



Agenda Item 3

Minute

Draft

**Minute of meeting of the EXECUTIVE held within the Municipal Buildings,
Falkirk on Tuesday 27 August 2019 at 9.30 a.m.**

Councillors: David Alexander
Robert Bissett
Gary Bouse
Joan Coombes
Paul Garner
Nigel Harris
Gordon Hughes
Cecil Meiklejohn (convener)
Lynn Munro
Malcolm Nicol
Pat Reid

Officers: Patricia Cassidy, Chief Officer Health & Social Care
Partnership
Douglas Duff, Head of Planning & Economic Development
Jack Frawley, Committee Services Officer
Rhona Geisler, Director of Development Services
Kenneth Lawrie, Chief Executive
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer

Also Attending: Councillor Fiona Collie, Health & Social Care Portfolio Holder
(for item EX40(b))
Councillor Laura Murtagh, Public Protection Portfolio Holder
(for item EX42)

EX36. Apologies

An apology was intimated on behalf of Councillor Nimmo.

EX37. Declarations of Interest

There were no declarations of interest at this point.

EX38. Minute

Decision

The minute of the meeting of the Executive held on 18 June 2019 was approved.

EX39. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 18 June was provided. Item 474 – Review of Taxi Fare Scales and Other Charges was the subject of a report on the agenda and accordingly fell from the Rolling Action Log.

Decision

The Executive noted the rolling action log.

EX40. Motions referred to the Executive under Standing Order 31 from the meeting of Falkirk Council held on 26 June 2019

- (a) On 26 June 2019 in accordance with Standing Order 31.1 Council referred the following motion, proposed by Councillor Aitchison, to the Executive:-

Budget cuts over the last 10 years have taken their toll on communities and Council services. Currently there has been a rise in constituent enquiries regarding vermin.

Council notes that we no longer have a pest control service.

Council understands that monthly green bin collections, £30 special uplift charge and a reduction in opening hours of waste recycling centres can lead to an increase in vermin on our streets.

Council recognises that tenants, home owners, vulnerable adults and some of our older citizens may find it difficult to tackle this serious issue.

Council will look at how we can help our citizens to deal with this by looking at areas where we might get better results for our residents.

1. Engaging with pest control companies to see if they could offer a better deal for Falkirk residents.
2. Educating people as to how to prevent vermin from frequenting a particular area.

3. Using our media team to promote residents understanding on how to deal with this problem.
4. Looking at other ways in which we might tackle this issue collaboratively.

Council asks the Director of Development Services to report back to a future meeting outlining actions taken on or proposals to give effect to the areas outlined above.

Councillor Bissett, seconded by Councillor Coombes, moved the terms of the motion.

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

- 1) requests a report to come back on what the service is currently doing in the provision of advice, information and education for householders and tenants in relation to Pest Control.
- 2) also seeks to identify pest control providers and advertise them through our Trusted Trader Scheme.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (6) – Councillors Bissett, Coombes, Harris, Munro, Nicol and Reid.

For the amendment (5) – Councillors Alexander, Bouse, Garner, Hughes and Meiklejohn.

Decision

The Executive agreed the motion.

- (b) On 26 June 2019 in accordance with Standing Order 31.1 Council referred the following motion, proposed by Councillor Black, to the Executive:-

Council values the work of carers employed within Falkirk Council and within the third sector and private sector, who often work long and unsocial hours, delivering care in an empathetic and professional manner.

Council recognises that there are difficulties in recruitment and retention of care staff, whilst at the same time service users need consistency and continuity of care, delivered, with a person centred approach.

Council congratulates the head of social work services and senior staff for implementing around 80% of Unison's Ethical Care Charter already.

Council recognises that adopting the charter will largely fall within the remit of the Integration Joint Board.

Council asks for the Chief Officer to bring forward a report detailing how the charter can be implemented in full to the December meeting.

Councillor Bissett, seconded by Councillor Reid, moved the terms of the motion.

Decision

The Executive agreed the motion.

- (c) On 26 June 2019 in accordance with Standing Order 31.1 Council referred the following motion, proposed by Councillor Coombes, to the Executive:-

Council welcomes the Climate Emergency declarations made by both UK and Scottish governments in recent weeks and the proposed amendment to the Climate Change Bill which will set a target of 'net zero' emissions of greenhouse gases in Scotland by 2045 – the most ambitious statutory target in the world.

Council however notes with concern that the Scottish Government has missed its statutory emissions targets for 2016 and 2017.

Council therefore calls for a report on the actions in place, and planned, by the Council to reduce greenhouse gas emissions in Falkirk and the anticipated reductions which these would achieve.

Councillor Coombes, seconded by Councillor Bissett, moved the terms of the motion.

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

- (1) recognises that climate change is an emergency and notes the urgent need for action to address existing negative impacts such as extreme weather, fires, droughts, floods and loss of habitat and indeed species. The Executive understands the impact of Global Warming and the enormous harm that a 2 degrees centigrade average rise in global temperatures is likely to cause, compared with a 1.5 degrees centigrade rise;

- (2) agrees to declare a Climate Emergency immediately and to continue with the excellent work already underway in Falkirk Council and push towards increasing our efforts to reduce our carbon emissions to net zero by 2030, while making Grangemouth our first carbon neutral town;
- (3) notes that the Council would continue to embed climate change throughout the organisation via our Corporate Sustainability Working Group, accompanied with raising climate change to a 'high' level within our corporate risk register;
- (4) agrees to create a network of climate champions throughout the organisational structure and in partnership with Elected Members. This would be complemented by our Climate Week itinerary, which would see the climate change team run several workshops and activities across the second week in October. These would be themed around areas of our carbon footprint to increase awareness within the organisation of the impact that we as a Council make;
- (5) requests a review, with the aim of establishing meaningful carbon reduction targets aligned with the Scottish Government's ambitious targets which would aid the Council in achieving net zero. Targets would also be reviewed by Service area to ensure a whole organisational approach;
- (6) notes the undertaking of large scale actions to reduce the carbon impact within the Falkirk area through the Growth and Investment Deal which would look at energy and carbon reduction projects;
- (7) notes the continued development of our suite of projects aimed at reducing the Council's carbon impact;
- (8) notes the focus on increasing Biodiversity through our aim to plant 40,000 new trees and our peat bog restoration project within the area, to mitigate our climate impact and improve air quality, and
- (9) requests a review of how the climate is changing for the Falkirk area and the development of a strategy on how the Council can help adapt our services and spaces to ensure that the Council area remains a pleasant place to live, work and visit.

The Executive adjourned at 10.20am and reconvened at 10.30am with all members present as per the sederunt.

Following discussion, Councillor Coombes as the mover of the motion, with the agreement of Councillor Bissett as her seconder, indicated that she was willing to amend her motion to replace its clauses with that of the amendment subject to the inclusion of an additional clause 10 as:-

- (10) requests that the Director of Development Services provide information on what actions the Council is taking in relation to climate change and what information can be promoted to individuals. The information to be presented either within a report on the Economic Partnership and Growth Deal or as a standalone item.

Decision

The Executive:-

- (1) recognised that climate change is an emergency and noted the urgent need for action to address existing negative impacts such as extreme weather, fires, droughts, floods and loss of habitat and indeed species. The Executive understands the impact of Global Warming and the enormous harm that a 2 degrees centigrade average rise in global temperatures is likely to cause, compared with a 1.5 degrees centigrade rise;**
- (2) agreed to declare a Climate Emergency immediately and to continue with the excellent work already underway in Falkirk Council and push towards increasing our efforts to reduce our carbon emissions to net zero by 2030, while making Grangemouth our first carbon neutral town;**
- (3) noted that the Council would continue to embed climate change throughout the organisation via our Corporate Sustainability Working Group, accompanied with raising climate change to a 'high' level within our corporate risk register;**
- (4) agreed to create a network of climate champions throughout the organisational structure and in partnership with Elected Members. This would be complemented by our Climate Week itinerary, which would see the climate change team run several workshops and activities across the second week in October. These would be themed around areas of our carbon footprint to increase awareness within the organisation of the impact that we as a Council make;**

- (5) requested a review, with the aim of establishing meaningful carbon reduction targets aligned with the Scottish Government's ambitious targets which would aid the Council in achieving net zero. Targets would also be reviewed by Service area to ensure a whole organisational approach;**
 - (6) noted the undertaking of large scale actions to reduce the carbon impact within the Falkirk area through the Growth and Investment Deal which would look at energy and carbon reduction projects;**
 - (7) noted the continued development of our suite of projects aimed at reducing the Council's carbon impact;**
 - (8) noted the focus on increasing Biodiversity through our aim to plant 40,000 new trees and our peat bog restoration project within the area, to mitigate our climate impact and improve air quality;**
 - (9) requested a review of how the climate is changing for the Falkirk area and the development of a strategy on how the Council can help adapt our services and spaces to ensure that the Council area remains a pleasant place to live, work and visit, and**
 - (10) requested that the Director of Development Services provide information on what actions the Council is taking in relation to climate change and what information can be promoted to individuals. The information to be presented either within a report on the Economic Partnership and Growth Deal or as a standalone item.**
- (d) On 26 June 2019 in accordance with Standing Order 31.1 Council referred the following motion, proposed by Councillor Reid, to the Executive:-

Council agrees that street name signs should identify in brief the provenance of the name as is common in other countries, particularly when it is the name of a person.

Council agrees that this practice would be a useful addition to local history and instil a greater sense of community.

Council agrees that this should apply to any future names and that there should be retrospective application also, where possible and appropriate.

Councillor Reid, seconded by Councillor Bissett, moved the terms of the motion.

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

- (1) information on the provenance of street names would be a useful addition to local history and instil a sense of community pride whilst protecting our Heritage, and
- (2) this should apply to future street names but should be achieved by the information being included on the Council's website [and that this facility should be available for existing streets where the information can be provided at no cost to the Council].

Following discussion, Councillor Reid as the mover of the motion, with the agreement of Councillor Bissett as his seconder, amended the motion to the effect that agreement on the terms of the motion be subject to a future report on cost and practicalities.

In light of the amended motion, Councillor Garner, with the unanimous consent of those present, withdrew his amendment.

Decision

The Executive, subject to a future report on cost and practicalities,:-

- (1) agreed that street name signs should identify in brief the provenance of the name as is common in other countries, particularly when it is the name of a person;**
- (2) noted that this practice would be a useful addition to local history and instil a greater sense of community, and**
- (3) agreed that this should apply to any future names and that there should be retrospective application also, where possible and appropriate.**

EX41. Referral from Corporate Partnership Forum

The Executive considered a report by the Director of Corporate and Housing Services seeking approval to changes to policies which were considered by the Corporate Partnership Forum on 7 August 2019.

The Capability and Discipline Policies had been updated to take account of the reducing numbers of Chief Officers which would allow capability and disciplinary hearings to be chaired by Service Managers/Head Teachers.

The Grievance Policy had been updated to provide explanation of what a competent grievance may be and highlighted a process for dealing with cases that may not fall within the criteria. Having taken account of the reducing number of Chief Officers, grievance appeals would be able to be heard/chaired by Service Managers/Head Teachers.

The Job Evaluation Policy had been reformatted and provided additional support and information on the process. The approval levels had been amended to provide Directors with accountability for grading outcomes. The timescales had been made clearer along with confirmation of the spinal column point applied for re-grading.

Decision

The Executive approved the immediate implementation of changes to the Capability and Discipline policies, the Grievance policy and the Job Evaluation policy.

EX42. Review of Taxi Fare Scales and other Charges

The Executive considered a report by the Director of Corporate and Housing Services providing the responses received to the taxi fare scales consultation and proposing that there would be no increase in the taxi fare scale.

The Executive agreed at its meeting of 18 June 2019 (refEX28) to maintain the current taxi fare scales and charges at their current levels. In accordance with the legislation this was subject to a 4 week public consultation.

There were six responses which were appended to the report and categorised into the following groups:-

In Favour of Increased Charges:-

- One respondent suggested that the initial flag fall should be increased from £2.50 to £3, in line with Stirling Council.
- Another respondent suggested that a cost of living increase of 6% should be applied. They also suggested smaller more frequent increases to avoid a substantial increase every five years. In addition they referred to the current age policy applicable to taxi and private hire cars and said this should be taken into account along with future trend towards electric vehicles.

In Favour of Reduced charges

- One respondent suggested that there should be a slight decrease as the charges were expensive for those who rely on public services such as bus or taxi.
- Another respondent suggested a reduction in the fare level to encourage more people to use the service.

The comments had been carefully considered and the following responses made:-

Increased charges

The taxi trade enjoyed a substantial increase in fares and charges less than a year ago. A further increase at this time is premature and without justification. This view is also held by the Taxi Forum.

Reduced charges

The suggestion to decrease taxi fares and charges is not supported. The available evidence and the cost of operating taxis would not justify a decrease. At the current fare levels Falkirk is placed 22nd out of the 32 local authorities.

Decision

The Executive agreed to:-

- (1) maintain the taxi fares levels and charges at their existing levels, and**
- (2) instruct the Director of Corporate and Housing Services to notify the consultees.**

EX43. Falkirk Local Development Plan 2 – Supplementary Guidance

The Executive considered a report by the Director of Development Services seeking approval of the approach for the preparation of Supplementary Guidance (SG) associated with Falkirk Local Development Plan 2 (LDP2).

Supplementary Guidance provide additional detailed guidance on the implementation of policies in local development plans. 17 SG notes were prepared in conjunction with LDP1. 1 SG committed through LDP1 was still to be adopted (SG07 on the Antonine Wall World Heritage Site jointly prepared with the other four authorities through which the wall runs).

LDP2 reduced the number of SG notes from 17 to 14, through consolidation of 3 of the adopted SGs. LDP2 contained a new combined Developer Contributions SG which would include guidance which was previously provided across two SGs on education, and healthcare in new housing developments. The new Renewable and Low Carbon Energy SG would combine guidance on low and zero carbon development and wind energy development. A new SG would also be provided on green infrastructure and new development, which would provide a more comprehensive and integrated approach to guidance on greenspace, biodiversity, access and water management.

Group 1 – Expedited Procedure	
SG02	Neighbourhood Design
SG03	Residential Extension and Alterations
SG04	Shopfronts
SG07	Biodiversity and Development
SG08	Local Nature Conservation and Geodiversity Sites
SG09	Landscape Character Assessment and Landscape Designations
SG10	Trees and Development
SG11	Frontiers of the Roman Empire (Antonine Wall) World Heritage Sites
SG12	Listed Buildings and Unlisted Properties in Conservation Areas
Group 2 – New/Combined SGs	
SG01	Development in the Countryside
SG05	Green Infrastructure and New Development
SG06	Affordable Housing
SG13	Developer Contributions
SG14	Renewable and Low Carbon Energy

Group 1 contained the more technical and design/ heritage focused SGs. These SGs were considered to have worked well in LDP1 and minimal changes were anticipated. Therefore a streamlined process was proposed with consultation being undertaken collectively in a single batch. Following consultation, it was proposed that the SGs would only be referred to the Executive for approval prior to submission to Scottish Ministers, if the consultation comments received were more than of a minor or technical nature.

Group 2 contained 3 new combined SGs and those SGs where more significant changes were anticipated or where there were greater policy implications. Consultation was likely to occur in more than one batch which would allow for relevant interest groups and parties to be targeted. All Group 2 SGs would be reported to the Executive for approval post consultation and prior to formal submission to Scottish Ministers.

Decision

The Executive agreed to authorise officers to prepare and undertake consultation on the fourteen supplementary guidance notes associated with LDP2 and that thereafter:-

- (a) for SGs contained in Group 1, as defined in paragraph 4.1 of the report, if no comments are received during the consultation or comments are considered to be sufficiently minor, the finalised SGs are to be submitted to Scottish Ministers for final approval.**

- (b) for SGs contained in Group 2, as defined in paragraph 4.1 of the report, finalised drafts will be reported back to the Executive on an ongoing basis for approval, prior to submission to Scottish Ministers.**

EX44. Projected Financial Position 2019/20

The Executive considered a report by the Director of Corporate and Housing Services presenting an initial update on the financial position of the Council for 2019/20 including the position with Reserves. Net expenditure at 31 March 2020 was forecast to be £343.0m which was £0.503 (0.1%) below the resources available. The overall deviations from budget were:-

Children's Services – (over budget by £2.502m; 1.3%)

- (i) Education (over budget by £0.887m)
- (ii) Social Work – Children & Families (over budget by £1.615m)
- (iii) Justice Service (on budget)

Development Services (on budget)

Corporate & Housing Services (under budget by £0.372m; 1.4%)

- (i) General Fund Housing (under budget by £0.172m)
- (ii) Central Support Services (under budget by £0.124m)
- (iii) Miscellaneous Services (under budget £0.076m)

The Reserves showed a projected balance of £10.895m at March 2020. The report advised that the evolving position on historic child abuse may well result in future calls on the Council's reserve. Another call on the reserve would be the impact of voluntary severance payments required, beyond the £2.3m earmarked within the Spend to Save fund to implement the transformation detailed in the five year Business Plan.

Spending within the Housing Revenue Account of £65.49m was in line with budget. The reserve balance brought forward at 1 April 2019 was £5.093m with no application of reserves planned for 2019/20.

Decision

The Executive:-

- (1) noted the Council's projected year-end financial position for 2019/20;**
- (2) noted the position with respect to Reserves;**
- (3) noted the progress on the achievement of the 2019/20 agreed savings, and**

- (4) instructed Service Directors to take appropriate actions to maintain their costs within the approved budget.**

EX45. Capital Programmes Update 2019/20

The Executive considered a report by the Director of Corporate and Housing Services providing details of the forecast position for the General Fund Services and Housing Capital Programmes. It also presented the Prudential Indicators for information.

The General Fund Services Capital Programme was approved by Council on 27 February 2019 and the Housing Capital Programme had been approved on 23 January 2019. The 2019/20 budgets for both programmes were part of a five year plan and as such there would be movement in spend across the years.

The budget for the General Fund Services Capital Programme 2019/20 was based on estimates made in late 2018. The approved budget of £32.1m (including a £3.5m slippage allowance, but excluding TIF which was reported separately) had been revised to £38.2m, taking into account slippage from 2018/19, rescheduled projects and projects which have been fully funded from additional contributions.

The approved budget for the Housing Capital Programme for 2019/20 equated to £47.7m and the forecast was £44.5m, a decrease of £3.2m

Decision

The Executive noted:-

- (1) the forecast spend for both the General Fund Services (£38.5m) and Housing Capital Programmes (£44.5m);**
- (2) the acceleration of budget as detailed in paragraph 4.2.2;**
- (3) the Prudential Indicators;**
- (4) the rescheduling of projects as detailed in Section 4.4 and Appendix 1, and**
- (5) the reduced external borrowing requirement for Capital Programme purposes.**

At this point Councillor Reid declared a non-financial interest in the following item as he had previous dealings with the prospective purchaser and stated that he considered that this required him to recuse himself from consideration of the item with regard to the objective test in the Code of Conduct. In line with his declaration of interest Councillor Reid left the meeting.

EX46. Land Surplus to Requirements - Disposal of Land at Bantaskine Park, Falkirk

The Executive considered a report by the Director of Development Services seeking approval to sell an area of ground located at Bantaskine Park, Falkirk. Upon which it was proposed that a Visitor Centre would be created relating to the Battle of Falkirk Muir in 1746 and the associated Jacobite period, together with a long ground lease of the adjacent site.

Decision

The Executive agreed to:-

- (1) declare 5.7 Ha (14.06 acres) of land at Bantaskine Park surplus to requirements and**
- (2) authorise the Director of Development Services to progress a negotiated disposal and ground lease to the Battle of Falkirk Muir (1746).**

Following consideration of the previous item Councillor Reid re-joined the meeting.

EX47. Sale of 0.47 Hectares at Kemper Avenue Car Park, Falkirk

The Executive considered a report by the Director of Development Services advising of the outcome of a recent marketing exercise and seeking approval for the disposal of a section of Kemper Avenue car park.

Decision

The Executive agreed to the disposal of the land at Kemper Avenue, Falkirk to Lidl Great Britain Limited for £400,000, subject to any adjustments for proven abnormal costs authorised by the Director of Development Services.

EX48. Land Surplus to Requirements – Polmonthill Cottage

The Executive considered a report by the Director of Development Services seeking approval to sell an area of ground located adjacent to Polmonthill Cottage, Polmont, currently leased to the cottage owners.

Decision

The Executive agreed to:-

- (a) declare the area of ground at Polmonthill Cottage, Polmont surplus to requirements, and**
- (b) authorise the Director of Development Services to conclude the transaction for the disposal of the property to the current tenant at a cost of £15,000.**

EX49. Decisions Taken Under Delegated Powers

The Executive considered a report by the Director of Corporate and Housing Services informing of the decisions taken under delegated powers. Two decisions were taken which were:-

1. Award of contract in respect of Pensions Administration and Payroll Software System – Chief Finance Officer, and
2. Award of contract in respect of Grangemouth Flood Protection Scheme – Phase 5 – Ground investigation – Director of Development Services.

Decision

The Executive noted the decisions taken under delegated powers.