Supplementary Guidance SG17 – Renewable Energy

The Executive considered a report by the Director of Development Services presenting Local Development Plan Supplementary Guidance Note SG17 for approval.

The Executive had authorised on 25 February 2014 (ref EX46) the preparation of and consultation on 16 Supplementary Guidance Notes. An additional Note on renewable energy had been subsequently identified. To date, 14 Notes had been developed, consulted upon and approved by the Scottish Ministers. Supplementary Guidance Note SG17 – Renewable Energy was now presented for approval.

SG17 sets out the general principles and guidance for a range of renewable technologies including biomass, solar/photovoltaics as well as the potential for district heating within the Council area.

The report set out feedback from consultations together with proposed amendments.

Decision

The Executive agreed the Supplementary Planning Guidance SG17 Renewable Energy including modifications in response to consultation as detailed in appendix 2 of the report, and to submit it to the Scottish Ministers for final approval.

EX56. Decriminalised Parking Enforcement

The Executive considered a report by the Director of Development Services presenting a model for Decriminalised Parking Enforcement in the Falkirk area together with the next steps should it be agreed.

Following withdrawal by Police Scotland of the traffic warden service, the Executive had asked the Director of Development Services to prepare a business case for an application to the Scottish Government for the introduction of Decriminalised Parking Enforcement (DPE) in the Council area. DPE would enable the Council to enforce on-street parking in the area and allow the enforcement of both on-street and off-street parking in a co-ordinated and comprehensive manner. If adopted, Police Scotland would still remain responsible for enforcement of traffic regulations on all publicly adopted roads in the area on the grounds of road safety and for all endorsable offenses such as dangerous parking or obstruction.

The report set out the process for adopting a DPE regime, the options available and the anticipated costs and recommended the adoption of a model which was anticipated to break even in 2 years (excluding capital start up costs) and 20 years (if the set up costs were included).

Decision

The Executive:-

- (1) agreed option F from within the business model described in the report;**
- (2) noted the financial implications of the current Decriminalised Parking Enforcement business case;**
- (3) agreed that a phased implementation of traffic signs and road markings remedial works on a priority basis should be undertaken to align with available budgets; and**
- (4) requested further reports giving updates on progress**

At this stage, Councillors Gow and D Goldie each declared a non-financial interest in items EX57 and EX58 as Directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the items, having regard to the specific exclusions contained in the Code of Conduct.

EX57. Falkirk Community Trust Policy Development Panel – Improvement Plan

The Executive considered a report by the Director of Corporate and Housing Services summarising the outcomes of the discussion between the Council and Falkirk Community Trust following a review by the policy development panel. The resultant Improvement Plan was presented together with recommendations to progress the agreed outcomes.

The Executive had on 7 June 2016 (ref EX23) considered the interim findings of the policy development panel on its review of Falkirk Community Trust and had agreed to appoint an independent and external facilitator to work with the Council and Trust on the improvement areas which had been identified by the panel.

The facilitator, Stephen Philips of Burness Paull, had met separately with panel members and the portfolio holder and also with representatives of the Trust prior to holding a joint workshop on 1 September 2016.

The facilitator had subsequently provided an Improvement Plan for consideration by the Executive. The proposals set out in the plan related to strategy development and sign off, the contractual framework between the Council and the Trust and corporate governance. The Improvement Plan had been circulated to the panel, portfolio holder and Chief Executive of the Trust who had agreed its submission to the Executive for consideration

Decision

The Executive agreed:-

- (1) that, in order to develop a clear sense of joint ownership, Falkirk Community Trust is requested to work with the Council to prepare and implement a procedure for development of the overarching strategy for culture and leisure allowing for increased joint working and maximising opportunities for officers and elected members of the Council to contribute (as set out at paragraphs 4.6.1 to 4.6.3 of the Improvement Plan);**
- (2) to request that the Trust works with the Council to establish joint working groups involving Council officers, members of the Trust's Senior Management Team, Trust board members and Council elected members to develop agreed strategies in response to challenging areas of work including:-**
 - (a) approaches to income generation;**
 - (b) community engagement; and**

- (c) treatment of Trust facilities (as set out at paragraph 4.6.4 of the Improvement Plan);**
- (3) to request that the Trust works with the Council to jointly review the existing Funding Agreement between the Council and the Trust with a focus on:-**
 - (a) introducing a more detailed specification of the Trust's services;**
 - (b) agreeing a procedure for annual adjustment of the specification and services fee which allows for appropriate engagement through a defined process;**
 - (c) agreeing a more detailed change control mechanism which reflects the principle of collaboration between the Council and the Trust in response to unforeseen changes in circumstances during a given financial year; and**
 - (d) reviewing the monitoring and reporting mechanisms to ensure that there is full clarity with the Council's requirements (as set out at paragraphs 4.6.5 to 4.6.7 of the Improvement Plan);**
- (4) to request that the Trust holds its Board meetings in public and publishes minutes of such meetings on its website, having regard to the need for appropriate redaction of material and private sessions where matters would be of a confidential or sensitive nature;**
- (5) to request that the Chief Executive of the Trust attends the Council's regular Corporate Management Team;**
- (6) that the Directors of the Trust and the policy development panel members should jointly explore the following proposals (set out in paragraphs 4.6.8 to 4.6.12 of the Improvement Plan):-**
 - (a) that the Chair of the Trust be an elected member**
 - (b) that the Portfolio Holder for Culture, Leisure and Tourism be a standing director of the Trust**
 - (c) that efforts are made to engage elected members from across the Council with elected members being encouraged to attend Trust events and learn more about the activities of the Trust**

- (d) that elected members on the board of the Trust are encouraged to act as a channel of communication from the Trust to other elected members
 - (e) that appreciation of the achievements of both the Trust and the Council since the inception of the Trust are fostered; and
 - (f) that the most appropriate channels of communication and response are identified in the context of ad hoc representations from individual elected members; and
- (7) to retain the support of the facilitator as required and that the Executive will receive an update report on progress and on the outcome of the discussions referred to at recommendations 2.1.3 and 2.1.6

EX58. Falkirk Community Trust – Delivery Plans

The Executive considered a report by the Director of Corporate and Housing Services presenting three delivery plans which had been developed by Falkirk Community Trust for approval.

The Executive had approved the Culture and Sport Strategy on 18 March 2014 (ref EX133). The document, which had been developed by the Council's advisors, Falkirk Community Trust, was a high level strategy which would be underpinned by delivery plans. In approving the Strategy, The Executive had agreed that each delivery plan would be submitted for approval.

Three delivery plans had been developed by the Trust. These were:

- (1) A Physical Activity and Wellbeing Plan for Falkirk;
- (2) Arts Plan 2016 – 2021; and
- (3) The Future of Our Libraries – A Library Service Development Plan for Falkirk 2016 – 2021.

Following the meeting of the Executive in 2014 a protocol had been established to ensure meaningful consultation between the Trust and elected members in the preparation of each delivery plan.

Having been developed in accordance with the protocol, the delivery plans were now presented for approval by the Executive.

Decision

The Executive approved the following delivery plans:-

- (1) A Physical Activity and Wellbeing Plan for Falkirk;**
- (2) Arts Plan 2016-2021; and**
- (3) The Future of our Libraries – A Library Service Development Plan for Falkirk 2016-2021.**

Councillor Mahoney withdrew from the meeting following consideration of the previous item.

EX59. Council Tax Levy on Long Term Unoccupied Dwellings

The Executive considered a report by the Director of Corporate and Housing Services proposing to levy an increase in Council Tax payable on long-term unoccupied dwellings.

The Council Tax (Variation for Unoccupied Dwellings)(Scotland) Regulations 2013 allow local authorities to levy a charge up to 200% of the standard Council Tax charge in respect of certain long term unoccupied dwellings. Falkirk Council had charged 90% since 1 April 2015.

It was proposed that the charge is increased to 200%. It was estimated that this would yield approximately £270,000 annually. An additional member of staff would be required to administer the scheme with the cost offset against income.

The increase would apply to most properties which have been unoccupied for a period of 12 months or longer. However, the regulations provided for exemptions which were set out in the report.

Additionally it was proposed that the Chief Finance Officer be granted authority to delay the application of the levy for up to 6 months in exceptional circumstances.

Decision

The Executive agreed to:-

- (1) apply a 100% Council Tax levy on all properties that have been no-one's main residence for more than 12 months, except where legislation does not permit this, from 1st April 2017;**
- (2) grant the Chief Finance Officer discretion to delay the application of this levy for up to 6 months in exceptional circumstances where, due to these circumstances, the Council Tax payer could not have avoided this levy; and**
- (3) fund a single post, from the additional revenue generated, to ensure the scheme is administered and policed effectively.**

EX60. Implications of Part 13 Children and Young People (Scotland) Act 2014, Kinship Care

The Executive considered a report by the Director of Children's Services summarising the implications of recently published guidance on Part 13 of the Children and Young People (Scotland) Act 2014, and presenting the plans for implementation of these new duties.

Part 13 of the Children and Young People (Scotland) Act 2014 set out new duties for local authorities to provide support for certain kinship carers with children who are not looked after but for whom a carer holds or is seeking to hold a Section 11 order to become a kinship carer.

Guidance on Part 13 of the Act includes parity of financial support to that provided by foster carers. Payments to carers who meet the criteria should be backdated to 1 October 2015. In addition, the Council is required to provide and publish a wide range of information and advice to carers and eligible children including advice on the legal system, finance and available support and how that support is assessed, reviewed and provided.

At 30 June 2016, the Council financially supported 72 children who were all living with kinship carers. Each would be assessed and their payments amended to the new foster rate (minus relevant benefits). However it was acknowledged that other eligible carers were not on the system and it was estimated that 30 could be added annually.

The report summarised the differential between foster and kinship payments and estimated that the annual cost could be £458,790, leaving £132,170 in the budget. To cover any additional unknown demand. 2016/17 is £590,960.

These figures assume that benefits are available to offset the total cost (£907,750). If this position changed there would be a significant financial pressure on the Council.

Decision

The Executive agreed:-

- (1) to move towards parity of age related allowances with foster carers;**
- (2) the programme for implementation of the guidance, including back dating of payments to eligible carers to 1st October 2015; and**
- (3) the proposals for publication of information on Kinship Care.**

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

EX61. Assets Surplus to Operational Requirements

The Executive considered a report by the Director of Corporate and Housing Services recommending that six assets are declared surplus to requirements for disposal or transfer.

Decision

The Executive agreed to declare the following land as surplus to operational requirements and to authorise disposal and transfer on the terms set out in the report:

- (1) property at 11 Broad Street, Denny – disposal on the open market;**
- (2) property at Redding Cottage, Redding, Westquarter – disposal on the open market;**
- (3) land at Parkhall Drive, Maddiston – transferred to Children's Services at open market value;**
- (4) land at Stirling Street, Dunipace – negotiate disposal to Kingdom Housing Association;**
- (5) land at Fountainpark Crescent, Bo'ness – negotiate disposal to private developer; and**
- (6) property at 1-3 Seaview Place, Bo'ness – disposal on the open market.**

EX62. Capital Programmes Update 2016/17

The Executive considered a report by the Director of Corporate and Housing Services detailing the provisional outturn position of the 2016/17 General Fund Services and Housing Capital Programmes.

In regard to the General Fund Services Budget, the outturn figure at was projected to be £33.7m. The report detailed spends across Services and set out the main reasons for the variance of £1.3m against the revised budget for 2017/17 of £35m.

Services had identified projects which could be accelerated to mitigate the anticipated slippage of £3.4m (which includes external grants/contributions). The projects from Falkirk Community Trust and Social Work would reduce slippage by £0.3m.

In regard to the Housing Capital Programme, the outturn was forecast to be £28.4m. The report summarised the various workstreams, highlighting any variance from budget.

Revised prudential indicators were set out in an appendix to the report.

Decision

The Executive:-

- (1) noted the forecast spend for both the General Fund Services (£33.7m) and Housing Capital Programmes (£28.4m);**
- (2) approved the acceleration of projects from 2017/18 as detailed in paragraph 4.3.4 of the report and the inclusion of other projects that may be identified for acceleration during the course of the year; and**
- (3) noted the revised Prudential Indicators.**

EX63. Attendance at Conference – Request for Approval

The Executive considered a report by the Director of Corporate and Housing requesting permission for Councillor C Martin to attend the COSLA and Improvement Service Annual Conference on 6 and 7 October 2016.

In terms of Standing Orders Committee approval is required for Members' attendance at conferences and seminars when the cost exceeds £200. The cost of attendance at the COSLA and Improvement Service Annual Conference, which is being held in Crieff Hydro on 6 and 7 October 2016, is £399 excluding VAT.

Decision

The Executive agreed:-

- (1) to approve the request from Councillor Craig Martin to attend the COSLA and Improvement Service Annual Conference to be held at the Crieff Hydro Hotel on 6th and 7th October 2016 at a cost of £399+VAT; and**
- (2) to authorise the Director of Corporate and Housing Services to approve any further requests from members to attend the conference.**

In accordance with her declaration, Councillor Gow left the meeting at this point.

EX64. 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.

EX65. Denny Town Centre Regeneration: Phase One Developments

The Executive considered a report by the Director of Development Services giving an update on the status of the Denny town centre regeneration phase 1 project and presenting recommendations with regard to offers received from prospective tenants.

Decision

The Executive:-

- (1) noted the report on the progress of the Denny town centre regeneration project; and**
- (2) agreed the allocation of units as recommended in the report.**