



Agenda Item 3

Minute

FALKIRK COUNCIL

**Minute of meeting of the EXECUTIVE held within the Municipal Buildings,
Falkirk on Tuesday 14 January 2020 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
Alan Nimmo
Pat Reid

Officers: Patricia Cassidy, Chief Officer, Health & Social Care
Partnership
Douglas Duff, Head of Planning & Economic Development
Jack Frawley, Team Leader - Committee Services
Kenneth Lawrie, Chief Executive
Robin Millard, Head of Design, Roads & Transport
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 James Kerr (for EX103)
Councillor Laura Murtagh, Public Protection Portfolio Holder
(for EX103)

EX99. Apologies

An apology was intimated on behalf of Councillor Nicol.

EX100. Declarations of Interest

There were no declarations of interest.

EX101. Minute

Decision

The minute of the meeting of the Executive held on 10 December 2019 was approved.

EX102. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 10 December 2019 was provided. Items 465 – Town Centre and Council HQ/Arts Centre – Update; 478 – Motion – Climate Emergency, and 506 – Motion – Fireworks, appeared as items on the agenda for the meeting and consequently fell from the action log.

Decision

The Executive noted the rolling action log.

EX103. Motion referred to the Executive under Standing Order 31 from the meeting of Falkirk Council on 4 December 2019

On 4 December 2019, and in accordance with Standing Order 31.1, Council referred the following motion, proposed by Councillor Kerr, to the Executive:-

Council agrees:-

- (1) to agree in principle to require all public firework displays within the authority area to be advertised in advance of the event to allow residents to take precautions for their animals and for vulnerable people and requests the Director of Corporate & Housing Services to consider a standard condition to this effect for any public entertainment licence granted for a public firework display;
- (2) to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;
- (3) to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private use; and
- (4) to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.

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

As an amendment, Councillor Garner, seconded by Councillor Hughes, moved that the Executive:-

- (1) notes the significant public concern related to the sale and use of fireworks and the impact their noise can have in particular on: vulnerable individuals, those with mental health concerns, veterans, domestic pets, guide, assistance dogs and wild animals;
- (2) notes the proactive and positive actions of the Scottish Government in undertaking a comprehensive public consultation in 2019, resulting in the “Fireworks Action Plan: Promoting the safe and appropriate use of Fireworks in Scotland” (Published Oct 2019)
- (3) notes the summary of actions published in the above report including: an awareness raising campaign already undertaken in Oct-Nov 19; Medium term actions relating to coming years’ events, and the establishment of a Fireworks Review Group due to report to Government by summer of 2020;
- (4) notes the positive experience many in our communities have in coming together to experience firework displays and the positive effect such event have on levels of public safety in reducing antisocial behaviour;
- (5) notes the important role our Fire and Rescue service and other emergency services play in keeping the public safe, surrounding the traditional fireworks period;
- (6) agrees to give every assistance to the Scottish Government’s “Fireworks Review Group” and continue to input through Community Safety and Local Government Forums, as appropriate;
- (7) agrees to instruct officers to produce a report following the publication of the Scottish Government’s “Fireworks Review Group” recommendations, highlighting any measures which can be taken specifically within the competence of local government, and
- (8) agrees to express our continued thanks and appreciation to our Emergency Services for the vital role they play in keeping the public safe regarding the use of fireworks.

Following discussion clauses 6, 7 and 8 of the amendment along with clauses 1 and 3 of the motion were identified as being practical actions which could be taken.

The convener proposed that these practical actions were amalgamated into one proposal. Councillor Bissett as the mover of the motion, with the consent of Councillor Nimmo as his seconder, accepted the revised terms and accordingly altered the motion.

Following the alteration of the motion, Councillor Garner, with the unanimous consent of those present, withdrew the amendment.

Decision

The Executive agreed:-

- (1) to give every assistance to the Scottish Government's "Fireworks Review Group" and continue to input through Community Safety and Local Government Forums, as appropriate;**
- (2) to instruct officers to produce a report following the publication of the Scottish Government's "Fireworks Review Group" recommendations, highlighting any measures which can be taken specifically within the competence of local government;**
- (3) to express our continued thanks and appreciation to our Emergency Services for the vital role they play in keeping the public safe regarding the use of fireworks;**
- (4) in principle to require all public firework displays within the authority area to be advertised in advance of the event to allow residents to take precautions for their animals and for vulnerable people and requests the Director of Corporate & Housing Services to consider a standard condition to this effect for any public entertainment licence granted for a public firework display, and**
- (5) to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private use.**

EX104. Climate Change: Future Actions

The Executive considered a report by the Director of Development Services which provided an update on the current and proposed future actions in response to the Council's Climate Emergency declaration.

Falkirk Council's Carbon Footprint totalled 48.8 kilo-tonnes CO₂ equivalent (ktCO₂e) in 2018-19, 2% higher than the 2017/18 figure (48.0 ktCO₂e) and 1% less than the 2013/14 baseline year. The decreases in electricity consumption and business mileage had been offset by the increase in waste emissions (+25%). The Council's top 4 emission sources were waste management (43%), building energy consumption (40%), vehicle fuel (8%), and street lighting (5%).

The Local Heat & Energy Efficiency Strategy (LHEES) pilot project in Grangemouth and Falkirk town centre assessed the current building stock and determined measures to meet national emission reduction targets. Set out as a 20 year plan, LHEES would soon be mandatory for local authorities. Northern Connections INTERREG was a project that contributed to a shift to a low-carbon economy. To reflect the scale of change required to fulfil the Council's statutory obligations, sustainability/climate change had been raised from medium to high in the Corporate Risk Register.

A list of immediate actions was provided and the first estimate of capital expenditure for Council buildings identified in the LHEES, when extrapolated for the Council area, was c.£165m over a ten year period.

Councillor Garner moved that the Executive:-

- (1) notes the progress of work underway to reduce the Council's greenhouse gas emissions;
- (2) endorses the ambitious emission reduction targets set out in section 4.2 of the report which were required if the Council was to approach the achievement of net zero emissions by 2030 in line with the Climate Emergency declaration;
- (3) notes the considerations set out in section 4.3 of the report, which would contribute to addressing the Climate Emergency;
- (4) notes the potential scale of capital investment required to enable carbon reduction measures such as the retrofitting of existing buildings & infrastructure, decarbonisation of the Council's fleet and carbon sequestration projects, set out in section 6.1 of the report;
- (5) endorses that targets would be reviewed by each Service area to ensure a one Council approach to carbon reduction;
- (6) notes that carbon sequestration was essential to offset the remaining emissions that could not be further reduced to achieve net zero emissions, and recognised that current tree planting and peatland restoration projects needed to be significantly intensified, with a substantial increase in resource and funding requirements;
- (7) endorses the Climate Emergency declaration call for a cohesive organisational approach which prioritised budgeting, work, travel, and delivering services to minimise impact on the environment;
- (8) notes that by taking the above actions and ensuring that emissions reduction targets were fully embedded within the Council's governance and service delivery, the Council would be taking action to limit the consequences of climate change, with the corresponding benefits to the wider community health and wellbeing;

- (9) agrees to establish a Climate Change Actions Stakeholder Working Group with the following Terms of Reference:-

Climate Change Actions Stakeholder Working Group
Terms of Reference

1. Remit
 - 1.1 The Climate Change Actions Stakeholder Working Group will prioritise the actions to be taken by the Council and produce an action plan to be considered by the Executive in response to the climate emergency declaration with the aim to achieve net zero emissions by 2030.
2. Membership
 - 2.1 The Climate Change Actions Stakeholder Working Group shall comprise of:-
 - 6 elected members, two drawn from each political group represented on the Council, and
 - High School Pupils, with 1 drawn from each of the high schools in the Council area.
 - 2.2 The Environment Portfolio Holder will Chair the Group.
 - 2.3 The Group will be supported in its work by professional advisors but these officers will not be members of the Group. Such officers will attend as deemed appropriate by the Chief Executive and/or relevant Director.

As an amendment, Councillor Bissett, seconded by Councillor Nimmo, moved that the Executive agrees to refer the matter to Council.

Following discussion, Councillor Garner agreed to alter the terms of his motion to include an additional clause that, the Executive requests that a seminar is held with all elected members following the first meeting of the Working Group.

Following the alteration of the motion, Councillor Bissett, with the unanimous consent of those present, withdrew the amendment.

Decision

The Executive:-

- (1) **noted the progress of work underway to reduce the Council's greenhouse gas emissions;**

- (2) endorsed the ambitious emission reduction targets set out in section 4.2 of the report which were required if the Council was to approach the achievement of net zero emissions by 2030 in line with the Climate Emergency declaration;**
- (3) noted the considerations set out in section 4.3 of the report, which would contribute to addressing the Climate Emergency;**
- (4) noted the potential scale of capital investment required to enable carbon reduction measures such as the retrofitting of existing buildings & infrastructure, decarbonisation of the Council's fleet and carbon sequestration projects, set out in section 6.1 of the report;**
- (5) endorsed that targets would be reviewed by each Service area to ensure a one Council approach to carbon reduction;**
- (6) noted that carbon sequestration was essential to offset the remaining emissions that could not be further reduced to achieve net zero emissions, and recognised that current tree planting and peatland restoration projects needed to be significantly intensified, with a substantial increase in resource and funding requirements;**
- (7) endorsed the Climate Emergency declaration call for a cohesive organisational approach which prioritised budgeting, work, travel, and delivering services to minimise impact on the environment;**
- (8) noted that by taking the above actions and ensuring that emissions reduction targets were fully embedded within the Council's governance and service delivery, the Council would be taking action to limit the consequences of climate change, with the corresponding benefits to the wider community health and wellbeing;**
- (9) agreed to establish a Climate Change Actions Stakeholder Working Group with the following Terms of Reference:-**

**Climate Change Actions Stakeholder Working Group
Terms of Reference**

1. Remit

- 1.1 The Climate Change Actions Stakeholder Working Group will prioritise the actions to be taken by the Council and produce an action plan to be considered by the Executive in response to the climate emergency declaration with the aim to achieve net zero emissions by 2030.

2. Membership

2.1 The Climate Change Actions Stakeholder Working Group shall comprise of:-

- 6 elected members, two drawn from each political group represented on the Council, and
- High School Pupils, with 1 drawn from each of the high schools in the Council area.

2.2 The Environment Portfolio Holder will Chair the Group.

2.3 The Group will be supported in its work by professional advisors but these officers will not be members of the Group. Such officers will attend as deemed appropriate by the Chief Executive and/or relevant Director.

(10) requested that a seminar was held with all elected members following the first meeting of the Working Group.

EX105. Council/HQ Arts Centre

The Executive considered a report by the Director of Development Services which provided an update on the Council's civic headquarters and arts centre replacement project.

At its meeting of 12 November 2019 Council agreed to progress consideration of two options to develop the project requirements in advance of a procurement exercise. The procurement would test the market for a site, preferred developer and cost for the project.

Council agreed to take forward the following two options:-

- small office HQ (320 workstations + 35 touchdown spaces), Central Hub, 550 seat arts centre, shared spaces, and
- Option 5: medium office HQ (500 workstations, plus 55 touchdown spaces), Central Hub, 550 seat arts centre, shared spaces.

It was also agreed that the potential relocation of the Falkirk library should be considered in finalising the requirements for the project.

Falkirk Stadium was proposed for retention as a second back office. It was the most modern property in the Council's property estate. It was recommended that works at the Stadium be initiated during 2020 at a cost of c£1.5m covering the reconfiguration of the accommodation and office fit-out. The potential for early closure of some offices to commence rationalisation and enable further cost savings would be examined.

An important element of the procurement process was the adoption of an assessment and selection matrix to consider each of the submissions and their fit with the Council's objectives. It was proposed that the following elements would be assessed:-

Assessment Criteria	Weighting
Bidder Approach	10%
Scheme Concept	15%
Deliverability	20%
Site Location & Regeneration/Economic Benefits	20%
Cost & Affordability	15%
Environmental Sustainability	20%

Councillor Meiklejohn, seconded by Councillor Alexander, moved that the Executive:-

- (1) agrees the proposed requirements for the Council HQ and arts centre project including the relocation of Falkirk library to the new facility as set out in section 4.21 and appendix 1 of the report;
- (2) notes that progress of this initiative will be subject to the updated project costs being agreed in the Council's general services capital programme 2020-25;
- (3) agrees the assessment and selection criteria for the procurement process as set out in section 4d and Appendix 2 of the report;
- (4) agrees to appoint a design team to assist with the procurement exercise, including preparation of a benchmark option for the Municipal Buildings site, subject to clause 2 above;
- (5) agrees to commence the procurement process as identified in section 4C of the report, including a competitive dialogue exercise to identify a preferred bidder and site to deliver the project;
- (6) agrees to proceed with the provision of a formal notice to FCSL for the fit-out of the first floor accommodation and associated works to be undertaken at Falkirk Community Stadium at an anticipated cost of £1.5m, and
- (7) agrees to report back to Members on the outcome of the procurement exercise, recommending a way forward.

As an amendment, Councillor Coombes, seconded by Councillor Bissett, moved that the Executive:-

- (1) agrees the proposed requirements for the council HQ and arts centre project which may also include the Falkirk Library if bidders wish as set out in appendix of the report;

(2) notes that progress of this initiative will be subject to the updated project costs being agreed on the council's general services capital programme 2020/2025;

(3) agrees to amend the preliminary assessment selection criteria to be:-

Affordability	30%
Sustainability	20%
Deliverability	15%
Regeneration	15%
Concept	10%
Approach	10%

(4) agrees to appoint a design team to assist with the assessment of the 'Expressions of Interest' including the working up of a baseline option for comparison purposes of a 320 work station on the current MB site. (Small office only), and

(5) agrees to commence Expressions of Interest from development partners with the initial submissions to be considered by council in Oct 2020 after public consultation.

The Executive adjourned at 12.30pm and reconvened at 12.50pm with all members present as per the sederunt.

Following discussion and having received confirmation that the views of the public would be taken into account, Councillor Coombes, with the unanimous consent of those present, withdrew the amendment.

Decision

The Executive:-

(1) agreed the proposed requirements for the Council HQ and arts centre project including the relocation of Falkirk library to the new facility as set out in section 4.21 and appendix 1 of the report;

(2) noted that progress of this initiative would be subject to the updated project costs being agreed in the Council's general services capital programme 2020-25;

(3) agreed the assessment and selection criteria for the procurement process as set out in section 4d and appendix 2 of the report;

- (4) agreed to appoint a design team to assist with the procurement exercise, including preparation of a benchmark option for the Municipal Buildings site, subject to clause 2 above;**
- (5) agreed to commence the procurement process as identified in section 4c of the report, including a competitive dialogue exercise to identify a preferred bidder and site to deliver the project;**
- (6) agreed to proceed with the provision of a formal notice to FCSL for the fit-out of the first floor accommodation and associated works to be undertaken at Falkirk Community Stadium at an anticipated cost of £1.5m, and**
- (7) requested a further report back to Members on the outcome of the procurement exercise, recommending a way forward.**

EX106. Projected Financial Position 2019/20

The Executive considered a report by the Director of Corporate and Housing Services which provided an update on the financial position of the Council for 2019/20, along with an update on the position with reserves.

Projected net expenditure at 31 March 2020 was forecast to be £350.1m which was £1.376m (0.4%) above the resources available. This was an adverse movement of £1.453m from the stated position in October 2019 and was primarily due to the expected non-achievement of refinancing the NPDO schools project.

The report set out the reasons for the significant deviations from budget by each service.

Spending within the Housing Revenue Account of £65.07m was in line with the budget. The reserve balance brought forward at 1 April 2019 was £5.093m and no application of reserves was 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) agreed to instruct service directors to take appropriate actions to maintain their costs within the approved budgets.**

EX107. Local Government in Scotland Financial Overview 2018/19

The Executive considered a report by the Director of Corporate and Housing Services which provided a summary of the Accounts Commission's Financial Overview 2018/19.

Scottish Government revenue funding remained the most significant source of income for local government. This funding, between 2013/14 and 2018/19, had decreased by 7.6% in real terms. In 2019/20 the grant increased by 2.9% in cash terms, a real terms increase of 0.9%, with 80% of the increase attributable to growth in specific revenue grant funding.

Capital expenditure increased by £62m (2.3%) in 2018/19 with a larger proportion spent on housing and economic development than in the previous year. Falkirk earned a specific mention in the report as one of the councils which had increased its housing stock by more than 100 homes.

In 2019/20 12 councils increased council tax by the full amount of 4.8%. Councils' 2019/20 financial plans identified a total funding gap of £0.5 billion (3% of income). The Scottish Government had committed to set multi-year budgets. The election impact on Westminster Budget timing and in turn of the Holyrood Budget had delayed this.

The pace of health and social care integration had been too slow and there was limited evidence to suggest any significant shift in spending from health to social care. A majority of IJBs struggled to achieve break-even and 19 would have recorded a deficit without additional funding from partners at the year end. Around a third of the IJBs failed to agree a budget with their partners for the start of the 2019/20 financial year. For several other IJBs, although the budget was set on time, there were elements of unidentified savings which produced an unbalanced budget at the start of the year.

Decision

The Executive noted the Financial Overview 2018/19.

Councillor Bissett left the meeting during consideration of the previous item.

EX108. Asset Surplus to Requirements – Land at 19-21 East Bridge Street, Falkirk

The Executive considered a report by the Director of Development Services which sought approval to sell land adjacent to 19-21 East Bridge Street, Falkirk.

Decision

The Executive:-

- (1) agreed to declare the area of land at East Bridge Street surplus to operational requirements, and**
- (2) authorised the Director of Development Services to dispose of the property by negotiation.**

EX109. 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 grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 11 and 12 of part 1 of schedule 7A to the said Act.

EX110. Holiday Pay Claims

The Executive considered a report by the Director of Corporate and Housing Services which provided an update in relation to the Holiday Pay claims.

Decision

The Executive noted the ongoing settlement discussions with the aim of settling outstanding claims.