

Agenda Item 3

Minute

FALKIRK COUNCIL

Minute of meeting of the EXECUTIVE held within the Municipal Buildings, Falkirk on Tuesday 29 November 2016 at 9.30 a.m.

Councillors:

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

Officers:

John Angell, Head of Planning and Transportation
Richard Broadley, Planning and Environment Manager
Fiona Campbell, Head of Policy, Technology and Improvement
Danny Cairney, Acting Depute Chief Finance Officer
Rhona Geisler, Director of Development Services
Iain Henderson, Legal Services Manager
Rose Mary Glackin, Chief Governance Officer
David MacKay, Head of Education
William McQuillan, Procurement and Performance Manager
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Housing Services
Alistair Shaw, Development Plan Co-ordinator

EX79. Apologies

An apology was intimated on behalf of Councillor Adrian Mahoney.

EX80. Declarations of Interest

No declarations were made.

EX81. Minute

Decision

The minute of the meeting of the Executive held on 18 October 2016 was approved.

EX82. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 18 October 2016 was provided.

Decision

The Executive noted the rolling action log.

EX83. 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.

EX84. Referral from Joint Consultative Committee

The Executive considered a report by the Director of Corporate and Housing Services presenting revised Managing Sickness Absence, Extra-mural Employment, Grievance, Learning and Development, Accident and Incident Reporting and Family Leave policies for approval.

The policies had been considered by the Joint Consultative Committee on 9 November and referred to the Executive for immediate implementation.

Decision

The Executive approved the immediate implementation of the following policies:-

- **Managing Sickness Absence Policy;**
- **Extra Mural Employment Policy;**
- **Grievance Policy;**
- **Learning & Development Policy;**
- **Accident and Incident Reporting Policy; and**
- **Family Leave Policies for teaching and non teaching employees.**

EX85. Scrutiny Committee - 17 November 2016: Scrutiny Panel Conclusions and Recommendations – Outcomes for Looked After Children

The Executive considered a report by the Director of Corporate and Housing Services presenting recommendations from the Scrutiny Committee in regard to a Scrutiny Panel review of outcomes for looked after children.

The Scrutiny Committee had established a scrutiny panel in 2015 to look at outcomes for looked after children and whether these could be improved.

The panel's findings were reported to the Scrutiny Committee on 17 November 2016 (ref SC21). The Committee agreed the panel's recommendations and submitted them to the Executive for consideration. The panel's final report was appended for information.

Councillor Meiklejohn, as convener of the scrutiny panel, summarised the work of the panel and commended its recommendations to the Executive.

Decision

The Executive agreed as follows:-

Early Intervention

- 1) that the Children's Commission recognise and ensure that:**
 - i. relationships between young people and those involved in their care are key to developing positive outcomes. The principles of relationship based practice therefore need to be developed and embedded by all relevant professionals;**
 - ii. the named persons in all services are appropriately trained and supported to recognise the specific needs of looked after children and young people in order to lift their aspirations and improve outcomes especially in education;**
 - iii. mental health services are aligned to meeting the needs of looked after children and that these are provided appropriately; and**
 - iv. attainment is a priority, particularly for looked after children including those looked after at home, through promoting attendance and engagement in learning. To achieve this:**
 - (a) a practice model is developed to assess the improvement in learning that has been achieved during the period of being looked after; and**
 - (b) an educationally rich care environment is put in place for all children looked after away from home.**

Balance of Care

- 2) that Children's Services:**
 - (i) undertake a review of Falkirk Council foster carer provision with a view to increasing the number of care placements available. This review would include the following:**

- **consideration of the outcome from work streams from the National Review of Foster Care which are expected to report in the near future;**
 - **review fees and allowances for foster carers, noting that the outcome of the National Review of Allowances may impact on this;**
 - **how to use creative and innovative ways to engage with prospective foster carers; and**
 - **support for foster carers.**
- (ii) this review to be reported back to Scrutiny Committee by March 2017; and**
- (iii) investigate and report back to Members on the potential for spend to save proposals in regards to providing more local provision for those children currently looked after outwith the Falkirk Council area.**

Corporate Parenting

- 3) the proposals for the Champions Board and that the Executive Group of the Community Planning Partnership agree a reporting framework for taking forward actions within individual organisations.**

Transitions

- 4) Children's Services and Corporate and Housing Services report back before the end of March 2017 on the provision of housing and support for children leaving care. This report will include how to overcome the challenges of providing accommodation, the potential for a protocol for housing options, the need to continue support and how this is provided, the role and remit of the leaving care service and how we provide support to older young people in line with our new obligations;**
- 5) a proposal for a 'family firm' is brought forward by the end of March 2017 for the Council in the first instance but with a view to extending this to other public sector agencies if appropriate. This proposal will be presented by the Children's Commission; and**
- 6) a scoping exercise is undertaken and the results reported to the Children's Commission Leadership Group to identify the issues and challenges in relation to the level and range of support available to young people who have left care and are at risk of entering the criminal justice system.**

Councillor Gow joined the meeting during consideration of the previous item

EX86. Treasury Management - Interim Review 2016/17

The Executive considered a report by the Director of Corporate and Housing Services presenting an interim review of the Treasury Management function.

Council had approved its Treasury Management Strategy from 2016/17 on 11 May 2016 (ref FC6). The Treasury Management code of practice requires that an interim review is carried out.

The report provided an update in regard to:-

- the economic and interest rate outlook;
- the borrowing strategy;
- the investment strategy;
- Treasury Management Prudential Indicators;
- the loans fund review; and
- Members training

The report also provided benchmarking information which showed that Falkirk Council was 18th out of 32 Scottish Local Authorities in regard to investment balances at 30 September 2016 and had the 5th lowest loans fund interest rate across the 32 Scottish Local Authorities.

Decision

The Executive:-

- 1) noted the progress of the Council's Treasury Management Strategy for 2016/17; and**
- 2) referred the report to Council for consideration.**

EX87. Procurement Strategy 2017 – 2020

The Executive considered a report by the Director of Corporate and Housing Services presenting a Procurement Strategy for 2017-2020 for approval and an update on the 2014-17 strategy.

The current Procurement Strategy was approved in 2014 and covers the period to 31 March 2017. The Procurement Reform (Scotland) Act 2014 requires that, by 31 December 2016, Council prepares and publishes a procurement strategy covering, at a minimum, the remainder of the 2016/17 financial year. A revised strategy had been developed covering the period to 2019/20 and was presented for approval.

The report also summarised the key achievements of the current strategy and progress made in delivering its key themes.

Councillor Nicol, seconded by Councillor C Martin, moved that the Executive approves the Procurement Strategy for 2017-2020.

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved the following addendum to the motion:-

In addition to the motion, refers the policy to the Scrutiny Committee with a request that it reviews the governance arrangements for the policy as part of its scrutiny plan.

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

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

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

Decision

The Executive agreed the motion.

EX88. Falkirk Local Development Plan – Supplementary Guidance SG08 – Local Nature Conservation and Geodiversity Sites

The Executive considered a report by the Director of Development Services presenting for approval Supplementary Guidance note SG08 for local conservation and geodiversity sites.

The Executive had previously authorised the preparation of and consultation on 17 supplementary guidance notes. To date, 15 had been developed and consulted upon, 14 of which had been approved by the Scottish Ministers, with one awaiting approval.

Supplementary Guidance note 08 provides guidance on the definition and conservation value of the Council's suite of locally designated Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites and had been widely consulted upon.

Decision

The Executive agreed to:-

- 1) finalise the Supplementary Guidance note 'SG08 Local Nature Conservation and Geodiversity Sites', including modifications in**

response to the consultation as detailed in appendix 2 to the report; and

2) submit it to Scottish Ministers for final approval.

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

EX89. Finalised Development Framework for the Maddiston East Strategic Growth Area

The Executive considered a report by the Director of Development Services presenting the finalised Maddiston East Development Framework for approval.

On 17 May 2016, the Executive agreed a draft Maddiston East Development Framework for consultation. (ref EX14).

A public consultation exercise was carried out between 6 June and 18 July 2016. The report summarised the responses to the consultation and set out, in an appendix, changes made to the consultative draft. The report also highlighted other minor changes.

The Falkirk Local Development Plan (LDP) identifies Maddiston East as one of 12 Strategic Growth Areas. These will provide the focus for residential growth in the area over the lifetime of the LDP. The framework provides guidance for developers and landowners on planning, design and infrastructure requirements.

Councillor D Goldie, seconded by Councillor C Martin, moved that the Executive adopts the finalised Maddiston East Development as Supplementary Planning Guidance subject to the changes set out in the appendix to this minute.

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

- 1) notes the report and agrees to remit it back to Development Services to prepare a detailed report on infrastructure shortfalls such as in Health and Education caused by the setting aside of the Development Plan by the Planning Committee; and
- 2) notes that this is not the correct manner in which the strategic planning process should be carried out and continues the matter to the 17 January 2017 meeting of the Executive with all the steps taken in the meantime by members to apprise themselves of the changes set out in the motion.

On a division, 7 members voted for the motion and 3 voted for the amendment, with voting as follows:-

For the motion (7) – Councillors Blackwood, D Goldie, G Goldie, Gow, C Martin, Dr C R Martin and Nimmo.

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

Decision

The Executive agreed the motion.

EX90. Synthetic Sports Pitches

The Executive considered a report by the Director of Corporate and Housing Services proposing that the Council becomes a joint applicant with Newton Park (Bo'ness) and Dunipace Juniors in their bids for funding to create two synthetic sports pitches.

The Executive had agreed on 20 October 2015 (ref EX64) that bids from Newton Park and Dunipace Juniors should be taken to stage 2 of **sportscotland's** funding application process and to provide funding of approximately £360,000 to each club towards the cost (£648,000 and £780,000 respectively) of developing a synthetic pitch. **sportscotland** had since confirmed that applicants must provide at least 25% of the eligible project costs and that the Council's proposed contribution did not count towards this.

The report set out the particular requirements set out by **sportscotland** and identified three options to enable the projects to progress. These were:-

1. the bids are taken forward on the same basis as agreed by Members in October 2015, with the Clubs given more time to source alternative funding;
2. rearrange the Council's proposed funding package to enable the applicants to meet **sportscotland's** application criteria; and
3. Council submits joint applications with both Newton Park and Dunipace JFC

The report summarised the advantages of each option, highlighting option 3 as the preferred option.

Decision

The Executive agreed that:-

- 1) the Council will become a joint applicant with the clubs for sportscotland funding;**
- 2) the Director of Corporate and Housing Services or his nominee be authorised to take all decisions required to take the joint application to conclusion; and**

- 3) **if any significant changes or issues arise, a further report will be brought back to committee.**

EX91. Capital Programme 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 was projected to be £34.4m. The report detailed spends across Services and set out the main reasons for the variance of £0.6m against the revised budget for 2016/17 of £35m.

Services had identified projects which could be accelerated to mitigate the anticipated increase in slippage of £0.14m (which includes external grants/contributions).

In regard to the Housing Capital Programme, the outturn was forecast to be £28.3m against a revised budget of £31.3m. 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 noted:-

- 1) **the forecast spend for both the General Fund Services (£34.4m) and Housing Capital Programmes (£28.3m) and**
- 2) **the Prudential Indicators.**

EX92. Traffic Management Arrangements for Marches, Processions and Parades

The Executive considered a report by the Director of Development Services proposing the continued suspension of application fees for Temporary Traffic Regulation Orders (TTRO) in respect of marches, processions and parades and other community based activities.

On 17 May 2016, the Executive agreed the temporary suspension of the relevant application fee for a period of 6 months pending consideration of a review of the Council's approach to the use of TTRO's for such events (ref EX16).

Since the meeting a review, commissioned by the Scottish Government, had been published which could potentially impact on the findings of the Council's own review.

Authority was therefore sought to continue the temporary suspension of the relevant application fee to allow the findings of the Scottish Government's review to be considered.

Councillor Dr C R Martin, seconded by Councillor C Martin, moved that the Executive agrees to continue the suspension of the relevant application fee for Temporary Traffic Regulation Orders as they relate to traffic regulation in respect of marches, processions and parades and other community based activities until the review of the council's approach to the use of TTROs for such events, as instructed by members at the meeting of the Executive on 17 May 2016, is concluded and presented to Members.

Following an expression of concern by Councillor Coleman about the open ended nature of the suspension, the Director of Development Services undertook to report back to Committee in January 2017 with a progress report and the Convener agreed to make the item a standing one until it was resolved.

Decision

The Executive agreed the motion.

EX93. Sale of Site at Carradale Avenue, Tamfourhill, Falkirk

Prior to consideration of a report by the Director of Development Services on the sale of land, the Executive agreed that information contained in the appendix was exempt from publication in accordance with paragraph 9 of part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

The report set out proposals by Alchemy Inns Ltd to purchase 1.384 hectares of land at Carradale Avenue, Tamfourhill and recommended that the land is declared surplus to the Council's requirements.

Councillor D Goldie, seconded by Councillor G Goldie, moved that the Executive -

- 1) agrees to declare the site at Carradale Avenue, Tamfourhill, Falkirk surplus to Council requirements; and
- 2) authorises the disposal of the site to Alchemy Inns Ltd on the basis of the outline terms contained in the report.

As an amendment Councillor Coleman, seconded by Councillor Alexander, moved in substitution for the motion that the site is not sold and that officers explore the use to which it could be put, in particular for housing.

On a division, 7 members voted for the motion and 3 voted for the amendment, with voting as follows:-

For the motion (7) – Councillors Blackwood, D Goldie, G Goldie, Gow, C Martin, Dr C R Martin and Nimmo.

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

Decision

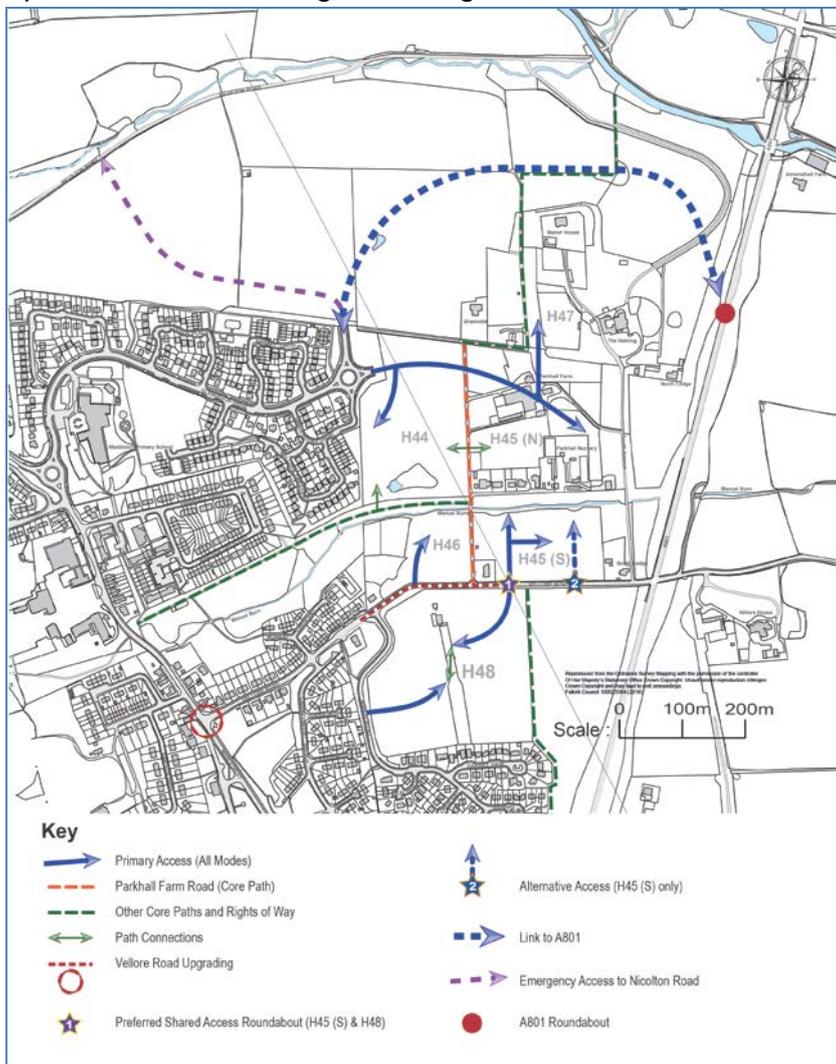
The Executive agreed the motion.

Appendix (as referred to in item EX89 of the foregoing minute)

Motion

To amend the preferred strategic access option within the Finalised Maddiston East Development Framework (as shown on the map below) to include the following accesses to the north. This will include both:

- A link from the roundabout at Glendevon Drive, northwards along a route yet to be determined by further detailed assessment, linking to a roundabout on the A801 which has extant planning consent (P/12/0694/FUL); and
- An emergency link road to Nicolton Road. This will take the form of a restricted access road, of a specification suitable for use by emergency vehicles and pedestrian/cycle users. This would be controlled via bollards of a specification and design to be agreed with the Council.



2.0 Detailed changes to the Finalised Development Framework

Paragraph 3.3.4 – Delete and replace with:

“The Council’s preferred access option is a combination of Options 2 and 3 (as shown in Map 6). Sites south of the Manuel Burn (H45(S), H46, and H48) would be accessed via Vellore Road. Sites north of the Manuel Burn will be accessed via Glendevon drive with a link to the A801 and an additional emergency access road to Nicolton Road.”

Paragraph 3.3.5 Glendevon Drive – Delete and replace with:

“Sites H44, H45(N) and H47 (The Haining) will be accessed from Glendevon Drive. Glendevon Drive is currently a cul-de-sac, with only a single vehicular connection to the wider road network, off which some 270 houses are currently accessed. The National Roads Development Guide, which reflects ‘Designing Streets’, states that developments should be well connected to their surroundings, with multiple access points where possible, and permeable layouts to make navigation simpler and easier. In terms of ‘Designing Streets’, it is considered that this option could benefit from increased vehicular connectivity, and including an emphasis on pedestrian and cycle connectivity. This could meet the terms of the guidance.”

Paragraph 3.3.6 Glendevon Drive – Delete and replace with:

“A pedestrian/cycle link from H44 through to Parkhall Farm Road (see para 3.3.13 below) and H45 will be required. This is likely to include an interface with the primary access route, which should be satisfactorily addressed.”

Paragraph 3.3.7 Vellore Road – Delete and replace with:

H45(S), H46, and H48 will be accessed from Vellore Road.

Paragraph 3.3.10 Vellore Road – Delete and replace with:

“Vellore Road is affected by various constraints. There are complaints from the community about peak time capacity issues at the Vellore Road/B805 junction. There are various constraints on the options for junction upgrading. Some improvement may be possible. In terms of the carriageway itself, localised widening may be needed, and the road lacks a footway on the southern side east of Toravon Lodge. These issues will require further investigation and resolution prior to applications for sites accessing on to Vellore Road (H45(S), H46 and H48), with sites contributing to appropriate mitigation.”

Paragraph 3.3.12 Parkhall Farm Road – Delete and replace with:

“Parkhall Farm Road currently provides vehicular access to a number of existing residential properties within sites H45 and H47. It is also a core path. Parkhall Farm Road will remain as an access to the existing houses until such time as these can be connected in to the new road infrastructure. At this point, the preference would be for it to become a pedestrian/cycle only path.”

Paragraph 3.3.13 Parkhall Farm Road – Delete and replace with:

“When considering a planning application for H44 there may be a requirement to form an emergency access to Parkhall Farm Road prior to a link to the A801 and emergency link road to Nicolton Road. This would be controlled via bollards of a specification and design to be agreed with the Council. The provision of an emergency access should be suitably integrated into the layout of the site, and in particular, the pedestrian/cycle linkages. The requirement and feasibility for the provision of an emergency access would be assessed in the context of a future planning application.”

Paragraph 3.3.14 A801 Connection – Delete and replace with:

A801 Connection and Nicolton Road emergency access

“A connection to the A801, linking Glendevon Drive to the approved roundabout on A801, and an emergency access road to Nicolton Road are required to bring forward sites H45(N) and H47(The Haining) in the Development Framework Area. There are potential impacts in terms of landscape, ecological and historic environment interest for both options, and a new route should be determined based on thorough assessment in relation to the above issues. Sites H45(N) and H47 (The Haining) will not be able to be brought forward until there is a link to the A801 and an emergency access road to Nicolton Road in place. “

Section 4 – Site Requirements: H44

Access and Drainage – Delete 1st bullet point and replace with:

- Access will be from Glendevon Drive. There will be allowance for a vehicular link east to H45(N). There may be a requirement for Parkhall Farm Road to form an emergency access (see section 3.3.13) in conjunction with an application for H44. The requirement for an emergency access would be assessed at the time of a planning application.

Section 4 – Site requirements: H45(N)

Access and Drainage: Delete 1st and 2nd bullet points and replace with:

- Vehicular access will be from H44 and Glendevon Drive to the west;
- The site will not be able to be brought forward until an emergency access road to Nicolton Road, and a vehicular link to the A801 is in place.

Section 4 – Site requirements: H45(S)

Design: Delete 1st bullet point.

Access and Drainage: Delete 2nd bullet point.

Section 4 – Site Requirements: H47

Access and Drainage: Delete 1st bullet point and replace with:

- Access is expected from H45(N), although it may be more appropriate for access to be from the north, depending on the eventual route of the access option following on from detailed assessment. It is unlikely that the existing South Avenue to the Haining could serve additional development without substantial upgrading, but this could be explored. It is unlikely that the site will be able to be brought forward without an emergency link road to Nicolton Road and a vehicular link to the A801.

3.0 Detailed changes to the consultation responses within the Consultation Summary document (Appendix 2 of committee report)

To be based on the Development Framework's approved form.