

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a sailing ship on the water. The bottom-right quarter shows a crowned eagle with spread wings. Above the shield is a crown with four fleurs-de-lis. A ribbon scrolls across the bottom of the shield with the motto 'AENE FOR A'.

Agenda Item 3

Minutes

Draft

FALKIRK COUNCIL

**Minute of meeting of Falkirk Council held in the Municipal Buildings,
Falkirk on Wednesday 7 March 2018 at 9.30 a.m.**

<u>Councillors:</u>	David Aitchison	Fiona Collie	Cecil Meiklejohn
	David Alexander	Joan Coombes	Lynn Munro
	David Balfour	Jim Flynn	Laura Murtagh
	Lorna Binnie	Paul Garner	Malcolm Nicol
	Robert Bissett	Dennis Goldie	Alan Nimmo
	Allyson Black	David Grant	John Patrick
	Jim Blackwood	Nigel Harris	Pat Reid
	Gary Bouse	Gordon Hughes	Depute Provost Ann
	Provost William	James Kerr	Ritchie
	Buchanan	Adanna McCue	Robert Spears
	Niall Coleman	John McLuckie	

<u>Officers:</u>	Fiona Campbell, Head of Policy, Technology & Improvement
	Patricia Cassidy, Chief Officer, Integration Joint Board
	Kevin Collins, Transport Planning Co-ordinator
	Ian Dryden, Development Manager
	Jack Frawley, Committee Services Officer
	Rhona Geisler, Director of Development Services
	Gary Greenhorn, Head of Planning and Resources
	Carole McGhee, Capital Manager
	Colin Moodie, Chief Governance Officer
	Robert Naylor, Director of Children's Services
	Brian Pirie, Democratic Services Manager
	Mary Pitcaithly, Chief Executive
	Stuart Ritchie, Director of Corporate and Housing Services
	Bryan Smail, Chief Finance Officer
	Russell Steedman, Network Co-ordinator
	Richard Teed, Senior Forward Planning Officer

Also

<u>Attending:</u>	David Lockhart, Local Senior Officer, Scottish Fire & Rescue Service
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FC83. Sederunt

The sederunt was taken by way of a roll call.

FC84. Provost's Remarks

The Provost made a statement regarding the recent spell of extreme weather which had resulted in a red weather warning and national advice to avoid travel. He thanked staff and local communities for all of their efforts to clear the snow. Councillor Meiklejohn, the Leader of the Council, Councillor Goldie, the Leader of the Opposition, Councillor Nicol, Leader of the Conservative Group, Councillor Garner, Environment Portfolio Holder; and Councillors Kerr and Balfour all spoke in amplification of the Provost's comments and added their own thanks to staff and communities. The Chief Executive added her thanks to staff and communities. She also commended the work of elected members during this period.

FC85. Declarations of Interest

Councillor Reid declared a non-financial interest in agenda item 7 (ref FC90) in respect that a close family member is a firefighter and stated that he considered that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Hughes declared a non-financial interest in agenda item 13 (ref FC97) as he, as a local member, had previously made comments supporting the objections of local constituents and stated that he considered that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Provost Buchanan declared the financial interest of a close family member in agenda item 14 (ref FC98), being related through marriage to the landowners and stated that he considered that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Black declared a non-financial interest in agenda item 14 (ref FC98) as a close family friend of the landowners and stated that she considered that this required her to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Kerr declared the financial interest of two family members in agenda item 16 (ref FC100) and stated that he considered that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Coleman declared a non financial interest in agenda item 14 (ref FC98) as he had previously made comments supporting the objections of local constituents and stated that he considered that this required him to recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

There were no further declarations at this point.

FC86. Minutes and Information Bulletin

- (a) Meeting of Meeting of the Planning Committee (comprising all Members of Council) held on 7 November 2017 – agreed as a correct record.
- (b) Minute of Meeting of Falkirk Council held on 6 December 2017 – agreed as a correct record.
- (c) Minute of Special Meeting of Falkirk Council held on 15 January 2018 – agreed as a correct record.
- (d) Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 30 January 2018 – agreed as a correct record.
- (e) Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 6 February 2018 – agreed as a correct record.
- (f) Minute of Special Meeting of Falkirk Council held on 28 February 2018 – agreed as a correct record.
- (g) Volume of Minutes – Volume 3 2017/18 - noted, and
- (h) Information Bulletin – Volume 3 2017/18 - noted.

FC87. Questions

No questions were submitted.

FC88. Rolling Action Log

The rolling action log showing progress on outstanding actions from previous meetings was presented.

Decision

Council noted the rolling action log.

FC89. Three Year General Fund Capital Programme 2018/19 – 2020/21

Council considered a report by the Director of Corporate and Housing Services setting out a balanced draft capital investment plan for the next three financial years. The plan, provided as an appendix to the report, contained investment of c.£84m over the three years and included funding related to the Tax Incremental Finance Scheme.

The report also included details of the proposals from the Administration for the Capital Programme. Over the three years of the plan £5.65m was proposed to be allocated to the Denny Eastern Access Road. £0.2m additional funding for Autistic Units was proposed to create additional specialised capacity within mainstream schools. £0.1m was proposed to be set aside to assist with Community Asset Transfers.

Councillor Meiklejohn, seconded by Councillor Garner, moved:-

that Council agree the General Services Capital Programme in terms of the programme set out in appendix to the report with the addition of:-

- (1) expenditure on the DEAR funded as set out in the report which includes additional prudential borrowing with the anticipation that the future developer contributions will continue to be due in accordance with the Supplementary Planning Guidance;
- (2) additional investment of £200k in Autistic Units funded by a revenue contribution, and
- (3) £100k to be set aside to support the transfer of community centres to communities funded by additional borrowing.

As an amendment, Councillor Goldie, seconded by Councillor Nimmo, moved:-

that Council agree the General Services Capital Programme in terms of Appendix 1 to the report and retaining the Administration's proposed investment in Autistic Units and in support of Community Centres but with the addition of additional investment of £1.5m in roads for 2018/19 to be funded from borrowing.

Provost Buchanan gave notice of a further amendment. Council adjourned at 10.20a.m. to allow the political groups to consider the terms of the motion and amendments and reconvened at 10.50a.m. with all members present as per the sederunt.

Councillor Meiklejohn, with the consent of the Provost and Councillor Garner, as her seconder, adjusted the terms of her motion to include an additional clause (4), in light of the further amendment intimated by Provost Buchanan, to read:-

- (4) that a review is carried out of the entire school estate, taking cognisance of the expansion of early years' provision and the Council's Corporate Plan and objectives, regarding parking issues at each school, with a report to be submitted to a future meeting of Council. This report should include an assessment of which schools require works as a matter of highest priority with proposals to address these issues.

Following discussion Councillor Nicol gave notice of a further amendment.

Following further discussion and in terms of Standing Order 22.4(i), the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (20) – Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Flynn, Garner, Grant, Harris, Hughes, Kerr, McCue, Meiklejohn, Munro, Murtagh, Nicol, Patrick, and Spears.

For the amendment (9) - Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, McLuckie, Nimmo, and Reid.

Abstain (1) – Provost Buchanan.

The motion was carried and became the substantive motion against which the further amendments were considered.

Council then adjourned at 11.50a.m. to allow the political groups to consider the terms of the further amendment intimated by Councillor Nicol and reconvened at 12.15p.m. with all members present as per the sederunt.

Following discussion on the terms of the further amendment, Council then adjourned at 12.20p.m. to allow members of the Conservative Group to consider a suggested amendment to the further amendment. Council reconvened at 12.25p.m. with all members present as per the sederunt.

Following further discussion, Councillor Meiklejohn, with the consent of the Provost and Councillor Garner, as her seconder, adjusted the terms of her motion to incorporate an additional clause (5), in light of the further amendment intimated by Councillor Nicol, to read:-

- (5) the Director of Development Services is instructed to undertake a review of the roads network with a view to identifying necessary works with costing to the June meeting of Council.

As a further amendment, Provost Buchanan, seconded by Councillor Nicol, moved the following as an additional clause (6) to the motion:-

- (6) Option 1 or Option 2 should be carried out as a matter of urgency. No costings have been given but £50,000 is only an estimated figure. But in terms of children's safety whatever the cost this must be carried out as soon as possible if education is unable to include in their proposals for expenditure then it should come from reserves.

Following further discussion, and in terms of Standing Order 22.4(i), the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (17) – Deputy Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Flynn, Garner, Harris, Hughes, McCue, Meiklejohn, Munro, Murtagh, Patrick, and Spears.

For the amendment (3) – Provost Buchanan; and Councillors Kerr and Nicol.

Abstain (10) – Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, Grant, McLuckie, Nimmo and Reid.

Decision

Council agreed the General Service Capital Programme in terms of the programme set out in appendix 1 to the report with the addition of:-

- (1) expenditure on the DEAR funded as set out in the report which includes additional prudential borrowing with the anticipation that the future developer contributions will continue to be due in accordance with the Supplementary Planning Guidance;**
- (2) additional investment of £200k in Autistic Units funded by a revenue contribution;**

- (3) **£100k to be set aside to support the transfer of community centres to communities funded by additional borrowing;**
- (4) **a review is carried out of the entire school estate, taking cognisance of the expansion of early years' provision and the Corporate Plan, regarding parking issues at each school, with a report to be submitted to a future meeting of Council. This report should include an assessment of which schools require works as a matter of highest priority with proposals to address these issues, and**
- (5) **the Director of Development Services is instructed to undertake a review of the roads network with a view to identifying necessary works with costing to the June meeting of Council.**

In line with his earlier declaration of interest Councillor Reid left the meeting prior to consideration of the following item of business.

FC90. Scottish Fire and Rescue Local Plan

Council considered a report by the Chief Executive presenting the draft Scottish Fire and Rescue Service's Fire (SFRS) and Rescue Plan for the Falkirk Council area, as an appendix, for 2018.

The SFRS is required to prepare a Local Fire and Rescue Plan for each Local Authority area in Scotland. The plan must be submitted to the relevant Council for approval. The previous plan covered the period 2014 – 2017 and had performance against the plan had been monitored through regular reporting to the Scrutiny Committee (External).

Decision

Council agreed the Scottish Fire and Rescue Service's Fire and Rescue Plan for the Falkirk Council area for 2018.

Council adjourned at 1.10pm for lunch and reconvened at 2.00pm with all members present as per the sederunt.

FC91. Accounts Commission Best Value Report

Council considered a report by the Director of Corporate and Housing Services presenting the findings of the Account Commission's Best Value follow up review of the Council. Audit Scotland had carried out a follow up best value review of Falkirk Council in 2017 following an initial audit in 2015 and follow up review in 2016. The review findings

were presented to the Accounts Commission and the review report published on 1 February 2018.

There was a duty on the Council to consider the Accounts Commission's findings within three months of receipt of the report. This report allowed Council to meet that requirement.

In the follow up report the Accounts Commission noted that the Council had demonstrated a positive response to previous findings. The Controller of Audit's key messages were that:-

- the Council had adopted a more strategic approach to improvement and transformation
- the Council had agreed its priorities, with widespread recognition that it needed to change significantly while noting that it was too early to assess the Council's leadership of change
- the Council had improved its approach to financial planning
- the Council had implemented a new five-year transformation programme
- Council's scrutiny arrangements continued to operate effectively.

The key next steps as detailed in the report included work on: Council of the Future; the Corporate Plan; Financial planning, and Scrutiny arrangements.

Decision

Council noted the Accounts Commission's findings and the next steps for the Council in each of the areas highlighted by the Commission.

FC92. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2018

Council considered a report by the Director of Corporate and Housing Services advising of changes to the remuneration level for Councillors and seeking a decision on remuneration to positions within the gift of Council including the Provost and Senior Councillor payments.

For the purposes of remuneration there were four categories of Councillor:-

- the Leader of the Council
- the Civic Head (Provost)
- Senior Councillors
- Councillors.

Remuneration levels were increased annually in line with the percentage increase in the median annual earning of public sector workers in Scotland. For 2018/19 the increase was 0.4% representing the following changes:-

- Leader of the Council: £33,857 to £33,992
- Civic Head (maximum level): £25,392 to £25,494
- Senior Councillors (maximum level) £25,392 to £25,494
- Councillors £16,927 to £16,994

Payments to the Civic Head and Senior Councillors were determined by Council. At its statutory meeting on 24 May 2017 Council agreed to remunerate the position of Provost at a level of £23,179.

As a band B authority the Council was able to appoint up to 14 Senior Councillors provided that no Senior Councillor's payment was more than 75% of the Leader's salary and that the total paid was not in excess of £297,416. At its statutory meeting on 24 May 2017 Council agreed to appoint 10 Senior Councillors (Level 1 £22,689, Level 2 £19,020) with a total remuneration of £219,552.

The remuneration paid to the Convener and Vice Convener of the Central Scotland Valuation Joint Board would increase from £21,160 and £20,103 to £21,245 and £20,183 respectively.

Decision

Council:-

- (1) noted the terms of the Local Governance (Scotland) act 2004 (Remuneration) Amendment Regulations 2018;**
- (2) noted the increase in the level of remuneration that will be paid to councillors and to the Council leader, in accordance with the Regulations;**
- (3) agreed to apply a 0.4% increase to the level of remuneration paid to the Provost and Senior Councillors, and**
- (4) agreed that the Economic Development Portfolio be remunerated as a Senior Councillor (Level 1).**

FC93. Appointments

Council considered a report by the Director of Corporate and Housing Services advising of a number of vacancies on committees and external bodies. Council agreed the political proportionality of its decision making bodies at the statutory meeting of 24 May 2017 and their memberships at that meeting and its meeting of 28 June 2017.

Following the untimely death of Provost Coleman and the resignations of Councillor Hughes, from the Licensing Board, and Councillor Patrick, from the Executive and Education Executive, a number of vacancies required to be filled.

Decision

Council:-

- (1) agreed to appoint Councillor Alexander as Economic Development Portfolio Holder;**
- (2) agreed to appoint Councillor Murtagh to the Executive and Education Executive;**
- (3) agreed to appoint Councillor Murtagh as Public Protection Portfolio Holder;**
- (4) noted the resignation of Councillor Patrick from the Executive and Education Executive;**
- (5) agreed to appoint Councillor Harris to the Executive and Education Executive;**
- (6) noted the resignation of Councillor Murtagh from the Scrutiny and Scrutiny (External) Committees;**
- (7) noted the resignation of Councillor Harris from the Scrutiny Committee;**
- (8) agreed to appoint Councillor Coleman to the Scrutiny and Scrutiny (External) Committees;**
- (9) agreed to appoint Councillor Kerr to the Scrutiny Committee;**
- (10) agreed to appoint Councillor Coleman to the Audit Committee, Pensions Committee and Licensing Board;**
- (11) agreed to appoint Councillor McCue as Convener of the Pensions Committee;**

(12) agreed to appoint Councillor Binnie to the Stirlingshire Educational Trust, and

(13) noted that Provost Buchanan had become a member of Falkirk & District Arts and Civic Council, Falkirk District Twinning Association and the University of Stirling Conference ex-officio.

FC94. Appointment Process for Head of Design, Roads and Transport Post

Council considered a report by the Director of Development Services seeking that powers were delegated to the Appointments Committee to make an appointment to the post of Head of Design, Roads and Transport on a permanent basis.

The current Head of Roads, Design and Transport would leave the Council in July 2018. The post covered a number of statutory and essential service delivery areas. The number of Heads of Service within Development Services had been reduced from 4 to 3 in 2015. The post holder had responsibility for 364 FTE posts and budgets of £28.5m.

Decision

Council agreed to delegate powers to the Appointments Committee to make an appointment to the post of Head of Design, Roads and Transport on a permanent basis.

FC95. Amendment to Integration Scheme for Health and Social Care

Council considered a report by the Director of Corporate and Housing Services advising of a proposal to amend the Integration Scheme for Health and Social Care which met the requirements of the Carers (Scotland) Act 2016. Information was provided on the Health Board's view on the delegation of its function and sought approval for the amendment to the Scheme.

The Integration Scheme (the Scheme) was agreed between the Council and Health Board and subsequently approved by the Scottish Ministers. The Scheme was the core document that established the Integration Joint Board (IJB). It importantly governed the range of functions which were delegated to the IJB by the Council and the Health Board.

The Act, which would come into force in April 2018, caused the delegation of functions to the IJB to be reconsidered. The group of functions which were required to be delegated to the IJB were set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions) (Scotland) Regulations 2014. The mandatory list was expanded to include functions under the Act. At its 6 December 2017 meeting Council agreed that it was not appropriate to delegate the function in relation to young carers' statements to the IJB. This view was also taken by the Health Board at its meeting of 30 January 2018. It further agreed, as the Council had, to delegate preparation of the local carers' strategy to the IJB.

Decision

Council agreed that the Integration Scheme be amended to reflect the agreed delegation of functions under the Carers (Scotland) Act 2016.

FC96. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services detailing those deeds that had been signed and sealed on behalf of the Council since the last meeting.

Decision

Council noted the signing of the deeds listed in the appendix to the report.

Council agreed to a brief adjournment at 2.25pm prior to commencing with the planning business and reconvened at 2.35pm with all members present as per the sederunt

In line with his earlier declaration of interest Councillor Hughes left the meeting prior to consideration of the following item of business.

Councillors Goldie and Nicol both left the meeting at this point.

FC97. Development of Land for Residential Development with Associated Engineering Works and Landscaping at Land to the North of Wallace Lea Stables, Standrigg Road, Brightons for Gladman Developments Ltd - P/17/0519/PPP

The Provost advised that deputation requests had been made by an objector and Reddingmuirhead Community Council to be heard in relation to this item. The requests had been made in accordance with Standing Order 33. Council agreed to hear the deputations.

Council considered a report by the Director of Development Services on an application seeking planning permission in principle for the development of land for residential development with associated work and landscaping.

At this point Councillor Black declared a non-financial interest in the item (ref FC97) as a member of NHS Forth Valley Health Board which had submitted a letter of objection to the application of which she had just become aware. She stated that this required her to recuse herself from consideration of the item and left the meeting at this point in line with her declaration of interest.

Council then heard from Alison Mitchell, objector to the application, and Danny Callaghan, Reddingmuirhead Community Council.

Decision

Council agreed to refuse the application for the following reasons:-

- (1) the application is contrary to Policies CG01 'Countryside' and CG03 'Housing in the Countryside' of the Falkirk Local Development Plan (FLDP), and to Supplementary Guidance SG01 'Development in the Countryside'. The site lies outwith the Wallacestone urban limits, within the countryside, and none of the circumstances as detailed in Policy CG03, to support new housing in the countryside, are satisfied;**
- (2) the application is not supported by the Settlement Statement for the Redding/Reddingmuirhead/Wallacestone/Brightons area as set out in the FLDP. This statement says that no further settlement is planned in this area, at least for the period 2014 to 2024. One of the reasons for this is because of the scale of growth experienced in these communities over recent years;**
- (3) the application is contrary to Policy INF07 'Walking and Cycling' of the FLDP as an appropriate standard of pedestrian infrastructure, to link the proposed development to the existing footway network in the area and to public bus services, would not be provided;**
- (4) the application is not supported by Policy HSG01 'Housing Growth' of the FLDP. The Council has a shortfall in the 5 year effective housing land supply and so will consider supporting sustainable development proposals that are effective, in the following order of preference: urban**

capacity sites; additional brownfield sites; and sustainable greenfield sites. The site is an extensive greenfield site and the proposal does not include an appropriate standard of infrastructure to support sustainable modes of transport;

- (5) the application is not supported in Scottish Planning Policy (SPP). SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the Development Plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. On balance, the proposed development is not considered to sufficiently contribute to sustainable development to justify its approval contrary to the FLDP, and
- (6) granting the application may serve to prejudice the plan-making process by giving leverage to the notion that the area should become a Strategic Growth Area, thereby making other applications in the area difficult to resist. The settlement strategy for this area should be properly considered through the FLDP 2 process and not, de facto, by decisions on individual planning applications.

Councillor Hughes re-joined the meeting following consideration of the previous item of business.

In line with their earlier declarations of interest Provost Buchanan and Councillor Hughes left the meeting prior to consideration of the following item of business.

In the absence of the Provost, Depute Provost Ritchie took the chair.

FC98. Proposed Residential Development, Access, Landscaping, Open Space and Associated Works at Land to the North of Loch View, Stirling road, Larbert for Gladman Developments Ltd - P/17/0632/PPP

Council considered a report by the Director of Development Services on an application seeking planning permission in principle for the proposed residential development, access, landscaping, open space and associated works.

Decision

Council agreed to refuse the application for the following reasons:-

- (1) the application is contrary to Falkirk Local Development Plan (FLDP) policy CG01 – Countryside – and CG03 – Housing in the Countryside – and to Falkirk Council Supplementary Guidance SG01 – Development in the Countryside – as the site lies outwith the Larbert and Stenhousemuir urban limits, within the countryside and it has not been demonstrated that any of the circumstances as detailed in policy CG03, to support new housing in the countryside, are satisfied;**
- (2) the application is contrary to FLDP policy GN01 – Green Network – in that the proposal is not considered to contribute to the established green network in the area and contrary to an established masterplan previously established through legal agreement (attached to 06/1066/FUL – Erection of New Acute Hospital with Associated Access, Landscaping and Parking and Erection of Energy Centre, Old Denny Road, Larbert);**
- (3) the application is not supported by FLDP policy HSG01 – Housing Growth. Falkirk Council has a shortfall in the 5 year effective housing land supply and will consider supporting sustainable development proposals that are effective, in the following order of preference; urban capacity sites; additional brownfield sites; and sustainable greenfield sites. The application site is a greenfield site and not considered to meet the definition of sustainable development, and**
- (4) the application is not supported in terms of Scottish Planning Policy 2014 (SPP). SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the Development Plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. The proposed development is not considered to contribute to sustainable development.**

Provost Buchanan and Councillor Hughes re-joined the meeting following consideration of the previous item of business. Provost Buchanan resumed the chair.

In line with his earlier declaration of interest Councillor Kerr left the meeting prior to consideration of the following items of business.

FC99. Exclusion of Public

Council agreed, in terms of s.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 they would involve the likely disclosure of exempt information as defined in paragraphs 8, 9, 11 & 12 of Part 1 of Schedule 7A to the said Act.

FC100. Extract of Minute of Meeting of Falkirk Council held on 6 December 2017 - agreed as a correct record.