



Falkirk Council

**VOLUME OF COUNCIL
AND COMMITTEE MINUTES**

**VOLUME 2
2022/2023**

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FALKIRK COUNCIL

Minute of meeting of the Scrutiny Committee held remotely on Thursday 8 September 2022 at Lesser Town Hall, Falkirk at 10.00 a.m.

Councillors: David Aitchison
Lorna Binnie (Chair)
Provost Robert Bissett
Gordon Forrest
Jim Robertson

**Councillors
also attending:** Gary Bouse
Paul Garner
Alf Kelly
Cecil Meiklejohn
Laura Murtagh
Robert Spears

Officers: Karen Algie, Director of Transformation, Communities and Corporate Services
Malcolm Bennie, Director of Place Services
Sophie Dick, Democratic Services Graduate
Laura Hadley, Service Manager, Social Work
Kenneth Lawrie, Chief Executive
Rebecca McDonald, Change Manager
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Kerry Raeburn, Programme Management Co-ordinator
Amanda Templeman, Chief Finance Officer

In the absence of the Convener, the Democratic Services Manager sought for nominations for a Chair to the meeting. Councillor Binnie was nominated which was seconded. Mr Pirie explained that the Chair would usually be chosen from an opposition party, however, due to one member of the opposition joining remotely and the other experiencing ill-health, it was appropriate to select from the administrative party.

S1. Apologies

Apologies intimated on behalf of Councillors McCabe, Anslow and Brown.

S2. Declarations of Interest

No declarations were made.

S3. Minute**Decision**

The minute of the meeting of the Scrutiny Committee held on 24 March 2022 was approved.

S4. Rolling Action Log

A rolling action log detailing the status of actions which had yet to be completed was presented for consideration.

The committee sought for confirmation as to when '596 – Care Inspectorate Inspection Report and Action Plan – Rannoch Early Learning and Childcare Centre' would be submitted to committee as it was noted that the establishment was reinspected on 07 July 2022. The Director of Children's Services explained that it would be presented initially to the Education, Children and Young Person Executive the following week but would be submitted to the Scrutiny Committee before the end of the year.

Decision

The committee noted the Rolling Action Log.

S5. Local Government Benchmarking Framework 2020/21

The committee considered a report by the Director of Transformation, Communities and Corporate Services which provided an update on the Local Government Benchmarking Framework (LGBF) data for 2020/21.

This report showed the impact of the first year of the pandemic on local government services. As Council's reacted independently to the operational challenges presented by the pandemic, gaps in data existed. The data results that were presented reflected the challenges of working through the pandemic.

Available on the Falkirk Council website was the 'My Local Council' portal which allowed for public scrutiny on the LGBF data.

The LGBF was based on several overall service groupings which covered the major public-facing services provided to local communities and the support services. These groupings were:

1. Children's Services (Education and Child Care)
2. Adult Social Care
3. Environmental Services
4. Culture and Leisure
5. Housing

6. Corporate Support Services
7. Economic Development and Planning
8. Financial Sustainability
9. Tackling Climate Change

The Chief Executive explained that whilst this approach may receive some criticism, it was a great improvement from the statutory performance indicators previously used. He noted that it was not a simple comparative tool as differences had to be considered, such as scale, geography and deprivation. He stated it was a tool which enabled discussion about relative performance. Whilst a number of indicators were included, Falkirk Council were taking the approach to focus on ones that were most important to the Falkirk Plan. Performance had improved over the 11 year period of the LGBF, however, both the LGBF Board and the Accounts Commission noted that due the financial constraints on the Council, this would be unlikely to continue. A key focus area for the LGBF Board was to improve the speed of reporting – work was ongoing to create the ‘Online Data Portal’ which would make the gathering and reporting of data automatic.

Members sought for assurance that each Council was gathering data and measuring indicators in the same way to ensure that comparisons were accurate. Mr Lawrie explained that the consistency of measurement was very high due to clear definitions of indicators and extensive work to ensure consistency. He explained that great progress had been made since issues were previously raised about consistency and greater clarity had been provided partly due a joint-working approach between Councils.

The committee gave thanks to the frontline services and their continual hard work throughout the pandemic as well as external partners who facilitated in the efforts.

57% (47) of Falkirk Council Performance indicators were deteriorating which was higher compared to the year before (36%). Members asked if this suggested performance had generally worsened and if any mitigations were in place to improve performance. The Chief Executive explained that it was correct to state that a decline in performance had occurred in the 2020/21 period, but this was a pattern seen across other Councils. He highlighted that the pandemic had created an inevitability in decline as it altered the way services were provided. Mr Lawrie noted that it would be most beneficial to focus on individual indicators to understand why they had declined; if this was seen across other Councils or if there was a particular reason for its decline. The reasoning behind the general decline was partially due to the pandemic, as well as financial constraints. A decline in performance due to finances was predicted by the Accounts Commission and it was important for the Council to identify what indicators were most important and focus resources there.

46% (41) indicators performed below the national average which had increased from the year prior (29%). The committee asked if this was due to the same reasons given in the previous question. Mr Lawrie confirmed that

Covid-19 and financial constraints were key factors. He noted that these could be described as general factors which impacted all Councils and therefore it was important to focus on individual indicators to identify Falkirk-specific reasons. He referred to indicator 'SC&L1 – Cost per attendance of sport and leisure facilities (including swimming pools)' which showed Falkirk had a value of £81.44 per visit whilst the Scottish average was £40.36 – this was also higher than the 2019/20 period which had an average of £3.89 per visit. He explained that Falkirk had historically performed poorly in this indicator due to the number of leisure centres in the area and the relatively low usage of each. In terms of the 2020/21 period, many other Councils utilised their leisure centres for Covid-19 responses, such as testing centres, therefore maintaining footfall. This example highlighted how the pandemic directly disrupted an individual indicator.

The Leader of the Council noted the importance of utilising the LGBF data in improvement plans. She stated that the data presented positive elements, such as the improvement in school attainment rates, and that these positive indicators should be maintained.

Following a question on what lessons had been learned from achieving 50% of indicators performing better than the Scottish average, the Chief Executive noted that learning was about improvement and change in services relating to individual indicators. He referred back to indicator 'SC&L1 – Cost per attendance of sport and leisure facilities (including swimming pools)' which he explained provided an insight into the number of buildings and quality of services and in turn, their ability to attract members of the public. He noted that other Councils had successfully improved this indicator through their investment in leisure centres and Falkirk wished to do so as well – this indicator would be considered in the Falkirk Plan. In terms of school attainment, the Council performed well but it would still be included in the Falkirk Plan as prospects for young people was reliant upon their school attainment. Many of these indicators were supported by a number of officers who liaised at a national level and tried to replicate performance which had proven to be successful. In terms of progressing with the LGBF data, he highlighted the importance of identifying the key indicators and focusing resources on them. This approach was supported by the Accounts Commission which expected Councils to have a clear understanding of which indicators were important as the Accounts Commission recognised the financial strain placed on Councils.

Members sought for clarity on what indicator 'SCHN1 - Cost per primary school pupil £' referred to. The Director of Children's Services explained it covered the expenditure per primary school pupil by calculating the total expenditure divided by the total number of primary school pupils. This indicator highlighted that the primary school sector was running efficiently. In terms of what was included in 'total expenditure', Mr Naylor clarified that it included the cost of teachers, support for learning assistants, cleaning, heating and more. In essence, all elements that went into running a primary school.

The committee made reference to indicator 'SCORP03b – The percentage of the highest paid 5% of employees who are women' which showed Falkirk attained 49.84%. It noted that this figure remained relatively unchanged in comparison to previous years (2018/19 at 49.33% and 2019/20 at 48.55%). It asked what was being done to address this topic and what mechanisms were in place to attract women into these jobs. The Director of Transformation, Communities and Corporate Services explained that the target for this indicator was 50%, which the Council had achieved. She recognised that an imbalance of either gender was to be avoided. At the time of the meeting, the Council was sitting at around 53% female and 46% in the highest 5% paid. Ms Algie noted that recruitment practices were central to this – the Council was unable to recruit only females but were able to ensure that recruitment practices were gender neutral and be fair as possible in following equality legislation.

Following a question on indicator 'SHSN5 – Percentage of council houses that are energy efficient', Ms Algie explained that the work included in this indicator referred to a number of projects such as heating systems and new windows/doors contract. The rendering of houses was also included as it focused on how houses could retain heat.

Members referred to indicator 'SCHN3 – Cost per pre-school place £' which showed the value as £9,426.68 in 2020/21 and was higher than the year before (£6,891.41). The increase in value aligned with the Scottish average of £9,254.90. They noted that this increase in expenditure related to the expansion of nursey provision and asked if there was any financial support from the Scottish Government to aide with this. The Director of Children's Services confirmed that the increased expenditure did relate the move to 1,140 hours entitlement for every pre-school child. The expansion of Early Years provision was funded by the Scottish Government through ringfenced funding which was expected to continue until the next year.

The committee referred to indicator 'SHSN2 - % of council rent that was lost due to houses remaining empty' which showed the value had increased to 1.58% from 1.31% in the previous year. It asked how this was being tackled. The Director of Transformation, Communities and Corporate Services explained that additional arrangements and contracts were in place to address the issue of void properties. Ms Algie agreed to refer back to committee with more information.

In reference to indicator 'SHSN4b – Average time taken to complete non-emergency repairs', members noted that the figure had increased to 13.88 from 5.55. They asked what mechanisms were in place to resolve this issue. The Director of Transformation, Communities and Corporate Services explained that during the pandemic, a number of restrictions were implemented which impacted on the delivery of the service and presented an inability to provide the repairs to a full extent. During this period, the service prioritised emergency repairs and focused on statutory requirements such as homelessness. As a result of this, a backlog of roughly 7,000 non-emergency repairs was created which the Council were committed to

resolving. Ms Algie explained that our assurance to resolve these issues differed from other Council who removed outstanding repairs from the system. Ms Algie stated that only around 400 repairs remained outstanding from the initial 7,000 and expected to have all outstanding repairs completed by next month.

Members referred back to indicator 'SC&L1 – Cost per attendance of sport and leisure facilities (including swimming pools)' which was high in value prior to the pandemic at £4.21 in 2018/19. They sought for information on an improvement plan to resolve this. Mr Naylor agreed that the cost per visit was high prior to the pandemic which he explained was due to the overprovision of swimming pools. He noted that other Councils only had public swimming pools in some wards. He explained that since the Falkirk Community Trust had returned to the Council and sport and leisure came under Children's Services, a review of the totality of that provision would be undertaken. Mr Naylor emphasised the importance of reviewing and resolving this issue.

The committee further discussed indicator 'SCHN3 – Cost per pre-school place £' and noted that the Falkirk 2020/21 value was above the Scottish average. The Director of Children's Services explained this was due to Falkirk Council including all children in the pre-5 setting – the Council operated 2 centres that children between 0-2 years old attended which incurred significant costs and very few Councils carried out this work. Therefore, increasing the overall value for Falkirk.

Mr Naylor responded to a question about a timescale for a report in relation to the future of swimming pools in the area. He explained there were no planned proposals at the time of the meeting, however, confirmed evaluations of existing swimming pools were being undertaken which considered their attendance and revenue. Benchmarking with other Councils was also ongoing. He assured committee that proposals were forthcoming to improve indicator 'SC&L1 – Cost per attendance of sport and leisure facilities (including swimming pools)'.

Mr Naylor clarified that any decision to close swimming pool facilities would be made by the Council and recognised that closures were a possibility.

Indicator 'SC&L2 (in plan) – Cost per visit to libraries' showed that Falkirk's value was £24.79 which was higher than the Scottish average of £2.88, members noted that the Council's value prior to the pandemic was still higher than the national average. They asked what plans were in place to increase footfall in libraries. The Director of Transformation, Communities and Corporate Services explained there was ongoing work to pull together a range of actions which would be presented to Council at the meeting on 28 September 2022 for consideration. As part of this work, a 5-year plan for libraries was included to address some of the issues. Aside from this, work currently in place included the introduction of Hubs into libraries which had proven to be positive as it increased footfall as well as enable other avenues for support whilst in the library.

Members referred to indicator 'SCLIM01 (in plan) – CO2 emissions area wide per capita' which highlighted a decline in Falkirk's value from 14.76% in 2018/19 to 13.28% in 2020/21, but despite efforts to reduce it was still higher than the Scottish average of 4.62%. They asked what the reason for this was and what measures were being undertaken to continue the reduction. The Director of Place Services noted the inclusion of Grangemouth in this indicator, which was the largest hubs for industry and biggest emitter of carbon in Scotland. He recognised that companies such as INEOS had made commitments to move towards a carbon reduction model which would positively impact this indicator. In terms of what the Falkirk Council could control, the emissions per capita was at a much better rate. Mr Bennie explained that many of the largest emitters were private companies and therefore the Council was unable to enforce any regulations upon them, however, many of these companies were moving towards greener energy.

Following a request regarding what steps large private companies were doing to reduce their carbon emissions, Mr Bennie stated a briefing would be submitted to members on business commitments.

The committee referred to indicator 'SECON2 – Cost per planning application' which showed an increase in value in the 2020/21 period (£5,810.09) despite few applications being processed due to the pandemic. Mr Bennie stated he would refer back to committee with more information.

Decision

The Scrutiny Committee noted the report.

FALKIRK COUNCIL

Minute of meeting of the Appointments Committee held at the Lesser Town Hall, Falkirk on Tuesday 20 September 2022 at 2.00p.m.

Councillors: Gary Bouse
Paul Garner
Anne Hannah
James Kerr
Cecil Meiklejohn (convener)
Euan Stainbank

Officers: Malcolm Bennie, Director of Place Services
Jack Frawley, Team Leader – Committee Services
Tracey Gillespie, Human Resources Manager

Also attending: Evelyn Dougherty, Scottish Recruitment Lead for Solace in Business

AP9. Apologies

There were no apologies.

AP10. Declarations of Interest

There were no declarations.

AP11. Exclusion of Public

RESOLVED, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

AP12. Selection Process for the Post of Head of Environment & Operations

The committee considered a report by the Director of Place Services outlining the selection process in relation to the post of Head of Environment & Operations. The committee agreed to interview a short list of 2 candidates.

Decision

The Appointments Committee agreed to appoint Douglas Gardiner to the post of Head of Environment & Operations on the relevant salary and conditions of service.

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held at Lesser Town Hall, Falkirk on Wednesday 21 September 2022 at 12.00 a.m.

Councillors: Provost Robert Bissett
Gary Bouse
William Buchanan (Convener)
Fiona Collie
Gordon Forrest
James Kerr
Alf Kelly (Depute Convener)
Laura Murtagh
Jack Redmond
Iain Sinclair
Euan Stainbank

Officers: Katherine Chorley, Planning Officer
Ian Dryden, Development, Building Standards & Climate Manager
Arlene Fraser, Committee Services Officer
Jack Frawley – Team Leader - Committee Services
Iain Henderson – Legal & Procurement Manager
Ryan McDonagh, Graduate Planner
Craig Russell, Senior Roads Development Officer
Julie Seidel-Gregory, Planning Officer
Crawford Sibbald, Environmental Health Officer
Brent Vivian, Senior Planning Officer

P28. Death of Queen Elizabeth II

This was the first meeting since the death of Queen Elizabeth II on 8 September 2022. In a mark of respect to the late Queen, the Convener led the committee in observing a two minute's silence.

P29. Order of Business

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

P30. Apologies

Apologies were intimated on behalf of Councillor Brown.

P31. Declaration of Interest

There were no declarations at this stage.

P32. Minute

The Minute of Meeting of the Planning Committee held on 31 August 2022 was approved, subject to the following amendment at the conclusion of item P23, namely:

The committee agreed to adjourn at 12.30 p.m. and reconvened at 1.10 p.m. with all members present as per the sederunt, with the exception of, Councillor Stainbank.

P33. Subdivision and Extension of Dwellinghouse to form New Dwellinghouse at 6 Booth Place, Falkirk, FK1 1BA for Mr and Mrs J Anderson - P/22/0239/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the subdivision and extension of dwellinghouse to form new dwellinghouse at 6 Booth Place, Falkirk, FK1 1BA for Mr and Mrs J Anderson -P/22/0239/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Councillor Lorna Binnie, to be heard in relation to this item.

The committee agreed to hear the deputation.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Graeme and Pam Sinclair, objectors, to be heard in relation to this item.

The committee agreed to hear the deputation.

With reference to Standing Order 33.5, the Convener referred to a late deputation request received from Ryan Marshall, the agent for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee granted planning permission subject to the following conditions:-

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

2. **Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

Reason(s):-

1. **As these drawings and details constitute the approved development.**
2. **To safeguard the visual amenity of the area.**

Informative(s):-

1. **In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.**
2. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.**
3. **The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:**

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. **In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

P34. Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding, Car Parking and Erection of Shed (Retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the change of use of vacant land to form private permanent gypsy/traveller pitch (one static caravan and one tourer), formation of hardstanding, car parking and erection of shed (retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Terry McWilliams, a representative for the applicant, to be heard in relation to this item but noted that she was, due to unforeseen circumstances, unable to attend the meeting and had passed on her apologies.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Lorna Robertson, an objector, to be heard in relation to this item.

The committee agreed to hear the deputation however, Ms Robertson was unable to join the meeting via remote access due to technical issues.

The committee agreed to a short recess and reconvened with all members present as per the sederunt. As a result of the technical issues, a short statement provided in writing by Ms Robertson was read to the committee.

Decision

The committee agreed to continue the matter to a future meeting of the Planning Committee in order to allow officers to check the ownership position of the application site and, as required, to serve notice of the application on the owner.

The committee agreed to adjourn at 1.25 p.m. and reconvened at 2.00 p.m., with all members present as per the sederunt.

P35. Mixed Use Development, Including Residential, Employment, Commercial and Retail Use, Open Space and Landscaping with Associated Infrastructure at Land to the East of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP – Continuation

The committee considered an update report by the Director of Place Services on an application for the mixed use development, including residential, employment, commercial and retail use, open space and landscaping with associated infrastructure at land to the east of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

P36. Construction of Dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

P37. Erection of 6 Dwellinghouses at Land to The North of Aldi, Greenpark Drive, Polmont for Abhainn Developments - P/20/0617/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the erection of 6 dwellinghouses at land to the north of Aldi, Greenpark Drive, Polmont for Abhainn Developments - P/20/0617/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Philip Neaves and Stephen Miles, representatives for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Provost Bissett seconded by Councillor Buchanan moved that the committee agrees to grant the application in accordance with the officer's recommendations.

As an amendment, Councillor Forrest seconded by Councillor Kerr moved that the committee refuse the application for the following reasons:-

1. The proposed development is considered contrary to Falkirk Local Development Plan 2 Policy PE01 (Placemaking) as it would not respond sympathetically to the site and its setting in terms of scale, siting and design.
2. The proposed development is considered contrary to Falkirk Council Local Development Plan Policy PE16 (Protection of Open Space) as it would result in unacceptable loss of open space and woodland.

3. The proposed development is considered contrary to Falkirk Local Development Plan 2 Policy PE20 (Trees, Woodland and Hedgerows) as the removal of safe and healthy trees would have a detrimental impact on local amenity.

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

For the motion (9) – Provost Bissett; Councillors Bouse, Buchanan, Collie, Kelly, Murtagh, Redmond, Sinclair and Stainbank.

For the amendment (2) –Councillors Forrest and Kerr.

Decision

The committee granted planning permission subject to the following conditions:-

- 1 **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
2.
 - i. **No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
 - ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing**

by the Planning Authority.

- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. No development shall commence on site until such time as details of surface water runoff treatment have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, details shall include confirmation of acceptance of surface water to the Scottish Water network where appropriate and only the approved details shall be implemented.
 4. There shall not at any time be any fencing or walls erected, within or at the perimeter of, the open space areas outwith private garden boundaries other than those details shown on the layout drawing bearing the Planning Authorities reference 03B and the tree retention/removals drawing bearing the Planning Authorities reference 06A.
 5. Prior to commencement of development on site and notwithstanding any details previously submitted, the development shall not commence until such time as details of a landscape plan and maintenance schedule has been submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented.
 6. Prior to commencement of development on site and notwithstanding any details previously submitted, an updated tree protection plan shall be submitted to and approved in writing by the Planning Authority. The protection fencing shall be in place prior to the commencement of development and retained for the duration of construction work. For clarity, there shall not at any time be materials, plant or machinery of any kind kept or stored within any tree protected area whilst the tree protection fencing is in place.
 7. Notwithstanding any details previously submitted, the development shall not proceed beyond foundation level until such time as details of acoustic fencing adjacent to the southern boundary of the site have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the acoustic fencing should be constructed using interlocking panels on steel beams and cross supports with suitable concrete foundations and where the density of the panels exceeds 10kg/m². The fencing shall be constructed in place prior to occupation of the dwellings and retained in perpetuity.

8. Prior to occupation commencing and notwithstanding any details previously submitted, all habitable rooms at south facing elevations shall be fitted with acoustic glazing and trickle vents to comply with BS 8233 Table 4 noise criteria.
9. No development shall commence on site until such time as the site has firstly been inspected by a licensed bat worker and a consequent report submitted to and approved in writing by the planning authority, demonstrating that there are no roosting bats at the application site or if bats are present, specifying mitigation measures. Thereafter all mitigation measures detailed shall be adhered to.
10. There shall be no construction work at the application site between the months of March to August inclusive unless a report has been submitted to and approved in writing by the planning authority. The report shall be prepared by a suitably qualified person demonstrating that there are no nesting birds at the site or that any nests present are no longer in use.
11. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - ii) a Statement of Conformity which confirms that 12%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To ensure that adequate drainage is provided.
4. To ensure public access to public open space areas.
5. To ensure that that landscape areas become satisfactorily established.

6. To safeguard trees to be retained at the development site.
- 7-8. To satisfactorily mitigate the impact of any noise from the adjacent retail development.
9. To safeguard the interests of roosting bats.
10. To safeguard the interests of nesting birds.
11. To ensure a satisfactory level of carbon reduction.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04C, 05A, 06A, 07, 08C, 09B, 10B, 11A, 12 and Supporting Documents.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

P38. Extension to Flatted Dwelling (Dormer) at 26A Braehead, Bo'ness, EH51 9DW for Mr Scott Livingstone - P/22/0289/FUL

The committee considered a report by the Director of Place Services on an application for the extension to flatted dwelling (dormer) at 26A Braehead, Bo'ness, EH51 9DW for Mr Scott Livingstone - P/22/0289/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Scott Livingstone, applicant and David Boyle agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee agreed to grant planning permission as it was satisfied (1) that the proposed development would not offend the visual amenity or neighbourhood amenity of the surrounding area and would be in line with the established character of the area and (2) with the scale, design and materials of the proposed development and that such grant of permission shall be subject to appropriate conditions and informatives as determined by the Director of Place Services.

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

P39. Declaration of Interest

Councillor Collie declared a non-financial interest in the following Item P40 as she had been involved in a number of enquiries relating to Cloy Bank and, having regard to the objective test in the Councillors' Code of Conduct, considered that she required her to recuse herself from consideration of the item.

Councillor Collie left the meeting at this point.

P40. Modification of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to Planning Permission P/12/0124/PPP at Land to The South of The Stables, Braeface Road, Banknock - for Mr John Penman - P/22/0060/75M

The committee considered a report by the Director of Place Services on an application for the modification of planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to planning permission P/12/0124/PPP at land to the south of the stables, Braeface Road, Banknock - for Mr John Penman - P/22/0060/75M.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, David Fleming, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee agreed:

- 1. to the proposed modification to the Planning Obligation; and**
- 2. that the Planning Authority reimburse Mr David Fleming for the open space contribution he had previously paid.**

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

The committee agreed to a short adjournment and reconvened with all members present as per the sederunt, with the exception of Councillors Bouse, Collie, Murtagh and Sinclair.

P41. Construction of Dwellinghouse at Land to The East Of 1 Hillcrest Square, Hillcrest Square, Reddingmuirhead for Cedarwood Developments Scotland Ltd - P/22/0279/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at land to the east of 1 Hillcrest Square, Hillcrest Square, Reddingmuirhead for Cedarwood Developments Scotland Ltd - P/22/0279/FUL

Decision

The committee is minded to grant planning permission subject to:-

- (a) Conclusion of a Legal Agreement in terms satisfactory to the Director of Development Services within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:**
 - **A financial contribution of £1,400 towards open space provision in Shieldhill; and**
 - **A financial contribution of £2,673.97 for Braes High School.**
- (b) Thereafter, remit to the Director of Development Services, to approve the application subject to the following conditions:-**
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
 - 2. i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

- ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - iv. **If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- 3. **No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.**
- 4. **No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.**
- 5. **The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
 - i) **a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
 - ii) **a Statement of Conformity which confirms that 12%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

6. No development shall commence on site until a suitable wayleave agreement is concluded in writing with the Council, a copy of the agreement shall be submitted to and recorded in writing by the Planning Authority. The depth of the sewer shall be checked and where required encased in concrete. There shall be no structures, including fence post or trees, over the line of the pipe in perpetuity.

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2-3. To ensure the ground is suitable for the proposed development.
4. To safeguard the visual amenity of the area.
5. To ensure the development achieves the required CO2 emission reduction as a result of development.
6. To ensure the future maintenance of the surface water sewer pipe within the site.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03A, 04, 05 and Supporting Documents.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

- 4. Roads Services within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.**

P42. Construction of Dwellinghouse with Associated Development Including Outbuilding and Stables at Site To The North West of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson - P/22/0360/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse with associated development Including outbuilding and stables at site to the north west of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson - P/22/0360/FUL.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

Councillor Murtagh re-joined the meeting after consideration of the previous item.

P43. Extensions to Dwellinghouse at 18 Netherby Road, Airth, Falkirk, FK2 8LQ for Mr Pawel Kowal - P/22/0237/FUL

The committee considered a report by the Director of Place Services on an application for the extensions to dwellinghouse at 18 Netherby Road, Airth, Falkirk, FK2 8LQ for Mr Pawel Kowal - P/22/0237/FUL.

Decision

The committee refused planning permission for the following reasons:-

- 1. The scale, massing and design of the proposed development would not be sympathetic to the existing building, adjoining property or surrounding area. The proposed development would be an overdevelopment of the modest single-storey dwellinghouse and would introduce features, such as a full height side extension and front dormer, which would be at odds with the character of the surrounding area. The application is contrary to policy HC08 'Residential Extensions and Alterations' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03.**

P44. Construction of Dwellinghouse at Land To the South of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at land to the south of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Ryan Marshall, agent for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

FALKIRK COUNCIL

Minute of Joint Meeting of the Pensions Committee and Board held on Thursday 22 September 2022 at Lesser Town Hall, Falkirk at 10.00 a.m.

Present:

Committee:-

Councillors - Falkirk Council:-

Lorna Binnie (Convener)

Jim Flynn

Iain Sinclair

Euan Stainbank

Andy Douglas, Unison

Douglas MacNaughtan, Pensioner Representative

Councillor Bryan Quinn, Clackmannanshire Council

Board:-

Tony Caleary, Unison, Stirling Council

Sandy Harrower, Unite

Ed Morrison, SCRA

George Murphy, Stirling Council

Attending:

Catherine Carruthers, Pensions Manager

Sophie Dick, Graduate

Justyna Korszen-Bennett, Senior Accountant

David Macleod, Internal Auditor

Sarah McPhee, Senior Internal Auditor

Brian Pirie, Democratic Services Manager

Amanda Templeman, Chief Finance Officer

Also in attendance:

Albert Chen, Lothian Pension Fund

Bruce Miller, Lothian Pension Fund

Olga Potapova, EY

Hassan Rohium, EY

PE.14 Apologies

Apologies were intimated on behalf of David Morgan, SEPA and David Wilson, Unison, Clackmannanshire Council

PE15. Declarations of Interest

There were no declarations.

PE16. Minute**Decision**

The minute of the joint meeting of the Pensions Committee and Board held on 25 August 2022 was approved.

PE17. Internal Audit Annual Assurance Report for 2021/22

The Committee and Board considered a report by the Internal Audit, Risk and Corporate Fraud Manager providing an update on Internal Audit work undertaken in respect of the Falkirk Council Pension Fund during 2021/22, and providing an assurance on arrangements for risk management, governance, and control based on that work.

Two minor discrepancies between the actual and expected contribution rates had been identified. The Internal Auditor clarified this discrepancy was on the employer's side. The Pensions Section had contacted the employer and rectified the issue.

Decision**The Committee and Board:-**

- (1) noted that Internal Audit could provide substantial assurance in respect of the Fund's arrangements for risk management, governance, and control for the year to 31 March 2022.**

PE18. Internal Audit Plan for 2022/23

The Committee and Board considered a report by the Internal Audit, Risk and Corporate Fraud Manager providing a Falkirk Council Pension Fund Internal Audit Plan for 2022/23 and sought the approval of that Plan.

Internal Audit's work during 2022/23 would include Pension Fund Transactional Testing. The purpose of the work was to ensure that:

- new member contributions to the Pension Fund were properly calculated;
- the correct values of pension rights either transferred into, or out of, the Pension Fund have been received or paid;
- the correct pension payments were paid to retiring Fund members;
- the correct lump sum payments were made in respect of deceased Fund members; and
- the controls around i-Connect (electronic transfer of data from employers creating starters and leavers) are operating effectively

The work would also include a follow up review of the recommendations made within the 2021/22 Internal Audit review of internal and external assurances provided to the Pension Fund Manager on the Fund's cyber security arrangements.

Following a question on whether the upcoming External Audit should be incorporated into the Internal Audit Plan for 2022/23, the Senior Internal Auditor clarified that it was built into the Internal Audit Plan for Falkirk Council.

The Board sought for clarity on whether the additional assurance work would be focused on the merger of Falkirk Council Pension Fund with Lothian Pension Fund. The Senior Internal Auditor explained that focus would mainly be placed on Transactional Testing and the follow-ups to cyber security recommendations. In terms of work relating to the merger, this was ongoing and therefore had no end-date as it would only finish once the merger was complete.

Decision

The Committee and Board:-

- (1) agreed the proposed Falkirk Council Pension Fund Internal Audit Plan 2022/23; and**
- (2) noted that an Annual Assurance Report will be provided.**

PE19. Annual Audit Report 2021/22

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing the Annual Audit Report on the Pension Fund by the Fund's external auditors, Ernst & Young LLP (EY).

The Fund audit for 2021/22 has been undertaken by the external auditors, EY. The 2020/21 was the fifth year of the original five-year appointment for EY but in view of the Covid-19 pandemic, EY's appointment as Fund auditor was extended to cover the 2021/22 financial year.

The Audit Report indicated that:

- the audit opinion would be unqualified (subject to finalisation of subsequent events and completion procedures)
- EY was satisfied with the Going Concern basis of accounts preparation
- other information included in the Fund Annual Report was consistent with the financial statements
- in relation to matters reportable by exception (such as the failure to keep adequate accounting records), EY had nothing to report, and

- the audit of wider scope work, focusing on Financial Sustainability, Governance and Transparency, Financial Management and Value for Money, raised no issues and was all rated “green” in the EY report.

The audit identified two unadjusted differences which Management has chosen not to adjust on the grounds of materiality. These differences were:

- £19 million in relation to the undervaluation of private equity and other complex investments because the valuation for some assets as at 31 March 2022 was not available when the unaudited Annual Report and Accounts was published, meaning the accounts were based on the best available information. More up to date information was now available during the audit which results in a difference arising, and
- £9.4 million relating to the reversal of corporate action posted by the Custodian to the incorrect period (April 2022).

The total base audit fee for the 2021/22 audit has been set by EY at £28,430 (£29,650 in 2020/21).

The overall materiality limit set by EY for the audit was £32m (i.e. 1% of Fund assets), with the tolerable error level set at £16m (50% of overall materiality). The level of audit differences to be reported to Committee was set at £250k.

In the course of the audit, EY had identified two audit differences over £250k of £19m and £9.4m. Management had chosen not to adjust the accounts for these differences, noting that the financial statements were prepared with the best information available at the time of preparation in line with required statutory guidelines. An explanation for not adjusting the financial statements for the identified differences was included in the letter of representation.

Decision

The Committee and Board noted:-

- (1) the Annual Audit Report for 2021/22;**
- (2) the intended unqualified audit opinion, and**
- (3) the two identified audit differences**

The Committee agreed:-

- (1) the letter of representation addressed to EY from the Chief Finance Officer and Chair of the Pensions Committee, and**
- (2) the response to the EY letter of 26 July 2022 addressed to the Pensions Committee.**

PE20. Audited Pension Fund Annual Report and Accounts 2021/22

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing the audited version of the Pension Fund Annual Report and Accounts for 2021/22.

The committee asked what allowance had been allocated to align the raise in pensions as set out by the UK Government. The Pensions Manager explained that the annual pension increase was dictated and enshrined into legislation – this figure was decided upon the movement in consumer prices between September 2021 to September 2022.

Decision

The Committee approved the signing of the Audited Pension Fund Annual Report and Accounts 2021/22 and their publication on the Fund website.

PE21. General Governance Matters

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing an update on miscellaneous matters related to Falkirk Pension Fund business.

Decision

The Committee and Board noted the report.

PE22. Market Review and Fund Manager Performance

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing an update on recent investment market developments, the Fund's strategic allocation and performance and on the monitoring activity of the Fund's investment mandates during the most recently completed quarter.

Following a question on whether the ongoing conflict in Ukraine presented a risk, and if so what mechanisms were in place to monitor the impact, Mr Chen explained that the volatility experienced thus far in the year was due to this conflict. In terms of how to prepare for risk, according to Mr Chen, was to have a diverse portfolio and range of strategies – for example, invest in different types of equity fund or debt. He assured the committee and Board that the Fund was currently well positioned.

Decision

The Committee and Board noted:-

- (1) recent investment market developments;**
- (2) the Fund's strategic allocation;**
- (3) the Fund's performance for the period ending 30 June 2022, and**
- (4) the investment monitoring activity of the JISP.**

PE23. Engagement and Voting Activity

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing and update on the engagement and voting activity undertaken by the Fund during Quarter 2 of 2022.

Decision

The Committee and Board noted:-

- (1) the report, and**
- (2) the reports provided by Hermes EOS.**

PE24. Exclusion of Public

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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A to the said Act.

PE25. Merger Update

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing an update on the proposed merger of Falkirk Council Pension Fund (the Fund) with Lothian Pension Fund (LPF).

Decision

The Committee and Board noted the report.

PE26. Joint Investment Strategy Panel Update

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services summarising the key matters discussed at the meeting of the Joint Investment Strategy Panel (JISP) on 6 September 2022.

Decision

The Committee and Board noted the report.

FALKIRK COUNCIL

Minute of meeting of the Education, Children and Young People Executive held in the Lesser Town Hall, Falkirk with remote participation on Monday 26 September 2022 at 10.00 a.m.

Councillors:

James Bundy
Fiona Collie
Paul Garner
Anne Hannah
James Kerr
Cecil Meiklejohn (Convener)
Laura Murtagh
Alan Nimmo
Siobhan Paterson
Euan Stainbank

**Representatives
of Religious
Bodies:**

Rev Michael Rollo

Co-Optees:

John Chalmers, Teacher Representative
Fiona Craig, Teacher Representative
Grace Galvin, Pupil Representative
Declan McGavin, Pupil Representative

Officers:

Arlene Fraser, Committee Services Officer
Jack Frawley, Team Leader – Committee Services
Gary Greenhorn, Head of Planning and Resources
Rhona Jay, Service Manager
Paul Kettrick, Head of Invest Falkirk
Sara Lacey, Head of Social Work
Cathy Megarry, Service Manager
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Arun Singh, Senior Service Manager

ECYE10. Death of Queen Elizabeth II

This was the first meeting since the death of Queen Elizabeth II on 8 September 2022. In a mark of respect to the late Queen, the Convener led the committee in observing a minute's silence.

ECYE11. Apologies

Apologies were intimated on behalf of Councillor Bouse, Maureen Harkins, Church Representative and Agnes Mullen, Church Representative.

ECYE12. Declarations of Interest

There were no declarations of interest.

ECYE13. Minute**Decision**

The minute of the meeting of the Education, Children and Young People Executive held on 21 June 2022 was approved.

ECYE14. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 21 June 2022 was provided.

Decision

The Education, Children & Young People Executive noted the rolling action log.

ECYE15. Education, Children and Young People Executive – Pupil Representatives

The Education, Children & Young People Executive considered a report by the Director of Transformation, Communities & Corporate Services which sought the appointment of two new pupil representatives as non-voting members to the Education, Children and Young People Executive.

In line with the agreed selection process, St Mungo's RC High School had nominated two pupils, Grace Galvin and Declan McGavin as the representatives for this year.

Information was provided on progress in relation to the selection process for the nominations of the two Teacher Representatives and two Parent Representatives.

Decision

The Education, Children and Young People Executive:-

- (1) agreed to appoint Grace Galvin and Declan McGavin as the two Pupil Representatives on the Education, Children and Young People Executive, with immediate effect for a period of one year; and**
- (2) noted the progress in relation to the selection process of the two Teacher Representatives and two Parent Representatives.**

ECYE16. Accommodation and Supports for Unaccompanied Children Arriving in Falkirk

The Education, Children & Young People Executive considered a report by the Director of Children's Services which provided an update on the predicted increased demand on Falkirk Council to provide safe accommodation and care for unaccompanied asylum-seeking children through the National Transfer Scheme (NTS).

In August 2022, the Minister for Safe and Legal Migration notified all Councils of immediate changes to the NTS which emphasised the importance for local authorities to plan and prepare to ensure that Unaccompanied Asylum-Seeking Children (UASC) receive suitable placements.

A significant change to the NTS is the 10-day transfer deadline previously set out in the Protocol, is now reduced to 5 working days for all transfers of UASC not currently in the care of a local authority. This change results in less time for local authorities to plan and source a suitable placement for the young people.

In addition to the changes to the NTS, the Home Office announced on 22 June 2022 that a safe route be opened to allow unaccompanied children to travel to Scotland to seek refuge from the war in Ukraine via a sponsor scheme. An outline of the proposed process for minors neither travelling with, nor joining their parent or legal guardian, was attached as an Appendix to the report.

Falkirk Council had a legal and moral duty and desire to provide safety and nurture to children seeking asylum and refuge. There was a national shortage of foster carers and in line with the Closer to Home Strategy, additional resources had been directed to the recruitment of fostering families. Other local authorities had successfully recruited fostering families specifically for young people accommodated through the NTS, which is another option for consideration.

Details were provided of the Council's supported accommodation project, and supported carer/lodging service. Through the Closer to Home Strategy, there was an opportunity to prioritise development of these services to create capacity in the system which would allow young people to move on to more independent living from residential/foster care.

Decision

The Education, Children and Young People Executive:-

- (1) noted Falkirk Council's responsibility to provide placements to unaccompanied asylum seeking children through the National Transfer Scheme;**
- (2) noted the responsibility to undertake an assessment in accordance with private fostering arrangements for sponsors offering a placement to Ukrainian children through the Homes for Ukraine unaccompanied sponsor scheme, and**
- (3) agreed that the Service explore options for additional supported accommodation which would increase and enhance choice for all care experienced young people in Falkirk.**

John Chalmers and Fiona Craig joined the meeting during consideration of the previous item.

ECYE17. Initial Response Team Pilot

The Education, Children & Young People Executive considered a report by the Head of Social Work, Children's Services/ Chief Social Work Officer which provided an update on the performance of the Initial Response Team Pilot, which had been initiated during the Covid-19 pandemic.

Too many children and young people who were being referred to the service for the first time were subject to long wait times. Six locality-based teams were responding to long term interventions, screening new referrals to ensure immediate action was not required, which in turn caused unacceptable delays in completing assessments and caused an area of significant risk.

All new referrals were processed by the IRT allowing the locality teams to focus on unassessed referrals. In providing a single point of referral, the pilot achieved greater consistency in screening and responding to referrals across Falkirk. Referrals were screened on the day of receipt reducing the waiting period for initial assessment. To ensure the service was correctly constructed for the future needs of families and to ensure lessons were learned from the pilot, a full evaluation would be undertaken.

Decision

The Education, Children and Young People Executive:-

- (1) noted the performance of the Initial Response Team;**
- (2) noted the plan to embed this team permanently within the Children & Families service delivery model after a full evaluation had been undertaken, and**

- (3) agreed to an additional year of service delivery which would extend the pilot period from 31 March 2023 to 31 March 2024.**

The Executive agreed to a recess at 11.10 a.m. and reconvened at 11.25 a.m. with all members present as per the sederunt.

ECYE18. Learning Estate Strategy

The Education, Children & Young People Executive considered a joint report by the Directors of Children's Services and of Place Services which presented a new Learning Estate Strategy (LES). The Council's was produced to recognise and reflect the new and emerging structure of the Council and in particular, the central approach to asset planning, management, and investment.

The LES outlined the principles in the National Learning Estate Strategy which set out a clear focus for Falkirk's future priorities and investment within the learning estate. The Strategy details the importance of the Learning Estate in delivering some of the Council's and Scottish Government's primary objectives. This would be reviewed annually to ensure that it evolved to meet the continually changing needs at both national and local levels.

Decision

The Education, Children and Young People Executive:-

- (1) agreed to adopt the Learning Estate Strategy, and**
- (2) noted the strategy would be reviewed on an annual basis.**

ECYE19. SQA Attainment in Falkirk Secondary Schools (2022)

The Education, Children & Young People Executive considered a report by the Director of Children's Services which provided information on the initial analysis of Scottish Qualifications Authority (SQA) attainment within Falkirk Council secondary schools in 2022.

The Covid-19 pandemic caused the SQA exam diet to be cancelled. An alternative certification model was introduced in 2020 and revised in 2021. The SQA's exam diet resumed in 2022 and for this year's cohort, it was the first time they had undertaken formal examination.

The report provided information obtained from the Council's management information system and detailed only passes in National 3 and 4 courses and A-C passes of graded courses within the National Qualifications framework. Figures would be updated later in the session by the Scottish Government's Insight information system. This would be refreshed in the spring of 2023 to include outcomes for SQA unit awards, and SQA & non-SQA vocational courses.

Details of the actions to be implemented within the authority to further improve attainment levels and performance within the senior phase was also provided.

Decision

The Education, Children and Young People Executive:-

- (1) noted the SQA attainment of Falkirk Council secondary schools, and**
- (2) agreed that a future report would be presented to the Education, Children and Young People Executive in the spring of 2023 to take account of updated and additional SQA and other attainment data.**

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held at Lesser Town Hall, Falkirk on Tuesday 27 September 2022 at 10.00 a.m.

Councillors: David Aitchison
Margaret Anslow
Depute Provost David Balfour (Depute Convener)
Bryan Deakin
Stacey Devine
Jim Flynn
James Kerr
Ann Ritchie
Jim Robertson
Euan Stainbank (Convener)

Officers: Sophie Dick, Democratic Services Graduate
Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Interim Legal Services Manager
Frances Kobiela, Senior Solicitor

CL33. Death of Queen Elizabeth II

This was the first meeting since the death of Queen Elizabeth II on 8 September 2022. In a mark of respect to the late Queen, the Convener led the committee in observing a minute's silence.

CL34. Apologies

There were no apologies.

CL35. Declarations of Interest

There were no declarations of interest.

CL36. Minute

The minute of the meeting of the Civic Licensing Committee held on 24 August 2022 was approved.

CL37. List of Applications Granted Under Delegated Powers During August 2022 and Notifications of Public Processions Pending

The committee considered a report by the Chief Governance Officer detailing applications granted under Delegated Powers during August 2022 and Notifications of Public Processions Pending.

Decision

The committee noted the report.

CL38. Exclusion of Public

RESOLVED in terms of section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL39. Application for a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi driver licence.

Decision

The committee agreed:-

- (1) to give the applicant an opportunity to take and pass the knowledge test by 31 October 2022, and should the applicant pass the knowledge test, to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence; and**
- (2) should the applicant fail to pass the knowledge test by 31 October 2022, that the application be refused in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, had failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions.**

CL40. Application for a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi driver licence.

Decision

The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions.

CL41. Application for a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a taxi driver licence.

Decision

The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions.

CL42. Application for a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi driver licence.

Decision

The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions.

CL43. Application for a New Taxi Operator Licence

The applicant, Mr McB, was in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi operator licence.

The committee heard from the applicant in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the new taxi operator licence, being satisfied that the circumstances justified a departure from the current policy in respect of the age of the proposed Wheelchair Accessible (WAV) vehicle, with a condition that the WAV vehicle be first registered within the last 5 years, subject to the appropriate insurance documentations; V5 certificates and MOT certificates being submitted to the satisfaction of officers, and subject to the standard conditions for the period of one year.

The committee agreed to a brief adjournment and reconvened with all members present as per the sederunt.

CL44. Revocation/Suspension Hearing in relation to a Taxi Driver Licence

The licence holder, Mr McG, was in attendance.

The committee considered an update report by the Chief Governance Officer providing (a) the background of the DVLA Group 2 Regulations Standards which all taxi/private hire car drivers licensed within the Falkirk Council area are required to meet; (b) setting out details of a change to the licence holder's circumstances relating to his medical fitness; (c) information from Dr Mears in relation to the licence holder's medical fitness; and (d) letters in relation to the licence holder, from Dr Lyall, Consultant Ophthalmologist and Dr Yates, Consultant Physician COTE/Stroke Medicine.

Since the report was issued, the licence holder had submitted additional information in support of his application which he wished to be circulated to members.

The committee agreed that the additional information be circulated.

The Licensing Co-ordinator requested that the DVLA's "Assessing Fitness to Drive" – A guide for medical professionals be circulated.

The licence holder and the committee confirmed that they had no objection to this being circulated.

Both documents were circulated.

The committee heard from the Licensing Co-ordinator in summary of the report, the DVLA guidance, and in response to questions asked by members.

The committee then heard from the licence holder in relation to his initial medical diagnosis and in summary of the information he submitted in support of his application.

Questions were then asked by members of the committee

The committee agreed to a brief adjournment and reconvened with all members present as per the sederunt.

Decision

The committee agreed to suspend the taxi driver licence for the unexpired portion of the duration of the licence, or until the licence holder meets the DVLA Group 2 Regulations Standard, whichever is sooner, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(2)(c) on the ground of public safety.

Draft**FALKIRK COUNCIL**

Minute of meeting of the EXECUTIVE held on Tuesday 4 October 2022 at the Lesser Town Hall, Falkirk at 10.30 a.m.

Councillors: Gary Bouse
 William Buchanan
 James Bundy
 Stacey Devine
 Paul Garner
 Anne Hannah
 James Kerr
 Cecil Meiklejohn (Convener)
 Alan Nimmo
 Siobhan Paterson
 Iain Sinclair
 Euan Stainbank

Officers: Karen Algie, Director of Transformation, Communities & Corporate Services
 Malcolm Bennie, Director of Place Services
 Richard Broadley, Planning & Environment Manager
 Jack Frawley, Team Leader – Committee Services
 Kenny Gillespie, Head of Housing & Communities
 Paul Kettrick, Head of Invest Falkirk
 Kenneth Lawrie, Chief Executive
 Michael McGuinness, Head of Growth, Planning & Climate Change
 Colin Moodie, Chief Governance Officer
 Natalie Moore-Young, Strategy & Performance Manager
 Mari-Claire Morgan, Energy and Climate Change Co-Ordinator
 Robert Naylor, Director of Children's Services
 Anna Perks, Biodiversity Officer
 Brian Pirie, Democratic Services Manager
 Amanda Templeman, Chief Finance Officer
 Danny Thallon, Environment Co-ordinator
 Martin Thom, Head of Integration

In accordance with section 43 of the Local Government in Scotland Act 2003 the Convener had directed that the meeting would be conducted by video conference to allow remote attendance by elected members.

EX27. Apologies

There were no apologies.

EX28. Declarations of Interest

There were no declarations.

EX29. Minute**Decision**

The minute of the meeting of the Executive held on 23 August 2022 was agreed as a correct record.

EX30. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 23 August 2022 was provided. Items 543 - Biodiversity and Sustainable Grass Management Pilot; 580 - Kinneil Walled Garden Masterplan; and 601 – UK Levelling Up Fund – Champany Junction Proposals and A801 Avon Gorge Update, were all subject of reports on the agenda for this meeting and subsequently fell from the action log.

Decision

The Executive noted the rolling action log.

EX31. Referral Corporate Partnership Forum

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Hybrid Working Policy and Recovery of Overpayments Policy from the Corporate Partnership Forum of August 2022 for consideration and approval.

The hybrid working policy was a new policy and had been developed as part of the Council of the Future Anytime Anywhere Project which allowed and promoted office-based employees to work from home and different locations. Whilst home working was in place prior to the pandemic, the pandemic accelerated this way of working, with all office-based employees provided with suitable technology to work from home. The main purpose of the policy was to:-

- Identify workstyle categories, with different categories applied depending on specific roles
- Reflect the new ways of working and outline expectations and behaviours of hybrid working
- Outline the modern workplace specification and how to book a desk
- Confirm how an employee could opt in or opt out of hybrid working, offering employees the opportunity to opt in and out on a voluntary basis.

The Recovery of Overpayments Policy had been updated and the main changes were:-

- updating the process used to communicate with Payroll about overpayments.
- reflect updates in the Financial Regulations in that managers were expected to access monthly staffing information on PowerBI rather than via reports issued by Payroll
- provide information on financial and emotional support available to employees through the Council's website
- document reviewed into new format and amended to improve clarity and readability.

Decision

The Executive approved the:-

- (1) new Hybrid Working Policy for immediate implementation, and**
- (2) updated Recovery of Overpayments Policy for immediate implementation**

EX32. Climate Emergency Update

The Executive considered a report by the Director of Place Services which provided an update on the work undertaken to date and sought agreement in relation to implementation of future actions of the Climate Emergency Strategy.

The report highlighted the progress that had been made to date on the journey to Net Zero and identified the challenges that the Council faced in reaching this target. Significant amongst these was the lack of capital investment available to undertake improvement works and the lack of projects in development to meet the target. Officers would continue to drive forward the ambition but at present there was a real risk that the target would not be met unless these factors could be addressed in the coming years.

The report provided further detailed information on:-

- Reduction scenarios
- Closing additional office buildings
- Converting all vehicles (excluding refuse vehicles) to EV
- Local Heat and Energy Efficiency Strategies
- Carbon Budgeting
- Climate Change Governance
- Screening Template for Committee Reports.

Decision**The Executive:-**

- (1) agreed that a Climate Emergency Strategy be developed for approval in 2023; and that the strategy would require consideration of displacement into Scope 3 when decisions were made or actions taken to reduce Scope 1 and Scope 2 emissions;**
- (2) noted the developing decarbonisation priorities set out in appendix 2 to the report, and**
- (3) agreed the proposed standardisation of net zero screening in section 3 of committee reports.**

EX33. Local Housing Strategy 2017 – 2022 Annual Review

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which provided an update on progress with actions in the final year of the current Local Housing Strategy (LHS) 2017-2022 and sought approval to submit the annual update to Scottish Government.

The report provided detail updates against each of the six LHS Priorities. The priorities were:-

- Priority 1 – The supply of housing is increased
- Priority 2 – Creating sustainable communities
- Priority 3 – Improve access to housing
- Priority 4 – Housing and Support for Vulnerable Groups
- Priority 5 – Sustainable housing: fuel poverty and climate change
- Priority 6 – Improving housing conditions

Decision**The Executive:-**

- (1) noted progress in delivering the Local Housing Strategy 2017-2022;**
- (2) approved the LHS Update for submission to Scottish Government;**
- (3) noted the new tenant approved Tenant & Customer Participation Strategy 2022 – 2025, and**
- (4) noted the key findings of the draft Housing Need and Demand Assessment.**

EX34. Strategic Housing Investment Plan 2023/24 – 2027/28

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Strategic Housing Investment Plan (SHIP) 2023/24 to 2027/28 and sought approval of the contents for submission to the Scottish Government.

The SHIP outlined the strategic investment priorities for affordable housing over a 5-year period, to achieve the targets specified in the Local Housing Strategy (LHS). The SHIP programme was fluid and adaptable and may change in response to a range of factors.

Housing would explore new ways of increasing the affordable housing supply, this included considering design and build partnerships, joint developments with other social housing providers. A Graduate had joined the Strategy & Development team to research innovative practice across the UK to inform the approach. The affordable housing supply target set out in the LHS was 123 additional new build homes per year.

Scottish Government required the SHIP to be submitted by 28 October 2022 and it must demonstrate an auditable decision-making process. Scottish Government SHIP guidance stated an expectation to produce a balanced and realistic development programme, on the basis of RPA +25%, to help ensure that the targets for spend and unit numbers were delivered.

The Buy Back Scheme had purchased 730 ex-local authority homes since 2013/14. The SHIP outlined a target to purchase 500 over the next 5 years. The average cost to purchase a property through the Buy Back Scheme had increased from £56,935 in 2013/14 to £95,698 in 2021/2022.

Decision**The Executive:-**

- (1) approved the Strategic Housing Investment Plan 2023/24 - 2027/28 for submission to Scottish Government;**
- (2) noted the risks associated with rising costs of Council new builds, and**
- (3) agreed that the SHIP be adapted in line with available resources in order to maximise the supply of affordable housing options set out in the Affordable Housing Policy to the Local Development Plan approved in May 2021.**

EX35. Scottish Housing Regulator Annual Assurance Statement

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Annual Assurance Statement on the activities of the Council's Housing Service for approval, as required by the Scottish Housing Regulator Regulatory Framework.

In development of the annual assurance statements the Service engaged Internal Audit to undertake an independent validation and had been awarded substantial assurance based on the evidence provided. The Executive was invited to consider whether it had sufficient evidence to be assured and approve the Annual Assurance Statement as appended to the report.

The Annual Assurance Statement complemented several internal and external reports that demonstrated the service's commitment to performance reporting and scrutiny. These included the Annual Return to the Charter, which was tenant approved before submitting to the Regulator, and had also been subject to both internal and external audit checks. Performance was also reported to the Council's Scrutiny Committee.

Decision

The Executive approved the Annual Assurance Statement, prior to its submission to the Scottish Housing Regulator.

EX36. Review of Transport (Zero Based Budgeting Project)

The Executive considered a report by the Director of Place Services which provided an update on progress of the Zero Based Budgeting (ZBB) Review of Transport across Council services, this had a specific focus on areas where the Council had overprovision of services above statutory levels of service.

The Council had had an above-average accident rate across its 600 strong fleet of vehicles for several years which had fed through to higher insurance premiums. Actions would be taken forward to address this.

The provision of a School Crossing Patrol service was non-statutory and the responsibility for getting a child to/from school lay with the parent/guardian. The Council's criteria was significantly more generous than the national for provision of a school crossing patrol. Reducing Falkirk Council's criteria to the national level would result in:-

- 9 School Crossing Patrol points being withdrawn;
- 9 School Crossing Patrollers needing to be redeployed or made redundant (1.48 FTE); and
- An ongoing financial saving of approximately £32,000 per annum.

The Council spent £1.1m to subsidise local bus services on routes that were not commercially viable to private operators. There was no statutory obligation for local authorities to provide subsidised bus services.

Each day, Falkirk Council transported c.3,500 mainstream pupils to and from school using around 120 vehicles costing approximately £2.9million per year. The current distance entitlement criteria for free school transport was:-

- pupils who were under 8 years of age and lived more than 1 mile from their catchment school,
- pupils who were 8 years of age or older and lived more than 2 miles from their catchment school.

Distances were measured using the nearest available safe walking route. Across Scotland 50% of Councils offered free transport based on criteria closer to the statutory requirement, mainly 2 miles for primary and 3 miles for secondary. If the Council moved to this model savings could be achieved.

ASN transport was provided for approximately 560 children each day at an annual cost of approximately £2m. It was recommended that a review of the ASN transport policy was undertaken in 2023 to determine if all pupils currently receiving ASN transport required to do so, whether or not they needed a passenger transport assistant, and whether they could travel in a vehicle with other pupils. The revised policy would also include an annual review of transport entitlement.

Decision

The Executive:-

- (1) noted the progress of the ZBB Transport project;**
- (2) noted the activity under delegated authority linked to vehicle hires, employee travel and insurance premiums;**
- (3) agreed that a report be submitted to a future meeting reviewing the provision of school crossing patrollers at the nine locations which were above the national statutory requirements;**
- (4) requested development of demand responsive transport options for consideration that could potentially replace subsidised bus routes that had low usage levels;**
- (5) agreed that a report considering a statutory consultation on a change to the school transport criteria be submitted to the next Education, Children and Young People Executive, and**
- (6) agreed that a review of ASN transport take place in 2023/24.**

EX37. Avon Gorge (A801) Update

The Executive considered a report by the Director of Place Services which provided an update on progress of the Avon Gorge (A801) project with West Lothian Council and Transport Scotland.

A significant amount of work had been done by all partners to move the project forward. Whilst construction costs were reviewed in 2020 and were estimated at approx. £52m, they only reflected increases in construction costs and design standards. Market forces resulting in substantial inflationary pressures on material, labour and wider business costs had escalated over the past two years and more dramatically over the past 6 months. Current high level outline estimates were that the project would cost approximately £70m.

The Scottish Government's "Infrastructure Investment Plan for Scotland 2021/22 to 2025/26" gave a commitment for Transport Scotland to support Falkirk and West Lothian Councils in the delivery of the Avon Gorge (A801) strategic infrastructure project and included provision of £22m from Scottish Government.

Transport Scotland had drafted a Memorandum of Understanding which would establish the principles for the delivery of the project and the responsibilities of each of the partners. They were also considering support that may be available to progress the development of the business case.

An update report would be provided to Executive following more detailed development of the business case including, consideration of the updated costs, the terms of the proposed Memorandum of Understanding, and discussions with both Scottish Government, UK Government and WLC on future financial implications including the proposed Levelling Up Fund bid.

Decision

The Executive noted:-

- (1) the current position on the Avon Gorge (A801) project;**
- (2) that on current cost estimates the project was unaffordable;**
- (3) the ongoing discussions and proposed memorandum of understanding to be entered into with West Lothian Council and Transport Scotland, and**
- (4) noted the initial outline timescales to progress the project business case stages (subject to funding) and proposed arrangements for engagement with stakeholders.**

EX38. Strategic Parks Masterplanning

The Executive considered a report by the Director of Place Services which provided a progress update, with definite plans for Kinneil Estate including options for a potential Heritage Lottery Bid. In addition, the report proposed how the Council responded to the transition of management of Kinneil Estate along with three other Strategic Parks (Muiravonside Country Park, Callendar Park and the Helix) back from Falkirk Community Trust to Falkirk Council as of 1 April 2022.

Kinneil Estate had a limited annual revenue budget (£14k/annum) and no dedicated capital budget other than that ringfenced for repair and development of the Walled Garden. There was no income target for the Estate but it had generated an average annual income of £3.5k per year (between 2017/18 and 2021/22). Implementation of the existing Estate Masterplan was not complete. The Kinneil Advisory Group had historically overseen masterplan implementation at the site.

Muiravonside Country Park (including Newparks Farm) had a modest annual revenue budget (c£84k/annum excluding staff costs) alongside a commensurate annual income target (c£72k/annum). Typically, annual income at Muiravonside had not met this target (average income 2017/18 – 2021/22 was £52k/annum) and expenditure at the park had also exceeded the available budget. The management plan for the park was beyond its original outlook and there were significant financial challenges which needed to be addressed if the park was to run more sustainably.

In light of this it was recommended that a report was brought forward on the feasibility of transferring Newparks Farm to a third-sector or commercial organisation in an effort to reduce the cost to the Council of running Muiravonside Country Park.

The Helix Park had an annual budget of c£785k (excluding staffing costs) which reflected the costs of running an internationally recognised VisitScotland 5-star visitor attraction. The budget was used to fund site maintenance and management, building maintenance and management, events, catering and retail costs. The income target for the 2022/23 for the site was c£1.4 million. The Park Management Plan would be reviewed in 2025.

Preparation of park masterplans was resource intensive over a long time period and included community consultation and specialist consultant input, prior to the reporting and adoption of any masterplan.

Decision

The Executive agreed that:-

- (1) reviews of the masterplans for Callendar Park, then Muiravonside Country Park and then Kinneil Estate were undertaken along the**

indicative timescales as set out in paragraph 5.23 of the report, and

- (2) a report was submitted to Executive to provide an update on the feasibility of transferring Newparks Farm to a third-party organisation to reduce ongoing costs.**

The Executive adjourned at 12.50pm and reconvened at 1.35pm with all members present as per the sederunt.

EX39. Sustainable Grass Management Pilot: Project Report and Recommendations

The Executive considered a report by the Director of Place Services which provided an update on the delivery and outcomes of the Sustainable Grass Management Pilot Project. The Executive had previously approved the delivery of the Sustainable Grass Management Pilot Project with a request that a future report set out the results of the pilot and made further recommendations.

Delivery of the Sustainable Grass Management Pilot Project at the 35 pilot sites commenced in January 2021. Most changes and enhancements were complete by Spring 2022. The 35 pilot sites included wide road verges, industrial estates, informal open space, open space near houses, and parks. The physical changes and enhancements delivered at the pilot sites included naturalised grass, wildflower meadow, orchards, native woodland and spring bulbs.

An online consultation about the project was run between 25th May 2021 and 1st June 2022 and received 592 responses. The majority of respondents agreed or strongly agreed that the Council should change the way it managed its parks and open spaces to:-

- benefit nature (56.76%)
- absorb carbon dioxide and combat climate change (60.64%)
- deliver healthier places (73.48%)

The majority of respondents (73.48%) disagreed or strongly disagreed that these changes should be made to save money.

The results of the project were considered under four themes: Biodiversity, Climate Change, Health & Well-being, and Finance & Resources.

Decision

The Executive agreed:-

- (1) to retain the changes made to the 35 pilot sites subject to the minor alterations/enhancements as outlined in appendix 1 to the report;**
- (2) that alterations be made to the naturalised grass areas and to carry out additional environmental enhancements (e.g. bulb, flower or tree planting) at a small number of sites to address accessibility and amenity issues as outlined in appendix 1 section 9 of the report;**
- (3) to address concerns about ticks and dog fouling through appropriate on-site information, and**
- (4) to deliver a mainstreaming of the Sustainable Grass Management Project, with a focus on less high-profile sites and areas that were not accessed directly from residential properties or immediately overlooked by residential properties, reporting progress annually thereafter through the Council's information bulletin.**

EX40. Community Council Elections 2022 Update

The Executive considered a report by the Chief Executive which set out the results of the community council nomination process and made recommendations in respect of those community councils which failed to attract sufficient nominees to be formed.

The process to establish community councils was set out in the Scheme for the Establishment of community councils. Nominations were invited. Where the number of nominations received equalled the number of vacancies the community council was formed. Where the number exceeded the number of vacancies a ballot was held.

In the case of Bo'ness Community Council 10 nominations were received for 10 places and accordingly the community council was formed.

Where the number of candidates was fewer than the number of vacancies previous practice had been to allow, at this stage, those community councils with fewer than 1/3 of the positions unfilled to establish and co-opt members to the unfilled places. The Community Councils where nominations for two-thirds or more of the vacancies were received, and for which the Executive was asked to form with further co-option of members possible, were:-

- Airth Parish 4 nominations for 6 places
- Banknock, Haggs and Longcroft 6 nominations for 7 places
- Brightons 4 nominations for 6 places

- Grangemouth 9 nominations for 12 places
- Polmont 5 nominations for 7 places

Community Councils with nominations of fewer than two-thirds of the number of vacant positions were:-

- Avonbridge and Standburn 0 nominations for 6 places
- Blackness 0 nominations for 6 places
- Bonnybridge 0 nominations for 8 places
- Camelon, Bantaskine and Tamfourhill 1 nomination for 9 places
- Carron and Carronshore 0 nominations for 7 places
- Denny and Distrcit 4 nominations for 10 places
- Falkirk Central 0 nomination for 7 places
- Falkirk South 0 nominations for 7 places
- Grahamston, Middlefield and Westfield 0 nominations for 8 places
- Langlees, Bainsford and New Carron 1 nominations for 8 places
- Larbert, Stenhousemuir and Torwood 1 nominations for 11 places
- Lower Braes 0 nominations for 7 places
- Maddiston 0 nominations for 6 places
- Reddingmuirhead and Wallacestone 3 nomination for 6 places
- Shieldhill and California 3 nominations for 7 places
- Slamannan and Limerigg 1 nomination for 6 places
- Whitecross 0 nominations for 6 places

For the Community Councils above with nominations to less than two thirds of the vacancies the Executive was invited to extend the nomination process to 9 December 2022.

Decision

The Executive:-

- (1) noted the outcome of the nomination process for the 2022 Community Council elections;**
- (2) noted the formation of Bo'ness Community Council;**
- (3) agreed to permit the formation of the community councils referred to in paragraph 5.4.1 of the report with the remaining vacancies being filled by co-option;**
- (4) agreed to extend the nominations period for the community councils referred to in paragraph 5.4.3 of the report, and**
- (5) noted that an update on the outcome of the processes referred to in (3) and (4) above would be submitted to the next meeting.**

EX41. Projected Financial Position 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented an update on the financial position of the Council for 2022/23, the report included an update on the expected outturn, the impact of that outturn on reserves and a summary of the financial pressures that the Council faced.

The 2021/22 outturn had reported an increase in General Fund reserves of £6.7m, taking the opening reserves for 2022/23 to £16.510m. As part of the budget setting process, Council had approved the use of £5m of General Fund reserves in 2022/23. Previously a projected overspend of £1.9m for 2022/23 for General Fund Services was reported and did not include the impact of the pay award which was not settled at the time. In August the Executive had agreed the application of additional former Falkirk Community Trust reserves of £1.7m.

As an appendix to the report the General Fund net expenditure by Services and how it was financed was set out. The key messages were:-

- Services were projected to overspend by c0.9% against budget - £3.1m.
- The overspend projected in Childrens Services had increased by £0.961m (to £4.4m) mainly reflecting the impact of the school bus tender process.
- There was an improved position for both Place Services and Transformation, Communities and Corporate Services.
- Increased energy costs were significantly impacting budgets
- The Council would have to apply £6.450m of General Fund reserves in 2022/23 to balance the position based on current estimates, £1.450m more than budgeted.
- The projected year end position on General Fund reserves was £10.060m, within the policy range of £7.5m - £11.0m. However, this was likely to be impacted by the final decision on the pay award.

Decision**The Executive:-**

- (1) noted the Council's projected year-end financial position for 2022/23;**
- (2) noted that at the time of writing the pay award had not been settled and was therefore not reflected in the financial position;**
- (3) noted the position with respect to Reserves;**
- (4) noted the progress on the achievement of approved savings;**

- (5) instructed Service Directors to take appropriate actions to maintain their costs within the approved budget and focus on essential spend only;**
- (6) noted that Local Government, like our citizens, was suffering from the impacts of the cost living, in particular rising energy and fuel costs. It was important that we are able to continue to function to deliver essential services and support our communities particularly those individuals most affected by the cost of living, and**
- (7) therefore agreed that the Leader of the Council write to UK Government in relation to financial assistance for local authorities as a statutory body to assist with the impacts of increasing energy and fuel costs.**

EX42. Treasury Management - Interim Review 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which provided a summary of the factors affecting treasury management along with a position statement on the Council's treasury management activities at the half year point.

The report provided information on:-

- Economic and Interest Rate Outlook
- Borrowing Strategy
- Investment Strategy
- Prudential Indicators
- Treasury Management Advisers
- Elected Member Training
- Benchmarking.

Decision

The Executive:-

- (1) noted the progress of the Council's Treasury Management Strategy for 2022/23;**
- (2) noted the reduction in the long term borrowing requirement for 2022/23, and**
- (3) referred the report to Council for consideration.**

EX43. Participation in Scotland Excel Flexible Framework Agreement for Children's Residential Care & Education Services (C/N: SXL/1121)

The Executive considered a report by the Director of Children's Services which recommended participation in the Scotland Excel Framework Agreement for Children's Residential Care and Education Services in accordance with Council Contract Standing Order 6.2(ii) relative to major contracts.

Decision

The Executive agreed to participate in the Scotland Excel Framework Agreement for Children's Residential Care and Education Services.

EX44. Participation in Scotland Excel National Flexible Framework Agreement for Care and Support Services (C/N: SXL/1318)

The Executive considered a report by the Head of Integration which recommended participation in the Scotland Excel (SXL) National Flexible Framework Agreement for Care and Support Services (1318) in accordance with Council Contract Standing Order 6.2(ii) relative to major contracts.

Decision

The Executive agreed to participate in the Scotland Excel (SXL) National Flexible Framework Agreement for Care and Support Services.

EX45. Sale of Former Care Home at Carronvale Road, Larbert

The Executive considered a report by the Director of Place Services which provided an update on the recent outcome of the bench marking exercise and sought approval for disposal of the former Torwoodhall Care Home, Carronvale Road, Larbert.

Decision

The Executive agreed to dispose of the former Torwoodhall Care Home to Safe as Houses Investment PLC for £600,000, subject to any adjustments for proven abnormal costs authorised by the Director of Place Services.

EX46. Sale of Land - Murnin Road, Bonnybridge

The Executive considered a report by the Director of Place Services which sought approval for land at Murnin Road Industrial Estate, Bonnybridge to be declared surplus to operational requirements and sold by negotiation.

Decision

The Executive:-

- (1) declared 3,796 sq.m (0.938 acres) of land at Murnin Road, Industrial Estate, Bonnybridge surplus to requirements, and**
- (2) authorised the Director of Place Services to conclude the disposal of the land by negotiated agreement to Auto Doctor Ltd for £110,000.**

FALKIRK COUNCIL

Minute of meeting of the Scrutiny Committee (External) held in Lesser Town Hall, Falkirk on Thursday 6 October 2022 at 10.00 a.m.

Councillors: Depute Provost David Balfour
Lorna Binnie
Alf Kelly (chair)
Jack Redmond
Ann Ritchie

Officers: Brian Pirie, Democratic Services Manager
Gayle McIntyre, Service Manager, Social Work, Children's Services
Joanna Stewart, Housing Support Co-Ordinator

Also

Attending: Stacey Devine, Public Protection Portfolio Holder

Alan Gibson, Police Scotland
Liam Harman, Police Scotland

Kenneth Barbour, Scottish Fire & Rescue Service
Steven Michie, Scottish Fire & Rescue Service

In accordance with section 43 of the Local Government in Scotland Act 2003 the Convener had directed that the meeting would be conducted by video conference to allow remote attendance by elected members.

In the absence of the Convener, the Democratic Services Manager sought for nominations for a Chair to the meeting. Mr Pirie explained it was procedure for the Chair of the Scrutiny Committee to be a member of the opposition party. Councillor Kelly was nominated which was seconded.

SE6. Apologies

Apologies were intimated on behalf of Councillors Aitchison, Brown and Forrest.

SE7. Declarations of Interest

There were no declarations of interest.

SE8. Minute

The committee referred to a request made at the previous meeting for a map-style document that outlined the ongoing mental health support in each ward. It asked when this would be received. The Democratic Services Manager confirmed that the Community Learning & Development Manager with the Communities & Fairer Falkirk Manager were underway with this work and would be presented to members.

Decision

The minute of the meeting of the Scrutiny Committee (External) held on 18 August 2022 was approved.

SE9. Rolling Action Log

A rolling action log detailing the status of actions which had yet to be completed was presented for consideration.

Decision

The committee noted the Rolling Action Log.

SE10. Following the Public Pound: Public Protection

The committee considered a report by the Director of Transformation, Communities and Corporate Services which provided information under the Following the Public Pound arrangements for the period 1 April 2021 to 31 March 2022 for the Council's public protection outcome.

The two organisations funded or monitored by the Council that support this outcome were:-

Organisation	Monitoring Service	Annual Funding (£)
SACRO – Youth Justice	Children's Services	£78,156
Committed to Ending Abuse	Transformation, Communities and Corporate Services	£175,800

Gayle McIntyre summarised the Following the Public Pound Annual Reporting Statement 2021/22 for SACRO Youth Justice.

The capacity for the EEI and Youth Justice Services was 70 young people per year, which had increased by 20 from the previous year. Committee asked how this increase was financed and if there was the ability to further increase the number. Ms McIntyre explained that there was no financial implication for this increase, however, targets were increased for SACRO as well as a request for them to work in a more focused way with specific plans in place. The purpose of these plans was to allow for individuals to move on from the service if their targets had been achieved by the timescale decided, thus creating a vacancy. In terms of creating more vacancies, Ms McIntyre believed SACRO were working at maximum capacity currently.

Following a question, Ms McIntyre explained that in cases when an individual did not want to participate in their action plan, of which there were 10 in the 2021/22 period, the follow-up would depend on the nature of the referral. In a scenario where a referral was an early intervention and assessed to be of a low level, it may be closed and referred back to the EEI who would decide the next steps.

SACRO had 6 young people rereferred due to reoffending in the 2021/22 period, members asked if the approach taken would be different given that it was a reoffence. Ms McIntyre explained it would depend on the nature of the offence, but sometimes would entail a more intensive involvement. If the offending was to continue, a Youth Justice Social Worker would become involved or, depending on the severity of the offence, they may be referred to the Children's Reporter.

The committee recognised the extensive number of programmes SACRO provided to support young people, it asked which gathered the greatest attendance and if consultations took place to find out what young people wanted. Ms McIntyre explained that work was carried out on a 1-2-1 basis, although group work could be offered. Anger Management, Victim Awareness and Resilience and Confidence were the top three attended programmes as highlighted in the report. In terms of taking into consideration the young person's opinion, discussions would be held with the individual to identify what areas they wanted to work on and therefore involved in the design and agreement of the type of intervention that would take place. It was recognised that there was an element of overlapping of services provided by SACRO and other services, for example family support, however, SACRO provided specialist assistance in addressing offending behaviour.

In terms of how many employees SACRO had, Ms McIntyre stated there were 2.5 Project Workers.

Following a question on how long an individual would receive support from SACRO, the Service Manager explained it would be evaluated on an individual basis and the nature of their behaviour.

Ms McIntyre explained, following a question on whether mental health organisations were involved in providing the service, that organisations like CAMHS could be involved in the early intervention service.

Young people who had engaged with SACRO were asked how satisfied they were with the level of support they had received from their Youth Worker, to which 33% responded they were 'somewhat satisfied'. The committee asked if follow-ups were carried out to identify the reasons behind this. Ms McIntyre stated that this information was not available.

Members noted that there was a connection between mental health and offending and suggested that supporting a young person's mental health at an earlier stage would reduce the likelihood of them offending and in turn, not engage with SACRO. The Service Manager also recognised that mental health was a contributing factor in offending, and it would be beneficial to have more mental health support. Ms McIntyre assured the committee that the Council had carried out work to identify early intervention mental health services.

Joanna Stewart summarised the Following the Public Pound Annual Reporting Statement 2021/22 for Committed to Ending Abuse.

The period 2021/22 experienced an increase of 5.8% in referrals to Committed to Ending Abuse as well as an increase in the waiting time for clients for their first appointment (from 1 day to 4 days). Members asked what impact this had on the vulnerable individuals and if this posed as a risk. Ms Stewart clarified that the additional funding of £45,000 within the year was provided to tackle the increased waiting time – the organisation approached the Council with concerns about the waiting time as it did pose a risk. At an individual's initial meeting with Committed to Ending Abuse, a safety assessment would be undertaken to evaluate the environment they were living in – this was central to protecting individuals and a key reason as to why the additional funding was required. The Housing Support Co-ordinator assured committee that the waiting time had improved and stated she would come back to Committee with the first two quarters of 2022/23 performance data.

Members referred back to the 5.8% increase in referrals during the reporting period by asking what the reason for this was and if the organisation was anticipating a further increase. Ms Stewart highlighted the complexity of the reasons behind an increase – she noted it can be dependent on the victim's confidence to report, awareness of the abuse being experienced as well as media campaigns encouraging people to come forward.

Following a question on whether Committed to Ending Abuse had plans in place to source additional external funding, Ms Stewart explained that in-depth discussions had taken place with the organisation regarding this. According to Ms Stewart, many of the funding sources available to the organisation had stopped accepting applications for funding throughout the

pandemic. The organisation was being encouraged to look elsewhere to find alternative sources of income.

In terms of what proportion of supported individuals were female or male, the Housing Support Co-ordinator explained there had been an increase in male engagement over the last 5-6 years although still remained mostly female.

Staffing was identified as the main expenditure for the organisation, however, Ms Stewart also noted that it was vital for a public-accessible building to be open, hence another cost.

The Public Protection Portfolio Holder sought for information on what advertisements Committed to Ending Abuse utilised to let the public know of their work. Ms Stewart explained the organisation had recently improved their website and was planning on launching it soon, as well as posters in public places or toilets. She noted that word-of-mouth was their main method of making the public aware of their work as well as through networking with other organisations. The Housing Support Co-ordinator agreed to refer back to committee when the launch date for the website was known, to allow elected members to publicise it.

Decision

The Committee approved the report and progress by the external organisations in meeting Council priorities.

SE11. Performance Report: Scottish Fire and Rescue Service

The committee considered a report by the Director of Transformation, Communities and Corporate Services which presented the local performance of the Scottish Fire and Rescue Service, for the period 1 April 2021 to 31 March 2022.

Following a question on whether fire crews experienced anti-social behaviours when attending a scene, Mr Michie clarified there were no reports of attacks on fire crews. He commended this and noted this was particularly admirable as the fire service had little face-to-face engagement with young people. He stated that there were a small number of verbal attacks on fire crews but were handled quickly with the support of Police Scotland.

43 incidents (33%) of 'All accidental dwelling fires' had no smoke alarms present, the committee asked if this was a cause for concern. Mr Michie explained that this data was seen consistently in years before. He emphasised it was important for the fire service to engage with partners across the Community Planning Partnership to notify the fire service of homes without alarms before incidents occur. He assured to members that when these incidents occurred, appropriate fire alarms were be installed at the time. Mr Barbour echoed the importance of partnership working in

identifying homes without alarms, particularly those who were vulnerable. He further explained that following one of these incidents, a Post-Incident Domestic Response would take place which entailed the fire service engaging with neighbours by offering them a Home Fire Safety Visit.

Members also referred to the legislation implemented in February 2022 which made it a legal requirement for houses to have an interlinked fire alarm system and sought for a breakdown of whether the 43 houses were privately owned or council houses. Mr Michie confirmed that this requirement was in place for registered social landlords, local authorities and privately rented properties for some time. Due to this, a failure to have smoke alarms was mainly in private housing.

In terms of whether the service had sufficient funding to carry out Post-Incident Domestic Responses, Mr Michie explained that a limited budget was provided by the Scottish Government to aide this support to high-risk individuals. He assured members that there were enough alarms for the Falkirk area because of work carried out by Mr Michie.

Following a further question on Post-Incident Domestic Responses, Mr Michie stated the report included the number of visits that had taken place within the 2021/22 reporting period (1070 home safety visits). However, he emphasised that this resource should be focused on the high-risk, vulnerable individuals although anyone who wished to have one was able to. He stated he would refer back to committee with exact figures on how many smoke alarms were fitted in this period.

Falkirk South experienced the highest number of deliberate fires in the 2021/22 reporting period with a total of 98, members sought for reasons as to why this was. Mr Michie explained that there had been an increase in a few wards for a number of reasons such as a breakdown in relationship between community groups and the Fire and Rescue Service as a result of the pandemic. In terms of addressing this problem, Mr Michie assured members that ongoing work was taking place between the Fire and Rescue Service, Police Scotland and Community Safety Partners to identify methods of positive interventions.

The committee asked if there were resources available to provide or encourage the public to own a fire extinguisher as a safety precaution. Mr Michie emphasised that the message the Scottish Fire and Rescue Service was trying to promote was to involve and allow them to deal with the fire as incidents had occurred where members of the public had further endangered themselves by trying to put out the fire themselves.

In terms of what training was provided to handle motorcycle accidents, Mr Michie explained there was an extensive annual programme for road traffic collision training which involved many different types of vehicles. Furthermore, an initiative, 'Biker Down', was implemented which partnered those who use a motorcycle and officers from Scottish Fire and Rescue Service. It educated individuals on cycle safety and first-aid provision – this

initiative had stopped due to the pandemic, however, plans were in place to reinstate it.

Members requested a further report on the Biker Down Initiative once it had begun again.

Mr Michie thanked and welcomed members offer to donate crash helmets for training purposes.

The committee referred back to the issue of deliberate fires and asked if there were any buildings that were identified as a risk and if so, what actions were in place to resolve this issue. Mr Michie stated that there was no trend in deliberate fires, however, there had been some abandoned buildings where a high rate of anti-social behaviour had taken place. He assured members that through partnership working with Police Scotland and the Council, information on these incidents were shared quickly. Environmental Audits were currently being undertaken in preparation for Bonfires Night which included an examination of derelict buildings – any information would be passed onto partners to ensure the building was secure.

Mr Michie, following a question on whether budget cuts had impacted the service, explained that the Falkirk area had a ridership factor which sat at 96% which was the target operating model. In terms of fleet and personnel, there were no risks to reducing numbers.

Decision

The Committee approved the report and noted the progress by SFRS in meeting its priorities.

SE12. Police Scotland – Falkirk Area Performance

The committee considered a report by the Director of Transformation, Communities and Corporate Services which presented the performance by Police Scotland for the period 1 April 2021 to 31 March 2022.

Following the establishment of Police Scotland on 1 April 2013, local commanders were required to report on performance with regard to the local policing plan.

Section 45 of the Police and Fire Reform (Scotland) Act 2012 set out the role of the local authority with regard to the governance of Police Scotland, as follows :-

- A local authority may monitor and provide feedback to the local commander on the policing of its area, and (in particular) may provide to the local commander:-
 - (a) Its views on any matter concerning or connected to the policing of

its area, and

- (b) Any recommendations for the improvement of the policing of its area that it thinks fit.
- A local authority may provide feedback by reference to any local police plan in force for the area.
- A local commander must provide to the local authority:
 - (a) Reports on the carryout out of police functions in its area (including by reference to any local policing plan in force for the area),
 - (b) Statistical information in complaints made about the Police Service in, or the policing of, its area, and
 - (c) Other information about the policing of its area, as the local authority may reasonably require.

The report set out performance against the 5 key priorities set out in the Plan: Responsive to the Concerns of Our Communities, Enhancing Our Collective Resilience to Emerging Threats, Protecting People Most at Risk from Harm, Promoting Confidence Through our Actions and Road Safety and Road Crime.

Results of the Public Satisfaction Survey January 2021 – March 2022 were also attached.

Members sought for information on how many individuals in Falkirk were impacted by online scams and what mechanisms Police Scotland were utilising to identify scammers. Mr Harman explained that the number of those impacted by scams was not available to him at the meeting, but members had to take into consideration those indirectly impacted such as friends and family. He noted the ongoing online campaigns to address this issue, primarily taking place on social media, but emphasised that this message was trying to be promoted elsewhere as well. In terms of addressing the offenders, Mr Harman explained that many live abroad and therefore were out with their jurisdiction. Mr Gibson referred to Operation Hatpin which targeted high value frauds with the purpose to protect those who were vulnerable – he further echoed the problems raised by perpetrators living internationally. However, Operation Hatpin had proven to be successful in providing justice to those who fell victim to scams taking place within the UK. Police Scotland were aware of the nature of fraudulent crimes, for example cryptocurrency, and therefore had officers in place dedicated to online investigations.

The number of sexual crimes had increased to 453 in the 2021/22 period from 315 in the previous year, an increase of 43.8%. Members sought for the reasoning behind this. Mr Harman explained that, similar to the Domestic Abuse Legislation, it was primarily about encouraging victims to report the incident. Mr Gibson reiterated that officers now had a presence online to

target perpetrators, which included tackling sexual related crimes. This work had led to an increase in the number of reported sexual crimes.

Residents close-by to Victoria Park had raised concerns over the illegal use of off-road motorbikes and had suggested the installation of bollards. The committee asked if there were bollards available that would stop cyclists but remain accessible to wheelchair users. Mr Harman stated he would return to committee with specific information on the type fencing/bollards installed in this area.

Following a question on whether Operation Christmas had provision to expand to other wards, Mr Harman confirmed there was plans to implement the support in Grangemouth, Stenhousemuir and Denny due to the large shopping attractions in these areas.

Members sought for information detailing how much of a contributing factor drugs/alcohol and mental health were to individuals committing crimes. Mr Harman offered to refer to a different team who would be able to provide information on the state of the individual when officers spoke with them. However, he recognised the challenges of accuracy as it was reliant upon the reporting of the officer at the scene.

Throughout the reporting period, a total of 172 complaints were received about the Police and the committee asked what the consequences of these complaints were. Mr Gibson offered to provide further information on what the outcome of these complaints were, however, recognised the limitations he faced. He explained that some cases may take years to resolve and therefore the report would not be able to discuss all complaints.

The detection rate for theft by housebreaking (including attempts) had reduced by 10.7% in the 2021/22 period, from 70.9% to 60.2% and members asked if any mechanisms were in place to improve this. Mr Harman recognised that the detection rate had declined, however, highlighted that the rate of shoplifting was also reducing by 3.5%. He also explained that the 5 year average was 734 making Falkirk significantly below the average at 573. In terms of measuring shoplifting, work was undertaken by Community Officers or Response Officers. He recognised the extensive CCTV provision within Falkirk, however, noted that perpetrators will make the effort to remain unrecognisable. Assurance was given to the committee that all reports were investigated. Mr Gibson stated that the rate of theft by housebreakings had significantly decreased due to the pandemic and highlighted the opportunistic nature of the crime. He explained that an issue of identifying perpetrators was the dependency on forensics, which was worsened as many of the perpetrators were careful to avoid leaving evidence behind.

The committee sought for clarity on what was meant by 'Third Party Reporting' to which Mr Harman explained it allowed for reporting of crime to be issued by someone on behalf of the victim. Mr Gibson believed this approach could be as he identified it was not working to its full potential and sought for assistance from elected members in promoting it.

It was noted that much of the effort made by Police Scotland to create awareness around frauds/scams was done online, and members asked what actions were in place to help those excluded from the online discourse, particularly the elderly. Mr Harman stated that one initiative that was piloted a number of years ago was the utilisation of prescriptions (information printed on the back of prescriptions). Furthermore, other considerations included the utilisation of the health environment, such as hospitals or GP practices or distribute information through the Falkirk Herald. Mr Harman and Mr Gibson welcomed suggestions on how else the Police could engage with the elderly.

Mr Harman, following a question, provided assurance to the committee that the Community Officers were embedded into their communities and created a presence.

In terms of submitting a report anonymously, Mr Harman stated it would still be investigated and acted upon. He recognised that the fear of crime was a significant factor in people reporting anonymously and stated that efforts were in place to reduce this fear as much as possible. Mr Gibson referred to 'Crime Stoppers' which was an independent charity who enabled the public to report crime indirectly to the Police, however, emphasised it was not appropriate for urgent matters. Furthermore, elected members were also able to report crimes on behalf of members of the public as another method of anonymity.

Members wanted to know what mechanisms were in place to engage with the youth to reduce anti-social behaviour, Mr Harman provided examples of engagement such as utilisation of Community Officers and increased patrols in known problem areas. School-based Officers were also in place to create a relationship with young people as well as to be a visible presence. Twilight Football was an initiative in Langlees which enabled young people to play football alongside officers with the purpose of building a relationship and rapport with local communities. He offered to engage with Community Officers to understand if it was possible to extend this provision into other areas.

The committee referred to complaints made by the public regarding drug use and the associated smell in housing areas, it asked how this could be addressed. Mr Harman encouraged the public to report incidents of drug use to the Police – in situations where officers had the power to search a property, they would do so. In terms of odours, Mr Harman recognised the limitation of the power of the Police to enter home addresses based on this claim. However, the public were able to notify the Police of their concerns which would be logged and if any further information came to light, it would be utilised in an investigation. Mr Harman explained that in situations where children were involved, it would increase the risk due to exposing them to the drug. The Police would react to this by visiting the address, document it on Vulnerable Persons database if appropriate or engage with Education Health.

Mr Harman explained that one way of engaging with Local Community Officers for a particular ward would be through the Police Scotland website.

A drug-related death occurred in the Falkirk area and the seller of the drug was later reported to the Prosecutor Fiscal – members asked if preventative measures were in place to prevent the selling of drugs and ultimately avoid drug-related deaths. Mr Harman explained that 165 officers were trained on the Lock Zone which had been utilised 18 times since it was implemented. He assured members that Police would be reactive to any intelligence received. In terms of tackling drug misuse and overdoses, Third Party partners were utilised by sharing information and allowing them to become involved in situations where it was deemed appropriate.

Following a question on what the procedure was if an individual was stopped with the possession of drugs, Mr Harman explained that if an individual was suspected of possessing drugs, they would be detained and if the amount was small, regardless of being Category A, B or C, the situation would be handled onsite. If the quantity was larger, it may be appropriate to return to the station or hold the individual in custody. He noted that for a person to be searched, the Police were required to have reasonable cause to suspect.

Mr Harman noted that there was anti-social behaviour experienced in all wards and it would be inappropriate to identify one group in the community as the cause for this behaviour. He assured committee that through regular communication, any issues that were raised would be handled.

In terms of what assistance was provided to asylum seekers in the Falkirk area, Mr Gibson noted that a Diversity Officer was in place to help settle individuals by helping them understand the environment they had entered and provide them with a policing/public safety perspective.

Decision

The Committee approved the report and noted progress by Police Scotland in meeting its priorities.

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held remotely on Tuesday 25 October 2022 at 10.00 a.m.

Councillors: Provost Robert Bissett
Gary Bouse
William Buchanan (Convener)
Gordon Forrest
James Kerr
Alf Kelly (Depute Convener)
Laura Murtagh
Jack Redmond
Iain Sinclair
Euan Stainbank

Officers: Kevin Brown, Planning Officer
Katherine Chorley, Planning Officer
Ian Dryden, Development, Building Standards & Climate Manager
Arlene Fraser, Committee Services Officer
Jack Frawley – Team Leader - Committee Services
David Gray, Environmental Protection Co-ordinator
Iain Henderson – Legal & Procurement Manager
Alexandra Lewis, Planning Officer
Stephen McClure, Planning Officer
Gary McGregor, Roads, Bridges & Flooding Co-ordinator
Craig Russell, Senior Roads Development Officer
Julie Seidel-Gregory, Planning Officer
Brent Vivian, Senior Planning Officer

P45. Apologies

Apologies were intimated on behalf of Councillor Collie.

P46. Declaration of Interest

There were no declarations.

P47. Minute

The Minute of Meeting of the Planning Committee held on 21 September 2022 was approved.

P48. Order of Business

The following items are recorded in the order in which they were considered at the meeting.

P49. Construction of 229 Dwellinghouses with Associated Access, Parking, Landscaping, Open Space and Drainage (Phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further Residential Development with Potential Commercial / Community Use (Phase 2) and Associated Access, Parking, Landscaping, Open Space and Drainage at Land To The South Of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and The Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL

The Development, Building Standards & Climate Manager provided the committee with a verbal update and highlighted that there were outstanding matters relating to site drainage which required further work prior to determination of the application.

Decision

The Committee agreed to continue consideration of the item to a future meeting.

P50. Mixed Use Development, Including Residential, Employment, Commercial and Retail Use, Open Space and Landscaping with Associated Infrastructure at Land to the East of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP - Continuation

The committee considered an update report by the Director of Place Services on an application for mixed use development, including residential employment, commercial and retail use, open space and landscaping with associated infrastructure at land to the east of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Iain Hynd, agent, and Ian Conway, to be heard in relation to this item.

The committee agreed to hear the deputation.

Following discussion the Development, Building Standards & Climate Manager gave an undertaking to provide updates to the Committee on progress with this application.

Decision

The committee agreed that it was minded to grant planning permission in principle subject to:-

- (a) The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
 - (i) A contribution towards addressing future capacity issues at St Margaret's Primary School at the rate of £5038.61 per dwellinghouse and £1732.24 per flat;**
 - (ii) A contribution towards addressing future capacity issues at Graeme High School at the rate of £2673.97 per dwellinghouse and £712.60 per flat;**
 - (iii) A contribution towards addressing future children's nursery capacity issues at the rate of £1794.10 per dwellinghouse and £538.46 per flat;**
 - (iv) A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout);**
 - (v) A contribution to fund diversion of the existing bus service into the proposed development site;**
 - (vi) A contribution to fund a new bus service to link the site to Polmont Railway Station;**
 - (vii) A proportionate contribution towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility;**
 - (viii) The provision of 25% of the residential units at the site as affordable housing; and**
 - (ix) A contribution towards improving the network of active travel routes in the local area which will be determined by any agreement to the developer carrying out the identified improvement works in lieu of a contribution.**
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to the following conditions:-**
 - 1. Plans and particulars of the matters specified below shall be submitted for the consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning Scotland Act 1997 (as amended). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-**

- a) Detailed masterplans for each development phase, as informed by the Development Framework prepared by Barton Willmore, dated December 2021;
- b) The timing/phasing of the development, as informed by the Development Framework prepared by Barton Willmore, dated December 2021;
- c) Existing and proposed site levels;
- d) Proposed finished floor levels;
- e) The siting of the buildings;
- f) The design of the buildings;
- g) The external appearance of the buildings;
- h) Details of the access arrangements, including the new street layout and design of the new burn crossings;
- i) Details of soft and hard landscaping and open space provision, including recreational facilities;
- j) The provision of pedestrian and cycle facilities, including links to the wider area;
- k) Details of proposed boundary treatments;
- l) A landscape and visual impact assessment of the detailed proposals for Phase 3B as indicated in the Development Framework;
- m) The provision of public art;
- n) Archaeological recording;
- o) Tree protection measures;
- p) A construction environmental management plan;
- q) Updated surveys for protected species surveys as described in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment prepared by ITP Energised, dated August 2020;
- r) An invasive species survey;
- s) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated August 2020;
- t) Burn corridor enhancement measures including burn restoration;
- u) A detailed surface water drainage strategy, including design and calculations, as informed by the Drainage Assessment prepared by Dougall Baillie Associates, dated September 2020;
- v) Measures to address flood risk, as informed by the Flood Risk Assessment prepared by Kaya Consulting Limited, dated October 2020;
- w) A contaminated land assessment;
- x) Measures to mitigate noise impacts, as informed by the outline mitigation set out in the Noise Impact Assessment prepared by ITP Energised, dated October 2020, tailored to the detailed design layout;
- y) Measures to mitigate odour impacts, as informed by the mitigation set out in the Odour and Dust Risk Assessment

prepared by ITP Energised, dated October 2020, tailored to the detailed design layout;

- z) The provision of a bus route and related bus infrastructure;
 - aa) A travel plan and a residential development travel information pack, as informed by the travel plan framework contained in the Transport Assessment prepared by Dougall Baillie Associates, dated October 2021;
 - bb) Off-site road improvement works;
 - cc) Stage 2 road safety audits;
 - dd) The provision of on-site low and zero carbon generating technologies, and potential for heat networks, as informed by the Energy Strategy approved under condition 2(a) of this planning permission;
 - ee) Car-parking, including the provision of electric vehicle charging points as part of significant new commercial or community uses;
 - ff) Facilities for the collection and storage of waste including recyclable materials; and
 - gg) A retail impact assessment (if required under condition 24).
2. The first application for Approval of Matters Specified in Conditions shall be accompanied by the following details for the written approval of this planning authority (unless otherwise agreed):-
 - a) An updated site-wide energy strategy;
 - b) A site-wide public art strategy;
 - c) A burn corridor restoration and enhancement plan for the Gilston Burn, and
 - d) A site-wide phasing strategy for engineering works to reshape the land surface treatment of the land pending built development, including any opportunities for advanced planting.
 3. The first application for Approval of Matters Specified in Conditions for each development phase shall be accompanied by a detailed masterplan for that development phase for the written approval of this planning authority.
 4. The number of residential units shall not exceed 500 (unless otherwise agreed by this planning authority in consultation with Transport Scotland).
 5. The phasing of the housing as indicated in the Development Framework shall proceed sequentially, commencing with phase 1A and ending with phase 3B (unless otherwise agreed or required by a condition of this planning permission).
 6. The details of the soft landscaping shall include (as appropriate):-

- a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - b) The location of all proposed new trees, shrubs, hedges and grassed areas;
 - c) A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;
 - d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and
 - e) A programme for completion and subsequent maintenance.
7. Any tree/shrub planting adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than the predicated mature height of the planting.
 8. A suitable trespass proof fence of at least 1.8 metres in height shall be provided adjacent to the railway boundary, in accordance with details to be submitted for the written approval of this planning authority, including arrangements for future maintenance and renewal.
 9. There shall be no Sustainable Urban Drainage Scheme (SUDS) sited within 10 metres of the railway boundary.
 10. There shall be no works that affect trees within each development phase until any necessary tree protection fencing for that phase is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.
 11. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.
 12. There shall be no tree, scrub or grassland clearance within the bird nesting season (March to August inclusive) unless a nesting bird check is carried out by a suitably qualified ecologist prior to commencement of the clearance works. The findings of any nesting bird check shall be submitted to and approved by this planning authority prior to the works commencing.
 13. Each application for Approval of Matters Specified in Conditions shall be accompanied by an updated protected species survey for the written approval of this planning authority, if more than 12 months has lapsed since the carrying out of the last survey covering the relevant development phase.

14. The details in relation to any new culvert and/ or realignment of Gilston Burn at the proposed new roundabout at Gilston Crescent shall be subject to the written approval of this planning authority in consultation with SEPA as part of the relevant application for Approval of Matters Specified in Conditions. In consideration of approval of the details, it shall be demonstrated that there is no increased flood risk to downstream or nearby receptors and the culvert is able to convey the 1 in 200 year plus climate change flow with an appropriate freeboard.
15. The details of any proposed restoration measures within the southern extent near to the current channelised right hand bend, currently defined as functional floodplain, shall be subject to the written approval of this planning authority in consultation with SEPA as part of the requirement for a burn corridor restoration and enhancement plan under Condition 2(c) of this permission. As part of consideration of approval of the details, it shall be demonstrated that there is no increased flood risk to downstream or nearby receptors and there is no built development within any change to the functional floodplain due to proposed restoration works.
16. No residential unit within Phase 2B, 3A or 3B as indicated in the Development Framework shall be occupied until the new roundabout on Gilston Crescent and the bus route through the site have been fully constructed, unless otherwise agreed in writing by this planning authority. The roundabout shall be constructed in general accordance with Drawing No. 20100-SK-11 Rev A prepared by Dougall Baillie Associates, dated 13 October 2020, subject to approval of the detailed design as informed by the road safety audit process.
17. No residential unit shall be occupied until the A803 Main Street/Gilston Park junction has been fully upgraded, unless otherwise agreed in writing by this planning authority. The upgrade works shall be carried out in general accordance with Drawing No. 20100-SK-10 prepared by Dougall Baillie Associates, dated 30 September 2020, subject to approval of the detailed design as informed by the road safety audit process.
18. No more than 150 residential units shall be occupied until the A803 Main Street/ Station Road/ Greenpark Drive and the A803 Main Street/ Bo'ness Road (Kirk Entry) junctions have been fully upgraded, unless otherwise agreed in writing by this planning authority. The upgrade works shall be carried out in general accordance with Drawing No. 20100-SK-13 Rev B prepared by Dougall Baillie Associates, dated 25 October 2021, subject to approval of the detailed design as informed by the road safety audit process.

19. The development shall not commence until appropriate mitigation measures have been approved by this Planning Authority in consultation with Transport Scotland to address the impact of the development at M9 Junction 4 (Lathallan Interchange). The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals, generally as illustrated in Dougall Baillie Associates' Drawing No. 20100-SK-22, dated 21 December 2021, or a financial contribution in lieu of the said physical works. The precise details of the physical works or the level of financial contribution required shall be approved by this planning authority in consultation with Transport Scotland.
20. A Stage 3 road safety audit for each junction referred to in conditions 15, 16 and 17 of this permission shall be submitted to and approved in writing by this planning authority prior to the works to provide or improve each of these junctions being brought into use.
21. The first application for Approval of Matters Specified in Conditions involving land within Phase 2A as indicated in the Development Framework shall include proposed measures for the future treatment and function of Nicolton Road. The timing/phasing of implementation of the approved measures shall be subject to the written approval of this planning authority.
22. No development beyond Phase 1A shall be occupied until the approved flood mitigation measures have been fully constructed.
23. Where it is demonstrated to the satisfaction of the planning authority that a local energy centre or heating system is not feasible, each development phase shall be future-proofed for connection to future heat networks, in accordance with details to be approved in writing by this planning authority (unless otherwise agreed).
24. Any application for Approval of Matters Specified in Conditions which includes retail development proposals in excess of 1000 square metres gross floorspace shall be accompanied by a retail impact assessment.

Reason(s):-

1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. To ensure that the site-wide matters referred to are given full consideration at the start of the detailed planning process.

3. To ensure good place-making and a co-ordinated approach to design.
4. The proposed development and the assessment of its effects on infrastructure are predicated on a maximum number of 500 dwellings.
5. To ensure a logical sequence of development and good placemaking.
6. To safeguard the visual amenity of the area.
7. To control the impact of leaf fall on the operational railway.
8. In the interests of public safety and the protection of Network Rail infrastructure.
9. To protect the stability of the adjacent railway lines and the safety of the rail network.
- 10-11. To safeguard the visual amenity of the area.
- 12-13. To safeguard the interests of bird species.
- 14-15. To ensure that the matters referred to are given full consideration, including potential impacts on flood risk.
- 16-18. To ensure the provision of necessary road infrastructure works linked to the appropriate stage of the development.
19. To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.
20. In the interests of road safety.
21. To ensure that the matters referred to in respect of Nicolton Road are given full consideration.
22. To ensure that flood risk to the development is mitigated to an acceptable level.
23. To provide for the opportunity for future connections to a heat network.
24. To consider the impact of significant retail development proposal on town and local centres.

Informative(s):-

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 07B, 09, 10 and 11.**
2. **Plans and particulars of the matters listed above shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations set out in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).**

P51. Construction of Dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the construction of dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond – P/22/0300/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, John Paton, agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Redmond, seconded by Provost Bissett, moved that the committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services, on the basis of the following grounds and material considerations:-

- (1) That the committee is satisfied as to the design and materials of the proposed development and that it would harmonise with the surrounding buildings;
- (2) That the application site is considered to be infill land in a farm steading and the committee is satisfied that the site was formerly occupied by a farm building;
- (3) That the development would be sustainable development on brownfield land and utilise sustainable approaches; and
- (4) That the committee is satisfied that the proposed access is suitable for the additional traffic that would be generated.

As an amendment, in substitution for the motion, Councillor Bouse, seconded by Councillor Sinclair, moved that the Planning Committee refuse planning permission for the following reason(s):-

- (1) The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, enabling development or a private Gypsy/Traveller site. The application is therefore contrary to policies PE14 'Countryside' and HC05 'Housing in the Countryside' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG01 'Development in the Countryside'.
- (2) A current shortfall in the 5 year supply of effective housing land is acknowledged by the Council. The proposed development is not considered to be sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other Development Plan policies. The application is not supported by policy HC01 'Housing Land' of the Falkirk Local Development Plan 2.
- (3) The applicant has not demonstrated that a suitable access can be achieved to serve the proposed house which would accord with the National Roads Development Guide (SCOTS, 2014). The development would not be in the best interests of road safety.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03 and Supporting Documents.

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (7) – Provost Bissett, and Councillors Buchanan, Forrest, Kelly, Kerr, Redmond and Stainbank.

For the amendment (3) – Councillors Bouse, Murtagh and Sinclair.

Decision

The Committee agreed the motion.

The Committee adjourned at 11.40am and reconvened at 11.55am with all members present as per the sederunt.

P52. Construction of Dwellinghouse with Associated Development Including Outbuilding and Stables at Site to the North West of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson - P/22/0360/FUL – Continuation

The committee considered an update report by the Director of Place Services on an application for the construction of dwellinghouse with associated development including outbuilding and stables at site to the north west of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson – P/22/0360/FUL.

Decision

The committee granted planning permission subject to the following conditions:-

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. No development shall commence on site until the proposed surface water drainage strategy and associated design detail (as appropriate) has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- 3. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
 - ii) a Statement of Conformity which confirms that 12%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- 4. Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

5. The stables and paddock hereby approved, shall be used for domestic purposes only.
6. All approved landscaping works shall be implemented by the end of the first planting and seeding season following occupation of the dwellinghouse hereby approved.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that adequate drainage is provided.
3. To ensure the development achieves the required CO2 emission reduction as a result of development.
4. To safeguard the visual amenity and rural character of the area.
5. To safeguard the residential amenity of surrounding dwellings.
6. To safeguard the visual amenity and rural character of the area.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 13 and Supporting Documents.
3. Roads Services within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

P53. Construction of Dwellinghouse at Land to the South of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the construction of dwellinghouse at land to the south of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd – P/22/0310/FUL.

Councillor Kerr, seconded by Councillor Kelly, moved that the Committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services (including conditions in relation to tree survey and protection plan, drainage impact assessment, coal mining and zero carbon), on the basis of the following grounds and material considerations:-

1. That the committee is satisfied with the design and materials of the proposed development:
2. That it is considered persuasive in this case that the application site contains an existing site of a disused building which site shall be utilised; and
3. That the committee is satisfied as to matters of road safety and access.

As an amendment in substitution of the motion, Councillor Bouse, seconded by Councillor Forrest, moved that the Committee requests a survey analysis is conducted by Roads Services including analysis on access arrangements, the proposed visibility splay and their relationship to the speed on the road. The committee requests that this information is reported to it and that the matter is continued to a future meeting of the committee for these purposes.

Councillor Murtagh gave notice of a further amendment.

As the amendment took the form of a procedural motion, in line with Standing Order 20.7, the vote was first taken for or against that procedural proposal.

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the procedural proposal (5) – Councillors Bouse, Forrest, Murtagh, Sinclair and Stainbank.

Against the procedural proposal (5) – Provost Bissett and Councillors Buchanan, Kelly, Kerr and Redmond.

There being an equality of votes the Convener then exercised his casting vote against the procedural proposal. The procedural proposal was accordingly defeated and the original motion became the substantive motion against which the further amendment would be moved.

As a further amendment, in substitution of the motion, Councillor Murtagh, seconded by Councillor Sinclair, moved that the Planning Committee refuses planning permission for the following reason(s):-

- (1) The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site, and therefore is contrary to policies PE14 - Countryside, HC01 - Housing Land, and HC05 - Housing in the Countryside of the Falkirk Local Development Plan and Supplementary Guidance SG01- Development in the Countryside.
- (2) The development would not respect the settlement pattern of the countryside area or respond sympathetically to the site's surroundings. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to Policy PE01 - Placemaking of the Falkirk Local Development Plan and IR05 - Travel Hierarchy and Transport Assessment.
- (3) The applicant has not demonstrated that a safe access, with the required level of visibility, can be achieved in accordance with the National Roads Development Guide, and the proposals would therefore not be in the best interests of road safety.
- (4) The applicant has not demonstrated that the proposal would have an acceptable impact on existing ecology and trees on site. The proposal is therefore contrary to Policies PE19 - Biodiversity and Geodiversity and PE20 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan, and Supplementary Guidance SG07 - Biodiversity and Development, and SG10 - Trees and Development.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, and Supporting Documents.

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (6) – Provost Bissett and Councillors Buchanan, Kelly, Kerr, Redmond and Stainbank.

For the further amendment (4) – Councillors Bouse, Forrest, Murtagh, and Sinclair.

Decision

The Committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services (including conditions in relation to tree survey and protection plan, drainage impact assessment, coal mining and zero carbon), on the basis of the following grounds and material considerations:-

- 1. That the committee is satisfied with the design and materials of the proposed development:**
- 2. That it is considered persuasive in this case that the application site contains an existing site of a disused building which site shall be utilised; and**
- 3. That the committee is satisfied as to matters of road safety and access.**

Prior to consideration of the following item, Councillor Kerr stated that he had a connection to this item by reason of having previously built a dwellinghouse at a nearby plot but stated that he had no knowledge of the developer of this application. He stated that, having applied the objective test in the Councillors' Code of Conduct, he did not consider that he had an interest that required to be declared.

P54. Construction of 2 Dwellinghouses and Detached Domestic Garages at Land to the South of 7 Blackbraes Road, Falkirk for Alchemy Development - P/22/0095/FUL

The committee considered an update report by the Director of Place Services on an application for the construction of 2 dwellinghouses and detached garages at land to the south of 7 Blackbraes Road, Falkirk for Alchemy Development – P/22/0095/FUL.

Decision

The committee granted planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2)**
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- 3. No development shall commence until;**
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coalmine workings, and;**
 - b) any remediation works and/or mitigation measures to address land instability arising from shallow workings, as may be necessary, have been implemented on site in full in order to**

ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by shallow coalmine workings.**
- 1. Prior to works commencing on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.**
- 2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):**
 - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance**
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored**
 - iii. location and design, including materials, of walls, fences and gates**
 - v. soft and hard landscaping works**
- 3. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
 - ii) a Statement of Conformity which confirms that 12%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in

accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2-4. To ensure the ground is suitable for the proposed development.
- 5-6. To safeguard the visual amenity of the area.
7. To ensure the development achieves the required CO2 emission reduction as a result of development.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.
2. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday 08:00 - 19:00 Hours

Saturday 08:00 - 13:00 Hours

Sunday / Bank Holidays No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

- P55. Discharge of Planning Obligation Attached to Planning Permission F/90/0530 which Restricts the Occupancy of the Dwellinghouse (now known as Forresters Cottage, Torwood, FK5 4SW) to a Person Employed in the Management and Supervision of a Tree Nursery Operation at Torwood Nursery, by Torwood Castle, near Dunipace at Forresters Cottage, Torwood, Larbert, FK5 4SW for Mr and Mrs John and Dorothy Taylor - P/22/0285/75D**

The committee considered a report by the Director of Place Services on an application for the discharge of planning obligation attached to planning permission F/90/0530 which restricts the occupancy of the dwellinghouse (now known as Forresters Cottage, Torwood, FK5 4SW) to a person employed in the management and supervision of a tree nursery operation at Torwood Nursery, by Torwood Castle, near Dunipace at Forresters Cottage,

Torwood, Larbert, FK5 4SW for Mr and Mrs John and Dorothy Taylor - P/22/0285/75D.

Decision

The Committee agreed to discharge the Planning Obligation for the following reason:-

- (1) It is considered that the Section 50 Legal Agreement attached to planning permission F/90/0530 does not meet all of the tests for a planning obligation under Planning Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.**

FALKIRK COUNCIL

**Minute of meeting of the Audit Committee held on Thursday 27 October 2022
at Lesser Town Hall, Falkirk at 09.30 a.m.**

Councillors: Margaret Anslow (Convener)
Gordon Forrest
Anne Hannah
Cecil Meiklejohn
Sarah Patrick

Officers: Karen Algie, Director of Transformation, Communities and
Corporate Services
Malcolm Bennie, Director of Place Services
Sophie Dick, Democratic Services Graduate
Kenneth Lawrie, Chief Executive
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Amanda Templeman, Chief Finance Officer

Also Attending: Steven Kirkwood, Interim Chief Finance Officer, Falkirk IJB
Stephen Reid, EY
Grace Scanlin, EY

A5. Apologies

No apologies were intimated.

A6. Declarations of Interest

No declarations were made.

A7. Minute

Decision

**The minute of the meeting of the Audit Committee held on 22 August
2022 was approved.**

A8. Report to Members and the Controller of Audit on the 2021/22 Audit

The committee considered a report by the Director of Transformation, Communities and Corporate Services which presented the outcome of the 2021/22 Annual Audit and provided a summary of the key points arising from the Auditor's Annual Report.

The Council's appointed auditors, EY, were required to communicate matters relating to the audit of the Financial Statements (the Accounts) to those charged with governance of the organisation. The appropriate body to consider governance within Falkirk Council was the Audit Committee.

Following the Director of Transformation, Communities and Corporate Services summary of the report, Stephen Reid and Grace Scanlin offered further insight.

The committee gave thanks to EY for the work they had undertaken over the previous 6 years as the Council's External Auditors.

Financial Sustainability was identified as the greatest risk faced by the Council as a saving of £69m by 2027 was required, members sought for clarity on what this meant to the Council. Ms Scanlin explained that over the last 4 years, the risk reflected the acceptance of budgeting decisions made by the Council during Budget Working Groups and the day of the budget. She continued that each time the Council agreed to use reserves or elected not to save, this increased pressure in the future. Until the Financial Stability Working Groups were running and the budget process had concluded, the risk remained significant. Ms Scanlin referred to Multi-Year Financial Plans utilised by other Councils which provided a roadmap to financial balance and she recommended the Council adopted this.

Governance and Transparency was determined to be 'Green' last year which had since been reduced to 'Amber', it was asked what caused this and what actions could be taken to improve. A key factor for this was around the number of whistleblowing allegations and the culture concerns within the Council.

Ms Scanlin, following a question on what mechanisms should be utilised to maintain good performance within services, explained that difficult decisions laid ahead and priorities would have to be determined. The financial constraints placed on the Council would lead to a decline in performance in certain services, however, focus should be placed on prioritised services. She made reference to the LGBF Indicators, some of which focused on 'Cost per visit' which was categorised as red for the 2020/21 reporting period and explained that this could be improved.

Following on from a suggestion that greater discussions should be held around risk and risk appetite, the Chief Finance Officer noted that at the next Audit Committee meeting two reports on risk was being presented for discussion. These reports recognised the need for further discussions. Ms

Templeman referred to the possibility of Risk Workshops, however, emphasised the existing pressures on officers and members and suggested it would be more appropriate to defer these Workshops till after the budget.

In terms on whether the Internal Audit Team had filled all vacancies, the Chief Finance Officer confirmed that all vacancies had been filled and assured the Internal Audit, Risk and Corporate Fraud Manager would return as soon as deemed to be appropriate.

Members raised concerns that some decisions had failed to be made whilst other decisions had failed to be implemented in relation to resolving the budget gap. They also said that guidance on how to resolve the budget gap issue would be helpful to which the Chief Executive explained that the £69m budget gap solutions would be developed by officers and emphasised that this work was solely upon the Council and unrelated to the External Auditors. Mr Lawrie further noted that proposals would be brought forward on a multi-year basis to bridge the gap each year whilst also implementing indicative budgets for future years. He referred to the Financial Strategy Group as having a critical role in ensuring that the Council was able to create a shared narrative on how to tackle the multi-year challenge. In terms of the non-delivery of decisions, he explained that, in general, budget decisions had been implemented.

The committee referred to Zero Based Budgeting (ZBB) and the potential to create savings if this approach was adopted, Mr Lawrie stated that significant work had been done but recognised the level of savings was not as significant as initially hoped. He explained that a report covering what work had been done and was planned would be submitted to the Council meeting in December.

In reference to Governance and Transparency, members referred to 'underlying cultural issues have not been addressed' and asked how this would be resolved. The Director of Transformation, Communities and Corporate Services noted that there were two approaches to this – firstly, a focus on the fraud investigation reports as a result of the whistleblowing allegations. Ms Algie clarified that there had been no wrongdoing found in any of these investigations, however, the fraud investigations provided recommendations which had been implemented. In relation to this, the Internal Audit Team had been tasked with further auditing into these recommendations to ensure full implementation. The second aspect was focused on people and how they worked with each other – an action plan had been developed through a Working Group, which included Trade Union Representatives, this action plan would be implemented through an Improvement Group which would also include Trade Union Representatives.

Mr Reid, following a question on how EY would ensure a smooth transition to the Council's new auditors (Audit Scotland), explained that Audit Scotland had provided guidance to all auditors to successfully transition and assured committee that EY would follow this. Examples of work that would be undertaken included a meeting between EY and Audit Scotland to give

briefings on the most recent work; enable access for Audit Scotland to audit files whilst meetings between Audit Scotland and officers/members would be held.

Members made reference to the Best Value Report which emphasised the value of collective leadership and the importance of this moving forward, Mr Reid explained that minority administrations and collaborative work was seen across Scotland. The Best Value Report was clear that it was the responsibility of all members to deliver Best Value which he emphasised was more important now than ever to work together to deliver difficult decisions. The financial outlook of the Council was dependent on collaborative working, and failure to do so presented the risk of worsening the financial position.

As a response to the recommendations within the Best Value Report, a comprehensive induction programme for elected members was implemented which was complemented by external support. Members sought for clarification on what this external support was. The Director of Transformation, Communities and Corporate Services explained that a legal company provided a presentation on equalities for all members, specifically on the equality duties. Furthermore, a former Chief Executive of a local authority worked alongside Corporate Management Team and Chief Officers on collaborative leadership – a report from this work was produced and was currently being implemented. Additional events were also being considered, one of which was being held the following week on equal opportunities, as well as less formal training on topics such as the budget.

Members referred back to the collaborative work being undertaken between the Trade Union Representatives and the Working Group/Improvement Group and asked if a report would be presented to the Audit Committee on this work. The Director of Transformation, Communities and Corporate Services explained that a pilot period had been carried out to identify what actions were required. Ms Algie noted that a report was not intended to be submitted to committee due to its operational nature, however, agreed to return to committee with updates at appropriate stages.

The Council was recommended to conduct a self-assessment against the CIPDA Financial Management Code to which the Audit Committee were responsible for considering the self-assessment and scrutinising the implementation. The committee asked when and how these self-assessments would be carried out. The Chief Finance Officer explained that the Financial Management Code self-assessments were something to be discussed with members but had not yet been carried out due to the primary focus being on the financial sustainability issue. Ms Templeman emphasised the importance of resolving the issue of financial sustainability as it was time consuming and used a significant number of resources. She was unable to outline a timeframe, however, assured members that a self-assessment would be carried out at time point.

Decision

The Committee:-

- (1) noted the Annual Audit Report for 2021/22;**
- (2) noted the action plan appended to the Annual Audit Report, and**
- (3) recommended to Council that the Audited Annual Accounts of the Council to March 2022 were approved.**

FALKIRK COUNCIL

Minute of meeting of the Education, Children and Young People Executive held remotely on Friday 28 October 2022 at 9.00 a.m.

Councillors: Gary Bouse
James Bundy
Fiona Collie
Paul Garner
Anne Hannah
James Kerr
Cecil Meiklejohn (Convener)
Alan Nimmo
Robert Spears
Euan Stainbank

**Representatives
of Religious
Bodies:** Maureen Harkins

Co-Optees: John Chalmers, Teacher Representative
Fiona Craig, Teacher Representative
Declan McGavin, Pupil Representative

Officers: Jack Frawley, Team Leader – Committee Services
Gary Greenhorn, Head of Planning and Resources
Paul Kettrick, Head of Invest Falkirk
David Mackay, Head of Education
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Willow Russell, Accountant

ECYE20. Apologies

Apologies were intimated on behalf of Councillors Murtagh and Paterson; and Agnes Mullen (Representative of Religious Body) and Rev Michael Rollo (Representative of Religious Body).

ECYE21. Declarations of Interest

There were no declarations of interest.

ECYE22. Proposed Bid to Scottish Government's Learning Estate Investment Programme - Phase 3

The Education, Children & Young People Executive considered a report by the Directors of Children's and Place Services which provided details of a proposed funding bid that had been developed for the Scottish Government's Learning Estate Investment Programme (LEIP) Phase 3. The bid was an integral part of the planned expansion of Carrongrange High School to become a 5 – 18 campus.

Carrongrange High School had been funded in part by the Scottish Government's "Schools for the Future" Programme and when it opened in 2017 it had a capacity of c185 -190. Since opening the school had been adapted to meet the growing proportion of pupils with severe and complex learning needs which had resulted in most classes having a maximum of 6 pupils, compared to 10, when supporting pupils with moderate needs.

The current costings for expansion were estimated for the project at c£23m. The primary school element of this was estimated to be c£19.3m with the balance of c£3.7m for secondary provision. Council agreed at its meeting of 28 September 2022 that £13.9m would be prioritised from the current Capital Programme with the balance of £9.1m being borrowed using the Future Revenue Stream Funding that would flow from a successful bid.

The key aims of this project were to:-

- address the significant growth needs recognised within the ASN sector;
- reduce the requirement for young people to be offered ASN provision out-with the Falkirk area;
- provide an expanded, centralised and integrated ASN provision by creating a 5-18 campus on the Carrongrange High School site;
- expand primary ASN capacity by 5 classes;
- expand secondary ASN capacity by 10 classes
- allow the overall provision and support for Early Years ASN to be centrally managed from the Carrongrange site, and
- align the funding bid in a manner that maximised the income stream for the Council.

Decision

The Education, Children and Young People Executive:-

- (1) approved the submission of the Bid to the Scottish Government by the 31 October 2022 deadline set out in appendix 1 of the report, and**
- (2) requested that both Directors keep the Education, Children and Young People Executive up to date on the progress and outcome of the Bid.**

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held at Lesser Town Hall, Falkirk on Wednesday 2 November 2022 at 10.00 a.m.

Councillors: David Aitchison
Margaret Anslow
Stacey Devine
Jim Flynn
James Kerr
Euan Stainbank (Convener)

Officers: Sophie Dick, Democratic Services Graduate
Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Interim Legal Services Manager
Frances Kobiela, Senior Solicitor

CL45. Apologies

Apologies were intimated on behalf of Depute Provost Balfour, Councillors Deakin, Ritchie and Robertson.

CL46. Declarations of Interest

There were no declarations of interest.

CL47. Minute

The minute of the meeting of the Civic Licensing Committee held on 27 September 2022 was approved.

CL48. Exclusion of Public

RESOLVED in terms of section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL49. Application for the Grant of a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi driver licence.

Decision

The committee agreed:-

- (1) to give the applicant a final opportunity to take and pass the knowledge test, and should the applicant fail the knowledge test, to authorise the Chief Governance Officer to refuse to grant the taxi driver licence without further reference to committee, and**
- (2) should the applicant pass the knowledge test, to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence.**

Councillor Devine joined the meeting during consideration of the previous item.

CL50. Application for the Renewal of a Private Hire Car Driver Licence

The applicant, Mr S, was in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for renewal of a private hire car driver licence.

The committee heard from the applicant in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a brief adjournment and reconvened with all members present as per the sederunt.

Decision

The committee agreed:-

- (1) to renew the private hire car driver licence with a specific condition that the applicant takes and passes the knowledge test, which will be provided orally and up to 3 attempts allowed, by 31 January 2023, and**
- (2) should the applicant fail the knowledge test within this timescale, to remit the matter back to committee for consideration.**

CL51. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr P, and Sergeant Derek Simpson, Police Scotland were in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for the renewal of a taxi driver licence.

The committee were advised that a letter of objection in relation to the renewal application had been submitted by the Chief Constable, Police Scotland.

Following confirmation from both parties that they had no objection, the letter from the Chief Constable was circulated to members.

Sergeant Simpson, the Chief Constable's representative was heard in relation to the letter of objection.

Questions were asked of Sergeant Simpson by the applicant.

Questions were then asked of Sergeant Simpson by members of the committee.

Mr P was then heard in relation to the Chief Constable's letter of objection and in support of his application.

There being no questions from Sergeant Simpson, members asked questions of Mr P.

Both parties were invited to sum up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to grant the renewal of the taxi driver licence with a warning letter, subject to the standard conditions for a period of one year.

Councillor Kerr left the meeting after consideration of the previous item.

CL52. Application for the Renewal of a Street Trader Licence

The applicant's representative, Mr S and Sergeant Simpson, Police Scotland were in attendance. The applicant, Mr J was not in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for the renewal of a street trader licence.

The committee were advised that a letter of objection in relation to the renewal application had been submitted by the Chief Constable, Police Scotland.

The committee heard from the applicant's representative and Sergeant Simpson, the Chief Constable's representative in relation to a preliminary matter.

The Committee decided in terms of the test in the Rehabilitation of Offenders Act 1974 section 7(3) that, to consider the renewal application, justice cannot be done except by admitting or requiring evidence relating to the licence holder's spent conviction and to the circumstances ancillary thereto. They decided to admit the information on the spent conviction and the circumstances.

Following confirmation from both parties that they had no objection, the letter from the Chief Constable was circulated to members.

Sergeant Simpson, the Chief Constable's representative was heard in relation to the letter of objection.

There being no questions from the applicant's representative, members asked questions of Sergeant Simpson.

The applicant's representative was then heard in relation to the Chief Constable's letter of objection and in support of his client's application.

There being no questions from Sergeant Simpson, members asked questions of the applicant's representative.

Both parties were invited to sum up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt, with the exception of Councillor Kerr.

Councillor Stainbank, seconded by Councillor Devine moved that the committee grant the renewal of the street trader licence.

As an amendment, Councillor Flynn seconded by Councillor Aitchison moved that the committee refuse the application for the renewal of the street trader licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of the licence.

A vote was taken as follows:

For the motion (2) – Councillors Devine and Stainbank.

For the amendment (3) – Councillors Aitchison, Anslow and Flynn.

The amendment was carried.

Decision

The committee refused the application for the renewal of the street trader licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of the licence.

FALKIRK COUNCIL

Minute of meeting of the Audit Committee held on Monday 7 November 2022 at Lesser Town Hall, Falkirk at 9.30 a.m.

Councillors: Margaret Anslow (Convener)
Gordon Forrest
Anne Hannah
Cecil Meiklejohn
Sarah Patrick
Robert Spears

Officers: Karen Algie, Director of Transformation, Communities and Corporate Services
Malcolm Bennie, Director of Place Services
Sophie Dick, Democratic Services Graduate
Gary Greenhorn, Head of Planning & Resources
Kenneth Lawrie, Chief Executive
Sarah McPhee, Senior Internal Auditor
Brian Pirie, Democratic Services Manager
Amanda Templeman, Chief Finance Officer

Also Attending: Steven Kirkwood, Chief Finance Officer, Falkirk IJB

A9. Apologies

No apologies were intimated.

A10. Declarations of Interest

There were no declarations of interest.

A11. Minute

Decision

The minute of the meeting of the Audit Committee held on 22 August 2022 had been approved at the meeting held on 27 October 2022.

A12. Internal Audit Charter

The committee considered a report by the Internal Audit Risk and Corporate Fraud Manager seeking approval of an updated Internal Audit Charter. The charter set out the role, authority, and responsibilities of the Internal Audit team and had last been reviewed August 2020.

Following a question on whether there had been significant changes made to the Charter, the Senior Internal Auditor clarified that the changes were minimal. The purpose of the changes was to include Clackmannanshire Council in the wording.

Decision

The Committee approved the Internal Audit Charter.

A13. Internal Audit Annual Assurance Report 2021/22

The committee considered a report by the Internal Audit Risk and Corporate Fraud Manager providing an overall assurance on the Council's arrangements for risk management, governance, and control, based on Internal Audit work undertaken during 2021/22.

The Plan for 2021/22 set out 25 reviews. 22 had been completed, 1 ongoing and 2 had been deferred to the 2022/23 Internal Audit Plan.

In terms of performance, Internal Audit had achieved its 3 key performance targets -

- Complete 85% of agreed audits – 91% completed
- Have 90% of recommendations accepted – 100% accepted
- Issue 85% of draft reports within 3 weeks of completion of fieldwork – 100% issued

Due to resourcing constraints, the planned work on Legionella Management Arrangements had been deferred to the 2022/23 Internal Audit Plan and members asked if these constraints had been rectified. The Senior Internal Auditor assured members that that work was currently ongoing – the resourcing issue related to staffing levels as the Internal Audit Team had been recruiting an Internal Auditor and Senior Internal Auditor. Ms McPhee stated that the work was on track to being completed.

Members asked if all vacancies within the Internal Audit Team had been filled, as this was highlighted as a concern during the 2021/22 period. The Senior Internal Auditor confirmed that the Internal Audit Team had a full complement of staff since October 2022.

Following on from this point, Ms McPhee clarified that substantial assurance was provided despite the resourcing issues due to the high quality of work. She explained that the team was highly experienced, and all members of the Internal Audit Team were capable of maintaining high quality.

Fleet Management and Monitoring was provided Limited Assurance with 'some scope for furthering improving the existing controls' and members asked for assurance that this had been addressed. The Director of Place Services explained that a substantial amount of time had been spent addressing this issue – as a result of the 2021/22 Internal Audit, an additional audit was requested in June 2022 to assess the extent of improvements made. This work highlighted further areas of improvement which had since been addressed through new leadership and robust practices. Furthermore, additional improvements were expected with a new Fleet Manager having been employed in Autumn 2022.

Falkirk Council was involved in the National Fraud Initiative which was designed to detect wrongly claimed Council Tax Single Person Discount, of which there were 13 instances totalling to around £6k. The committee asked what lessons had been learned from these instances. The Senior Internal Auditor explained that the Fraud Team would notify the individual involved. In general, the main cause for wrongly claimed discount was due to a child turning 18 and the homeowner being unaware of the implication of this.

Members referred to Procurement and Housing Property Support and Follow up: Stage One and asked why the Level of Assurance was 'Not Applicable' to which Ms McPhee explained it was standard practice for follow-ups to not receive a level of assurance. She stated that the purpose was to follow-up on recommendations and identify the progress made. Assurance would only be given to full audits.

191 (14%) of Integra transactions failed to have supporting documents attached and the committee sought for further information on this. Ms McPhee explained that in situations like this, managers were notified and had to provide comment on how they would improve. The Senior Internal Auditor stated she would refer back to the committee with more in depth information.

Decision

The Committee noted:-

- (1) sufficient Internal Audit work was undertaken to support a balanced assurance;**
- (2) Internal Audit could provide SUBSTANTIAL assurance on the Council's arrangements for risk management, governance, and control for the year to 31 March 2022;**

- (3) Internal Audit met, or exceeded, each of its Key Performance Indicators; and**
- (4) the Internal Audit section operated in compliance with Public Sector Internal Audit Standards.**

A14. Internal Audit Plan 2022/23

The committee considered a report by the Internal Audit Risk and Corporate Fraud Manager presenting a draft 2022/23 Internal Audit Plan for approval.

The plan allowed for 423 audit days. This was a reduction from the previous 523 audit days.

The plan comprised:-

- Annually recurring Assignments
- Committed Assignments
- Other Client Work

The committee sought for assurance on whether the Internal Audit Team was on track to complete 100% of all audits as well as have further capacity to complete additional work if something arose. The Senior Internal Audit Manager confirmed that the Team was on track to complete 100% of all audits, however, recognised she was unable to anticipate the unknown. If something were to arise, Ms McPhee stated all work would be considered and prioritised to ensure that the most pressing would be completed.

Following a question on what was meant by 'Covid-19 Recovery' as a Risk Mitigated, the Senior Internal Auditor explained that the impact of Covid-19 was still ongoing. It was part of the Risk Register when comparing the current situation of employees returning to work rather than working from home, the risk was mitigated. Covid remained a risk due to it removing staff from the workforce, but to a smaller extent compared to previously.

Decision

The Committee:-

- (1) noted the resources available to Internal Audit and that the plan is flexible;**
- (2) approved the Internal Audit Plan for 2022/23; and**
- (3) noted that progress will be reported to the Audit Committee on an ongoing basis.**

A15. Corporate Fraud Update

The committee considered a further report by the Director of Transformation, Communities and Corporate Services previously submitted in March 2022.

The report provided an update on progress as well as an update on corporate fraud/whistleblowing related reporting as requested at the previous Audit Committee.

The Anti-Fraud and Corruption Strategy and the Procedure for Investigating Corporate Fraud Referral documents were uploaded to the Council's website, however, the Senior Internal Auditor was unsure if it was possible to track how many people were engaging with the documents online. Ms McPhee stated she would refer back to committee.

An Investment Fraud presentation was organised for March 2022, however, did not take place due to a lack of interest. Members asked if the approach to engaging with people had changed since then. Ms McPhee stated that work was ongoing to alter the approach, however, would refer back to committee with more information.

The committee asked what work was ongoing to ensure Services were aware of their involvement with Corporate Fraud and the Senior Internal Auditor stated she would refer back to committee with information on this.

Appended to the report was the 'Corporate Fraud Action Plan' which detailed when actions were to be completed, members requested if a real-time update would be available in future reports. Ms McPhee stated she would refer back to committee.

Following this, the Chief Finance Officer explained that there had been pressures on the Internal Fraud Team due to workforce absences and whistleblowing allegations. Ms Templeman believed the action plan would be completed, with the possibility of a slight delay. Work had also been ongoing with Police Scotland to create toolbox talks targeted at elected members however, discussions were ongoing to expand this to officers.

Following a question on how many financial controls were in place to prevent/restrict fraud and the associated cost for this, the Chief Finance Officer explained that financial controls were focused on how officers carried out day-to-day tasks, thus no attached financial costs. Ms Templeman highlighted that a number of different transactions took place every day and therefore it was appropriate that a number of controls were in place. These controls adapted to the working arrangements during the pandemic and have since been reviewed to ensure they reflect the current way of working. Assurance for these controls was provided through the work of Internal Audit.

In terms of resources relating to investigating fraud allegations, the Chief Finance Officer explained that investigations required a significant amount of resources which mainly came from the Corporate Fraud Team (two people). If External Auditors felt it appropriate to engage, or HR, they would.

The committee referred to the Whistleblowing Investigations, of which there were a total of 12 new and 5 carried on from 2021/22. It asked what Services were involved and sought for assurance that appropriate time was given to the investigations. Ms Templeman explained that investigations could be complicated – some allegations were able to be resolved quickly while others were more time consuming and demanded greater resources. In some cases, external partners were involved which reduced the control over time management the Council had. Furthermore, the length of time to complete wasn't a reflection on the Team, but rather the complexity of the case, for example involving more than one Service. The Chief Finance Officer emphasised that she was not concerned about the resources of the Team.

Members raised concerns around the timescales provided in the Corporate Fraud Action Plan to which the Chief Finance Officer explained that this report was intended for an earlier Audit Committee. Ms Templeman agreed to return to the committee with an update on progress.

In relation to elected members training on Fraud Prevention, the Chief Finance Officer agreed that training should be forthcoming although recognised the current pressure on the Internal Audit Team. This had delayed training and she assured that this would be resolved alongside the Internal Audit Risk and Corporate Fraud Manager.

Decision

The Committee:-

- (1) noted progress with updating the Fraud-related documents;**
- (2) noted fraud related performance and the summary of work undertaken within the Corporate Fraud Team for the year so far; and**
- (3) noted the Corporate Fraud Action Plan 2022/23, and agreed that progress will be reported to elected Members six monthly.**

A16. Risk Management Assurance Policy and Framework

The committee considered a report by the Director of Transformation, Communities and Corporate Services providing an updated Risk Management Assurance Policy and Framework (the 'Policy'), and to outline the next steps in rolling out updated risk management training and guidance.

Members raised concerns around the lateness of some training for the Audit Committee, particularly noting in relation to the budget setting process. Furthermore, the committee highlighted that Councils were risk adverse which would make it appropriate to hold discussions around risk appetite. The Chief Finance Officer acknowledged there may be limitations on capacity for both officers and members to carry out training. Ms Templeman explained that the Council was handling risk management by undertaking the work required for the budget setting process, which was impacting on resources for training. In terms of risk appetite, discussions had been held to create workshops and better understand people's ideas on it. Target Risks were also incorporated into the Corporate Risk Register, but focus should be placed on how these Target Risks inform decisions. She referred to the Committee Papers – Risk Considerations Section which she noted could be improved and adopt a more consistent approach.

Following a question on whether risk assessments would be undertaken in conjunction with motions of budget cuts, the Chief Finance Officer highlighted the link to committee reports. The committee reports should be very specific as to what the implications of a reduction and if any mitigation measures could be implemented. Furthermore, EPIAs would be utilised – any reduction/change in policy should be accompanied by an EPIA which would outline the implications and any mitigation measures.

CRM would no longer carry out Scrutiny Committee Deep Dives and members sought for clarity on where scrutiny of specific areas of performance would take place. Ms Templeman explained that Audit Committee and Executive would be able to refer a report to Scrutiny Committee if they felt it would be appropriate. The reason behind stopping the Deep Dive exercise was because the purpose of routinely doing them wasn't always clear whilst taking up a significant amount of officer/member's time. This new approach would be much more focused.

The Chief Finance Officer stated she would consider including a segment on the role of other committees (such as Scrutiny) in the Audit Committee training.

Decision

The Committee:-

- (1) noted the Policy;**
- (2) referred the Policy to the Executive for approval; and**
- (3) noted that the Chief Finance Officer will organise Risk Training for all Elected Members and Chief Officers in this financial year, and this will be supported by relevant guidance and training for other colleagues.**

A17. Corporate Risk Management Update

The committee considered a report by the Director of Transformation, Communities and Corporate Services providing an update on Corporate Risk Management (CRM) arrangements including a review of the Corporate Risk Register (CRR), Service Assurance Statements, and Risk Management Improvement Plan.

A Horizon Scanning session was planned to be undertaken by March 2023 with the suggestion that relevant elected members would also be involved. Members suggested that signposting this information would be helpful as well as a report to committee on Horizon Scanning. The Chief Finance Officer suggested that Horizon Scanning could be incorporated into the quarterly Corporate Risk Review.

The Summary of High Corporate Risks noted that seven risk assessments were still to be undertaken and the committee sought for information on timescales for these targets.

Following a question on how often the Corporate Risk Register was updated, Ms Templeman explained risk was a constant factor considered in all conversations and proved the Council was actively managing risk. One area of improvement that was identified was to incorporate risk work into what was being done so updated the Corporate Risk Register was separate to managing work. If a risk was seen to be of significance, for example Covid-19 or energy, they would be flagged up in many reports and discussed how it was actively managed.

Poverty was rated a high risk however was provided Substantial Assurance on the actions taken to address income maximisation, the committee asked what actions were in place to support individuals in poverty. The Chief Finance Officer recognised that poverty was a high risk and a likely scenario meaning it would score high in terms of impact and likelihood. Substantial Assurance was provided through the work carried out. The Director of Transformation, Communities and Corporate Services explained that additional funding was provided to support poverty through the Housing Support Grants and Leader Funding as well additional posts to support income maximisation. A briefing note was provided to elected members on more actions being undertaken. A full report was to be presented to the Council in December on a full range of actions for all elected members.

In terms of reducing 'Public Protection: Harm to Adults or Children' to a medium impact would not be possible as the impact of harm was inherently high. The Council could affect the likelihood of impact to a certain extent, but regardless, the impact would remain high.

Members suggested that a review of the way reports present information, namely implications on poverty, climate change and equalities, be considered. The Democratic Services Manager stated that a review of report formats would be undertaken in 2023 and would consider all comments. In terms of the current format, Council agreed in 2021 that climate change should appear after recommendations. The implications section had historically been at the end of the report.

Many of the comments within the Summary of High Corporate Risks noted 'Reduced from Medium to High', the committee sought for clarification on what was meant by this. Ms Algie summarised that as the risk had increased, the situation had reduced – she noted that this was complex wording and offered to review it. Ms Templeman echoed that the wording could be confusing and could be improved.

The Director of Transformation, Communities and Corporate Services agreed with the committee that it was important to fill the posts related to income maximisation quickly. Ms Algie explained that it was essential that people with the correct skills were brought in for the job and therefore the role was redesigned to ensure this. She assured committee that a significant amount of work had been undertaken across the Council to support communities with poverty.

Decision

The Committee:-

- (1) noted the contents of the report; and**
- (2) referred to the Executive for approval.**

FALKIRK COUNCIL

Minute of meeting of the Education, Children and Young People Executive held in the Lesser Town Hall, Falkirk with remote participation on Tuesday 8 November 2022 at 10.00 a.m.

Councillors:

Gary Bouse
James Bundy
Fiona Collie
Paul Garner
Anne Hannah
James Kerr
Cecil Meiklejohn (Convener)
Laura Murtagh
Siobhan Paterson
Robert Spears
Euan Stainbank

**Representatives
of Religious
Bodies:**

Maureen Harkins
Agnes Mullen
Rev Michael Rollo

Co-Optees:

John Chalmers, Teacher Representative
Fiona Craig, Teacher Representative
Grace Galvin, Pupil Representative
Declan McGavin, Pupil Representative

Officers:

Arlene Fraser, Committee Services Officer
Jack Frawley, Team Leader – Committee Services
Gary Greenhorn, Head of Planning and Resources
Rhona Jay, Service Manager
Sara Lacey, Head of Social Work Children's Services
Sharon Laing, Service Manager
Kenneth Lawrie, Chief Executive
David Mackay, Head of Education
Mark Meechan, Community Learning & Development Manager
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services

ECYE23. Apologies

Apologies were intimated on behalf Councillor Nimmo.

ECYE24. Declarations of Interest

There were no declarations of interest.

ECYE25. Minutes**Decision**

The minute of the meeting of the Education, Children and Young People Executive held on 26 September, and of the special meeting held on 28 October 2022 were approved.

ECYE26. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 26 September 2022 was provided. Items 575 – Falkirk Community Learning and Development (CLD) Annual Update on CLD Action Plan 2018/21 and Falkirk's Draft CLD Plan 2021/24; and 585 – NIF Education Service Recovery and Improvement Plan, were the subject of reports on the agenda and accordingly fell from the action log.

Decision

The Education, Children & Young People Executive noted the rolling action log.

ECYE27. Moving Closer to Home – Family Based Care

The Education, Children and Young People Executive considered a presentation from Sharon Laing, Service Manager on Moving closer to Home – Family Based Care and an accompanying report by the Director of Children's Services which summarised the work undertaken to expand community-based placements for those children in need of care and protection who could not be cared for at home.

Expanding community-based placements was a key project in the Council's Closer to Home Strategy. The aim was to shift the balance of care from external residential placements for children looked after away from home to either family-based kinship care or foster placements within the community.

The report outlined the various strands of work the Family Placement Team had progressed in line with the Closer to Home Strategy to ensure that sustainable services and better outcomes for children in need of care and protection were achieved.

Decision

The Education, Children and Young People Executive noted the progress of the Closer to Home Strategy to increase capacity of family care placements in Falkirk.

Agnes Mullen joined the meeting during consideration of the previous item.

ECYE28. Consultation on Proposed Mothballing of Blackness Primary School

The Education, Children and Young People Executive considered a report by the Director of Children's Services which sought approval to proceed with the informal consultation exercise to consider the proposal to mothball Blackness Primary School.

The Executive had agreed on 8 December 2020 (ref ECYE20) to place a temporary hold on the criteria for considering schools for mothballing to allow the Strategic Property Review community consultation work to be undertaken. This work was now complete, and it was considered appropriate that the temporary hold on considering schools for mothballing be lifted.

The school roll at Blackness Primary School had steadily fallen over the last few years and, for the academic year 2022/23, the roll was 8 pupils. Due to the catchment area of pupils having fallen to below 10, and in accordance with the Council's agreed criteria and parameters, it was appropriate for Children's Services to proceed with a consultation on the potential mothballing of the school.

Details of the proposed consultation and alternative education provision for those children currently attending Blackness Primary School, was set out in the report.

Decision

The Education, Children and Young People Executive:-

- (1) agreed that the temporary hold placed on the consideration of schools for mothballing be lifted;**
- (2) agreed that the Director of Children's Services proceed with the informal consultation exercise outlined in Section 5.4 – 5.7 of the report, and**
- (3) requested that a report which summarised the results of the informal consultation exercise and made recommendations be brought to a future meeting.**

The Executive adjourned at 11.45 a.m. and reconvened at 12 noon with all members present as per the sederunt, with the exception of Maureen Harkins.

ECYE29. Falkirk Community Learning and Development (CLD) – Annual Update on CLD Action Plan 2021-2024

The Education, Children & Young People Executive considered a report by the Director of Children's Services which provided an update on Falkirk's 3-Year CLD Action Plan (2021-2024).

CLD was an essential part of the education system in Scotland and guidance published by the Scottish Government provided support to local authorities and their partners to ensure that their statutory obligations were met.

The current 3-Year Plan had been developed to align with and to take account of the six priority areas outlined within the Falkirk Plan, which was jointly developed by Falkirk's Community Planning partners. The aim of the Plan was to make a major and positive contribution to the undernoted priority areas and to the community planning outcomes in supporting community empowerment:

- Working with Partnership with Our Communities
- Poverty
- Substance use
- Mental Health and Wellbeing
- Gender based violence
- Economic Recovery

Falkirk's CLD partners had focused their efforts on developing services which targeted those residents that faced the greatest inequalities. This work would continue through the CLD Plan to ensure that positive contributions were made to the health and wellbeing of the individuals and communities most at need.

Appendix 1 to the report highlighted detailed examples of where progress had been made in a number of the priority areas contained in the Falkirk CLD Plan.

In May 2022, HM Inspectors of Education undertook an inspection of Falkirk's CLD partners community development work on supporting recovery from COVID-19 within the Council area. Details of the HMIE Inspectors findings were set out in the report. These included areas of strength and suggested areas for improvement.

Decision

The Education, Children and Young People Executive:-

- (1) noted the progress made against 7 of the Priority Areas as outlined in Appendix 1 to the report;**
- (2) agreed that the updated Action Plan be published on the Council's website, and**
- (3) requested that the Director of Children's Services provide an Annual Report to update on progress on Year 2 (2021-22) of the current 3-Year CLD Action Plan in November 2023.**

Maureen Harkins re-joined the meeting during discussion of the previous item.

ECYE30. National Improvement Framework – Standards and Quality Report 2021 - 2022

The Education, Children & Young People Executive considered a report by the Director of Children's Services which provided details of the Council's Standards and Quality Report 2021/22. The report was an evaluation summary of the impact of the Education Division Service Recovery and Improvement Plan, approved in November 2021 under the National Improvement Framework (NIF).

The Standards and Quality Report 2021/22 was attached as appendix 1 to the report and highlighted the progress and improvement achieved by the Education Service, it's Early Learning and Childcare Centres (ELCCs), schools and services during the 2021/22 academic year.

Decision

The Education, Children and Young People Executive:-

- (1) agreed that the Director of Children's Services submit the Standards and Quality Report 2021/22 to the Scottish Government and Education Scotland, and**
- (2) requested that the Director of Children's Services publish the report on the Falkirk Council website.**

ECYE31. National Improvement Framework – Education Service Recovery Improvement Plan

The Education, Children and Young People Executive considered a report by the Director of Children's Services which advised of new arrangements regarding the National Improvement Framework (NIF) and sought approval of the NIF Service Recovery and Improvement Plan 2022/23.

Details of the priorities for session 2022/23 were set out under three key areas to reflect the NIF 2022, the continued impact of the Covid-19 pandemic and the results of ongoing self-evaluation.

The 2022/23 Plan was attached as appendix 1 to the report and highlighted Children's Services key areas for strategic improvement. The Plan was updated annually to take account of changing priorities both locally and nationally.

Decision

The Education, Children and Young People Executive:-

- (1) approved the NIF Service Recovery and Improvement Plan 2022/23;**

- (2) agreed that the Director of Children's Services submit the Service Recovery and Improvement Plan 2022/23 to the Scottish Government and Education Scotland, and**
- (3) requested that the Director of Children's Services bring back a Standards and Quality Report evaluating its impact to the Education, Children & Young People Executive in November 2023.**

John Chalmers left the meeting during consideration of the previous item.

FALKIRK COUNCIL

Minute of meeting of the Scrutiny Committee held remotely on Thursday 10 November 2022 at Lesser Town Hall, Falkirk at 10.00 a.m.

Councillors: David Aitchison
Margaret Anslow
Provost Robert Bissett
Gordon Forrest
Brian McCabe (Convener)

Councillors
also attending: Alf Kelly
Robert Spears

Officers: Karen Algie, Director of Transformation, Communities and Corporate Services
Malcolm Bennie, Director of Place Services
Sophie Dick, Democratic Services Graduate
Kenneth Lawrie, Chief Executive
Rebecca McDonald, Change Manager
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Amanda Templeman, Chief Finance Officer

S6. Apologies

Apologies intimated on behalf of Councillors Binnie and Robertson.

S7. Declarations of Interest

No declarations were made.

S8. Minute

Decision

The minute of the meeting of the Scrutiny Committee held on 8 September 2022 was approved.

S9. Rolling Action Log

A rolling action log detailing the status of actions which had yet to be completed was presented for consideration.

Decision

The committee noted the Rolling Action Log.

S10. Local Government in Scotland Overview Report

The committee considered a report by the Director of Transformation, Communities and Corporate Services setting out the key messages identified by The Accounts Commission Local Government in Scotland Overview Report 2022 and provide a local context to these messages.

One of the Accounts Commission's Key Messages noted 'Not all services are back to pre-pandemic levels' and committee asked how this related to Falkirk. The Chief Executive explained that there was a huge level of disruption across Council's in Scotland due to the pandemic – this impacted the ability to deliver services as well as public's usage, for example, services around leisure. In relation to this example, leisure services were not used by the public and therefore the return to running these services had been time consuming. Furthermore, an impact on the Health & Social Care Partnership was significant most notably the demand for services and pressure on staffing resources. Mr Lawrie stated that the message from the Accounts Commission was reflective of the need for Council's to adapt their delivery in services due to the changes created by the pandemic.

The Council Plan aimed to better reflect the current social, economic and environmental challenges faced locally and members asked how equality duty implications were considered and would be measured. The Director of Transformation, Communities and Corporate Services explained that the Council Plan prioritised equalities and ensured that there was work to target identified inequalities. In terms of process, the Equality Impact Assessments were utilised in every piece of work to ensure equality implications were considered. Ms Algie identified poverty as a key influence on equalities and explained there would be a report submitted to Council on equalities which also covered poverty in December.

Members referred to training that had been arranged for officers and elected members on EPIAs in order to consider them when making decisions. They asked if it would be appropriate for elected members to engage with officers on EPIAs prior to meetings to ensure they were fully assessed. The Chief Executive referred to the recommendations made within the Best Value Report and as a response, training had been put in place for officers and elected members – another session on equalities was planned to take place in December. Mr Lawrie stated that considering equalities recognised the significance of decisions being made as well as the pressure on services. He

explained that elected members did have the opportunity to ask questions about EPIAs to officers if they did have any concerns when reports were being considered. He emphasised the importance of the equalities training and creating a robust decision-making process.

The Accounts Commission noted some of the key priorities facing the Council and members referred to the Actions for Leadership which stated 'Councils should have a clear plan for developing the use of data', they asked if there were sufficient funds to achieving these priorities. The Chief Executive explained that in terms of pursuing the recommendations, he recognised the value in working towards them as they aligned with the Council's Best Value Action Plan. As a Council, Mr Lawrie stated it was not in a position where prioritise could not be addressed. In relation to the effective use of data, it was a critical part of moving towards an efficient and forward-looking Council. The Change Manager explained that work was planned to make efficient use of the data stored by the Council and share it more widely to ensure consistency and a pragmatic approach to setting targets. A key aspect of this work would be on how to best present the information and getting it into the public domain.

In terms of how meeting these priorities would be funded, the Chief Finance Officer explained that work was ongoing to gather data and present it in a streamlined way. Currently, focus was placed on maximising the resources available, however, recognised there was the possibility to utilise other funding if necessary. Ms Templeman stated to committee that the Council was not at the stage yet of fully understand the costs of achieving priorities.

Members recognised the importance of EPIAs in the decision-making process and sought for assurance that elected members would have them in advance of meetings. Mr Lawrie emphasised the importance of the upcoming training with regard to the difficult decisions to be made by Council. In general, EPIAs were to be completed alongside a report rather than retrospectively which would be highlighted in the training. The kind of decisions faced by elected members in the forthcoming months were unprecedented which further increased the importance of EPIAs. The Director of Transformation, Communities and Corporate Services referred to training recently undertaken by elected members which provided substantial information on EPIAs and their importance. The purpose of the training in December was to utilise this information and make it relevant to Falkirk – it would allow members to better understand the EPIA process whilst also explaining to officers what members needed to know to make appropriate decisions. Ms Algie assured committee that if additional work was still required, it would be identified. She further explained that a session was planned for early 2023 including officers, managers, Directors and Heads of Service to further develop the work related to EPIAs to ensure it was robust.

Following a question on whether the Council had a designated Equalities Officer, Ms Algie confirmed there was and work was ongoing to enhance equalities by further supporting them in their role.

The Accounts Commission identified 'high absence levels, issues with staff wellbeing and skills shortages' as an issue being faced across Scottish Councils. Following a question on how this was relevant to Falkirk and what mechanisms were in place to support staff, the Director of Transformation, Communities and Corporate Services recognised the staffing challenges faced by the Council because of the pandemic, however, emphasised this was a UK-wide issue. A number of wellbeing supports had been implemented, for example, information on the Council's website as well as specific training targeted at particular services. Ms Algie recognised that the impact of the pandemic was still ongoing and therefore it was important to maintain support. The problem also included staff shortages as a number of individuals made life-changing decisions and in turn, left the Council which created staff shortages. As a result of this, workforce plans were being adapted to take different actions and allow this to be specific to the service. The continuation of wellbeing support was highlighted as important due to the return to work creating the risk to wellbeing within the workforce. Mr Lawrie also chaired a Wellbeing Group which met regularly to discuss and identify any areas of improvement.

The Director of Transformation, Communities and Corporate Services recognised the impact of the pandemic as it may have had a long-term impact on individuals. It was important to continue to support individuals in the way Council provided services as well as managing the workforce. Guidance was provided to managers on how to assist and best support individuals in returning to work since the pandemic.

Members requested an update on how the Council was progressing with mitigating the impact of digital exclusion through incentives such as Connected Falkirk and Connected Scotland. Ms Algie explained work was ongoing through Digital Communities Project which focused on addressing a number of different aspects of digital exclusion such as no access to WiFi or no devices within the home. It also supported individuals in understanding the use of these devices. The benefit of this work allowed individuals to access Services, but also enabled individuals the ability to access cheaper goods online and support them in the cost-of-living crisis. This work related to the project of establishing WiFi points in town centres. The Director of Children's Service confirmed to the committee that the roll out of the Connected Falkirk Digital Device initiative was completed – all senior pupils and most senior pupils in primary school had iPads. Some families, who faced connectivity issues within the home, were provided Mobile Data Hotspot Dongles to resolve this.

As part of the development of leadership skills, the Council implemented a wider leadership development programme. This was now underway for officers and elected members focussing on collaborative leadership. The committee asked how successful this development programme had been. The Chief Executive referred to the Best Value Action Plan which outlined collaborative leadership as a key area of improvement. Mr Lawrie explained that the Council would face difficult decisions in the forthcoming months which further increased the importance of joint decision-making. In terms of

measuring the success, focus should be placed on whether there was evidence of the Council working better in a collaborative, cross-party manner rather than specific measurements. The Director of Transformation, Communities and Corporate Services stated evidence of this work would be whether an agreed Financial Strategy would occur and improvements in key indicators were found.

Following on from a question on what was meant by 'difficult to ensure reserves are used in a sustainable way', the Chief Finance Officer explained that reserves should be used to provide extra time to the Council to gather extra funds. In essence, the Council should ensure that income equates to expenditure and reserves were there for contingency. The Council was also able to use reserves sustainably by utilising it to create change which would inevitably bring savings. An example of when reserves would be used unsustainably would be when they were used to bridge a gap in funds rather than ensure income equates to expenditure. Ms Templeman explained that this method of using reserves for short-term budget gaps had been criticised.

The Chief Finance Officer stated that the use of reserves was decided at the Budget Meeting at Council. The criticism of the Council's budget centred around the short-term nature of it by focusing only on the next year and not taking a medium-term view on seeing what may impact future budgets. Assurance would be provided to external auditors if officers were to provide medium-term recommendations that would be agreed upon by elected members.

Members referred to the ongoing financial constraints placed on the Council and asked if the reserves would be further utilised to help assist the Council during this difficult period. Ms Templeman explained that the difficult period began at the start of the pandemic – this was an extreme event and application of reserves to support local communities was a valid use. The current difficulty, considering the ongoing issues faced since 2020, a significant amount of the reserves had been used and therefore the Council had a reduced amount of reserves. It was crucial for the Council to maintain a sustainable level of reserves in case of extreme cases, such as the pandemic. The current projection suggested that the Council was at the minimum level of the sustainable reserves. Ms Templeman emphasised the importance of aligning income with expenditure which she explained could occur in two ways – increase income or reduce costs.

The committee referred back to the Council's priority to reflect the social, economic and environmental challenges faced by communities in the Council Plan, it asked how engagement was conducted with different groups. The Director of Transformation, Communities and Corporate Services stated that a Communities Team was utilised who worked alongside communities in a variety of ways. Ms Algie emphasised the importance of engaging with the public on the right matters throughout the budget process. An example of this work that was currently ongoing was with the libraries where officers were asking members of the public what they felt the Council could be doing to make an efficient library service.

In terms of expanding Locality Plans to different wards in Falkirk, Ms Algie confirmed that work was ongoing with community groups to develop as many plans as possible. Ms Algie agreed to refer back to committee with an update from the Communities Team on the progress of these plans.

Decision

The Scrutiny Committee noted:-

- (1) the key messages set out in The Accounts Commission's Overview of Local Government 2022; and**
- (2) the progress to date on the recommendations in the report.**

FALKIRK COUNCIL**Minute of Meeting of the Planning Committee held in Lesser Town Hall, Falkirk on Wednesday 16 November 2022 at 10.00 a.m.**

Councillors: Provost Robert Bissett
 Gary Bouse
 William Buchanan (Convener)
 Fiona Collie
 Gordon Forrest
 Alf Kelly (Depute Convener)
 James Kerr
 Laura Murtagh
 Jack Redmond
 Iain Sinclair
 Euan Stainbank

Officers: Kevin Brown, Planning Officer
 Siobhan Couttie, Forward Planning Officer
 Ian Dryden, Development, Building Standards & Climate Manager
 Jack Frawley – Team Leader - Committee Services
 David Gray, Environmental Protection Co-ordinator
 Iain Henderson – Legal & Procurement Manager
 Gemma McArthur, Committee Officer
 Gary McGregor, Roads, Bridges & Flooding Co-ordinator
 Craig Russell, Senior Roads Development Officer
 Julie Seidel-Gregory, Planning Officer
 Alistair Shaw, Development Plan Co-ordinator
 Karen Strang, Strategy & Development Co-ordinator
 Brent Vivian, Senior Planning Officer

P56. Apologies

An apology was intimated on behalf of Councillor Brown.

P57. Declaration of Interest

There were no declarations.

P58. Minute

The Minute of Meeting of the Planning Committee held on 25 October 2022 was approved.

P59. Order of Business

The following items are recorded in the order in which they were considered at the meeting.

P60. Erection of Dwellinghouse (Renewal of Planning Permission P/16/0215/FUL) at Land to the South East of Tappernail Farm, Hillcrest Square, Reddingmuirhead for Mr Philip MacFarlane - P/20/0628/FUL) – Update Report

The committee considered an update report by the Director of Place Services on an application for the erection of dwellinghouse (renewal of planning permission P/16/0215/FUL) at land to the South East of Tappernail Farm, Hillcrest Square, Reddingmuirhead for Mr Philip MacFarlane - P/20/0628/FUL.

Decision

The Committee agreed to a one month extension of time for concluding the legal agreement following on which the decision notice can be issued.

Councillors Kelly and Redmond joined the meeting during consideration of the following item.

P61. Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding, Car Parking and Erection of Shed (Retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL – Continuation

The committee considered an update report by the Director of Place Services on an application for the change of use of vacant land to form private permanent gypsy/traveller pitch (one static caravan and one tourer), formation of hardstanding, car parking and erection of shed (retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Max Ketchin, an objector, to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Kerr, seconded by Councillor Redmond, moved that the Planning Committee refuses the grant of planning permission for the following reason(s):-

1. That the committee is not satisfied that the ownership certificate that accompanied the application was correctly completed and considers that this engages the terms of section 35(5) of the Town and Country Planning (Scotland) Act 1997;
2. That the committee is not satisfied that appropriate services can be provided to service the application site satisfactorily;
3. That there has been unacceptable flooding of adjoining properties generated by the existing development on site; and
4. That granting the application would be contrary to national road design guidance as there would be more than six properties on the site and accordingly, the road requires to be adopted.

As an amendment, in substitution for the motion, Councillor Bouse, seconded by Councillor Sinclair, moved that the Committee grant planning permission subject to the following conditions:-

1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
2. The use of the site shall be restricted to one principal caravan and one touring caravan, in accordance with the approved plans and supporting information. Any changes to the location of caravans in the site, or the type of caravan sited shall be agreed in writing by the Planning Authority before proceeding.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To prevent intensification of the use of the site and to protect the visual amenity of the surrounding area.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 04 and Supporting Documents.

2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

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 (4) – Provost Bissett, and Councillors Kelly, Kerr and Redmond.

For the amendment (7) – Councillors Bouse, Buchanan, Collie, Forrest, Murtagh, Sinclair and Stainbank.

Decision

The committee agreed the amendment.

The committee adjourned at 11am and reconvened at 11.20am with all members present as per the sederunt with the exception of Councillor Redmond.

- P62. Construction of 229 Dwellinghouses with Associated Access, Parking, Landscaping, Open Space and Drainage (Phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further Residential Development with Potential Commercial / Community Use (Phase 2) and Associated Access, Parking, Landscaping, Open Space and Drainage at Land to the South of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and the Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL – Continuation**

The committee considered an update report by the Director of Place Services on an application for the construction of 229 dwellinghouses with associated access, parking, landscaping, open space and drainage (phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further residential development with potential commercial / community use (phase 2) and associated access, parking, landscaping, open space and drainage at land to the South of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and the Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Colin Lavety, agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

In advance of receiving the deputation the committee heard from the Planning Officer who advised that a late representation had been submitted from the Council's Flooding team raising issues which required further investigation. In light of this the Planning Officer invited the committee to consider continuation of the application.

Decision

The committee agreed to continue consideration of this item to a future meeting.

P63. Erection of Visitor Centre to Include Information / Exhibition Space, Arts and Craft Workshop, Restrooms, Café and Retail Area and 82 Bungalows at Airth Mains Farm, Cemetery Road, Airth for George Russell Construction Limited - P/21/0110/PPP

The committee considered a report by the Director of Place Services on an application for the erection of visitor centre to include information / exhibition space, arts and craft workshop, restrooms, café and retail area and 82 bungalows at Airth Mains Farm, Cemetery Road, Airth for George Russell Construction Limited - P/21/0110/PPP.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, David Jones, agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

The committee heard a request from the applicant's agent to continue the item to allow the applicant to further address matters relating to equalities and financing.

Decision

The committee agreed to continue consideration of this item to a future meeting.

FALKIRK COUNCIL

Minute of meeting of the Scrutiny Committee (External), held remotely, on Thursday 24 November 2022 at 10.00 a.m.

Councillors: David Aitchison
 Claire Brown (Convener)
 Depute Provost David Balfour
 Lorna Binnie
 Gordon Forrest
 Alf Kelly
 Ann Ritchie

Officers: Malcolm Bennie, Director of Place Services
 Michelle Brown, Community Learning & Development Operational Leader
 Sally Buchanan, Library Service & Fairer Falkirk Manager
 Sophie Dick, Democratic Services Graduate
 Sara Lacey, Head of Social Work
 Gemma McArthur, Committee Services Officer
 Jacquie McArthur, Economic Development Officer
 Gayle McIntyre, Service Manager, Social Work, Children's Services
 Ewan McWilliams, Members Services Co-ordinator
 Cathy Megarry, Service Manager, Social Work, Children's Services
 Robert Naylor, Director of Children's Services
 George Paul, Team Leader - Finance
 Brian Pirie, Democratic Services Manager

Also

Attending: Patricia Cassidy, Chief Officer, Falkirk HSCP
 Steven Kirkwood, Chief Finance Officer, Falkirk HSCP
 Martin Thom, Head of Integration, Falkirk HSCP
 Suzanne Thomson, Senior Service Manager, Falkirk HSCP

In accordance with section 43 of the Local Government in Scotland Act 2003 the Convener had directed that the meeting would be conducted by video conference to allow remote attendance by elected members.

SE13. Apologies

Apologies were intimated on behalf of Councillor Redmond.

SE14. Declarations of Interest

There were no declarations of interest.

SE15. Minute**Decision**

The minute of the meeting of the Scrutiny Committee (External) held on 6 October 2022 was approved.

SE16. Rolling Action Log

A rolling action log detailing the status of actions which had yet to be completed was presented for consideration.

The Democratic Services Manager clarified that the final Action on the Rolling Action Log would be presented at the meeting.

Decision

The committee noted the Rolling Action Log.

SE17. Following the Public Pound: Services to Children and Young People - 2021/22 Annual Reporting Statements

The committee considered a report by the Director of Children's Services which provided an update regarding the work of the external organisations that receive funding, provide services to children and young people, and fell within the Following the Public Pound reporting and monitoring arrangements. The reporting period was April 2021 to March 2022.

The table below details funding received by external organisations which fell within Following the Public Pound reporting. Some of these were national organisations and may have had access to other financial resources.

See below for an overview of the funding provided for both 2021/22 and the previous financial year (2020/21):-

Organisation	2020/21	2021/22	Appendix
Aberlour Early Years Outreach	£159,060	£159,060	1
Aberlour Family Support Centre - Langlees	£110,937	£110,940	2
Barnardo's	£500,000	£500,000	3
Home-Start Falkirk West	£28,014	£28,014	4

NHS Forth Valley CAMHS Clinical Psychologist for Looked After Children	£78,500	£76,628.92	5
One Parent Families Scotland Falkirk	£82,523	£82,523	6
Quarriers Children's Rights Service	£86,200	£86,200	7
"Who Cares?" Scotland Advocacy Service	£27,970	£27,970	8
TOTAL	£1,073,204	£1,071,335.92	

Children's Services intended to change the way it commissions external organisations by moving away from one-year grant funding to contracting of specified services. The Head of Social Work stated that this approach would work well with Third Sector organisations as the annual funding can present uncertainty to them in terms of level and commitment of funding. She explained that any service being provided to children, young people and families in Falkirk had to meet objectives. The Council were looking to commission services in a way that would allow organisations to participate in a fair process and be able to plan accordingly to a 2-3 year period.

Following this question, members asked if there would be any impact due to this transition. Ms Lacey explained it was important to ensure risks were identified – this intended commissioning route was established 3 years ago but due to the pandemic, other activities were prioritised. Organisations were aware of the intention to move away from annual funding but explained that it was essential for all actions to be in place and assessed prior to change.

In terms of the several strategic working groups Aberlour Child Care Trust were a part of, Ms Lacey explained they were bringing forward local knowledge and contribute to wider discussions. Organisations like Aberlour Child Care Trust had the ability to apply for a number of funding streams that the Council would not be able to.

The committee asked how the move to the commission model would impact the Following the Public Pound regime and if it would be reported to the Scrutiny Committee. If not, the committee asked how the model would be monitored. The Head of Social Work confirmed that some organisations would be removed from the Following the Public Pound process but assured they would be just as robustly monitored through procurement processes.

The number of families supported by Aberlour Child Care Trust was significantly less than those detailed in the Joint Working Agreement to which Ms Megarry explained that they had worked more intensely with families. The reason for the reduced numbers was due to staff-costs increasing as well as overhead costs – as funding had been stagnant this had reduced staffing capacity which was then worsened by the pandemic. During the 2021/22 period, the organisation co-located which allowed them

to make some efficiencies in terms of management and structure of the service but did not recover enough finances to meet the needs of more families.

In relation to NHS Forth Valley CAMHS, members asked what the current wait time was for a young person to be supported. Furthermore, they asked if an individual's care status was considered when agreeing a wait time. Ms McIntyre noted the separation of services between this and the main NHS Forth Valley CAMHS – in relation to the main service, the wait time was significant. In terms of waiting times in relation to case status, it would be based upon need rather than how long you had been waiting on a list. The psychologists tried to be as responsive as they could be to needs and in terms of cases with crisis, an initial phone call or consultation may be offered by the psychologists to try to elevate crisis immediately.

In terms of whether 1 full-time psychologist was enough to meet demand, Ms McIntyre explained that demand would always exist.

Ms McIntyre, following a question, explained that therapeutic care was dependent on the individual. Trauma-informed approaches and approaches that were understanding of child-attachment were sought after as well as the ability to respond to individual needs.

The committee sought for information on what the impact would be on service provision if the Council did not fund to the same level, this question was asked to all services. The Head of Social Work explained that all organisations had been previously impacted by reduction in funding although some more than others. Monitoring Officers were responsible for managing the organisation on smaller reductions and discuss where there will be no increase in funding – in cases where there were significant cuts, the Head of Social Work would then become involved. Examples of how organisations would be supported included assisting them with in-kind contributions and advice on how to lessen costs. Ms Lacey recognised that the needs of the public were changing and in turn, demand was increasing significantly and there was an urgency to assist families before matters worsen. She assured committee that positive actions would be taken, particularly in relation to the significant impact that the cost-of-living crisis had and would continue to work effectively with the Third Sector.

Across the UK, social care providers were experiencing difficulties with recruitment and retention of staff and members asked if this impacted the service they provided in Falkirk. The Head of Social Work explained that she had recently had a discussion around the national and local issue of retention, which was impacting both Social Care and qualified, registered Social Workers. The discussion centred on how to offload the challenge faced currently in relation to recruitment in social work services with the Third Sector. The staff employed by a large social care provider in Falkirk was mostly Social Care Workers (children's workers) who did not require a Social Work degree/qualification and were not struggling to recruit. This

provided an opportunity to offset some challenges faced by Social Work through closer and more investment in the Third Sector organisations.

Decision

The Committee approved the report and acknowledged progress by the external providers in meeting the Council's priorities.

SE18. Following the Public Pound - Poverty and Equalities

The committee considered a report by the Director of Transformation, Communities and Corporate Services which provided information under the Following the Public Pound arrangements for the period 1 April 2021 to 31 March 2022 for the Council's priority that everyone had an equal chance to be healthier, happier, safer and build sustainable communities.

External organisations receiving funding from Falkirk Council were subject to formal monitoring, scrutiny and reporting. The organisations that received funding to support our poverty and inequality outcome were from the Third Sector.

The report detailed the contribution that various organisations make to achieving the priorities and outcomes that were of importance to the Council.

During the reporting period, the focus of these groups was to contribute to the following priority:-

Everyone has an equal chance to be healthier, happier, safer and build sustainable communities

The organisations funded by the Council that support this priority include:-

Organisation	Monitoring Service	2021/22 Funding
LGBT Youth Scotland	Children's Services	£29,705
Citizens Advice Bureaux Grangemouth & Bo'ness Denny & Dunipace Falkirk	Transformation, Communities and Corporate Services	£338,676
MacMillan Money Matters	Transformation, Communities and Corporate Services	£38,000
Armed Forces Project - Denny Citizens Advice Bureau	Transformation, Communities and Corporate Services	£18,000

In terms of LGBT Youth Scotland, the work undertaken contributed to themes and outcomes of the Falkirk Plan. Members asked how they quantified their work on how they contributed to the outcome of 'reduced stigma related to substance use'. The Community Learning & Development Operational Leader stated she would refer back to committee with more information.

Members sought for more information on the work provided to secondary schools by LGBT Youth Scotland. Ms Campbell explained that some schools had been supported to achieve their charter status – this went beyond legislative requirement and focused on inclusion in school policies. Aside from this, they also provided support and advice to individuals namely non-binary pupils.

Following a question on where Citizens Advice Bureau's were located and how they advertised their services, the Library Service & Fairer Falkirk Manager explained specific details on where each CABx was located was included in the report. Ms Buchanan noted that the Grangemouth CABx had moved since the pandemic and the up-to-date location was included in the report. The new location was more accessible in the town centre which had a positive impact on footfall. In terms of opening hours, each location had slowly reopened since the pandemic and was available for appointments. As a consequence of the pandemic, consultations were available over the phone, emails or video conferences. Each CABx was responsible for their own advertisement and carried this out locally whilst there was ongoing national campaigns from the Scottish Government on uptake on money advice.

The committee asked if there was a demand for more face-to-face appointments with CABx, would there be the capacity to do so. Ms Buchanan explained that despite pressures on the service and reduced funding from previous years, the locations were accommodating face-to-face appointments and adjusting opening hours to meet demand. She noted that the alternative methods, such as the phone or online, presented a lot of benefits. She noted that engagement was tailored to the individual and their needs, so may initially begin over the phone but may develop to in-person appointments if that would better suit needs.

In relation to Denny Citizens Advice Bureau, which provided the Armed Services Advice Project, the impact of the cost-of-living crisis would become clear in the data presented next year. The information included in the report focused more on the pandemic and the reduced the number of clients seen by the service. A reason for this was mainly due to the service operating face-to-face as many of their clients were digitally excluded. The impact that the cost-of-living crisis had on clients would be available in the forthcoming months.

Members questioned how all service provisions would be impacted if funding was to be reduced. The Library Service & Fairer Falkirk Manager explained that if any further cuts were to be made, this would have a serious detrimental impact on the delivery of them. All services had experienced cuts in previous years but as funding was static, this had the same impact due to the raise in inflation and in turn, cost of delivery.

Decision

The Committee approved the report and acknowledged progress by the external organisation in meeting Council priorities.

SE19. Falkirk Health and Social Care Partnership

The committee considered a report by the Chief Officer, Health & Social Care Partnership which provided a summary of the performance of the Falkirk Health and Social Care Partnership (HSCP). This report covered progress since the last update to the Scrutiny Committee on 10 February 2022.

The report to Scrutiny Committee presented:-

- Annual Assurance Statements provided to the Integration Joint Board (IJB) from the Audit Committee, Clinical and Care Governance Committee and the Joint Staff Forum
- Internal Audit Annual Assurance Report 2021/22
- IJB Annual Audited Accounts 2021/22
- the Annual Performance Report 2021/22
- the IJB Performance Monitoring Report and information on the Partnership's performance reported within the Local Government Benchmarking Framework.

In addition to the report presented to Committee, the HSCP provided reports to Council and members briefings throughout 2022.

Decision

The Committee noted the report and progress by the HSCP in meeting its priorities in the Strategic Plan.

SE20. Following the Public Pound – Falkirk Towns Ltd and Safer Streets Initiative (Taxi Marshalls and Safebase)

The committee considered a report by the Director of Place Services which provide information under the Following the Public Pound arrangements for the period 1 April 2021 – 31 March 2022 for Falkirk Towns Ltd and the Safer Streets Initiative (Taxi Marshalls and SafeBase).

Following a question on the associated cost for the handyman service (1-2 days per week in each town), the Economic Development Officer explained that part of the BID levy funding contributed toward it. The Council supported the handyman service financially of around £15,000 per year which Ms McArthur assured was a service that was not readily available at the Council currently. This service allowed for quick responses to issues flagged up to the Council.

The Economic Development Officer provided further information on the Public WiFi development in town centres as part of the Town Centre Capital Fund. Ms McArthur explained public WiFi was initially installed in Denny and had since been implemented across all district town centres – this contributed to the Digital Objectives held by the Council to reduce inequalities. The WiFi could be used for job seeking or engaging with the Council. A core purpose of the public WiFi was to allow local businesses to engage with individuals who were connected – it was identified that ongoing work with Falkirk Delivers was central to the success of this. In terms of the number of businesses who were currently on this platform, Ms McArthur assured that most already were.

The Taxi Marshalling Service operates every Friday and Saturday from 10pm to 3am and granted £20,000 funding per year – members asked how the service adapted over the festive period and if the funding covered additional work. Ms McArthur explained that Falkirk Towns also contributed to the service through BID levy money which was roughly £7,000. She explained that a lot of effort was made to ensure there was sufficient provision available for busy times, such as the festive period or Bonfires Night. Furthermore, Taxi Marshalls were first-aiders and trained security enabling them to utilise their skills elsewhere if demand required.

The BID levy income current collection rate sat at 71% to which the Economic Development Officer explained this was a good recovery rate to other BID companies. Falkirk Council supported Falkirk Towns in collecting this money which was different to other authorities that charged companies for collection. Ms McArthur recognised the challenge of collecting this money, particularly with the ongoing cost-of-living crisis and the long-term impact that the pandemic had on businesses.

Decision

The Committee noted the combined report for both Falkirk Towns Ltd and the Safer Streets Initiative (Taxi Marshalls and Safebase) and acknowledged progress by the organisation in meeting priorities.

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held remotely on Wednesday 30 November 2022 at 10.00 a.m.

Councillors: David Aitchison
Depute Provost David Balfour (Depute Convener)
Bryan Deakin
Stacey Devine
Jim Flynn
James Kerr
Ann Ritchie
Euan Stainbank (Convener)

Officers: Sophie Dick, Democratic Services Graduate
Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Interim Legal Services Manager
Frances Kobiela, Senior Solicitor

CL53. Apologies

Apologies were intimated on behalf of Councillor Anslow.

CL54. Declarations of Interest

There were no declarations of interest.

CL55. Minute

The minute of the meeting of the Civic Licensing Committee held on 2 November 2022 was approved.

CL56. List of Applications Granted Under Delegated Powers During September & October 2022 and Notifications of Public Processions Pending

The committee considered a report by the Chief Governance Officer detailing applications granted under Delegated Powers during September and October 2022 and Notifications of Public Processions Pending.

Decision

The committee noted the report.

Councillor Kerr joined the meeting during consideration of the previous item.

Councillor Ritchie joined the meeting after consideration of the previous item.

CL57. Exclusion of Public

RESOLVED in terms of section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A to the said Act.

CL58. Application for a New Taxi Driver Licence

The committee considered a report by the Chief Governance Officer which provided information on an application for the grant of a new taxi driver licence, which included a letter in support of the application from Express Taxis Ltd.

Decision

The committee agreed:-

- (1) to give the applicant a final opportunity to take and pass the knowledge test, and should the applicant fail the knowledge test, to authorise the Chief Governance Officer to refuse to grant the taxi driver licence without further reference to committee, and**
- (2) should the applicant pass the knowledge test, to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence.**

Councillor Devine joined the meeting after consideration of the previous item.

CL59. Application for the Renewal of a Taxi Operator Licence

The applicant, Mr A, and Sergeant Malcolm O'May, Police Scotland were in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for the renewal of a taxi operator licence.

The committee were advised that a letter of representation in relation to the renewal application had been submitted by the Chief Constable, Police Scotland.

Following confirmation from both parties that they had no objection, the letter from the Chief Constable was circulated to members.

Sergeant O'May, the Chief Constable's representative was heard in relation to the letter of representation.

There being no questions from the applicant, members asked questions of Sergeant O'May.

Mr A was then heard in relation to the Chief Constable's letter of representation and in support of his application.

There being no questions from Sergeant O'May, members asked questions of Mr A.

Both parties were invited to sum up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to renew the taxi operator licence, subject to the standard conditions for a period of 3 years.

CL60. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr A, and Sergeant Malcolm O'May, Police Scotland were in attendance.

The committee considered a report by the Chief Governance Officer which provided information on an application for the renewal of a taxi driver licence.

The committee were advised of the circumstances surrounding two letters of representation submitted by the Chief Constable, Police Scotland. As the first letter had been received outwith the statutory period of 28 days, it was still available for members to consider the late letter if they were satisfied that there was sufficient reason for the delay.

Sergeant O'May was heard in relation to the reason why the letter had been received outwith the statutory time period.

The committee determined that there had been sufficient reason for the delay.

Following confirmation from the applicant, Mr A that he had no objection, both letters from the Chief Constable were circulated to members.

Sergeant O'May, the Chief Constable's representative was then heard in relation to the letters of representation.

There being no questions from the applicant, members asked questions of Sergeant O'May.

Mr A was then heard in relation to the Chief Constable's letters of representation and in support of his application.

There being no questions from Sergeant O'May, members asked questions of Mr A.

Both parties were invited to sum up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to renew the taxi driver licence with a warning letter, and subject to the standard conditions for a period of 3 years.

CL61. Suspension Hearing in Relation to a Taxi Driver

The licence holder, Mr F was not in attendance.

The committee heard from the Licensing Co-ordinator to the reason why the licence holder was unable to attend today's meeting.

Decision

The committee agreed to continue the matter to a future meeting of the Civic Licensing Committee.

CL62. Revocation Hearing in Relation to a Private Hire Car Driver Licence

The licence holder, Mr G was not in attendance.

The committee heard from the Licensing Co-ordinator who was in receipt of an email received from the licence holder and which set out the circumstances as to why he had been unable to undertake a further knowledge test, and to the reason he was unable to attend today's meeting.

The committee considered a report by the Chief Governance Officer providing the background on an application for the renewal of a private hire car driver licence.

Decision

The committee agreed to revoke the private hire car driver licence.



DRAFT MINUTE OF MEETING OF COSLA ENVIRONMENT AND ECONOMY BOARD

Friday 11 February 2022, 10:30am
Via Microsoft Teams

Present

COSLA Spokesperson	Councillor Steven Heddle
Aberdeenshire Council	Councillor Jeff Hutchison
Argyll and Bute Council	Councillor Robin Currie
City of Edinburgh Council	Councillor George Gordon
Dumfries and Galloway Council	Councillor Archie Dryburgh
East Ayrshire Council	Councillor Jim Todd
Fife Council	Councillor John Beare
Highland Council	Councillor Trish Robertson
Midlothian Council	Councillor Russell Imrie
Moray Council	Councillor David Bremner
North Ayrshire Council	Councillor Alex Gallagher
Orkney Islands Council	Councillor Graham Sinclair
Renfrewshire Council	Councillor John McNaughtan
Scottish Borders Council	Councillor Mark Rowley
South Ayrshire Council	Councillor Chris Cullen
South Lanarkshire Council	Councillor John Anderson
West Dunbartonshire Council	Councillor Iain McLaren
West Lothian Council	Councillor Cathy Muldoon
City of Edinburgh Council	Alan Moonie
ATCO	Nicola Gill
SLAED	Ishabel Bremner
SOLACE	Pippa Milne
SOLACE	Keith Winter
Waste Services Managers Network	Karen Anderson
Sustainable Scotland Network	Lelsey Hinsehlwood
HOPS	Pam Ewen
Improvement Service	Irene Beautyman

Apologies

Clackmannanshire Council	Councillor Donald Balsillie
East Ayrshire Council	Councillor Jim Roberts
Fife Council	Councillor Altany Craik
Glasgow City Council	Councillor Anna Richardson
Perth and Kinross Council	Councillor Angus Forbes
SCOTS	Ewan Wallace
Regional Transport Partnership	John Binning, SPT
NHS Health Scotland	Emilia Crichton

** denotes substitute provided*

Introduction

1. Welcome and Apologies

Steven Heddle welcomed everyone to the meeting. Apologies and substitutes were noted for the minute.

Presentations

2. Digital Connectivity – presentation and discussion with Scottish Government, with a focus on mobile connectivity.

Robbie McGhee and Gareth Wells from Scottish Government presented to the Board on digital connectivity. The slides for the presentation had been previously circulated. The presentation covered delivery of R100, 4G infill programme, the 5G centre and Project Gigabit. There was a good discussion at the Board on the national programmes and the experience of communities in both urban and rural Scotland on digital connectivity. The specific circumstances of some Local Authorities were also discussed. Cllr Heddle thanked Robbie and Gareth for attending and invited them to return to the Board at a future date.

3. Environment Standards Scotland Introductory Presentation

Brendan Callaghan, Chief Executive of Environment Standard Scotland (ESS), Neil Langhorn presented to the Board on the roles and responsibilities of the new public body. The slides for the presentation had been previously circulated. The discussion that followed covered the development of the ESS interim strategic plan; how the powers of ESS differ from those of the European Commission and how ESS will interact with Local Authorities. The discussion was welcome by members and Cllr Heddle stated a desire for continue dialogue between ESS and COSLA. An invite to a future Board meeting was also offerer.

Minute and Board Plan

4. Minute of the 3 December 2021 Board meeting and Matters Arising

The Board agreed the minute of the previous meeting as an accurate record and noted the matters arising on the route map for reducing car kilometres by 20% by 2030, freeports and mobile masts.

5. Environment and Economy Board Plan

The Board were presented with the updated Environment and Economy Board Plan. A short update on flood risk management was noted.

The Board were content to note and agree the Board Plan.

Items for Discussion and Decision

6. Planning – Draft National Planning Framework 4

Members were invited to provide comments on COSLA's draft response to the NPF4 Consultation. Local examples were given including issues specifically affecting rural areas, resourcing and barriers to delivery.

The Board:

- i. Noted the update on COSLA's ongoing engagement with NPF4 including providing evidence to the Local Government, Housing and Planning Committee;
- ii. Agreed to support COSLA's emerging high level position on the draft NPF4;
- iii. Discussed and provide examples Local Authority specific issues for inclusion in COSLA's response to the draft NPF4; and
- iv. Agreed the best format for future engagement to allow comment and endorsement on the draft response to NPF4 prior to agreement at Leaders in March.

7. Levelling Up White Paper and the UK Shared Prosperity Fund

The paper was presented by COSLA officers. The Board was informed that COSLA was analysing the White Paper and UKSPG guidance but some gaps in information remained. The Board was told that further discussion with both UK and Scottish Government was expected in the coming weeks before the prospectus for the fund is published. The conversation also touched on the Subsidy Control Bill and COSLA's position on regional policy and the need for a regional assistance map.

- i. Noted the publication of the Levelling Up White Paper and Guidance on the UK Shared Prosperity Fund, and
- ii. Agreed that we must have urgent clarity on the funding which will be available to Scotland.

8. Transport

a. Young Persons' (Under 22s) Free Bus Travel Scheme

There was a good discussion on the scheme and the application process. Martin Brown from the Improvement Service spoke about the online application process and the checks which were required. Some concern was noted about the implementation of the scheme and that it did not apply to ferry journeys.

The Board:

- i. Noted the update on the Young Persons' (Under 22s) Free Bus Travel Scheme and COSLA's work to date;
- ii. Agreed that COSLA continues to work with Transport Scotland and the Association of Transport Coordinating Officers (ACTO) to better understand the scheme's implications for Local Authorities over coming months, on the proviso that there is no detriment to Local Government as a result of the initiative.
- iii. Agreed to write to the new Transport Minister to express our concern with their decision not to extend the scheme to ferries as per para 34.

b. Road Safety

George Henry from Transport Scotland attended the Board to take part in a discussion around the paper. Discussions were broadly supportive of the policy intent behind the expansion of 20mph speed limits across Scotland and the wider road safety agenda.

The Board:

- i. Noted the discussions to date;
- ii. Provided feedback on the ongoing work in relation to road safety;
- iii. Provided feedback on the update in relation to Pavement and Double-Parking ban;
- iv. Agreed the proposed position set out at paragraphs 18-21, and;
- v. Agreed that COSLA continues to work with Transport Scotland to develop the expansions of 20mph zones and the implementation of the Pavement and Double-Parking ban.

c. Electric Vehicle Charging Infrastructure

Andrew Robison and Alastair Young attended the Board from Transport Scotland and the Scottish Futures Trust, respectively. They took part in a discussion with members about Scottish Government's changing approach to the investment in electric vehicle infrastructure. The challenge of maintaining and developing a charging network and the future role of the private sector was discussed, as was the importance of securing Local Authority input to decisions, locally and nationally.

The Board:

- i. Noted the update on electric vehicle charging infrastructure;
- ii. Agreed the proposed COSLA position, and
- iii. Agreed that COSLA continues to work with Transport Scotland to develop the new model for financing and delivery of public EV charging.

9. Waste Update

The Board was presented with an update on key waste policy issues that had surfaced in recent months, in particular our proposed position for the Incineration Review, the future development of the Recycling Improvement Fund and our contribution to the Scottish Government's Waste Routemap.

The Board:

- i. Agreed the proposed position in paragraphs 11–16 of the paper for submission to the Incineration Review;
- ii. Noted the progress with the Recycling Improvement Fund and agreed recommendation in paragraphs 17-18 of the paper for its future development;

- iii. Noted Scottish Government's preparations for a 'Waste Route map' consultation and agreed to provide contributions from members to a Local Government 'think-piece'.

10. Climate Change – Scottish Parliament's Net Zero Inquiry

Members heard of our recent informal meeting with the Scottish Parliament's Net Zero, Energy and Transport Committee, as we were invited to inform their forthcoming formal evidence sessions. A number of Council leaders provided evidence subsequently to the Committee and members of the Board were invited to provide further evidence from their localities for our position going forward.

The Board:

- i. Noted the position delivered by the spokesperson to the Scottish Parliament's Net Zero, Transport and Energy Committee;
- ii. Agreed that COSLA should offer to provide the Committee with further oral evidence to the Committee;
- iii. Agreed to provide evidence from their own localities to substantiate and illustrate our position and offer any other relevant views.

11. Local Heat and Energy Efficiency Strategies – private and confidential

The Board considered the draft LHEES statutory framework. An amendment was proposed to paragraph 5 of the draft framework which was agreed by the Board. The final version will now go to COSLA Leaders for agreement.

The Board:

- i. Agreed to support the statutory framework (Annex A), prior to final agreement of COSLA Leaders, and
- ii. Agreed that COSLA will continue to work with Scottish Government to secure resource and collaboratively draft guidance to support the successful delivery of LHEES.

12. Date of Next Meeting - Friday 22 April 2022

Cllr Heddle thanked Board Members for their attendance and contributions.



MINUTE OF MEETING OF COSLA ENVIROMENT AND ECONOMY BOARD

Friday 22 April 2022, 10:30am

Via MS Teams

Present

City of Edinburgh Council	Councillor George Gordon
Clackmannanshire Council	Councillor Donald Balsillie
Comhairle nan Eilean Siar	Councillor Donald Crichton
COSLA Spokesperson	Councillor Steven Heddle
Dumfries and Galloway Council	Councillor Archie Dryburgh
Dundee City Council	Councillor Mark Flynn
East Dunbartonshire Council	Councillor Graeme McGinnigle
East Renfrewshire Council	Councillor Betty Cunningham
Falkirk Council	Councillor John Patrick
Fife Council	Councillor Altany Craik
Fife Council	Keith Winter
Glasgow City Council	Councillor Anna Richardson
Highland Council	Councillor Trish Robertson
Inverclyde Council	Councillor Colin Jackson
Midlothian Council	Councillor Russell Imrie
Moray Council	Councillor David Bremner
North Ayrshire Council	Councillor Alex Gallagher
North Lanarkshire Council	Councillor Meghan Gallacher
Orkney Islands Council	Councillor Graham Sinclair
Renfrewshire Council	Councillor John McNaughtan
Scottish Borders Council	Councillor Mark Rowley
Shetland Islands Council	Councillor Ryan Thomson
South Ayrshire Council	Councillor Chris Cullen
South Lanarkshire Council	Councillor John Anderson
Stirling Council	Councillor Jim Thomson
West Dunbartonshire Council	Councillor Iain McLaren
West Lothian Council	Councillor Cathy Muldoon
ATCO	Nicola Gill
SLAED	Ishabel Bremner/Pamela Smith
SOLACE	Pippa Milne

SOLACE	Steve Grimmond
Tactran	Mark Speed
Waste Services Managers Network	Vacant
Sustainable Scotland Network	George Tarvit
SCOTS	Walter Scott*
Regional Transport Partnership	John Binning, SPT
NHS Health Scotland	Martin Higgins
HOPS	Pam Ewen
Improvement Service	Irene Beautyman

**Denotes Substitute Provided*

Apologies

Aberdeen City Council	Councillor Ryan Houghton
Aberdeenshire Council	Councillor Jeff Hutchison
Argyll and Bute Council	Councillor Robin Currie
East Ayrshire Council	Councillor Jim Roberts
East Lothian Council	Councillor John McMillan
Orkney Islands Council	Gareth Waterson
Perth and Kinross Council	Councillor Angus Forbes
SCOTS	Ewan Wallace
NHS Health Scotland	Emilia Crichton

1. Welcome and apologies

Councillor Heddle welcomed Board Members to the meeting, and apologies were noted.

2. Crown Estate Scotland Presentation

Councillor Heddle welcomed Amanda Bryan and Simon Hodge to give a presentation on the work of the Crown Estate with Local Authorities. This presentation highlighted that the work of Crown Estate had featured strongly in the work of the Board and allowed an opportunity to take stock of the progress achieved. The Board heard that devolution of the management of crown estate will continue post Local Government election and that future engagement with the Crown Estate at the Board would be welcome. The presentation covered the changes to the operation of the crown estate in recent years. There were questions on the work of the Crown Estate in Scotland and on Scotwind leasing.

Board Members welcomed the presentation and the discussion that followed. Amanda Bryan and Simon Hodge thanked the Board for the opportunity to present

3. Minute of 11 February 2022 Board Meeting

The Board agreed the minute as an accurate record.

4. Environment and Economy Board Plan

The Board agreed the plan and were happy with the update provided.

5. Planning and Mobile Masts

A verbal update was provided. The Board was informed that the Heads of Planning (HOPS) Telecoms Working Group met and discussed the issues around planning and mobile masts. The issues are highly technical and complex but have been experienced in other Authorities as well as Edinburgh. HOPS recognised the need to strike a balance between the quick rollout of digital infrastructure and meaningful input from communities. It was highlighted officers will continue to meet with Scottish Government to discuss what can be done. Further updates will be provided when the Board reconvenes after the Local Government elections.

The Board noted the update.

6. Future Biodiversity Policy

This paper highlighted two challenges related to climate change and biodiversity loss. It was noted that the implications of these crises on human health and economic wellbeing are profound and required a coordinated response locally and globally. Officials from NatureScot were welcomed and took part in a discussion on the future role of Local Government in reversing the losses of biodiversity.

The Board suggested an amendment to the proposal wording in paragraphs 26 to 28, to recognise that the existing Local Biodiversity Action Plan model is well established in Scotland and successfully provides a framework for collaboration and priority setting at the local government level. The amendment was unanimously agreed by Board members. The Board will be kept updated on future developments on biodiversity.

The Board:

- i. Welcomed NatureScot to the meeting and discuss the future role of Local Government in reversing losses of biodiversity;
- ii. Agreed the position set out in paragraphs 26-28, and
- iii. Agreed that to build on the work to date, COSLA should continue to work towards an integrated approach to tackling climate change and biodiversity loss, recognising the interconnection between climate, biodiversity, human health and economic wellbeing.

7. Waste Policy

The paper provided an update on recent developments around Scottish Government's Waste Route map and seeks agreement for a Local Government/COSLA 'Waste Thinkpiece' to contribute to the early process.

Board Members queried why the deposit returns scheme (DRS) had not been mentioned in the paper. Officers confirmed this would be incorporated and that impact of DRS on recycling levels was an important consideration. The Board also heard that communication was also key behaviour change at both the local and national level.

The Board:

- i. Welcomed the Minister's invitation to identify key issues that would enable Local Authorities to improve waste services, waste reduction and increased recycling.
- ii. Agreed the proposed principles for a 'Local Government/COSLA Waste Thinkpiece' in paragraphs 8-12 for submission to the Minister as part of the Waste Routemap process.
- iii. Agreed that the Spokesperson can agree the final Thinkpiece in line with the Board's discussion on the day.

8. Climate Change

This paper provided an opportunity for the Board to reflect on climate change and the Board's strategic goal of delivering a just transition to net zero by no later than 2045.

Officers provided the Board with a presentation which set out that more progress towards the 2030 target was urgently needed if we are to have more confidence the target can be achieved. A discussion on the local challenges faced by Councils took place.

The Board:

- i. Noted the work and direction of this Board to date to build the foundations for a just transition to net zero.
- ii. Commented on this journey, its progress, and challenges, especially in view of new administrations coming into place; and
- iii. Agreed that in order to build on the work to date, the Just Transition should remain a high priority for COSLA after the election.

9. Transport and Economy

This paper provided an update on inflation and supply chain shortages affecting local authority work programmes, public sector purchasing and service delivery. This in particular concerned the broader inflationary impact on budgets due to energy and fuel costs and the potential risk to a number of existing policy commitments. Recently, more specific service impacts related to transport and food provision had been raised. The Board also discussed the bitumen shortages and the potential impact on road maintenance.

The Board:

- i. Noted the update on food, energy and fuel costs;
- ii. Reviewed local authority impacts received to date;
- iii. Commented on the scale of the issue for Scottish Local Government, as well as discuss any potential impact on COVID recovery; and
- iv. Agreed that further reports be provided as required through COSLA governance structures.

10. Heat and Energy

This paper raised the Board's awareness of Scottish Government's plan to establish a National Public Energy Agency. The aim of the Agency is to provide leadership and coordination to accelerate delivery of decarbonisation of heat in Scotland, adding value and complementing the work being done by Local Government.

The Board welcomed Scottish Government officials who took part in a discussion about the new energy agency. The Board was informed that COSLA will continue to engage with Scottish Government on the development of the agency and that further reports will be brought to the Board in future.

The Board:

- i. Note the developments to establish a National Public Energy Agency;
- ii. Discuss how COSLA can assist in shaping the design and development of the new Agency; and
- iii. Agree that COSLA accept the invitation of Membership to the Independent Strategic Board

11. UK Shared Prosperity Fund

The Board was provided with a verbal update on the UK Shared Prosperity Fund (UKSPF). It was highlighted this had not been an easy process but that COSLA would continue to engage with UK Government on the delivery of the fund in Scotland.

The Board noted the verbal update

12. Date of Next Meeting: To be confirmed

Councillor Heddle concluded the board meeting and noted thoughts of the Board are with the friends and family of Councillor Sturrock who recently passed away.

Councillor Heddle thanked Board Members for all their contribution and passed on well wishes to those not standing. Meeting concluded 12:50pm.

SEStran Partnership Board Minutes

10.00am, Friday 17 June 2022

Dean of Guild Court Room, City Chambers, Edinburgh, and Microsoft Teams

Present

Name

Organisation Title

Cllr Colin Davidson (Chair)	Fife Council
Cllr Scott Arthur	City of Edinburgh Council
Cllr Dianne Alexander	Midlothian Council
Linda Bamford	Non-Councillor Member
Cllr Ruaridh Bennett	East Lothian Council
Alastair Couper	Non-Councillor Member
Geoff Duke	Non-Councillor Member
Cllr Derek Glen	Fife Council
Callum Hay	Non-Councillor Member
Simon Hindshaw	Non-Councillor Member
Cllr Fiona Law	Clackmannanshire Council
Cllr Robin Lawson (Deputy)	Fife Council
Cllr John McMillan	East Lothian Council
Cllr Marie-Clair Munro	City of Edinburgh Council
Cllr Sally Pattle (Deputy)	West Lothian Council
Kate Sherry	Non-Councillor Member
Doreen Steele	Non-Councillor Member
Paul White	Non-Councillor Member

In Attendance

Angela Chambers	SEStran
Kevin Collins	Falkirk Council
Andrew Ferguson	SEStran
Keith Fiskien	SEStran
Nicola Gill	West Lothian Council
Jim Grieve	SEStran
Anna Herriman	SEStran

Gavin King	City of Edinburgh Council
John Mitchell	Fife Council
Martin Scott	City of Edinburgh Council
Iain Shaw	City of Edinburgh Council
Jamie Robertson	City of Edinburgh Council

Apologies for Absence

Cllr Margaret Anslow	Falkirk Council
Cllr Denis Coyne	Clackmannanshire Council
Cllr Jane Cox	Scottish Borders Council
Cllr Paul Garner	Falkirk Council
Cllr Russell Imrie	Midlothian Council
Cllr Kevin Lang	City of Edinburgh Council
Cllr Jenny Linehan	Scottish Borders Council
Cllr Lesley Macinnes	City of Edinburgh Council
Cllr Kirsteen Sullivan	West Lothian Council

Order of Business

Prior to election of a Chair, the Secretary took the chair, and confirmed that the Order of Business was intended to be as per the agenda.

A1. Appointments

The Board considered a report by the Partnership Secretary as regards the following appointments of Members:

- (a) Chairperson
- (b) Deputy Chairpersons(s)
- (c) Members of the Performance and Audit Committee
- (d) Members of the Succession Planning Committee
- (e) Members of the Appointments Committee

Councillor Lawson, seconded by Councillor Pattle, proposed Councillor Davidson as Chairperson of the Partnership.

Decision

- 1) The Board appointed Councillor Davidson as Chairperson of the Partnership, following which, Councillor Davidson took the Chair.
- 2) After discussion the Board agreed to appoint two Deputy Chairpersons.

The Board appointed the following Deputy Chairpersons:

Councillor Pattle (proposed Councillor Davidson, seconded Councillor Lawson)

Councillor Lawson (proposed Councillor Davidson, seconded Councillor Pattle).

- 3) The following members of the Performance and Audit Committee were appointed, with the Secretary delegated, in consultation with the Chair and Deputies, to write to City of Edinburgh, East Lothian, Falkirk, and Scottish Borders Councils for their nominees and Non-Councillor Members for a nominee:

Councillor Fiona Law (Clackmannanshire), Councillor Derek Glen (Fife Council), Councillor Russel Imrie (Midlothian), Councillor Sally Pattle (West Lothian Council), Simon Hindshaw, Callum Hay and Dr Doreen Steele

The Board appointed Councillor Imrie as Chairperson of the Performance and Audit Committee.

- 4) Councillor Alexander and Doreen Steele were appointed to the Succession Planning Committee to serve along with Councillor Davidson as Chair.

Doreen Steele indicated her willingness to serve on the Succession Planning Committee, subject to no other non-councillor members expressing an interest; the matter was delegated to the Partnership Director in consultation with the Chair to seek views from the other Non-Councillor Members and report back to the next meeting if there was further interest.

- 5) Doreen Steele was appointed to the Appointments Committee to serve along with Councillor Davidson as Chair of the Board and Councillor Imrie as Chair of the Performance and Audit Committee.

(Reference – report by the Partnership Secretary, submitted)

A2. Minutes

Decision

To agree the minute of the SEStran Partnership Board of 18 March 2022 as a correct record.

A3. Finance Reports

A3(a) Unaudited Annual Accounts 2021/22

The unaudited Annual Accounts for the year ended 31st March 2021 were presented in accordance with the Local Authority Accounts (Scotland) Regulations 2014.

Decision

- 1) To note the unaudited accounts.
- 2) To note that the audited Annual Accounts, incorporating the External Auditor's report, would be presented to the Performance and Audit Committee and Partnership Board in due course.

(Reference – report by the Treasurer, submitted)

A3(b) Annual Treasury Report 2021/22

The Partnership had adopted the CIPFA Code of Practice on Treasury Management in the Public Sector, and under the code, an Annual Report on Treasury Management must be submitted to the Partnership after the end of each financial year. The Annual Treasury Report for 2021/22 was presented.

Decision

To note the Annual Treasury report for 2021/22.

(Reference – report by the Treasurer, submitted)

A4. Regional Transport Strategy 2035

The Board were presented with a report providing an update on the status of the draft Regional Transport Strategy (RTS) and given a brief history of how the draft RTS developed, providing background for new members of the Partnership Board in advance of consideration and final approval of the draft RTS.

Decision

- 1) To note the statutory consultation on the draft Regional Transport Strategy had concluded.
- 2) To note that a final draft of the RTS would be presented to the next Board meeting for approval by the Partnership Board.
- 3) To note that Board Members should contact Jim Grieve (Partnership Director) or Jim Stewart (Strategy Manager) if they have any questions prior to the presentation of the final draft of the RTS at the next meeting of the Board.

(References – SEStran Partnership Board, 18 March 2021 (item A5); report by the Strategy and Projects Officer, submitted)

A5. Projects Performance Report

Details were provided on progress over the last quarter across SEStran's projects and key work streams. Impacts on progress or delivery were explained where required and new areas of work were highlighted.

Decision

- 1) To note progress on existing projects outlined in the Performance Report at Appendix 1 of the report.
- 2) To agree the commencement of work to develop a Programmed Investment Plan, as set out in consultation with partners, outlined in paragraph 3 and Appendix 1 of the report.

(Reference – report by the Senior Partnership Manager, submitted)

A6. New Member Induction

Proposals for an induction and training programme for Partnership Board members were outlined. It was proposed that a generic training and induction programme should be delivered to new members.

Decision

- 1) To note the contents of the report.
- 2) To approve the date of the induction session as 23 September 2022.

(Reference – report by the Senior Partnership Manager, submitted)

A7. Date of Future Meetings

Decision

Partnership Board

To note that the next meeting would be held on Friday 23 September 2022 at 10.00am, Dean of Guild, City Chambers, 253 High Street, Edinburgh, EH1 1YJ/ Teams

To note that a meeting would be held on Friday 2 December 2022 at 10.00am, Council Chamber, City Chambers, 253 High Street, Edinburgh, EH1 1YJ / Teams

Performance and Audit Committee

To note that the next meeting would be held on Friday 9 September 2022 at 1.00pm – Venue TBC.

To note that a meeting would be held on Friday 18 November 2022 at 1.00m – Venue TBC.

B1. Consultation Response – Strategic Transport Projects Review (STRP2)

Details were provided of SEStran's response submitted on the consultation on the draft second Strategic Transport Projects Review (STPR2) for Scotland.

Decision

To note the terms of the consultation response.

B2. Minutes

Decision

- 1) To note the minute of the Equalities and Access to Healthcare Forum of 31 March 2022.
- 2) To note the minute of the Chief Officers' Liaison Group Meeting of 25 May 2022.

Minute of Meeting of the Central Scotland Valuation Joint Board held remotely on Friday 01 July 2022 at 9.30 a.m.

Councillors: David Balfour
Donald Balsillie
Robert Bissett
Bryan Deakin
Kenneth Earle
Paul Henke
Gerry McGarvey
Alan Nimmo
Sarah Patrick
Jack Redmond
Jim Robertson
Elaine Watterson

Officers: Amanda Barclay,
Sophie Dick, Democratic Services Graduate
Mark Docherty,
Mark Ferris,
Elizabeth Hutcheon, Assistant to the Treasurer
Siobhan Martin,
Brian Pirie, Assistant to the Clerk
Lindsay Sim, Treasurer
Pete Wildman, Assessor and Electoral Registration Officer

VJB1. Welcome, Introductions and Apologies

The assistant clerk welcomed members to the first meeting of the Board. Following introductions, the assistant clerk took the chair.

Apologies were intimated on behalf of Councillor Benny.

VJB2. Declarations of Interest

No declarations were made.

VJB3. Appointment of Convener and Depute Convener

The Board considered a report by the Clerk advising that in terms of the Valuation Joint Boards (Scotland) Order 1995, the Board was required to appoint a convener and depute convener. The postholders may not be members of the same Local Authority.

In terms of the Local Governance (Scotland) Act 2004 (Remunerations) Regulations 2007, the remuneration for the posts was £24,467 and £23,244 respectively.

Nominations were sought for the position of convener.

Provost Bissett nominated Councillor Nimmo.

Councillor Robertson nominated Councillor Deakin.

Councillor Henke nominated Councillor Benny.

As Councillor Benny was not in attendance, Councillor Henke clarified that Councillor Benny had previously confirmed she would be happy to accept the post.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Nimmo – 6

For Councillor Deakin – 3

For Councillor Benny – 3

There being an equality of vote, the Board proceeded to elect the second candidate for the Convener of the Central Scotland Valuation Joint Board by lot in the form of a cut of a pack of playing cards. As the meeting was being held remotely, the Assistant to the Clerk done this on behalf of Councillor Deakin and Benny.

Councillor Deakin drew the king of spades.

Councillor Benny drew the six of hearts.

Councillor Deakin remained a candidate for the role. As no candidate had achieved an overall majority, a fresh vote was taken between the remaining two candidates.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Nimmo – 8

For Councillor Deakin – 3

Councillor Nimmo was appointed convener and took the chair.

Nominations were sought for the position of depute convener.

Depute Provost Balfour nominated Councillor Deakin.

Councillor Watterson nominated Councillor Benny.

Councillor Earle nominated himself.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Deakin – 6

For Councillor Benny – 3

For Councillor Earle – 3

There being an equality of vote, the Board proceeded to elect the second candidate for the Depute Convener of the Central Scotland Valuation Joint Board by lot in the form of a cut of a pack of playing cards. As the meeting was being held remotely, the Assistant to the Clerk done this on behalf of Councillor Benny and Earle.

Councillor Benny drew the three of spades.

Councillor Earle drew the eight of clubs.

Councillor Earle remained a candidate for the role. As no candidate had achieved an overall majority, a fresh vote was taken between the remaining two candidates.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Deakin – 8

For Councillor Earle – 4

Councillor Deakin was appointed depute convener.

Decision

The Board:-

- (1) appointed Councillor Alan Nimmo as convener;**
- (2) appointed Councillor Bryan Deakin as depute convener; and**
- (3) noted the remuneration framework for both positions;**

VJB4. Central Scotland Valuation Joint Board - membership

The Board considered a report by the Clerk to the which advised of those councillors who had been appointed to the Board following the Local Government Election on 6 May 2022. The composition of the Board was:-

Falkirk Council (8)

Members	Substitutes
1. Councillor D Balfour	1. To be confirmed
2. Councillor R Bissett	2. To be confirmed
3. Councillor B Deakin	3. To be confirmed
4. Councillor A Nimmo	4. To be confirmed
5. Councillor S Patrick	5. To be confirmed
6. Councillor J Redmond	6. To be confirmed
7. Councillor J Robertson	7. To be confirmed
8. Vacancy	8. To be confirmed

Stirling Council (4)

Members	Substitutes
1. Councillor P Hecht	1. Councillor M Earl
2. Councillor G McGarvey	2. Councillor B Flannagan
3. Councillor E Watterstone	3. Councillor C Kane
4. Vacancy	4. To be confirmed

Clackmannanshire Council (3)

Members	Substitutes
1. Councillor D Balsillie	1. To be confirmed
2. Councillor M Benny	2. To be confirmed
3. Councillor K Earle	3. To be confirmed

It was proposed that the Board establish the Appeals and Appointments Committees. The Appeals Committee comprised of 3 members (one from each of the constituent councils) and the Appointments Committee comprised of 5 members – it had been the practice previously for this committee to be convened by the Convener of the Board and for the Depute Convener to be a member of the Committee.

In terms of the Appeals Committee, Councillor Nimmo, McGarvey and Earle were nominated and appointed, with Councillor Nimmo as convener.

By the nature of the Appointments Committee, Councillor Nimmo and Deakin were appointed. Provost Bissett, Councillor Henke and Councillor Earle were also nominated and appointed.

Decision:

The Board agreed to:-

- (1) establish and appoint Councillors Earle, McGarvey and Nimmo to the Appeals Committee; and**
- (2) establish and appoint Provost Bissett and Councillors Earle and Henke to the Appointments Committee.**

VJB5. Introduction to the Board

The assistant clerk gave an introduction to the role of the Valuation Joint Board. The presentation covered:

- the background to the Board;
- the role of the valuation authority;
- the terms of office for members;
- an overview of standing orders; and
- the budget setting process.

The Assessor gave an overview of the Assessor and Electoral Registration Officer's functions:-

- the specific duties in regard to Valuation for Non Domestic Rating, Valuation and Banding for Council Tax and Registration of Eligible Elections;
- background to the Central Scotland area;
- core activities – valuation roll, Council Tax list and Electoral Register;
- the statutory nature of the post of Assessor and Depute Assessors;
- the Board's responsibilities; and
- the background to the Scottish Assessors Association and its key functions.

Decision

The Board noted the presentation.

VJB6. Minutes

- (a) Minute of Meeting of the Central Scotland Valuation Joint Board held on 4 March 2022 was approved
- (b) Minute of Meeting of the Central Scotland Valuation Joint Board Appointments Committee held on 29 March 2022 was approved.

VJB7. 2021/22 Internal Audit Review: Records Management Plan and Annual Governance Statement Assurance Questionnaire

The Board considered a report by the Internal Audit Manager which detailed the findings arising from the 2021/22 Internal Audit reviews of the Record Management Plan and Annual Governance Statement Assurance Questionnaire.

The Internal Audit Plan for 2021/22 was agreed by the Board on 25 June 2021. The Plan comprised reviews of:

- Records Management Plan; and
- Input to the Annual Governance Statement of Assurance Questionnaire process.

Appendix 1 to the report was a full report submitted by Internal Audit covering these reviews. In summary, Internal Audit were able to provide Substantial Assurance in relation to the arrangements in place.

Decision

The Board noted the findings arising from the 2021/22 Internal Audit review of the Records Management Plan and the Annual Governance Statement Assurance Questionnaire.

VJB8. Internal Audit Annual Assurance Report 2020/21

The Board considered a report by the Internal Audit Manager reporting on Internal Audit work undertaken during 2021/22, and provided an assurance on arrangements for risk management, governance, and control based on that work.

Based on work undertaken, Internal Audit was able to provide Substantial Assurance on the adequacy of the Board's arrangements for risk management, governance, and control for the year to 31 March 2022.

In providing that opinion, Internal Audit had taken account of the findings arising from reviews of:-

- Records Management Plan; and
- Input to the Annual Governance Statement of Assurance Questionnaire process.

Decision

The Board noted that Internal Audit was able to provide Substantial Assurance in respect of the Board's arrangements for risk management, governance, and control for the year to 31 March 2022.

VJB9. Revenue Budget 2020/21 – Draft Financial Outturn at 31 March 2021

The Board considered a report by the Treasurer advising the Joint Board of the draft financial position for the year ending 31 March 2022.

The budget for the financial year 2021/22 was £2.966 million. The projected outturn against the budget showed an underspend of £0.232m, which was a favourable movement of £0.024m since the last projection which was verbally reported to the Board in March 2022.

The actual against budget for the year was showing a large underspend, mainly due to the delay in recruitment of posts in relation to Barclay and for established posts, caused partly by the COVID-19 pandemic but also by the lack of qualified applicants. The recruitment process was progressing but was being further delayed due to the employment market conditions. There were also underspends within supplies and services impacted by the pandemic with reduced staff travel, and office running costs. Some of this is offset by additional spend required to facilitate staff home working and resilience around the IT equipment and systems.

It was confirmed that the £0.007m Barclays underspend from 2019/20 was not required to be returned to the Scottish Government and this amount continued to be earmarked to offset Barclay spend in 2022/23.

The Board raised concerns over whether sufficient funds would be available to enable the fulfilment of duties. The Assessor and Electoral Registration Officer clarified that sufficient funding was available, however, challenges existed in relation to recruitment. The Board accumulated an underspend in relation to employment as it experienced an overturn in staff and delays in recruitment. Mr Wildman explained that recruitment was a lengthy process and there was challenges in recruiting the correct individual for the role.

The Board sought clarity on the budget spent on hospitality, to which the Treasurer agreed she would return with more information.

The Assessor and Electoral Registration Officer, following a question, noted that the increase in disaster recovery was a consequence of home working. As staff had transitioned to working remotely, this demanded additional space for data hence the required increase in spend for protection.

Decision

The Board noted on the draft financial position for the year to 31 March 2022.

VJB10. Draft Annual Accounts 2021/22

The Board considered a report by the Treasurer. The Board was required by law to prepare a statement of accounts in accordance with 'proper practices' which set out its financial position at the end of each financial year. This was defined as meaning compliance with the terms of the Code of Practice in Local Authority Accounting in the United Kingdom prepared by CIPFA/ LASAAC Joint Committee.

The Board was legally obliged to complete the draft accounts and submit them by 30th June to the appointed External Auditor so that they could be scrutinised for accuracy and completeness. The Board must then formally consider the draft accounts within two months of this date.

Following conclusion of the audit, a final audited set of accounts along with the auditor's report, would be presented to the Board at the next appropriate meeting.

The final Outturn position in the management accounts reports an underspend of £232k. A summary of the variances was provided in Appendix 1. Further detail of the variances are provided within the Management Commentary of the draft financial statements (Appendix 2) and in the Outturn report also on the agenda for this meeting.

The draft deficit on the provision of services reported in the Comprehensive Income and Expenditure Account was £495k. However, this included £599k of accounting adjustments which required to be reversed out in the Movement in Reserves Statement which resulted in a net increase in reserves of £104k.

The usable surplus brought forward from the previous year was £518k. After applying the usable reserves surplus in the year of £104k, per above, the surplus carried forward to future years is £622k. This balance of £622k has been retained as a surplus attributable to the constituent authorities in usable reserves.

From this surplus the Board approved the ear-marking of £348k for specific projects as part of the 2022/23 budget setting process with an additional earmarked reserve of £2k for Barclays following the year end outturn. This leaves a balance of uncommitted reserves of £272k

Decision

The Board noted the 2021/22 Draft Annual Accounts and noted the submission to the controller of Audit.

VJB11. Annual Audit Plan 2020/21

The Board considered a report by the Treasurer presenting the attached external audit planning report (Appendix A) whose purpose is to set out the planned audit activity in respect of the audit of the financial year 2021/22.

The Plan for 2020/21 comprised:-

- Risk and Planned Work
- Audit Scope and Timing

Decision

The Board noted the external audit plan for the financial year 2020/21.

VJB12. Internal Audit Plan 2022/23

The Board considered a report by the Internal Audit Manager which Provided details of the development of the 2022/23 Internal Audit Plan, summarised planned work, and set out the mechanism for reporting on findings arising from that work.

It was intended that the focus of Internal Audit's work during 2022/23 would be on:

- Follow Up on Recommendations Outstanding: all recommendations made by Internal Audit are allocated to a responsible officer to implement by an agreed date. We will review the status of each recommendation that we have made over the past four years and complete a targeted follow up of a sample of these; and
- Governance: we will review and challenge the conclusions reached by the Assessor in his completion of the Annual Governance Statement Assurance Questionnaire.

In addition, time would be allocated to the provision of ad hoc consultancy and advice. This would allow Internal Audit to provide advice on guidance

and controls and input to short term assignments requested by the Assessor.

Decision

The Board agreed planned Internal Audit coverage for 2022/23.

VJB13. Best Value Report 2021/22

The Board considered a report by the Assessor and Electoral Registration Officer which updated the Board on best value report 2021/2.

Reports on performance have been submitted to the Central Scotland Valuation Joint Board on a regular basis since 2000. The report covered the financial year 2021/2022 and showed performance levels on Assessor's work completed between 1st April 2021 and 31st March 2022. The report followed the same format as previous years and the figures for the past three years were shown.

The key performance indicator for the Valuation Roll was a measure of the length of time taken to action amendments to the Roll. The Assessor's powers to alter the Valuation Roll were prescribed by law. Recorded amendments include the addition of new entries, deletion of existing entries and the amendment of existing entries.

The overall targets for 2021/22 were reduced to acknowledge the difficulties involved in operating during the pandemic, combined with staff recruitment issues and the preparatory work for the Revaluation 2023 – the target for changes in less than 3 months was not met and was missed by 8%. This represented a 2% differential when compared to the previous financial year. The target for changes in less than 6 months was missed by 9%. This represents a 5% differential when compared to the previous financial year.

2022/23 targets were set following consideration of last year's performance acknowledging that requirement to continue to work under challenging circumstances in the year ahead.

Decision

The Board noted the report.

VJB14. Valuation Appeals Progress Report

The Board considered a report by the Divisional Assessor which was an update on the Valuation Appeals Progress.

The Assessor is required to carry out a general Revaluation of all Nondomestic properties normally every 5 years. Following the postponement of the 2015 Revaluation, the 2017 Revaluation came into effect from 1st April 2017. The 2017 Revaluation required the revaluation of 11,856 non-domestic properties with a total Rateable Value of £348,650,340. Following the 2017 Revaluation the Assessor received 4,575 appeals, a 17% increase on the number of appeals received following the 2010 Revaluation.

In addition, following the Land Reform (Scotland) Act 2016 and the removal of the exemption from the Valuation Roll for Shooting Rights and Deer Forests, a further 532 entries were made in the Valuation Roll in September 2017 resulting in 163 additional appeals with effect from 1st April 2017.

Appeals on the basis of a Material Change in Circumstance could be made at any time while the Roll is in force (and for 6 months after). The effect of the Covid-19 pandemic had been cited as a Material Change in Circumstance affecting value on a number of appeals received since March 2020.

The Assessor was also required to maintain the Valuation Roll which included the addition of new entries and amendments to existing entries to reflect a number of circumstances including physical changes to properties. These changes, together with changes to proprietors, tenant or occupier may also result in appeals being lodged by relevant parties.

The Board noted the number of Appeals disposed of in 2018, 1002, to 2022, 4485, and the significant increase in this number. The Divisional Assessor referred to the statutory appeal period following the revaluation period in 2017 and after this given period, no-one could put forward an appeal. Therefore, the disposed rate increases from 2018, starting at 22%, through to 2022, at 98%. The Running Roll Appeals also play a factor – these appeals include material change of circumstances which could be appealed against. The total number of 2017 Valuation Roll Appeals was 12,795 which was significantly contributed to by Covid MCC appeals with accumulated 5,948 appeals.

The Divisional Assessor noted the 2 appeals outstanding against entries in the 2010 Valuation Roll. He explained that one of these appeals was from Glassworks, which accumulated around £1.8 million rateable value. Mr Douglas stated the proprietor of Glassworks was keen to dispose of the appeal over the summer months, however, agents had been limited to access to properties because of the pandemic and thus survey work had stopped. The agent of Glassworks was attempting to survey the property this summer as restrictions had eased and settle this appeal. Mr Wildman explained there was further complications relating to this appeal due to the agents having changed over the course of the period. Mr Douglas would refer back to the Board with information regarding the second appeal.

Decision

The Board noted the report.

VJB15. Programme of Meetings

The Board considered report by the Clerk to the Board which proposed dates for the remainder of 2022 and sought the Board's views on its meeting arrangements.

The proposed dates for 2021 were as follows:-

Friday 30 September 2022 at 9.30 a.m.
Friday 25 November 2022 at 9.30 a.m.

In addition, special meetings may be called in accordance with Standing Orders.

Prior to the pandemic in March 2020 all meetings of the Board were held physically at the Assessor Service offices in Hillside House in Stirling. During the pandemic all meetings were held remotely. In this period the Board had considered moving to a 'blended' model for its meetings when the public health situation eased to a sufficient extent.

During the pandemic Local Authorities and public bodies moved to online remote meetings. In order to allow public access to meetings and to ensure openness and transparency meetings were livestreamed or, alternatively, recorded and made available online. While this was looked at by the Board it was not progressed for technical reasons.

In considering its meeting arrangements members of the Board may wish to balance the following:-

The public health situation
The benefits in meeting face to face
The benefits in meeting remotely

A number of members of the Board expressed their opinion being favourable towards a hybrid approach noting the flexibility of allowing members who wish to attend having the ability to do so, and those who do not, being able to remain at home. Furthermore, it took into consideration the cost of fuel and the remaining risk of Covid-19.

Others were also in support of the hybrid approach but raised concerns over deciding on this issue at the moment, suggesting to remain at home for the rest of 2022 to allow the current rise in cases to become more clear and enable a better decision. Therefore, suggesting refer this report back to the Board later on in the year.

In terms of the Board's ability to conduct hybrid meetings, the Clerk to the Board was confident that the meetings would be able to run smoothly with members and officers present and at home. The Assessor and Electoral Registration Officer clarified that the board room had a fixed camera which gave an overall view of the members who were present, rather than zoom into faces, as well as being fixed with microphones. Those who were in attendance would be able to see remote attendees on a projected screen.

Decision

The Board:-

- (1) agreed to meet on Friday 30 September 2022 and Friday 25 November 2022;**
- (2) agreed to run its meetings in 2022 on a trial hybrid basis;**
- (3) noted that special meetings of the Board may be convened as necessary outwith the planned timetable in accordance with Standing Orders; and**
- (4) agreed its meeting arrangements for the remainder of the year.**

FORTH VALLEY NHS BOARD
TUESDAY 27 SEPTEMBER 2022

For Approval

Item 3 – DRAFT Minute of the Forth Valley NHS Board Meeting held on Tuesday 26 July 2022 at 10.30am via MS Teams

Present:	Ms Janie McCusker (Chair)	
	Ms Kirstin Cassels	Mr Gordon Johnston
	Mr Robert Clark	Mr Stephen McAllister
	Cllr Fiona Collie	Dr Michelle McClung
	Mrs Cathie Cowan	Mrs Gillian Morton
	Mr Martin Fairbairn	Mr Andrew Murray
	Mr John Ford	Mr Allan Rennie
	Cllr Danny Gibson	Mr John Stuart
	Cllr Wendy Hamilton	Mr Scott Urquhart

In Attendance:	Linda Donaldson, Human Resources Director
	Annemargaret Black, Director of Health & Social Care
	Elsbeth Campbell, Head of Communications
	Patricia Cassidy, Director of Health & Social Care
	Sinead Hamill (Minute), Board Secretary
	Kerry Mackenzie, Head of Policy & Performance
	Jackie McEwan, Corporate Business Manager
	Jonathan Procter, Director of Facilities & Infrastructure
	Phyllis Wilkieson, Acting Acute Services Director

1. Apologies for Absence

The Chair welcomed everyone to the meeting.

Apologies were noted on behalf of Dr Graham Foster.

2. Declaration(s) of Interest(s)

There were no declarations of interest made.

3. Minute of Forth Valley NHS Board meeting held on

The minute of the meeting on Tuesday 31 May 2022 was approved as an accurate record.

The minute of the meeting on Tuesday 27 June 2022 was approved as an accurate record.

4. Matters Arising from the Minute

Ms McCusker referred to item 7.2 (Recovery Scorecard) and specifically the ongoing unscheduled care (USC) challenges and poor performance. The Board Seminar scheduled for 9 August would enable Board Members to discuss the actions being taken to support improvement and additional capacity. In addition, there will be a deep dive on USC performance on the 30 August 2022 at the Performance and Resources Committee and Ms McCusker encouraged all Board Members to attend for this important item.

Mrs Cowan confirmed (reference item 9.1 Climate Change and Sustainability) the nominated Board Champion will be Dr Graham Foster.

Mrs Cowan referred to item 9.2 - ED update and commitment to implement recommendations that refer to 'nursing'. Board Members noted work to support nurse staffing and investment would be updated and considered at the Performance and Resources Committee - 30 August 2022.

5. Patient/Staff Story

Mrs Gillian Morton, Interim Executive Nurse Director introduced the 'Lochview' patient story which focused on patients, their families, and staff. Mrs Morton informed the Board that the video was developed during the pandemic, its focus was on Patients within Lochview and the impact of virtual visiting.

Staff members identified throughout the video the difficulties during Covid-19 for vulnerable patients within the service. One of the difficulties identified was patients trying to contact their families and carers both of whom play a significant role within their life. Board members noted that with the benefit of technology to support virtual visiting was achieved successfully, noting iPads had been donated to be used within the service.

Virtual visiting was set up for service user John and his mum. Before Covid-19 John's mum visited twice a week and phoned regularly. With the use of the iPad John was able to speak to his mum. The staff at Lochview identified that John was happy and cheerful from the virtual visiting and his mum was also happy with the arrangements to support family contact albeit it virtually. After John's virtual visit his mum wrote to the Patient Relations Team confirming she was delighted with the virtual visit and wished to thank the staff for making it happen. The staff at Lochview identified that the use of technology going forward will greatly increase the wellbeing of the patients (e.g., contact with their families and carers) and the experience of staff who work hard to support positive patient contact.

Ms McCusker in thanking John and his family and staff for sharing the story acknowledged the use of digital to positively support conversations. Mrs Morton identified that there are many areas that will continue to use technology to support virtual conversations instead of phone calls.

Cllr Fiona also acknowledged it was lovely to see family members connecting with their loved ones which would bring them reassurance.

6. FOR APPROVAL

6.1 Major Incident Plan

The NHS Board considered a paper 'Major Incident Plan' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan introduced Mrs Nicola Watt, Emergency Planning and Resilience Officer. Mrs Cowan informed Board members that the plan had been brought for approval having been updated as part of a regular annual review.

Mrs Watt confirmed the Major Incident Plan is subject to an annual review process. Board members noted that there were three changes included in the updated Plan. Mrs Watt informed Board members that an Internal Auditors had reviewed the Plan and had through their findings made recommendations which were presented to the Board's Audit and Risk Committee.

Mrs Watt identified that the plan was exercised through the preparation for Cop26 and also the major incident which was declared September 2021 (chlorine incident). Board members noted that the major incident declared did not come to the full extent anticipated but was a test of the Board's processes/systems.

Board members noted that the Emergency Planning and Resilience Group had proposed to move to a 3 yearly cycle for the Major Incident Plan. Mrs Watt highlighted that if there was a requirement to make any changes sooner these would be progressed and presented for consideration.

Mr Stuart noted the changes in the revised policy and highlighted it referred to training and exercise requirements (Section 8) and wished to seek clarity on what was planned and if there was annual event. Mrs Watt confirmed NHS Forth Valley staff do participate in external training. Board members noted that it is recommended to carry out training every 3 years however Covid-19 had created disruption to the training programmes.

Mr Rennie wished to know if there had been any issues releasing staff for training as a result of service pressures. Mrs Watt confirmed Cop26 had helped fast track training for staff in post along with sessions for new duty managers.

The Forth Valley NHS Board:

- ***Approved the Forth Valley Major Incident Plan Version 3.***

6.2 Equality and Inclusion

The NHS Board considered a paper 'Equality and Inclusion' presented by Mrs Gillian Morton, Interim Executive Nurse Director.

Mrs Morton informed the Board that the paper presented was an update of the Equality and Inclusion paper presented to the Board in November 2021. Mrs Morton before passing over to Charlene Condeco wished to thank Charlene for her hard work over the year as she nears retirement, this was also acknowledged by the Board.

Mrs Condeco informed Board members that the paper being presented to Board was intended to be an update on progress since the strategy was approved, including the learning from the pandemic and the changes implemented to aspects of service delivery as a result. The paper also highlighted achievements.

By way of background Mrs Condeco referred to the Board's statutory duty to promote equality across its services and to demonstrate fairness and equality and how we were delivering the objectives set out within the approved strategy.

In regard to learning and changes as a result of the pandemic Board Members reflected on the points set out in section 4 of the paper notably relating to PPE and for patients and staff with a disability e.g., hearing loss, mental health issues or conditions such as asthma. Support from occupational health, risk management procurement colleagues to accommodate adjustments was noted. Communication with people whose first language is not English or those with sensory loss caused a number of challenges which needed a different response e.g. telephone interpretation including facetime support from the Disability Liaison Officer. Interpretation and Translation Audits will commence in September and the finding from these audits will inform future planning of Interpretation and Translation provisions.

Board Members also noted the transfer of corporate leadership and management of Equality & Inclusion Services from the Nursing Directorate to the HR Directorate.

Mr Fairbairn highlighted Objective 6 and wished to seek clarity that the data being picked up is not something which the Board need to be concerned about. Mrs Condeco identified that things were changing quickly during Covid-19 so it was a very challenging time, but the team learned very quickly and collaboratively worked with the Board to get it right.

Mr Stuart wished to know the Governance route for reviewing the audit. Mrs Condeco identified that the Governance route was likely to be to both clinical and staff governance committees. This was being looked at to ensure the Board via its Governance Committees was receiving assurance on its statutory duty.

Miss Donaldson updated the Board on a development to establish a minority network and membership was being sought from staff from across NHS Forth Valley.

Ms McCusker wished to know if the network was exclusively for NHS Forth Valley and Miss Donaldson confirmed this was the case.

The Forth Valley NHS Board:

- ***Noted the progress update on the implementation of the Equality & Inclusion Strategy "Everyone Means Everything" 2021-25. The strategy was approved by the NHS Board in November 2021.***
- ***Noted progress to continue to deliver the Equality & Inclusion work plan to achieve the outcomes as outlined.***
- ***Noted the learning from covid and changes implemented to aspects of service delivery and staffing as a result.***
- ***Noted the transfer of corporate leadership and management of Equality and Inclusion from the Nursing Directorate to the HR Directorate.***
- ***Supported leadership requirement for maintaining Equality & Inclusion with service delivery, staff support and employment practice.***

6.3 Strategic Risk Register

The NHS Board considered a paper 'Strategic Risk Register' presented by Mr Scott Urquhart, Director of Finance.

Mr Urquhart identified that the Strategic Risk Register had been presented to a number of assurance groups before coming to the Board for approval. Mr Urquhart invited Mrs Sarah Mackenzie to present the paper.

Mrs Mackenzie identified that there were two changes to the score. The first change was identified as the sustainability risk which had increased from 20 to 25. Board member noted that this risk was in relation to the recurring saving requirement and workforce sustainability issue being experienced. Mrs Mackenzie identified that there was a number of further controls being put in place.

The second change to the Strategic Risk Register was the Covid-19 remobilisation risk which was being recommended to close. Board Members noted that Covid considerations were now part of business-as-usual planning as a result of moving out of the re-mobilisation phase and into annual delivery planning.

Mrs Mackenzie also highlighted the Cyber Resilience Risk following discussions at the March 2022 Board meeting the risk was reviewed in the context of an increase in threat from cyber-attacks however it was proposed the risk score remained the same due to compensating controls, this was supported.

Mr Rennie wished to seek clarification on the Unscheduled Care risk requiring to be updated. Mrs Mackenzie informed the Board that this risk did need updated and a review was scheduled and will be presented to the next Board Meeting.

Mr Fairbairn wish to highlight that the 'red' risks reflect the strain on the whole system and they subsequent challenges. Ms McCusker wished to receive assurance that the risks continue to be reviewed to ensure there were adequate mitigations in place.

The Forth Valley NHS Board:

- ***Considered the assurance provided regarding the effective management and escalation of Strategic Risks.***
- ***Approved the proposed changes to the Strategic Risk Register for Quarter 4 2021/22.***

6.4 Risk Management Strategy 2022-2025

The NHS Board considered a paper 'Risk Management Strategy 2022-2025' presented by Mr Scott Urquhart, Director of Finance.

Mr Urquhart invited Mrs Sarah Mackenzie to present the paper. Mrs Mackenzie confirmed the Interim Risk Strategy approved in December 2020 had been reviewed to inform the 3-year Strategy presented for approval. The principal changes focused on risk appetite, assurance and the additions to roles and responsibilities (section 2.3) and monitoring and review of risk (section 4.7) and partnership working to include a statement on risk management activities i.e., corporate support the Partnerships including aligning Risk Management strategies.

Board Members noted the Strategy being presented had been submitted to Internal Audit for review and the majority of recommendations received had been incorporated into the strategy.

Mr Johnston highlighted that the IJB Risk Management work to align to the proposed risk approach had been stalled. Mr Johnston sought assurance that the Board would

provide the corporate support to the HSCP Team to get this back on track. Mr Johnson also hoped this would address having different approaches.

The Forth Valley NHS Board:

- ***Approved the Risk Management Strategy.***
- ***Noted that further amendments will be made to the Strategy during the three-year period to reflect developments such as the setting of appetite and tolerance statements and further detail around partnership arrangements.***

6.5 Strategic Workforce Wellbeing Plan 2022-2025

The NHS Board considered a paper 'Strategic Workforce Wellbeing Plan Strategy 2022-2025' presented by Miss Linda Donaldson, Human Resources Director.

Miss Donaldson informed the Board that the Plan had been developed in collaboration with the Staff Support and Wellbeing Group. Board members noted that the Group had 44 members with wide NHS Forth Valley including Partnership representation.

Miss Donaldson referred to the four pillars of wellbeing: i.e., mental, social, financial, and physical wellbeing. Board members noted that there had been a focus on financial wellbeing given the current cost of living issues.

As part of reflection Miss Donaldson had been involved in meetings with small groups of staff to seek their views to inform the Plan being presented. Board Members noted the intention to launch the Plan today along with the website which had been refreshed. Miss Donaldson wanted to highlight the great work with the communications team and Rachel Tardito.

Feedback from staff on the Plan will be requested during November to December and an evaluation will then be carried out from January to March 2023.

Mr Stuart wished to know if progress would be reported e.g., a standing item on the Partnership agenda. Miss Donaldson identified that this will be a standing item.

Mr Rennie wished to know how the success will be measured and brought back to the Board. Miss Donaldson identified that there was a commitment to do as set out in Appendix 2.

The Forth Valley NHS Board:

- ***Noted the work of NHS Forth Valley Staff Support and Wellbeing Programme Group.***
- ***Approved the strategic 3-year NHS Forth Valley Workforce Wellbeing Plan 2022 – 2025.***
- ***Noted that the updated Staff Support and Wellbeing web section will go live in August 2022.***
- ***Noted that a Managers Toolkit will be available from the end of August 2022.***
- ***Noted that progress against the Workforce Wellbeing Plan will be monitored through the Staff Governance Committee with updates to the Area Partnership Forum and Area Clinical Forum.***

6.6 Innovation Plan 2022-2027

The NHS Board considered a paper 'Innovation Plan 2022-2027' presented by Mr Andrew Murray, Medical Director.

Mr Murray highlighted that there had been a lot of time invested over the passed two years trying to create a process where innovation in the Organisation can be fast tracked with appropriate governance. Mr Murray referred to innovation as a critical enabler to support future ways of working and would be key to the Board's commitment to sustainability and as a consequence feature in 'quality planning'.

Mr Murray invited Mrs Bishop to present the Innovation Plan. Mrs Bishop wished to thank Wendy Nimmo and the team for bringing the paper to where it is. It was noted that feedback from the Board Seminar in June 2022 had contributed to the Innovation Plan. Mrs Bishop identified that if the plan is implemented effectively that this will benefit patients, staff and the wider public and partners.

Board members noted implementation of the Plan will rely on existing corporate support, innovation SLAs with the Chief Scientist Office and regional innovation infrastructure funding and income generation. Working with Community Planning Partners and notably our Local Authority colleagues would be of benefit for the population of Forth Valley.

Mr Fairbairn wished to seek clarity on how this work will be overseen to identify the success of the work. He also wished to seek clarity on the wide concept of innovation and how does this link with cost improvement and process improvement.

Mrs Bishop informed the Board that the Innovation Team are working closely in relation to the cost improvement. Board members noted that the team are aware of what is in the plan and how the plan will deliver along with the income and cost improvement it may bring.

Mrs Nimmo wished to highlight that within the plan the Team are aligning the innovation approach with the quality strategy.

Mr Rennie wished to highlight that innovation is a very competitive market and the way to cut through that would be a communication strategy and wished to seek clarity on how service users are part of the Innovation Journey. Mrs Bishop agreed and confirmed the work to date with colleagues in Communication had been very positive.

The Forth Valley NHS Board:

- ***Reviewed the NHS Forth Valley Innovation Plan 2022-2027.***
- ***Approved the NHS Forth Valley Innovation Plan 2022-2027.***

6.7 Falkirk Community Hospital Master Plan Strategic Assessment

The NHS Board considered a paper 'Falkirk Community Hospital Master Plan Strategic Assessment' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan informed the Board that the Falkirk Community Hospital development had been a key priority for the Health Board along with the two IJB's. Board members noted that the strategic assessment presented was being led by Mrs Patricia Cassidy, Chief Officer. Mrs Cowan invited Mrs Cassidy to present the paper.

Mrs Cassidy wished to highlight for noting that both Integration Joint Board's had supported the paper being presented which should be seen as a work in progress document. Board Members noted the level of stakeholder engagement and

involvement of NHS Health Improvement Scotland team in relation to the stakeholder engagement approach adopted. Mrs Cassidy reminded Board members noted that Falkirk Council had already committed 3.7million to an intermediate care facility in contribution to the wider Falkirk Masterplan.

Board members noted that the Programme Board was committed to the potential opportunities for new models of care. Mrs Cassidy identified that throughout the process a wide range of stakeholders had been committed to the project and come up with many proposals.

Board members noted that a number of workshops had been completed and that it will take up to 12 months to complete the next business case development stage.

The Forth Valley NHS Board:

- ***Noted that the Strategic Assessment is supported by the Falkirk Community Hospital/Primary Care Programme Board and the Falkirk Integration Joint Board (and Clackmannanshire & Stirling IJB).***
- ***Endorsed the Strategic Assessment for onward submission to Scottish Government.***
- ***Noted that work will now commence to progress with the Initial Agreement which would include the Falkirk Central locality requirements arising from the Primary Care Programme Initial Agreement.***

6.7 Board Committee Membership Update

The NHS Board considered a paper 'Board Committee Membership Update' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan informed Board members that the paper was being brought for approval due to changes/new appointments to the Non-Executive Board Membership which resulted in a review of NHS Forth Valleys Committee Structure. Board members noted that the Chair had taken into consideration the non-executives' commitments to NHS Forth Valley during the review.

Board members noted changes to the Chair of the Audit and Risk Committee and the Endowments Committee with Councillor Fiona Collie now taking on the role as Chair. Mrs Cowan highlighted that Mr Martin Fairbairn had also recently taken on the role as Chair of the Performance and Resources Committee.

Vice Chairs were also noted for each Assurance Committee in line with the approved Code of Corporate Governance. Mrs Cowan referred to the agreed Vice Chairs -

- Vice Chair of Audit and Risk Committee - Mr John Stuart
- Vice Chair of Endowments Committee - Mr John Stuart
- Vice Chair of Performance and Resources Committee - Mr Robert Clark
- Vice Chair of Staff Governance Committee - Mr Stephen McAllister

Board members noted that the Code of Corporate Governance will be updated to reflect on the changes to the Committee Terms of Reference and Code of Conduct and will then be presented to the Board September 2022 for approval.

Mrs Cowan identified that the Endowments Committee is subject to change in response to a national review. Board members noted that the findings of the review will be reported to the Board.

Mrs Cowan confirmed no changes to the Falkirk IJB voting membership. In regard to non-voting members there is a review of clinical doctor and nurse, and the Chair will formally confirm changes in this membership. In Clackmannanshire & Stirling IJB the non-voting membership proposed is Dr Julie Mardon to replace Mr Murray and Lorraine Robertson to replace Professor Angela Wallace. The voting membership has now moved to five Non-Executive Members and one Executive Member. Mr Fairbairn is proposed as Vice Chair of the Audit Committee and Mr Johnson is proposed as Vice Chair of the Finance & Performance Committee.

The Forth Valley NHS Board:

- ***Approved the Revised Committee Structure for 2022/23.***
- ***Approved the changes in membership to the Clackmannanshire/Stirling Integration Joint Board.***
- ***Noted the need to formally confirm Clinical Leads to the Falkirk Integration Joint Board.***
- ***Noted the update to the Code of Corporate Governance will be presented to Board in September 2022.***

7. BETTER CARE

7.1 Healthcare Associate Infection Reporting Template

The NHS Board considered a paper 'Healthcare Associate Infection Reporting Template' presented by Mrs Gillian Morton, Interim Executive Nurse Director.

Mrs Morton welcomed Mr Jonathan Horwood to present the HAIRT. Mr Horwood informed Board Members that there had been 3 SABs reported cases in total for June with no hospital enquired infections from the SABs. The device associated Bacteraemia remained stable over the last couple of months with 7 reported for June 2022.

Board Members noted the E. coli Bacteraemia rates for June was high with 17 reported. Mr Horwood highlighted that there is work still to be done nationally on E. coli Bacteraemia.

An unexpected increase in Clostridium difficile infections within healthcare sourced infections was identified. There were no surgical site infections surveillance noted for the month and no recorded deaths for June.

Two outbreaks of Covid were reported throughout wards A21 & A22 at Forth Valley Royal Hospital. Mr Horwood identified that Covid-19 inpatient numbers had steadily increased due to the Omicron variants. Board members noted that most patients confirmed were asymptomatic or had a mild illness. NHS Forth Valley's rate for hospital onset Covid-19 was currently noted as 17.7% compared to 24.7% nationally.

Mr Horwood highlighted that in May Infection Prevention & Control standards were published along with a process of carrying out a Gap analysis to identify any changes required to the previous 2015 HAI Standards that are currently followed.

Mr Stuart wished to know if there was any specific issue of an E.coli incident. Mr Horwood identified that in the warmer months E.coli infections increase.

The Forth Valley NHS Board:

- ***Noted the HAIRT report.***
- ***Noted the performance in respect of the AOP Standards for SABs, DABs, CDIs & ECBs.***
- ***Noted the detailed activity in support of the prevention and control of Health Associated Infection.***

7.2 Recovery & Performance Scorecard

The NHS Board considered a paper 'Recovery and Performance Scorecard' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan wished once again to apologise for the delays and long waits being experienced. The pressures on the Acute site continue and she wished to thank staff for their efforts in what are very challenging circumstances. Mrs Cowan also highlighted the challenges in primary and community health and care services and thanked staff for their efforts.

Mrs Cowan referred to the 4-hour emergency standard being a system wide barometer and in July performance was reported at 51.8% which was well short of the standard. Unfortunately, there had been no real change to performance which reaffirmed the pressure across the system. Capacity on site with ongoing use of treatment rooms and additional beds in bays continues.

Mrs Cowan confirmed the pressures in social care was represented by the delays in transfer and discharge from both the acute and community NHS sites. Board members noted that there are 122 delayed discharges, 47 in the acute site, 9 in mental health and the remainder in community hospital beds. In addition to the 47 delays, 50 plus on the acute site were noted as waiting to be transferred into a community social care/health care facility.

Mrs Cowan referred to the Gold Command work led by Mr Murray in response to additional and ongoing pressures across the health and care system.

The Chair had asked that an update on Unscheduled Care would be presented at the Board Seminar 9 August 2022. Board members noted this would be a short update to share in more detail the pressures on site. Mrs Cowan identified that a dedicated deep dive had also been put in place for the Performance and Resources Committee Meeting - 30 August 2022.

Mrs Cowan also updated on the work to support Out of Hour services and recruit to workforce vacancies.

Board members noted that the 62 Day cancer performance was below the national standard. Mrs Cowan highlighted that both Colorectal and Urology cancers are contributing to the performance reported.

Mrs Cowan identified that the Board were informed previously that CAHMS performance would fall considerably whilst the Board dealt with the long waits. Board members noted the need to address the long waits before supporting improvement. Psychological therapies in June were reported 64.4% for patients who had started retreatment. There had been data issues in mental health, and in relation to the data issues NHS Forth Valley had received support from the Scottish Government.

Mrs Cowan referred to the performance in planned care and support being provided to other NHS Boards.

Mr Stuart wished to make sure that the planned care performance is well recognised. Mr Johnston wished to highlight that it is unfortunate that there is so much attention given to ED figures without acknowledgement to wider system issues and the impact this has on staff.

Mr Murray identified that the approach he is currently taking to unscheduled care is to try every possible solution. Board members noted that NHS Forth Valley have a programme of work that has been nationally endorsed and improvement work being developed to support the national urgent and unscheduled care collaborative workstreams.

Mr Murray identified that he had established Gold Command to ensure a system wide leadership response to the performance reported.

Mr McAllister wished to highlight the impact of planned care and how NHS Forth Valley are good at planned care when they get the opportunity. He wished to also highlight that there is a single point of failure and that there is a need to try and figure out how to react in times of peak.

Mrs Cowan invited Ms Mackenzie to present the performance scorecard. Ms Mackenzie wished to highlight that the numbers may be increasing but the numbers of patients waiting beyond 12 weeks are being managed to be reduced. Board members noted the Outpatient activity with 89% of the remobilisation being achieved from May 2022 to June 2022. Inpatient and day cases was noted as 84% compliant.

Ms Mackenzie identified that diagnostics is excelling achieving 121% of the activity agreed with the Scottish Government. Board members noted that the June position for diagnostic was still more than June 2021, but the numbers are reducing month by month.

Endoscopy numbers were also noted as reducing with 137% of the planned activity being achieved. Board members noted that a huge amount of work is being carried out to make sure activity continues.

An increase in CAHMS waiting lists had been noted which had been indicated as there was an anticipated increase in line with an increase of referrals for children prior to the school holiday period.

Board members noted that Ms Mackenzie intends to reconvene the short life working group around the scorecard once the draft annual delivery plan had been submitted to the Scottish Government as the focus is now changing.

Mr Clark wished to note the performance of urgent care centre as a lot of money had been invested in this development and should be reported on. Ms Mackenzie confirmed this would be added when reviewing the scorecard.

The Forth Valley NHS Board:

- ***Noted the current key performance issues.***
- ***Noted the detail within the Recovery & Performance Scorecard.***

8. BETTER VALUE

8.1 Finance Report

The NHS Board considered a paper 'Finance Report' presented by Mr Scott Urquhart, Director of Finance.

Mr Urquhart identified that there is a challenging financial position for the year and the year ahead due to an increase in the risk to the financial sustainability.

Board members noted that the challenges for the financial year are coming from broadly three areas. The first being the whole system pressures as a result of significant supplementary spend, notably relating to agency costs. The second area was the broader economic environment with the impact from the higher inflation coming through. The third area was noted around redevelopment of new medicines and new treatment costs coming through.

Mr Urquhart highlighted that this was against the backdrop of reducing levels of funding to support some of the additional covid-19 related costs.

In terms of the budget for the year NHS Forth Valley has over £760m, £106m of that budget is anticipated funding that the Organisation are assuming will come from the Scottish Government. The Scottish Government had given some assurance in terms of a commitment to funding broadly to funding levels previous to similar years.

A deep dive had been carried out in terms of the quarter 1 financial performance. In terms of some of the financial pressures and cost trends, the assessment for the current year position has highlighted a financial risk of £7m to £10m for 2022/23.

In terms of mitigation NHS Forth Valley had invested in a programme of cost improvement work and in terms of financial break even the Board would be required to save just under £30m. The work done to date had identified a range of saving for this year and longer term, however there is a gap of £6.4m in terms of the expected delivery around the saving plans and a further range of higher risk savings in terms of the ones identified.

Mr Fairbairn wished for the Board to recognise that the challenge will not be sorted in one year. The focus on medium and long term improvement was key to future financial sustainability.

Mr Stuart wished to know if there were any additional controls that can be put in place to improve the management of the bank and agency spend. Mr Urquhart identified that the spend on bank and agency nursing had increased. Board Members noted the need to support supplementary spend in the short term whilst posts were recruited to.

Miss Donaldson wished to provide an update on the recruitment of staff. Board members noted that there is a process with 150 new qualified nurses and 50 mental health nurses being interviewed this week. Miss Donaldson highlighted that the nurses will be available to NHS Forth Valley between August - October this year.

Miss Donaldson also wished to provide an overview on the Bank and Agency spend. Board members noted that NHS Forth Valley has an active bank with 400-500 shifts covered a day.

The Forth Valley NHS Board:

- *Noted the reported NHS Board annual budget of £761.7m based on a confirmed baseline allocation plus anticipated funding broadly in line with allocations received in 2021/22.*
- *Noted an overspend position of £1.8m for the three-month period 1st April 2022 to 30th June 2022.*
- *Noted initial year-end forecasts based on an in-depth review of the Quarter 1 results indicate a financial risk of £7m to £10m for 2022/23.*
- *Noted that work continues on addressing the in-year and longer-term financial challenge aligned to service and workforce priorities through local and national cost improvement programmes.*
- *Noted that a Quarter 1 submission will be made to Scottish Government outlining the current year financial position including savings plans, Covid-19 related costs, and longer-term forecasts, and this will form the basis of a review meeting.*
- *Noted a balanced capital position to 30th June 2022.*

9. BETTER GOVERNANCE

9.1 Annual Review 2021 Letter

The NHS Board considered a paper 'Annual Review 2021 Letter' presented by Mrs Cathie Cowan, Chief Executive.

Ms McCusker informed the Board that both herself and Mrs Cowan were invited to the Annual Review 2020/2021 meeting held via video conference on Wednesday 27 April 2022 chaired by Maree Todd, Minister for Public Health, Women's Health, and Sport. Board members noted that the Minister was supported by Caroline Lamb, Director General, Health & Social Care and Chief Executive of NHS Scotland. Ms McCusker highlighted that it was a very productive and balanced annual review meeting.

Mrs Cowan confirmed the areas highlighted remain priorities for the NHS Board.

The Forth Valley NHS Board:

- *Noted the key points contained in the Annual Review 2020/21 letter*

9.2 Communications Update

The NHS Board considered a paper 'Communications Update' presented by Mrs Elsbeth Campbell, Head of Communications.

Mrs Campbell confirmed that the Communication Update Report covers the period April 2022 to July 2022. Mrs Campbell wished to reflect on some of the key developments and innovations that had been seen during this period. Board Members noted that the communications team had been working with teams to locally promote the new Urology hub which the Health Secretary recently visited.

Throughout the report Mrs Campbell had taken the opportunity to highlight some of the recent awards and achievements. Board members noted that the Scottish Health awards were launched at the NHS Scotland event this year and that NHS Forth Valley are doing well in terms of nominations.

In relation to media issues Board members noted that there was focus on waiting times and the HIS report which was recently published.

Mrs Campbell highlighted website developments including those in Woman and Children Services to improve access to information.

The Forth Valley NHS Board:

- ***Noted the update and ongoing activity to support the response to the ongoing Covid-19 pandemic, service recovery and ongoing development of internal and external communications.***

9.3 Annual Report Summary 2021/2022

The NHS Board considered a paper 'Annual Report Summary 2021/2022' presented by Mrs Elsbeth Campbell, Head of Communications.

Mrs Campbell confirmed that the annual report sets out a high-level summary. Board Members noted the emphasis on Covid-19 given the prominence on patients, staff and the wider public.

Board Members noted the positive developments despite the ongoing impact of the pandemic. Mrs Campbell in highlighting some of the success, achievements, and awards referenced Nurse Vicky Wright who had received a Gold Medal at the Olympics 2022.

The Forth Valley NHS Board:

- ***Noted the Annual Report Summary for 2021/22.***

9.4 Governance Committee Minutes

9.4.1 Performance & Resources Committee Update: 28/06/2022 Performance & Resources Committee Minute: 26/04/2022

Ms McCusker who chaired the meeting on the 28 June 2022 invited Ms Mackenzie to provide an update from the meeting.

Ms Mackenzie informed the Board that the Performance and Resources Annual Report 2021/22 was presented to the Performance and Resources Meeting with no exceptional issues for consideration.

Key aspects of the Recovery and Performance Score Card were discussed including system wide pressures and the impact on compliance on the 4-hour emergency access standard.

The Financial position was presented at the meeting where the Committee noted an overspend for the period ending May 2022. Board Members noted that the position also reflected the spend on supplementary spend.

Ms Mackenzie highlighted that Committee members also received a sustainability update with the health benefits of climate mitigation described. The draft NHS Scotland Climate Emergency and Sustainability Strategy was highlighted along with a number of national targets that NHS Forth Valley is taking forward.

The Committee was also advised that NHS Forth Valley is undertaking a refresh of the Property Asset Management Strategy.

The NHS Board noted the assurance provided by the minutes of the Performance and Resources Committee Meeting 26/04/22.

9.4.2 Audit & Risk Committee Update: 22/06/2022 Audit & Risk Committee Minute: 25/03/2022

Mr Fairbairn wished to emphasise that Audit Scotland (external auditors of the Board) highlighted the significant challenge which NHS Forth Valley are currently facing.

Mr Fairbairn also wanted to highlight from the Minute 25 March 2022 that the meeting was very compliance and process based with a lot of confirmation which was important. Board Members noted that the assurance received tells the Board that despite all the challenges being faced the Organisation is being controlled and well managed.

The NHS Board noted the assurance provided through the minutes of the Audit & Risk Committee Meeting 25/03/22.

9.4.3 Endowments Committee Minute: 25/03/2022

Mr Fairbairn acknowledged the level of endowment donations received.

Board Members noted that changes to future Endowment Committees.

The NHS Board noted the assurance provided through the minutes of the Endowments Committee Meeting 25/03/22.

9.4.4 Area Clinical Forum Minute: 19/05/2022 & 24/03/2022

Mrs Cassels informed the Board that a couple of themes had emerged from Forum discussions these included staff wellbeing and workforce planning. Board Members noted that Miss Donaldson had presented to a previous meeting 19 May 2022 and provided an update on workforce planning with the final paper coming back to the ACF in September 2022. Mrs Cassels highlighted that ACF Members were really keen to have that discussion due to there being concerns around what the future will look like in regard to workforce.

The NHS Board noted the assurance provided through the minutes of the Area Clinical Forum Meetings 19/05/22 & 24/03/22.

9.5 Board Assurance Committee Annual Reports 2021/2022

9.5.1 Area Clinical Forum

The NHS Board noted the assurance provided through the Area Clinical Forum Annual Report 2021/2022.

9.5.2 Audit and Risk Committee

The NHS Board noted the assurance provided through the Audit and Risk Committee Annual Report 2021/2022.

9.5.3 Clinical Governance Committee

The NHS Board noted the assurance provided through the Clinical Governance Committee Annual Report 2021/2022.

9.5.4 Endowments Committee

The NHS Board noted the assurance provided through the Endowments Committee Annual Report 2021/2022.

9.5.5 Performance and Resources Committee

The NHS Board noted the assurance provided through the Performance and Resources Committee Annual Report 2021/2022.

10. ANY OTHER COMPETENT BUSINESS

Ms McCusker wished to thank Mr John Ford on behalf of NHS Forth Valley Board for his contribution and leadership over the years and for his dedicated service to the Board.

There being no other competent business the Chair Closed the meeting.



HSC Item 05

DRAFT MINUTE OF MEETING OF COSLA HEALTH AND SOCIAL CARE BOARD

Friday 2nd September 2022

At Verity House and Via Microsoft Teams

Present

Aberdeen City Council
 Angus Council
 Clackmannanshire Council
 Dundee City Council
 East Ayrshire Council
 East Renfrewshire Council
 Highland Council
 Inverclyde Council
 Moray Council
 North Ayrshire Council
 North Lanarkshire Council
 North Lanarkshire Council
 Perth and Kinross Council
 Shetland Islands Council
 Stirling Council
 Argyll and Bute HSCP
 Carers Representative
 Public Health Scotland
 Public Health Directors
 NHS Fife
 Social Work Scotland
 SPDS
 Carers Scotland

Cllr John Cooke
 Cllr Julie Bell
 Cllr Wendy Hamilton
 Cllr Ken Lynn
 Cllr Clare Maitland
 Cllr Katie Pragnell
 Cllr David Fraser
 Cllr Paul Cassidy*
 Cllr Tracy Coyler
 Cllr Margaret Johnson
 Cllr Paul Kelly (Spokesperson)
 Cllr Gerry Brennan
 Cllr Sheila McCole
 Cllr John Fraser
 Cllr Danny Gibson
 Fiona Davies
 Peter Burke
 George Dodds*
 Dr Susan Webb
 Nicky Connor
 Jennifer Rezendes
 Clare Wallace
 Richard Meade

Apologies

Aberdeenshire Council
 Argyll and Bute Council
 City of Edinburgh Council
 Comhairle nan Eilean Siar
 Dumfries and Galloway Council
 East Dunbartonshire Council
 East Lothian Council
 Falkirk Council
 Fife Council
 Inverclyde Council

Cllr Anne Stirling
 Cllr Amanda Hampsey
 Cllr Tim Pogson
 Calum Maclean
 Cllr Andy Ferguson
 Cllr Pamela Marshall
 Cllr Shamin Akhtar
 Cllr Fiona Collie
 Cllr David Graham
 Cllr Martin McCluskey

Midlothian Council	Cllr Colin Cassidy
Orkney Islands Council	Cllr Rachael King
Scottish Borders Council	Cllr David Parker
South Ayrshire Council	Cllr Julie Dettbarn
South Lanarkshire Council	Cllr Margaret B Walker
West Dunbartonshire Council	Cllr Michelle McGinty
West Lothian Council	Cllr Anne McMillan
Fife DoF	Eileen Rowand
IJB Chair	Peter Murray
IJB Chief Officers	Julie Murray
Public Health Scotland	Angela Leitch
Scottish Ambulance Service	Pauline Howie
Scottish Borders Council	Michael Cook
SOLACE	Eddie Fraser
South Lanarkshire DoF	Paul Manning
South Lanarkshire HSC Partnership	Soumen Sengupta

**Denotes Substitute provided*

Welcome and Apologies

Cllr Kelly welcomed Board Members to the first meeting of the newly formed Health and Social Care Board. Cllr Kelly introduced himself and extended a warm welcome to all attendees and looked forward to working together over the next five years. Apologies were noted.

Public Session

1. Presentation: Unpaid care: an emerging public health crisis, Richard Meade, Director, Carers Scotland

Board Members welcomed the presentation and highlighted the importance of the pressures unpaid carers faced over the Pandemic and continuing during a cost-of-living crisis. Members emphasised the importance of Carers being provided with more support financial and other wise and allow this to be easily accessed.

Board Members recognised the importance of ensuring this remains an ongoing priority for the COSLA Health and Social Care Board.

2. Introduction to COSLA and the Health and Social Care Board

Cllr Kelly introduced officers from the COSLA Health and Social Care Team and delivered a brief overview of the remits they cover. Cllr Kelly confirmed these contact details would all be circulated following the meeting.

Private Session

3. Minutes of the Previous Meeting and Matters Arising

Board Members agreed the minute of the previous meeting as an accurate record.

4. Health and Social Care Workplan

Eddie Follan highlighted the intention for the workplan to obtain views from Board Members. It was highlighted that the intention would be as priorities move through the team the Board will always be updated and the workplan will reflect any changes. It was also noted any arrangements in change of strategic direction will be raised at COSLA Convention.

5. National Care Service

This paper updated Board members on the development concerning the National Care Service. A paper had been presented to Leaders with the following position agreed.

Leaders agree engagement through the Strategic Board and commitment to engage in co-design work in areas agreed by Leaders, but only on the basis that agreement is reached with Scottish Government that the power to transfer staff, functions, assets, and property are removed from the Bill.

Board members agreed and raised further concerns on how accountability for Social Work would be built in on successful integration and local boards would need to align with Local Government concerns around the National Care Service.

Eddie Follan highlighted the next steps would be a response submitted to parliament and COSLA officers will continue to engage with Scottish Government Ministers and attempt to set out positive visions of the care system and role Local Government would play in that. An informal session can also be held between the next Board meeting and allow discussions to take place.

The Board:

- I. Noted the position highlighted within the report in relation to NCS and COSLA's parliamentary response to the Bill as introduced.
- II. Agreed that further updates on the Bill as well as the co-design and governance of the NCS are brought back to the next HSC Board meeting and COSLA Leaders.

6. Mental Health Strategy Consultation Response

This paper noted Scottish Government are currently consulting on a new Mental Health and Wellbeing Strategy for Scotland. Board Members commented that ten years is too long and would welcome a strategy for the third sector.

Officers noted the importance of going back to basics and analysing clinically what people are not getting in wellbeing care.

The Board:

- I. Agreed subject to any comment the COSLA response to the Mental Health and Wellbeing Strategy Consultation provided at Appendix A.
- II. Provided any views on seeking opportunities for joint leadership of an agreed strategy.

7. Mental Health Quality Standards

This paper noted secondary mental health standards will impact some local authority employees, they are currently being considered and will shortly go to consultation.

Board Members welcomed the paper and noted an update at the next board would be appreciated.

The Board:

- I. Provided views on both the quality standards for adult secondary mental health care outlined at Appendix A, indicating if they are supportive of such standards;
- II. Agreed an overarching COSLA position on mental health standards provided at paragraph 10.

8. Mental Health and trauma informed practice companion document

This paper outlined the work undertaken by the Improvement Service and partners to develop a 'Mental Health: Trauma-Informed Practice Companion Document'. It was noted there is a lot of pressure on the workforce to take on work and training can always be a challenge, however, work will be undertaken to encourage as much as possible.

Board Members noted it may be useful to have Social Work Scotland involved in discussions moving forward.

Councillor Paul Kelly endorsed the paper, and it was welcomed by Board Members.

The Board:

- I. Provided comments and endorse the document set out in Appendix A

9. Suicide Prevention Strategy

Officers highlighted the joint suicide prevention strategy and action plan are in their final stages of development with the public consultation closing on 23rd August. Officers highlighted over 240 responses had been received. The strategy is due to be published on 29th September and work will remain ongoing around discussions and transition period. It was highlighted the inclusion of Children and Young People was not clear.

Board Members highlighted concerns from local authorities where bereavement counselling had not been offered locally and that council had experienced their highest rate of suicide.

Officers noted key work will remain ongoing in the new strategy, there is a commitment from Leaders to ensure actions are scoped to all local authorities and national funding in terms of localisation and local suicide prevention plans hold an understanding of local needs.

The Board:

- I. Noted the process of development of the strategy
- II. Agreed the wide-ranging actions identified to create a whole of government, whole society approach to address suicide risk

- III. Noted that Leaders have agreed that sign off of the final strategy and action plan is delegated the H&SC Spokesperson and for it to be published on 29th September 2022

10. Self- Directed support statutory Guidance Update

This paper highlighted the Scottish Government are revising the SDS Statutory Guidance. It was noted that the purpose of the guidance update is to reflect the changing policy and legislative landscape and address implementation challenges. This will not go into public consultation; Board Members will be kept up to date with substantive changes to the next board.

Board Members noted the importance of a similar document being available for carers. Officers confirmed this had also been suggested by other stakeholders including third sector, and will be raised at the next working group.

The Board:

- I. Noted the update on SDS Statutory Guidance revision
- II. Agreed the position set out at paragraphs 20-22.

11. Response to consultation on the development of the data strategy for health and social care

This paper provided an update on the development of data strategy for health and social care. Officers highlighted the importance of using data to support social care.

Board Members noted concerns around living in a troubled household and accessing streaming devices and how does this strategy link to vulnerable people.

Officers confirmed these points would be addressed and ensure that local concerns are included in the response as a priority.

The Board:

- I. Noted that due to the consultation period closing prior to the first Health and Social Care Board, COSLA's response to the health and social care data strategy consultation was reviewed and agreed by the HSC Spokesperson
- II. Commented on COSLA's response to the Scottish Government's consultation, which is appended to this report
- III. Agreed that COSLA and the Scottish Government should have joint oversight for the development of this strategy going forward

12. Policing food promotions consultation response

Officers highlighted the Scottish Government are consulting on Restricting Promotions of food and drink high in Fat, Sugar or Salt and officers have developed a Consultation response.

Board Members welcomed the paper.

The Board:

- I. Discuss and provide feedback on the Consultation and drafted COSLA response;
- II. Agree the Consultation response.

13. AOCB

No other additional competent points of business were noted.

Date of next meeting: Friday 4th November 2022

Councillor Paul Kelly concluded the meeting and thanked Board Members for their attendance and participation and looked forward to working together over the next five years. The meeting was closed at 12:30pm.

Minute of meeting of the Integration Joint Board held remotely on Friday 2 September 2022 at 9.30 a.m.

Voting Members: Fiona Collie (Vice Chair)
Stacey Devine
Anne Hannah
Gordon Johnston
Michelle McClung (Chair)

Non –voting Members: Margo Biggs, Service User Representative
Patricia Cassidy, Chief Officer (Item IJB20)
Robert Clark, NHS Forth Valley Staff Representative
Frank Donnelly, Carer Representative
David Herron, GP Representative (Item IJB26)
Steven Kirkwood, Interim Chief Finance Officer (Items IJB21 & IJB24)
Sara Lacey, Chief Social Work Officer
Victoria McRae, Third Sector Interface
Andrew Murray, Medical Director (Item IJB29)
Roger Ridley, Falkirk Council Staff Representative

Also Attending: Michelle Campbell, Personal Assistant, Social Work
Tracey Gillespie, HR Manager, Falkirk Council (Item IJB25)
Sarah Hughes-Jones, Head of Information Governance, NHS Forth Valley (Item IJB31)
David Keenan, HSCP Governance Support Officer
Elaine Kettings, Chief Nurse
Lesley MacArthur, Partnership Funding Co-ordinator (Item IJB22)
Calum MacDonald, Performance and Quality Assurance Manager (Item IJB28)
Colin Moodie, Chief Governance Officer
Kathy O'Neill, General Manager, Primary Care & Mental Health (Item IJB26)
James Paterson, HSCP Graduate
Paul Surgenor, Communications Officer (Item IJB33)
Martin Thom, Head of Integration (Item IJB23)
Suzanne Thomson, Senior Service Manager (Items IJB27, IJB30 & IJB32)
Gail Woodcock, Head of Integration

IJB16. Apologies

There were apologies from Stephen McAllister, Kenneth Lawrie and Gillian Morton.

IJB17. Declarations of Interest

There were no declarations of interest made.

IJB18. Minute**Decision**

The Integration Joint Board approved the minute of meeting held on 10 June 2022.

IJB19. Action Log**Decision**

The Integration Joint Board noted the Action Log.

IJB20. Chief Officer Report

The Integration Joint Board considered a report by the Chief Officer which provided an update on current developments within the Falkirk Health and Social Care Partnership (HSCP). The report also provided an update on the ongoing systems pressures being experienced across health and social care services.

The report provided information on the following matters:-

- Delegated authority to the Chief Officer;
- Systems Pressures;
- HSCP Structure;
- HSCP Service Update;
- Forth Valley Royal Hospital Emergency Department (ED) Improvement Action Plan: Progress Update;
- Tackling Poverty in Falkirk;
- National Care Service;
- Scottish Covid-19 Inquiry, and
- IJB Financial Update.

The Chair of the ADP had initiated a full review of the operation, membership, and governance of the ADP. This would ensure it is able to continue to fulfil its obligations in light of recent changes in policy, and in recognition of local priorities. This review was supported by the ADP Lead Officer and considered future processes for the commissioning of local services. The IJB approved the appointment of Martin Thom, Head of Integration as Chair of the ADP in September 2019. It had been anticipated this would be for a three-year term. However, as a result of the review, it

was recommended to approve a further one-year term to allow work to progress.

The Board asked how Partners could work together to ensure that they would continue to progress strategic work in anticipation of a National Care Service. In response, the Chief Officer said that the work outlined in the meeting papers had demonstrated that as a Partnership, they had progressed significant strategic work despite the Covid-19 pandemic. The Partnership would continue to contribute professionally into the national discussions and would continue to deliver the Strategic Plan at pace.

In relation to the proposed investment in capacity across the HSCP structure, the Board asked how many of the proposed posts had been newly created and how many had been posts within the current establishment. In response, the Chief Officer referred to section 5.9 of the report in further detail.

In response to a question from the Board, the Head of Integration (G Woodcock) provided an update on the number of delayed discharges for people who had been in hospital or community hospital beds. At the time of the meeting, there had been 60 people delayed in their discharges across the system. This had represented an improvement on the beginning of August where there had been 79 people delayed in their discharges.

Decision

The Integration Joint Board:-

- (1) agreed to continue to delegate authority to the Chief Officer, to be reviewed at the Board meeting in November 2022;**
- (2) noted the ongoing work being progressed around the HSCP structure to ensure that the Partnership was able to deliver its priorities in line with the Strategic Plan;**
- (3) appointed Martin Thom, Head of Integration, as ADP Chair for a further one year term to allow work to progress, and**
- (4) noted the progress update on the ED External Review and requested quarterly updates to oversee and seek assurance on progress.**

IJB21. 2022/23 Finance Report

The Integration Joint Board considered a report by the Chief Finance Officer which provided a summary of the financial position for the three-month period ended 30 June 2022 and included the projected outturn for the year.

A net underspend of £0.346m had been reported at 30 June 2022, primarily due to overspend pressures within set aside and primary care services and a community healthcare services underspend, largely in respect of community hospitals. The forecast outturn had anticipated a break-even position by 31 March 2023.

The overall annual budget for the financial year 2022/23 had amounted to £277.532m, comprising £240.665m in respect of the integrated budget and £36.867m in respect of set aside. This represented an increase of £15.020m compared to the £262.512m budget reported to the IJB in June which had been due to a number of additional in-year funding allocations, budget transfers and reserve movements.

The report highlighted key issues in terms of year-to-date performance in relation to:-

- Large hospital services (set aside);
- Primary healthcare services;
- Community healthcare services;
- Social care services, and:
- Year to date savings deliver.

In relation to Covid-19, Scottish Government funding had not been anticipated in the 2022/23 financial year to cover Covid-related costs. The Scottish Government had provided additional year end funding in 2021/22 to meet ongoing costs. Covid-19 reserves of £16.269m had been available for the financial year to meet future Covid-related costs. In the absence of new Scottish Government Covid-19 funding, NHS Forth Valley had sought funding from the Integration Joint Board for the use of Covid-19 reserves to meet set aside costs in 2022/23 financial year.

The Scottish Government had provided funding for Mental Health facilities improvements in a letter dated 29 March 2022, with plans for the use of the funding to have been submitted to the Scottish Government in June 2022. Joint plans, in conjunction with Clackmannanshire & Stirling Integration Joint Board, to the estimated value of £0.814m had been developed and subsequently submitted to the Scottish Government for review.

The 2022/23 forecast outturn had suggested a net overspend of £0.458m by 31 March 2023, comprising £2.189m overspend against the set aside budget, which had been largely offset by an £1.731m underspend against the integrated budget. However, it had been envisaged that the £0.458m projected year end overspend could be managed locally to deliver a break-even position by 31 March 2023.

In relation to the request from NHS FV, the Chief Finance Officer's report recommended that the Board "decline the request for IJB covid reserve funding towards set aside and non-delegated functions and covid costs, while officers seek further clarification from Scottish Government".

Following discussion, there was general agreement on the recommendation subject to an amendment to the wording to include 'at this stage' after 'covid costs'. The view was expressed that this would preserve the opportunity for the request to be made again once further information had been made available. It was felt that at the present time there was not sufficient information to consider approving the request.

Decision

The Integration Joint Board:-

- (1) noted the year to date underspend of £0.346m reported as at 30 June 2022;**
- (2) noted that a break even position is forecast to be achieved at 31 March 2023;**
- (3) approved the breakdown of the payments to Falkirk Council and NHS Forth Valley as per the Directions summary provided at appendix 1;**
- (4) noted the inclusion of medical staff costs in the set aside budget from 1 April 2022 and request the Chief Officer and Chief Finance Officer to undertake due diligence of the set aside budget transfer to confirm the adequacy of the transferred budgets and to conclude the review of the Integration scheme and risk share agreement with the Directors of Finance in the Council and NHS Forth Valley;**
- (5) declined the request for IJB covid reserve funding towards set aside and non-delegated functions and covid costs at this stage, while officers sought further clarification from Scottish Government, and**
- (6) approved the implementation of Mental Health facilities improvement proposals listed within appendix 4.**

IJB22. Partnership Funding Progress Report 2022

The Integration Joint Board considered a report by the Partnership Funding Coordinator which provided an update on progress made against the Partnership Funding Investment Plan 2021-2024, which had been approved by the Board in June 2021.

During the 2018-2021 programme, Partnership Funding had encompassed only four funds: Main Programme, Leadership Fund, Carers Fund, and Dementia Innovation Fund. The Partnership Funding Investment Plan 2021-2024 had increased the scope of the programme to include all ringfenced funds within the scope of the IJB.

Some funds either had no or minimal spend. This had largely been due to Covid and pressures within the system, which had impacted on the ability to effectively commission services within some areas. Some funds had accrued levels of reserves, however measured action had been planned, which would ensure a collaborative and effective approach to investment.

Decision

The Integration Joint Board noted the report and progress to date.

IJB23. Home Support and Supported Living Proposed New Contractual Arrangements

The Integration Joint Board considered a report by the Head of Integration (M Thom) which provided an update on the work undertaken to date, the challenges in terms of developing the future contract and to set out the recommendations from 31 March 2023 when the existing agreement had been due to cease.

The current Support at Home Services (Home Support and Supported Living) Framework Agreement (SW/035/18) commenced on 1 April 2018 and had been due to expire on 31 March 2022. The IJB agreed an extension of the existing agreement until September 2022 and then agreed a further extension until 31 March 2023.

As part of the process to develop a new contract specification and framework for support at home services, it had been agreed to establish a multi-disciplinary project team. The team had been led by the Head of Integration and comprised the Chief Finance Officer and representatives from Corporate Procurement, Commissioning, Legal Services, Home Care, Community Care Teams, and linked in with Scottish Care when appropriate.

The project team began to finalise the overall contract strategy with a view to ensuring the future contract would not only reflect lessons learned over the duration of the existing framework, but also ensure the future contract supported developments in respect to the IJB's agreed new model for Care at Home services. It had been anticipated that the new model for in-house Care at Home service and new model for day opportunities would be operational by the point the existing framework ended and newly contracted framework was in place.

The impact of the Omicron variant of Covid-19, challenges in relation to staff recruitment and retention, and the current economic climate and cost of living crisis had delayed the development of the new framework.

The report recommended the option that would allow the HSCP to develop and implement the agreed model of in-house care provision, whilst working

alongside external providers to develop the overall model for care and support at home across Falkirk, within a more stable context.

Decision

The Integration Joint Board:-

- (1) agreed the use of the current Scotland Excel (SXL) National Flexible Framework for Care and Support Services (1318) for the provision of external care at home for the period 1 April 2023 to 31 March 2024 in line with the conclusion as set out at 5.1 of the report and appendix 1.**

IJB24. Strategic Risk Register

The Integration Joint Board considered a report by the Chief Finance Officer which provided an update on the IJB's strategic risk register. No new risks had been added to the register since the last version presented to the Audit Committee on 17 June 2022.

There had been 9 live risks recorded in the register, 8 had been considered as high risk and 1 as medium risk. The risk would continue to be subject to regular review as part of the IJB's risk management framework.

Decision

The Integration Joint Board:-

- (1) considered and commented on the high-level summary of the strategic risk register presented at section 4.1 of the report, and**
- (2) considered and commented on the detailed strategic risk register.**

IJB25. HSCP Workforce Plan 2022 – 2025

The Integration Joint Board considered a report by the HR Manager, Falkirk Council which provided background to the development of the workforce plan and noted that the draft plan had been submitted to the Scottish Government for initial feedback.

Health & Social Care Partnerships (HSCP's) had been required to submit a copy of their 3 year workforce plan to the Scottish Government by 31 July 2022. The Scottish Government would analyse this and feedback would take place. Final plans were due to be published on HSCP website by 31 October 2022.

Considerable work had been undertaken to prepare the HSCP's workforce plan, which involved managers across the Partnership, along with Trade Unions, Staff Side and Third Sector. Workshops had taken place over a period of time, with Covid-19 delaying finalisation of the draft plan.

A key aim of workforce planning had been to ensure a robust and aligned approach across workforce, operational service and financial planning. Three Year Workforce Plans should therefore align with priorities identified in Board Medium term Operational and Financial Plans, and HSCP Strategic Commissioning Plans (SCPs).

The guidance received in April 2022, had suggested Three Year Workforce Plans had been expected to use the Five Pillars of Workforce Planning outlined within the National Workforce Strategy, published in March 2022. These pillars (Plan, Attract, Train, Employ, Nurture) had been the basis for outlining proposed actions to secure sufficient workforce to meet local projected short-term recovery and medium-term growth requirements across the health and/or social care services.

The draft plan had been submitted to the Scottish Government in early August. It had been anticipated that feedback on the draft plan would be offered by the end of August, following which, the final plan would be published on the HSCP website by the end of October 2022. Once finalised and published, the plan would be reviewed and updated on an annual basis and be reflective of progress made on actions and workforce planning assumptions.

The Chief Officer highlighted the contributions of the range of staff who had been involved in the development of the plan and thanked colleagues in HR in both Falkirk Council and NHS Forth Valley.

Decision

The Integration Joint Board noted the draft HSCP Workforce Plan 2022 – 25 had been submitted to the Scottish Government for initial feedback.

IJB26. Primary Care Improvement Plan: End of Programme Report

The Integration Joint Board considered the report by the Primary Care Improvement Programme Manager presented by the GP lead representative. Forth Valley's Primary Care Improvement Plan (PCIP) and consequent iterations (PCIP, Iteration 3) had been agreed by the Falkirk and Clackmannanshire and Stirling Integration Joint Boards and NHS Forth Valley Health Board.

The plan did not represent full implementation of the new General Medical Service (GMS) contract and further phases of implementation had been due to be progressed. The aim of the new contract had been to redirect GP

workload to a new wider multidisciplinary team, and in doing so improve access for people to the right care, whilst enabling GPs to focus on their role as the expert medical generalist, spending more time in support of people with complex and undiagnosed needs and assuring quality primary care services.

Despite all challenges of the past two years, implementation of the new GMS contract had been largely delivered in line with PCIP (Iteration 3). The benefits of being in an advanced stage of implementation supported general practice sustainability and access to primary care through the Covid-19 pandemic.

The plan had delivered a full Board managed immunisation service across Forth Valley. In addition to this, a pharmacotherapy service was established that had delivered prescription support to all practices. Furthermore, the plan had delivered a level of phlebotomy service across Forth Valley (except for practices that had been identified by an options appraisal). The service had capacity for around 10,000 appointments per month.

The planned number of Urgent Care, Mental Health and Physiotherapy practitioners had largely been in place, which provided capacity for over 150,000 annual appointments provided by Advanced Nurse and Paramedic Practitioners, Advanced Practice Physiotherapists and Primary Care Mental Health Nurses (PCMHN). As at May 2022, the PCIP programme has delivered 182, of 197 whole time equivalent (wte) planned new posts, working with 50 GP practices in Forth Valley.

In response to questions regarding the mental health of children and young people under the age of 18, the GP lead representative explained that the mental health nurses that had worked within GP practices were for patients who were aged 18 years old and over. However, a plan had been developed to extend the service to those who were aged 12 years and older. Mental health support had been available to children through their own school.

Decision

The Integration Joint Board:-

- (1) noted the progress of the Primary Care Improvement Plan, including PCIP tracker which was submitted to Scottish Government in April (appendix 1);**
- (2) noted the Primary Care Improvement Fund overview which outlined the programme spend for year 2021/22. This also outlined the impact of the cost of the existing plan updated for 2022/23 including the anticipated uplift of funding from Scottish Government, and**

- (3) approved the programme funding plan with an ongoing non-recurring budget risk of £1,299m, noting that this was similar to previous years and NHS Forth Valley had agreed to continue to hold this financial risk.**

IJB27. Falkirk HSCP Annual Performance Report 2021 – 2022

The Integration Joint Board considered a report by the Senior Service Manager which presented the Falkirk Health and Social Care Partnership (HSCP) Annual Performance Report 2021 -2022. The report outlined how the Partnership had been working towards delivering the Strategic Plan and the nine National Health and Wellbeing Outcomes.

The Board agreed to delay the publication date for the annual performance report in exercise of the power granted to public authorities under the Coronavirus (Scotland) Act 2020.

The Annual Performance Report is an opportunity to reflect on the varied activities and improvements that had been achieved by partners, including the third and independent sectors, over the reporting year. It sets out the continued response to the impact of the pandemic and system pressures, and the achievements made.

Decision

The Integration Joint Board:-

- (1) considered and commented on the draft Annual Performance Report, and**
- (2) approved the publication of the Annual Performance Report 2021 – 2022.**

IJB28. Performance Monitoring Report

The Integration Joint Board considered a report by the Performance & Quality Assurance Manager, Falkirk HSCP, Head of Policy & Performance, NHS Forth Valley and Performance Review Officer, Falkirk Council. This provided a summary of key performance issues and drew on a basic balanced scorecard approach with a focus on exception reporting.

The Performance Monitoring Report June 2021 – June 2022 had been presented to support the IJB to fulfil its ongoing responsibility to ensure effective monitoring and reporting of service delivery. The report focused on local performance indicators and data, providing a year-on-year comparison. This includes information on delayed discharges and Emergency Department (ED) performance.

Social Work Adult Services (SWAS) had introduced a new social work information system during June and July 2022. Once established the system would allow for more effective and efficient performance monitoring. Data from the previous system had not yet fully migrated across.

Decision

The Integration Joint Board noted:-

- (1) the content of the Performance Monitoring Report, and**
- (2) that appropriate management actions continue to be taken to address the issues identified through these Performance Monitoring Reports.**

IJB29. Hospital Readmission of Falkirk Residents within 28 Days of Discharge – Follow Up Paper

The Integration Joint Board considered a report by the Medical Director NHS Forth Valley and Head of Information Services, NHS Forth Valley which provided follow up and assurance relating to issues described in the report 'Hospital Readmission of Falkirk Residents within 28 Days of Discharge' considered by the IJB in March 2022.

The original report described national figures against Data Indicator 14 from the SOURCE Report from Public Health Scotland (PHS), which showed the number of Falkirk residents who had been discharged from hospitals across Scotland, with a readmission rate of 163 out of 1000 admissions which had been the highest rate in Scotland and above the national position of 120 per 1000 discharges.

Chart 1 (PHS) showed from 2019 onwards, there had been an increase in the rate of emergency readmissions, which occurred at the same time as the introduction of the patient electronic recording system, TrakCare. The adoption of a new mode of recording patient activity in the clinical assessment units, and data quality issues arising out of the recording of planned, return activity where the patient is scheduled to return the next day or so for further tests. The latter being addressed by the Information Quality and eHealth Learning Group. The latest publication in June 2022, showed a revised annual position for 2021/22 of 139 in comparison with Scotland at 103 rate per 1000.

An investigation by PHS into NHS Forth Valley's Readmission rate for indicator 14, confirmed local findings where the change in how patients were being recorded in the assessment units from outpatients to inpatients had led to an increase in the rate of readmissions. However more recent readmission rates reported in the June 2022 SOURCE data had reported a steadily improving position for all quarters of 2021/22 as demonstrated in Chart 2.

The Board noted that GPs often had to manage patients within primary care settings who had not received an immediate discharge letter and asked if this is data that should be considered, and work be carried out to improve the rates of patients who receive immediate discharge letter when they are being discharged from hospital. In response to the question, the Medical Director said that they recognised the need for improvement in relation to patients who had received immediate discharge letters.

The Board asked the Medical Director if patients are asked why they had been readmitted to hospital. In response to the question, the Medical Director confirmed that patients are asked however they did not have more specific detail about reasons for readmission.

Decision

The Integration Joint Board noted the report.

IJB30. Annual Assurance Statements 2021/22

The Integration Joint Board considered a report by the Senior Service Manager which presented the 2021/22 Annual Assurance Statements for:-

- Audit Committee
- Clinical and Care Governance Committee
- Joint Staff Forum.

These were the third Annual Assurance Statements prepared by the Committees and Forum. The Annual Assurance Statements set out the attendance, meeting dates and business of the Committees and Forum over the reporting year 2021/22. The purpose of the Annual Assurance Statements was to provide the Integration Joint Board with assurance that the respective Committees and Joint Staff Forum had effectively discharged their duties.

Decision

The Integration Joint Board noted the Annual Assurance Statement 2021/22 for Audit Committee, Clinical and Care Governance Committee (CCGC) and the Joint Staff Forum (JSF).

IJB31. Information Governance Assurance Report 2021/2022

The Integration Joint Board considered a report by the Lead Data Protection Officer, NHS Forth Valley, Head of Information Governance, NHS Forth Valley and the Information Governance Manager, Falkirk Council which provided assurance regarding the arrangements for information governance that had been applicable to the Board as a public body, along with the information governance arrangements in place within

its partners, Falkirk Council (Council) and NHS Forth Valley (NHS FV), which deliver services on behalf of the Board.

The 3 information governance areas in which the Board, and its partners, had statutory responsibilities were:-

- Freedom of Information
- Data Protection
- Records Management.

Decision

The Integration Joint Board noted:-

- (1) the Information Governance activity for the year 2021/2022, and**
- (2) that Sarah Hughes-Jones was the Data Protection Officer for the IJB.**

IJB32. IJB Governance Report

The Integration Joint Board considered a report by the Senior Service Manager and the HSCP Governance Support Officer which provided an update on a range of governance matters relevant to the Board. These were:-

- Nursing Representation on the IJB;
- Clinical and Care Governance Committee;
- Audit Committee;
- Third Sector Representative;
- Community Planning Partnership: IJB representative;
- Equality Outcomes, and;
- IJB Code of Conduct.

Nursing representation on the IJB continued to be the Interim Executive Nurse Director Gillian Morton on a temporary basis. The Chief Nurse for Falkirk Health and Social Care Partnership, Elaine Kettings, was their substitute. Frances Dodd had been appointed Executive Nurse Director of NHS Forth Valley and took up post on 12 October 2022. The interim arrangements for nursing representation were to be reviewed by the new Executive Nurse Director and Chief Officer. An update on nursing representation would be provided to the Board at a future meeting.

The Clinical and Care Governance Committee terms of reference noted the chairing arrangements, membership requirements and terms of office for members require were to be reviewed annually. Councillor Anne Hannah was appointed as Chair of the Committee at the meeting of the Board in

June 2022. Stephen McAllister continued to be the Vice-Chair of the Committee

Decision

The Integration Joint Board:-

- (1) noted the arrangements for nursing representation on the IJB and its Committees;**
- (2) approved the Chair and Vice-Chair arrangements of the Clinical and Care Governance Committee;**
- (3) approved the terms of reference of the Clinical and Care Governance Committee;**
- (4) appointed Roger Ridley the non-voting member vacancy on Audit Committee;**
- (5) noted that work is undergoing to identify a second representative from the Third Sector;**
- (6) appointed Michele McClung as the IJB's representative on the Falkirk Community Planning Partnership;**
- (7) agreed to use the current Equality Outcomes for the interim Equality Outcomes and Mainstreaming Report and agreed the consultation process, and;**
- (8) noted the correspondence received from the Scottish Government regarding the revised Code of Conduct and noted the Code as amended.**

IJB33. HSCP Communications Update

The Integration Joint Board considered a report by the Communications Officer which provided a summary of communications activity undertaken during April – June 2022.

The Partnership's communications activity had covered key service developments, media issues, and improvements to the website and digital channels.

Decision

The Integration Joint Board noted the communications update.

IJB34. Approved Minutes of Meetings

The Integration Joint Board considered the following minutes of the committees and groups:-

Audit 11 March 2022

Strategic Planning Group 13 May 2022

Decision

The Integration Joint Board noted the minutes of committees and groups.



CWB ITEM 1.2

MINUTE OF MEETING OF COMMUNITY WELL-BEING BOARD

Thursday 22 September 2022, 1030hrs

Via MS Teams

Present

Aberdeen City Council	Cllr Miranda Radley
Angus Council	Cllr Kenny Braes
Argyll and Bute Council	Cllr Kieron Green
Clackmannanshire Council	Cllr Scott Harrison
Dumfries and Galloway Council	Cllr Archie Dryburgh
East Dunbartonshire Council	Cllr Ian Gallagher
East Lothian Council	Cllr Colin McGinn
Falkirk Council	Cllr Stacey Devine
Moray Council	Cllr Amber Dunbar
Perth and Kinross Council	Cllr Tom McEwan
Renfrewshire Council	Cllr Robert Innes (Sub)
Scottish Borders Council	Cllr Julie Pirone
Shetland Islands Council	Cllr Dennis Leask
South Ayrshire Council	Cllr Brian McGinley
South Lanarkshire Council	Cllr Davie McLachlan
Stirling Council	Cllr Gerry McGarvey
West Dunbartonshire Council	Cllr Lawrence O'Neill
West Lothian Council	Cllr Anne McMillan (Sub)

ALACHO	John Kerr
Directors of Public Health	Professor Josephine Pravinkumar
SCSN	Lorraine Gillies

Apologies

Aberdeenshire Council	Cllr Anne Simpson
City of Edinburgh Council	Cllr Amy McNeese-Mechan

Comhairle nan Eilean Siar	Cllr Donald Chrichton
Dundee City Council	Cllr Heather Anderson
East Ayrshire Council	Cllr Jim McMahon
East Renfrewshire Council	Cllr Danny Devlin
Fife Council	Cllr Judy Hamilton
Glasgow City Council	Cllr Anne McTaggart
Highland Council	Cllr Graham MacKenzie
Inverclyde Council	Cllr Natasha McGuire
Midlothian Council	Cllr Stuart McKenzie
North Ayrshire Council	Cllr Alan Hill
North Lanarkshire Council	Cllr Andrew Duffy-Lawson
Orkney Islands Council	Cllr David Dawson
Renfrewshire Council	Cllr Marie McGurk*
West Lothian Council	Cllr Craig Meek*

CIPFA-Directors of Finance	Martin Booth
Directors of Public Health	Professor Alison McCallum
Directors of Public Health Deputy	Katie Dee
SLAED	Susie Donkin
Social Work Scotland	James Maybee
Social Work Scotland	Lindsay Smith
Social Work Scotland	Jane Martin
SOLACE	Katie Kelly
SOLACE	Malcolm Burr
VoCAL	Duncan Dornan

**Denotes a Substitution*

Guests

??	Jennifer Stoddart
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1. Introduction

1.1 Welcome and Apologies

Cllr Maureen Chalmers welcomed Board Members to the first meeting of the new session and apologies were noted.

1.2 Minute of Previous Meeting 21 January 2022

The minute of the previous meeting was agreed as an accurate record.

2. Presentations, Board and COSLA wide items

2.1 Update on Team's Work and the Board Plan

During the last administrative term, the Community Wellbeing Board had regular updates from staff about the progress being made against the priorities of the Board. The report fell into three parts including a general description of high priorities, a tabular format of the work plan showing where we have been and what the next period is aiming to achieve and material staff supporting the Board wished to bring to Members' attention, but not requiring political decisions.

With the start of a new term, it is important that the Board establishes what it feels its current priorities are along with any underlying principles. As part of the delegated arrangements within COSLA's governance arrangements these need to help inform the overall Convention's priorities and these then would help frame the work of Leaders' meetings and the four Boards.

Members received clarity on which Professional Bodies will join them for Board meetings. Members were also directed that if they had any questions, they could contact the Officer who wrote the paper or membersupport@cosla.gov.uk.

The Members were provided with an updated-on Resources along with the Boards' Work Plan, and with discussions being held with SLADE. The Board was assured that this update on funding would not affect budgets that had been set out for the next year. Members asked for further information from areas held in the Work Plan and Officers provided the necessary updates. Areas highlighted were Fireworks and Pyrotechnic Articles (Scotland) Act 2022 and the possible rise in colds, flu, and COVID and the risk that this poses on vulnerable groups/regions.

The Board:

- i. Noted and commented on the contents and structure of the two annexed documents, given the relevance they are likely to have to the ongoing and potential future work of the Board;
- ii. Considered the challenges that lie ahead for Local Government and the communities it serves in Scotland with respect to the emerging challenges of the 'Cost of Living Crisis' and the developing priorities of the Scottish Government as included in its recent Programme for Government; and
- iii. Discussed and agreed the principles and priorities that should inform the Board's work.

2.2 National Care Service

The [National Care Service \(Scotland\) Bill](#) had been laid out in Scottish Parliament and set out the range of provisions to establish a National Care Service (NCS). The Bill includes the power to transfer Children's Services and Justice Social Work Services to a National Care Service using secondary legislation, but a final decision on this will not be taken until further public consultation and evidence gathering with key partners has been carried out.

Board Members were made aware that COSLA Leaders had expressed a unanimous and cross-party concern that the National Care Service Bill as published would not work for Service Users or communities. Leaders had expressed in the strongest possible terms that

Local Authority services, staff, and resources should remain the responsibility of locally elected members a view that has been echoed by all the main Local Government trade unions.

This Paper updated the Board on the Scottish Government-led programme of work to help inform a decision on the inclusion or not of Justice Social Work within a future National Care Service by Scottish Government Ministers.

Members were invited to discuss the proposed COSLA position set out in the report, which would steer ongoing engagement with Scottish Government at both political and Officer level.

Members asked for further clarity from COSLA Officers on various areas. Concerns were raised on: differences of opinion between COSLA and Scottish Government; the need for flexibility to accommodate different needs across all 32 Local Authorities; and how Service Users interact with services. With the impact on Service Users during transitions of how they need to interact with services will change being supported.

COSLA Officers assured Members that consultations and further details of how the National Care Service will look will be brought back to the Board for them to note and provide comment at future meetings. Members also noted that a Frequently Asked Questions document was due to be published.

The Board:

- i. Noted the update on the National Care Service and implications for justice social work;
- ii. Noted and provided views on the draft research commission paper provided in the Appendix B;
- iii. Agreed the proposed COSLA position with regard to ongoing officer engagement with NCS justice workstreams; and
- iv. Agreed that the COSLA Community Wellbeing Spokesperson writes to the Cabinet Secretary for Justice and Veterans to outline the Board's current position.

2.3 Revised Timeline for No One Left Behind Phase 3 Implementation

Members were updated that the delays to the timeline for the No One Left Behind implementation within the context if the current Fair Start Scotland (FSS) contracts ending in March, was due to the pandemic with the first two stages taking time and additional work. Scottish Government had highlighted that even with the delay they are committed to transfer budgets from the current Fair Start Scotland arrangements to budget that are locally driven. Additionally, the Scottish Authority Economic Development Group (SLAED) had supported the delay.

Board Members were invited to agree, provide comments and views that can be taken back to Richard Lochhead, MSP.

The Board:

- i. Noted the level of flux across employability landscape, and that Scottish Government's preferred option is for a continuation of services of the Fair Start Scotland provision for a further 12 months, to March 2024 via a Non-Competitive Action procurement exercise; and
- ii. Noted that Scottish Government intend to work with Local Government to develop a multi-year No One Left Behind Delivery plan to align with Best Start Bright Futures and outline the intention to move to Phase 3 of No One Left Behind from April 2024;
- iii. Noted that SLAED members are reported as being in agreement with the proposal for a delay; and
- iv. Agreed to the delay and provide comment with an intention that this would feed into COSLA's positions that can be expressed back to Ministers as the new deadline is worked towards.

2.4 Programme for Government – Maximising Financial Assistance to Those in Need

As part of its 2022/23 [Programme for Government, \(PfG\)](#) the Scottish Government, had decided to maximise direct financial assistance to those most in need. Amongst other measures, it had announced its intention to increase the amount of the Scottish Child Payment (SCP) from £20 to £25 per week and extend the scheme's eligibility to children aged between 6 and 15. The Scottish Government also intended to increase Discretionary Housing Payments, (DHP) funding to mitigate the UK Government's Benefit Cap and included energy bills as eligible housing costs for DHP.

Whilst Local Government was at the time responsible for administering SCP (Bridging) Payments on behalf of the Scottish Government to low-income families with children between 6 and 15, legislation laid in the Scottish Parliament during September 2022 would mean that it would pass to Social Security Scotland by the end of 2022. In the interim, Councils would still administer 2 further Bridging Payments, (one in October 2022 and a further in December 2022) and would support the transition to the extended scheme.

Local Government had administered Discretionary Housing Payments, (DHPs) on behalf of Scottish Government since the devolution of the fund in April 2017. In line with its [Tackling Child Poverty Delivery Plan](#), Scottish Government then aimed to use its devolved powers to mitigate as far as possible the impacts of the UK Government's Benefit Cap and in response to the growing Cost Emergency, which included energy bills as eligible housing costs for DHP.

Members raised areas for Officers to gain additional clarity on to ensure that financing and guidance provision is fit for purpose.

The Board:

- i. Noted the proposed increase to the SCPs, the scheme's extended eligibility and changing role for Local Government in the coming transition phase.
- ii. Noted and provided views on the proposed changes to DHP's and potential impacts on Local Government's administration of the scheme.
- iii. Agreed the proposed COSLA position (paragraphs 14/15) regarding ongoing officer engagement with Scottish Government in respect of DHP policy development and adequacy of administration funding.

3. Community Safety and Justice

3.1 Bail and Release from Custody Bill – Stage 1 Submission

Members were provided an update on the Bail and Release from Custody Bill was being considered by parliament. The paper asked the Board to consider and agree, subject to any agreed amendments, COSLA's Stage 1 submission to the Criminal Justice Committee.

The Bill was made of two parts which were outlined in the paper. Scottish Government Official, Jennifer Stoddart provided a factual presentation to the Board on the Bill, highlighting the elements of the Bill that have the biggest implications for Local Government. COSLA Officials were seeking the engagement of Scottish Government Civil Servants to provide an opportunity for Members to ask questions on the Bill and to seek clarification on issues or points of policy. The Board were then be invited to consider COSLA's Stage 1 submission.

Members asked and received further clarity on areas from Jennifer Stoddart, which lead constructive discussion to be held. Members were informed that the working timelines for the Bill were unmovable as they are set by Parliament, with further discussions aiding in the filling of gaps in the Legislation during the stage of submission to Parliament.

The Board was informed for their consideration, that a Sounding Board could be established to allow for more detailed discussions to be held with Local Authorities Local Justice Leads.

The Board:

- i. Noted the Bail and Release from Custody Bill had started its passage through Parliament, and
- ii. Agreed, subject to any agreed amendments, COSLA Stage 1 Submission to Parliament.

3.2 Restorative Justice

This paper provided Members with an update on the Scottish Government's commitment to have restorative justice services widely available across Scotland by 2023 to all those who wish to access it. The paper also highlighted the concerns raised by Violence Against Women Partnerships and key Equally Safe specialist stakeholders on the potential risks to the safety and wellbeing of survivors of violence against women and girls who may engage with restorative justice processes. The Board was asked to agree that COSLA should highlight to the Scottish Government that clarity is required on roles, responsibilities and funding to deliver Restorative Justice.

The Board was asked to agree that the concerns expressed by the violence against women and girls' sector should be highlighted to the Cabinet Secretary. Lastly, the paper also proposed that COSLA should suggest a scaling back of the 2023 target, opting for a phased delivery instead. This was to ensure that existing barriers and challenges can be fully addressed.

The Board:

- i. Agreed to highlight to Scottish Government that urgent clarity was required on roles, responsibilities and the availability of adequate long-term funding for restorative justice;
- ii. Agreed that COSLA should raises with the Cabinet Secretary for Justice and Veterans the Violence Against Women Partnerships (VAWPs)' continuing concerns;
- iii. Agreed that COSLA should seek reassurance that the stated views, ongoing concerns and advice of the VAW Partnerships and key national and local Equally Safe specialist VAWG Stakeholders, will be reflected in any further action relevant to the use of restorative justice in the context of VAWG in Scotland, in line with Scottish Government Guidance;
- iv. Agreed COSLA should urge the Scottish Government to consider an extension in time or scaling back in the ambitions of the 2023 target; and
- v. Agreed that COSLA suggested a phased delivery of restorative to ensure that existing barriers and challenges can be fully addressed and that lessons can be learned from a robust evaluation of the initial test phase of the project.

3.3 Police Scrutiny Conveners Forum

This paper sought the Board's consideration of the proposal to re-establish the COSLA Police Scrutiny Conveners Forum. The COSLA Police Scrutiny Conveners Forum was originally established in 2016. It met twice a year in the last term, considering and providing views on a range of matters, including - but not limited to – contributing to a national review of the development of local police plans, Brexit and the response to Covid-19. The Forum has provided a valuable space for discussion and input on national policy issues by Elected Members and an opportunity for regular engagement with senior officers from SPA and Police Scotland. The re-establishment of the Forum in the new term would continue to provide a formal mechanism for elected members to provide views on national and strategic policy developments and, where appropriate, broader policing matters that have an impact on local

communities. Members were therefore asked to agree that the COSLA Police Scrutiny Conveners Forum is re-established as per the draft terms of reference at appendix A.

The Board:

- i. Agreed that the COSLA Police Scrutiny Conveners Forum is re-established as per the proposed terms of reference at Appendix A, subject to any agreed amendments.

3.4 Community Safety and Policing Update

This Paper updated the Board on the latest developments with regard to the Violent and Sexual Offender Database (ViSOR) and the issue of safe access zones around reproductive health facilities. The Board was not being asked to agree a position at this stage on either of these issues. Although Members were asked to share any initial views on Gillian Mackay MSP's proposal for a Members' Bill.

As set out in the report, Ms Mackay's Bill would introduce Safe Access Zones with a 'blanket' provision, applying to all sites across Scotland that provide abortion care without evidence of local harassment being required. Responsibility for establishing these zones would sit at a national level and not with local councils or health boards.

COSLA were conscious that a national approach imposing a general ban would have both pros and cons. An alternative to this approach could be a framework within which local decisions would be possible. We understand from engagement with Ms Mackay that there is scope for change in her proposals at this stage – and flexibility in the Scottish Government position here too. Members' initial views would enable officers to develop a proposed position on Ms Mackay's Bill, which could be presented at the next meeting of the Board for consideration.

The Board:

- i. Noted and commented on the update provided on ViSOR; and
- ii. Noted and provided comments on the buffer zones update and provided initial views on Gillian Mackay MSP's proposals for a Bill to introduce safe access zones around healthcare settings that provide abortion services.

4. Equality, Human and Community Rights

4.1 Licensing of Nail Bars

The purpose of this paper was to provide Members with an overview of the links to serious organised crime and potential victims of trafficking working in nail bars. In order to prevent this, two Local Authorities have brought the licensing of nail bars under their Public Entertainment Licensing regimes.

The paper set out the approaches taken by the two Local Authorities as well as an example of how the implementation of the Public Entertainment Licensing has worked in practice. Police Scotland were keen to work with Local Authorities to implement the licensing of nail bars under this regime and were keen to engage with council officials to discuss the practicalities of this in more detail.

The Board:

- i. Noted that the Serious Organised Crime Strategy seeks to reduce harm to communities by tackling human trafficking and analysis of referrals to the National Referral Mechanism (NRM) and the Modern Slavery Helpline have identified clear trends for potential victims of trafficking working in nail bars.
- ii. Noted the move that two Local Authorities have made to enable the licensing of nail bars under the Public Entertainment License regimes; and

- iii. Considered and discussed whether this is something that could be implemented within their own Local Authorities.

4.2 16 Days of Activism Against Gender Based Violence

This Paper invited Members to consider, and pending any changes required, approve the proposed approach to COSLA's participation in the UN's annual 16 Days of Activism Against Gender Based Violence Campaign, running from 25th November (International Day against Violence Against Women) to 10th December 2022 (International Human Rights Day).

The previous Board and Leaders had been active supporters of the campaign. COSLA was hopeful that this will be true for this new iteration of the Board. Our collective support along with the work of partners and other activists has seen considerable changes in stated public views about gender-based version.

The report invited feedback from the Board about the proposed positions concerning:

- The outlined approach for 16 Days 2022;
- Aligning COSLA's social media messaging with the Violence Against Women Local Government Network;
- Working with other parts of COSLA's political governance structures to populate examples of the role of Councils in tackling VAWG;
- Inviting Leaders' engagement in the campaign while working with Public Health; and
- Agreeing to use COSLA's resources along with those of the Improvement Service & Public Health Scotland to support the national Flagship summit on the 8th of December 2022

The Board:

- i. Agreed to supporting the Violence Against Women Partnerships National Network (VAWPs Network) overall theme 'What Next?' and the outlined approach for 16 Days 2022, highlighting or shining a light on Local Government and Councils' ongoing commitment to tackling VAWG;
- ii. Agreed to the aligning of COSLA social media visual messaging over the 16 Days as far as capacity allows with the themes and elements planned by the VAW Network to demonstrate political support and leadership;
- iii. Agreed to referring the invitation from the VAWP Network to COSLA Leaders, Community Wellbeing Board Members or Councils Elected Member VAWG Champions where they are in place, to participate in the creation of a series of short 'taking heads' films highlighting their council's action and commitment to tackling VAWG;
- iv. Agreed to referring to Leaders the proposal that COSLA marks of the first day of 16 Days at the Leaders meeting on the 25th of November by opening the meeting with a Presidential statement in line with the VAWP Networks theme for 16 Days 2022 and welcoming the PHS Elected Member Briefing on a Public Health Approach to tackling VAWG
- v. within COSLA's available resources and capacity, supporting a national Flagship summit on VAWG on the 8th December 2022 on the action focussed theme #WhatNext, reflecting COSLA and the Scottish Government's ongoing commitment to Equally Safe Partnership and with the VAWP Network, the Improvement Service, Public Health Scotland and the Improvement Service.

4.3 Participatory Budgeting

This report informs Board Members of local government progress towards the 1% Framework Agreement. It provides an update on 2021/22 progress towards the 1% target, noting that at

least £74.7m (provisional figure) of spend was allocated through participatory processes. An update was also provided on the proposed National Governance Arrangements for the Future of Participatory Budgeting in Scotland framework; an updated-on progress in rolling out Digital Participation software to support Participatory Budgeting in councils; and highlighted the need for ongoing support and leadership from Scottish Government to help sustain and deliver further progress in embedding Participatory Budgeting in local government. Members were encouraged to confirm the submission of their returns to enable COSLA to provide a final figure for 2021/22.

The report also outlined proposed governance arrangements for delivery of the Future of Participatory Budgeting in Scotland: Framework. The proposed arrangements aimed to better reflect the key role of Scottish Local Government within the delivery of the framework through establishing a joint political Scottish Government/COSLA delivery group. This group would also seek to work with public sector partners, recognising the key role of the broader public sector in delivering ambitions on Participatory Budgeting.

Further, the report updated Members on work to develop the CONSUL digital participation platform and asked the Board to renew the mandate of the Spokesperson to engage with Scottish Government to make the case to maintain support for the development of Participatory Budgeting in our communities.

The Board:

- i. Noted progress towards the 1% Framework Agreement derived from 2021/22 proforma returns;
- ii. Noted and approved proposed governance arrangements for delivery of the national Future of Participatory Budgeting Framework in Scotland;
- iii. Note the progress in implementing Digital Participation software;
- iv. Renewed the mandate of the Spokesperson and Vice-President to engage with Ministers to make the case for Scottish Government and the wider public sector to take a more equitable leadership role in Participatory Budgeting delivery and to make Ministers aware of the need for continued financial support from Scottish Government to be able to deliver and embed Participatory Budgeting and Digital Participation in Local Government;
- v. Provided comment to further develop this strand of work.

4.4 Appropriate Adults Update

This paper set out the current position of Appropriate Adult services which continues to transition to statutory arrangements with the support and guidance of the National Appropriate Adult Co-ordinator (National Co-ordinator) and Policy & Participation Officer (Appropriate Adults) hosted by COSLA. Local authorities and services are continuing to develop local oversight arrangements whilst links between the National Oversight Group and Local Authorities at a corporate and strategic level are being strengthened.

Priorities over the next period would be to continue to:

- Support Local Authorities to implement developments and align with agreed governance framework;
- Address and mitigate the risks associated with lack of corporate ownership and local oversight arrangements;
- Ongoing work to improve the quality of data for Appropriate Adults services and carry out an evaluation of the National Training Programme.

The Board:

- i. Commented on the content of this paper, including proposed changes to 'Guidance for Local Authorities' and proposals for managing risk;

- ii. Agreed the work and priorities of the National Co-ordinator and Policy & Participation Officer;
- iii. Noted that progress on this will be brought back regularly to future Board meetings.

5. Migration and Humanitarian Protection

5.1 Migration, Population and Diversity Team Business Plan

This paper set out the business plan for the work of the Migration, Population and Diversity (MPD) Team for 2022/23. The MPD Team receives core funding from both UK and Scottish Government and each financial year. The team was required to submit a business plan to both funders outlining planned activities for the year.

The 2022/23 plan was drafted some time ago and had been the basis the conducted during the year prior this meeting, but this was the first opportunity that there has been to bring it before the Board. Members were asked to note and agree the business plan. Thereafter, it would be submitted to funders, although ongoing oversight of the plan and its activities would continue to be through this Board.

Members asked the Community Wellbeing Spokesperson to go to both Scottish Government and UK Government about current pressures faced by Local Authorities, with the Spokesperson assuring the Board that they would also tie this work with COSLA Leaders work.

The Board:

- i. Noted and agreed the Migration, Population, and Diversity Team business plan for 2022/23.

5.2 Humanitarian Protection Programmes

The paper provided an overview of the humanitarian protection work Local Authorities are participating in, all of which have significant asks on their resources including housing, staffing, education and community cohesion, as well as impacting partner services such as health. This comes at a time when councils were managing the challenges arising from COVID recovery and the cost-of-living crisis as well. Despite this Scottish Local Authorities had continued to commit to play their part in providing safety and refuge for those fleeing conflict and persecution. The paper asked the Board to consider how COSLA should respond in supporting the key role that councils are playing.

The Board requested that the Community Wellbeing Spokesperson continue to express that the current pressure on Local Authorities is not sustainable. The Spokesperson stated that they had written to MSPs to schedule further meetings on the issue of funding and would take Board comments forward along with funding.

The Board:

- i. Noted the work that is being undertaken by councils and, in particular, the competing demands on local resources;
- ii. Agreed that the COSLA Community Wellbeing Spokesperson writes to her counterparts in UK and Scottish Government highlighting the competing pressures Local Government is facing and the need for a more joined up partnership approach to be taken to humanitarian programmes;
- iii. Agreed that COSLA Officers continue to work with individual Local Authorities to understand their capacity to participate in the various schemes (ARAP, ACRS, UKRS and Ukraine) over the short, medium and longer term.

5.3 Ukraine Super Sponsorship Scheme

This paper updated Members on policy developments in relation to the Scottish Super Sponsor (SSS) scheme on current activities to support Ukrainian displaced people across Scotland. It brought Members up to speed on a number of developments which have occurred throughout the summer, including a rapid policy review of the Scottish Super Sponsor scheme.

The paper also outlined a number of outstanding issues which COSLA Officers were seeking the agreement of Members to progress. Those included points on finance, improvements to the national matching service and general governance arrangements including how local officers can better engage with policy improvements going forward.

Members raised the continued pressure of housing provision, especially with the six-month period of which host agreed to host for coming to an end. Questions raised over what the next steps for housing are, which the Community Wellbeing Spokesperson assured the Board that was an issue would be continually raised and discussed.

The Board:

- i. Noted developments in relation to the SSS scheme for Ukrainian Displaced People (UDP) in Scotland;
- ii. Agreed that COSLA continues to seek resolution to the outstanding issues that are set out in this paper; and
- iii. Provided any further feedback from councils to support COSLA's ongoing work with Scottish Government in relation to the scheme, including any discussions on its future reopening.

5.4 Hong Kong Welcome Hub Year 2 Action Plan

COSLA has received grant funding from the Department for Levelling up, Housing, and Communities (DLUHC) to facilitate the integration and welcome of British National (Overseas) (BNO) visa holders from Hong Kong. Since the visa route opened in January 2021, estimates suggest that between 8,000 and 10,000 Hongkongers have settled in Scotland.

This paper updated the Board on the first year of delivery, the continuation of the grant funding, and proposes a strategy for Year 2. Board Members were asked to approve the Year 2 strategy and views were sought both on the outlined activities in the strategy and any other areas where councils would welcome further support regarding the integration and welcome of Hongkongers in local communities across Scotland.

The Board:

- i. Noted the work undertaken in Year 1 to support the integration of BN(O) Migrants in Scotland;
- ii. Noted the continued funding of the programme;
- iii. Approved the strategy for Year 2 outlined in paragraph 6 and suggested any other areas where support would be welcomed.

6. Housing, Homelessness and Poverty

6.1 Housing Governance and Affordable Housing Supply

This paper outlined governance arrangements for the 'Housing to 2040' Strategy that encompassed a wide range of housing policies and programmes with a Strategic Board to be co-chaired by COSLA. In addition, it set out an update on the Affordable Housing Supply Programme, as well as other key issues relating to rent freezes and proposed rent caps.

Members raised that if there are temporary measures were put in place for Private Landlords, it could also negatively impact Local Authorities who have a large number of rented properties. For example, if there was a rent freeze it would take decision making powers from Local Authorities. Members commented that Local Authorities are currently struggling, and further pressures could impact Local Authorities ability to bring forward more affordable housing and other services they are providing.

The Board:

- i. Noted the proposed governance arrangements for Housing to 2040;
- ii. Provided views on the remit of the Strategic Board for Housing to 2040;
- iii. Noted the participation of the Local Government delegation to the Parliament's Local Government, Housing and Planning Committee session on the AHSP;
- iv. Provided comments and views on recent proposals from the Scottish Government for rent caps; and
- v. Provided views on the AHSP and other challenges such as EESSH2 that can inform COSLA's next meeting with the Cabinet Secretary for Social Justice, Local Government and Housing.

6.2 Homelessness Prevention Duties

This item provided a summary of the Scottish Government/COSLA consultation on the prevention of Homeless duties and its conclusions that was conducted from December 2021 to April 2022. In addition, the item covered significant developments since the extensive consultation was completed such as the arrival of displaced Ukrainian people, cost of living pressures and changes to local connection.

The Board:

- i. Noted COSLA's provided response to the consultation as requested by Board Members earlier this year;
- ii. Provided comments and views on the summary of the Prevention of Homelessness Duties consultation report;
- iii. Noted the resource concerns highlighted in the consultation report;
- iv. Noted the significant developments since the consultation that have implications for Scotland's homelessness; and
- v. Agreed COSLA provides a joint political response with the Scottish Government on the consultation report informed by feedback from the Board

6.3 Gambling Harm – Evaluation of Local Authority Pilots

This paper provided Members with an update on the work of the Scottish Illegal Money Lending Unit whilst informing Members of the current trends in illegal lending. The paper also asked Members to champion the signing of the Stop Illegal Lending Charter.

The Board:

- i. Noted the work of the Scottish Illegal Money Lending Unit in the fight against unauthorised lenders in Scotland;
- ii. Noted the Stop Illegal Lending Charter Mark as attached under Appendix A; and
- iii. Agreed to champion the signing of the Stop Illegal Lending Charter.

6.4 Scottish Illegal Money Lending Unit

This report provided Members with an update on the work of the Scottish Illegal Money Lending Unit in investigating illegal money lenders across Scotland and the work being done to raise awareness of this issue particularly during this time where the cost of living is increasing. Attention of Members was brought to the Stop Loan Sharks Scotland Charter which COSLA encourages partners to sign as a means of increasing awareness of the issue and formalising partnerships in communities across Scotland. Members were asked to

champion in their own Local Authority Areas encouraging more organisations to sign up to the charter.

The Board:

- i. Note the summary of the evaluation report.
- ii. Provide any feedback to further inform the evaluation of the pilots;
- iii. Agree the evaluation report is considered further by SOLACE, CAS and the Gambling Commission; and
- iv. Agree the direction of travel for the evaluation process outlined in para 19 under next steps.

7. Any Other Business

Board Members had no further areas they wished to discuss.

8. Date of Next Meeting:

The date of the next scheduled meeting was confirmed as 2nd December 2022.

In closing the meeting at 1.20pm Cllr Chalmers thanked Board Members for their attendance and participation.

FORTH VALLEY NHS BOARD
TUESDAY 29 NOVEMBER 2022

For Approval

Item 3 – DRAFT Minute of the Forth Valley NHS Board Meeting held on Tuesday 27 September 2022 at 10.30am via MS Teams

Present:	Ms Janie McCusker (Chair)	
	Mr Robert Clark	Mr Gordon Johnston
	Cllr Fiona Collie	Dr Michele McClung
	Mrs Cathie Cowan	Mrs Gillian Morton
	Mr Martin Fairbairn	Mr Andrew Murray
	Dr Graham Forster	Mr Allan Rennie
	Cllr Danny Gibson	Mr John Stuart
	Cllr Wendy Hamilton	Mr Scott Urquhart

In Attendance: Susan Bishop, Head of Efficiency, Improvement and Innovation
 Elsbeth Campbell, Head of Communications
 Patricia Cassidy, Director of Health & Social Care
 Linda Donaldson, Director of Human Resources
 Sinead Hamill, Board Secretary (Minute)
 Kerry Mackenzie, Head of Policy and Performance
 Jackie McEwan, Corporate Business Manager
 Hazel Meechan, Public Health Specialist
 Kathy O'Neil, General Manager
 Jonathan Procter, Director of Facilities & Infrastructure
 Phyllis Wilkieson, Acting Acute Services Director

1. Apologies for Absence

The Chair welcomed everyone to the meeting.

Apologies were noted on behalf of Mrs Kirstin Cassels and Mr Stephen McAllister.

2. Declaration(s) of Interest(s)

There were no declarations of interest made.

3. Minute of Forth Valley NHS Board meeting held on

The minute of the meeting on Tuesday 26 July 2022 was approved as an accurate record subject to the following amendment:

- Gordon Johnston was agreed as Vice Chair of the Clinical Governance Committee.

4. Matters Arising from the Minute

Ms McCusker confirmed that the Strategic Risk Register quarterly update due to be brought to the Board meeting today, would be presented to the next Board Meeting in November 2022.

5. Patient/Staff Story

Mrs Gillian Morton, Interim Executive Nurse Director introduced the patient/staff story. The story focused on the work of the Forth Valley Stroke Team based in Ward B21 at Forth Valley Royal Hospital. Staff working within the Team shared their experiences and in particular highlighted the multidisciplinary nature of their work to foster good relations with patients in their stroke recovery. Board members heard from staff nurses who had been student nurses in the ward and had returned as a result of their positive learning experience and career development opportunities. The Senior Charge Nurse (SCN) whilst reflecting on the changes in treatment e.g., thrombolysis (clot-bursting medications) and the benefits reminded us that the basics remain unchanged – i.e., being kind, being compassionate and being caring. In addition, the SCN spoke about development and career opportunities and timely support and intervention for patients presenting at the Emergency Department and/or assessment areas at the ‘front door. Patients also featured in the video story and shared their experiences and the exemplar multidisciplinary team way of working to support their recovery journey. The use of the gym was highlighted, and patients spoke about how beneficial that was to them.

Board members acknowledged the excellent leadership, team working and the hugely positive impact this had on patient experience and recovery. The Chief Executive on behalf of the Board thanked Nyree Phillips, Senior Charge Nurse, and the wider multidisciplinary team – medical staff, AHPs and support staff for their exemplary practice. Board members noted the investment in May 2021 to further develop the Stroke Team including the outreach team, now established.

6. FOR APPROVAL

6.1 Workforce Plan

The NHS Board considered a paper ‘Workforce Plan’ presented by Miss Linda Donaldson, Director of Human Resources.

Miss Donaldson informed Board Members that she had met with Government colleagues on the 29th of August to discuss the Plan and that feedback notably around adding to the narrative including a summary after each section (e.g., to capture planned future changes, to align with service and financial plans) would not fundamentally change the Plan as presented. Miss Donaldson whilst still awaiting feedback from the Area Clinical Forum anticipated that the Plan would be updated and turned around to meet the end of October deadline including publication of the Plan as set out in the recommendations.

Miss Donaldson in presenting the Plan referred to Scottish Government guidance as set out in DL (2022) 09. The Plan being presented followed this guidance and had involved colleagues working within Health & Social Care Partnerships (who had developed integrated workforce plans) and Directorates. To date the Staff Governance Committee and Area Partnership Forum had received and provided comment on the

five sections of the Plan, the workforce priorities, and the Action Plan before it came to the Board.

Mr Rennie confirmed the Plan had been discussed at the Staff Governance Committee and an Executive Summary that reflected local workforce implications in response to the National Workforce Strategy had been requested. Miss Donaldson acknowledged the need for an Executive Summary and that this would be added to the Plan.

Board Members noted the Action Plan and how this related to the five pillars of the National Workforce Strategy. The workforce analysis was noted with the risks associated with retiral and access to a future replacement workforce to be added.

Mr Fairbairn asked that a workforce performance report capturing compliance and trends against agreed baseline measures be reported to the Staff Governance Committee. Miss Donaldson confirmed performance against agreed actions as set out in the Plan would be presented to the Staff Governance Committee.

Mr Rennie in support asked that an overarching performance report be developed and agreed with the Staff Governance Committee to enhance the assurance provided to the Committee.

Mr Stuart highlighted that the Plan had not included or referenced Third Sector or volunteers' contributions. Miss Donaldson confirmed this would be captured in the final version of the Plan.

Cllr Collie wished to seek clarity regarding the workforce demographic including patterns of working e.g., part-time, bank, 12 hour shifts etc. Miss Donaldson confirmed that flexibility was key notably to support the different staff groups e.g., the predominately female nursing workforce were more inclined to do 12 hour shifts. Miss Donaldson added that shift patterns were an area of interest in the Staff Wellbeing Group.

Ms McCusker noted that feedback from the Area Clinical Forum was awaited and sought assurance this would be received to meet the end of October deadline. Miss Donaldson informed the Board that this feedback should be received in the next week or so, however if there was a delay and the deadline could not be met an extension from Scottish Government would be requested.

The Forth Valley NHS Board:

- ***Noted that the Draft NHS Forth Valley Workforce Plan has been submitted to Scottish Government and that feedback is awaited following a meeting with Government Colleagues on 29 August 2022***
- ***Noted that the Executive Leadership Team, Area Partnership Forum, and Staff Governance Committee have provided feedback on the plan and that the Area Clinical Forum are still to comment.***
- ***Noted that Workforce Plans have also been completed for Falkirk HSCP and Clackmannanshire and Stirling HSCP***
- ***Noted that the Workforce plan will need to be approved through Governance processes by the end of October 2022***
- ***Noted that the Workforce Plan 2022 - 2025 when approved requires to be published on NHS Forth Valley Website by 31st October 2022***

6.2 Anchor Contribution

The NHS Board considered a paper 'Anchor Contribution' presented by Mrs Cathie Cowan, Chief Executive.

The paper as presented built on the Board's decision in May 2022 to establish an Anchor Board. Mrs Cowan in her introduction reminded the Board of its 'anchor' responsibilities to improve health and tackle inequalities by using the Board's organisational size and scale to influence local economic, social, and environmental sustainability. The Anchor Board whilst setting strategic direction would ensure the Board delivered a more ambitious contribution to Forth Valley wide wealth and health outcomes.

Mrs Cowan before inviting Hazel Meechan, Public Health Specialist and Susan Bishop, Head of Efficiency, Improvement, and Innovation to add to the Board update thanked them both for their contribution to the Board's anchor work to date.

Ms Bishop reminded Board Members that there was no better time for the Board to take on its responsibilities given the impact of the pandemic, the cost-of-living crisis and much needed climate change. Board Members noted that the work being carried out through the Anchor Springboard had shown that there is great potential for NHS Forth Valley to do a lot more. Mrs Bishop informed the Board that a large focus of the work would be on employability.

Ms Meechan focused on community planning and the contribution by the Board to the Anchor Pillars. Ms Meechan also referred to the role of the Board in the newly established Community Wealth and Health Building Partnership led by Falkirk Council.

Mr Stuart sought clarity on the use of endowments to support local 'anchor' projects. Mrs Cowan referred to the 'Investing in Health' current grants programme and whether this could be expanded to go beyond its current purpose. Mr Procter wished to confirm that this will be an item on the next Endowments Committee Meeting for the committee's consideration where both Susan Bishop and Hazel Meechan will be invited along to talk to the paper.

Ms McCusker sought assurance on the time commitment to support this additional programme of work. Mrs Cowan confirmed this would become a greater Government priority with likely duties on NHS Boards to fulfil their anchor responsibilities. Board Members sought clarity on the funding request given the current financial challenges. Mrs Cowan agreed to take the costs back into the Executive Leadership Team (ELT) to revisit and to determine how work may be aligned to support the proposed anchor programme. Board Members also provided comments on the attached Terms of Reference and in particular how the purpose and remit be better aligned. Mrs Cowan agreed to update the Terms of Reference taking into account the feedback.

The Forth Valley NHS Board:

- ***Commented on the draft Anchor Board Terms of Reference (appendix 1) - Terms of Reference to be updated***
- ***Noted the CEO would revisit the funding request with ELT Members***
- ***Noted the programme of work underway (appendix 2)***

6.3 Code of Corporate Governance

The NHS Board considered a paper 'Code of Corporate Governance' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan informed the Board of the importance of the Code of Corporate Governance based on the principles of the United Kingdom Corporate Governance Code. Board members noted that every institution should be led by a very effective Board with collective responsibility for the success of an Organisation.

Mrs Cowan highlighted the summary of amendments as set out in the section headed 'Key Issues to be Considered' and before asking the Board to approve the revised Code of Corporate Governance wished to thank Ms Kerry Mackenzie, Head of Policy and Performance for progressing this work and identified that the changes made were reflected on within the paper.

The Forth Valley NHS Board:

- ***Noted the amendments to the Code of Corporate Governance***
- ***Noted the updated Terms of Reference within Section A - Standing Orders***
- ***Noted further updates will be made to the Code of Corporate Governance as necessary to ensure it reflects current policy and guidance***
- ***Approved the Code of Corporate Governance ahead of presentation to the Board Assurance Committees***

6.4 Whistleblowing Standards and Activity Report

The NHS Board considered a paper 'Whistleblowing Standards and Activity Report' presented by Mrs Gillian Morton, Interim Executive Nurse Director.

Mrs Morton invited Mr Gordon Johnston, Whistleblowing (WB) Champion to present the paper. Mr Johnston presented Quarter 5 activity highlighting that the Independent National Whistleblowing Officer (INWO) had received no cases relating to NHS Forth Valley. Mr Johnston also referred to the KPI updates for all of the 9 measures. Board Members noted that numbers presented remained small and that this was in common with other NHS Boards.

Mr Johnston referred to the second report attached as Appendix 3. The Whistleblowing Annual Report provided assurance to the Board that all the necessary processes and procedures are in place and working effectively. Mr Johnston also thanked everyone involved in establishing the Boards Whistleblowing response to the nationally approved policy and guidance. Board Members were asked to approve the WB Annual Report and note with its approval the Report would be submitted to the INWO and Scottish Government.

The Forth Valley NHS Board:

- ***Noted implementation of the Whistleblowing Standards and Whistleblowing activity in NHS Forth Valley in Quarter 5 of 2022***
- ***Approved Whistleblowing Annual Report 2021/22***

7. BETTER CARE

It was agreed that Item 7.2 Recovery and Performance Scorecard would be taken at this point in the agenda.

7.2 Recovery & Performance Scorecard

The NHS Board considered a paper 'Recovery and Performance Scorecard' presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan began her performance update by focusing on the 4 hour Emergency Access Standard (EAS). Mrs Cowan described the EAS as a health and social care system wide barometer and the performance reported as an indication of the demand and capacity challenges the overall system was responding to. Mrs Cowan wished to give her apologies to patients for the long waits and to also thank staff working in primary and community care and within the hospitals for their outstanding contributions.

Board Members noted that the use of an additional bed in a four bedded bay and treatment rooms continued, and this had been highlighted in an earlier NHS Health Improvement Scotland report. Improvement actions in collaboration with Partnership colleagues were intended to improve flow (e.g., discharge before noon) and to reduce delays in transfer and or discharges home or to another health or social care setting. In addition, redesign of triage and urgent care to support the Minors Flow in the Emergency Department (ED) were also being implemented to support the 4Hr EAS performance. Early indications show the triage redesign is able to reduce the overcrowding in ED however the service supporting this improvement due to workforce constraints was operating on a Monday to Friday 0800 to 1800 basis. Expansion of the service was being progressed.

Mrs Cowan described a number of actions and/or investments to support services and staffing sustainability in preparation for winter. Board members supported the additions to services and staffing, notably:

- Hospital at Home moving from 25 to 30 places (funding agreed) and workforce and funding permitting increasing to 50 during 2023.
- Ringfencing of beds in Women & Children to deal with surges in presentations
- The opening of Ward 5, Stirling Community Hospital
- Investment in Nurse staffing (£1.86m) and the conversion of Band 2 to Band 3 for staff working at this level (830 staff being reviewed)
- A11 proposed step down development
- Increases in bed capacity feasibility studies (long term)

Board members noted that the Directors of Health & Social Care were also looking to seek IJB investment to support social care community based and bed based care which would also provide capacity in preparation for winter.

Mr Fairbairn wished to seek clarity on how the Board will be kept up to date on the implementations and success of the actions being set out. Mrs Cowan proposed the Team use the Board Seminar in October to update Board Members on the 'high impact changes/improvements' e.g., discharge without delay, virtual capacity, triage and urgent care redesign and system 'grip' as well as capacity developments, this was supported.

Mr Stuart sought clarity on the proposed Ward A11 development. Board Members noted that the proposal was to scope out the viability for this ward to be used as stepdown nurse/AHP led facility.

Mrs Cowan having introduced the 4 hour EAS performance invited Ms Mackenzie to present the Recovery Scorecard. Ms Mackenzie highlighted that the pandemic prioritisation process had now stopped with the return to pre pandemic scheduled care activity listing in line with national guidance.

Board members noted that the Performance and Resources Committee will receive a Child and Adolescent Mental Health Service (CAMHS) and Psychological Therapy Services 'deep dive' update at its October 2022 meeting. Board Members noted the focus of clinical activity was on patients with long waits, this approach adversely impacted on RTT performance. Both services remain on trajectory with performance meeting the plan in Quarters 1 and 2 of 2023.

Board Members noted that CAMHS waiting list at Quarter 1 (Q1) - 595 was reducing and was likely to drop to just below 400 in Quarter 3 (Q3). Long waits (undated) at Q1 - 72 weeks were likely to drop to just over 30 weeks at Q3, with patients over 52 weeks at Q1 – 153 likely to drop to below 5. Mrs Morton informed the Board that CAHMS was not where they would like it to be, but the Team is working hard to support improvement.

Performance in Psychological Therapies remained static at just over 60% against the 90% 18 week standard.

Ms Mackenzie informed the Board that in August 2022 there was 104 delayed charges at the census, 75 standard delays and 29 Code 9 and guardianship delays. Board Members noted that the contingency beds would remain open whilst delays in transfer or discharge continued to be routinely in excess of 60 beds on the acute site.

Board members noted the performance and ongoing improvement in scheduled care and agreed to keep a watching brief on diagnostic services given the consequences on cancer waits if performance deteriorates. Cancer waits (62 day waits) in urology and colorectal continued to be challenging.

The Forth Valley NHS Board:

- ***Noted the current key performance issues***
- ***Noted the detail within the Recovery & Performance Scorecard***

7.1 Healthcare Associate Infection Reporting Template

The NHS Board considered a paper 'Healthcare Associate Infection Reporting Template' presented by Mrs Gillian Morton, Interim Executive Nurse Director.

Mrs Morton invited Mr Jonathan Horwood to present the HAIRT for August 2022. Mr Horwood informed Board members that there had been 2 Staphylococcus aureus bacteraemia (SABs) reported with 1 being healthcare acquired and 1 being hospital acquired during the month of August – total SABs within control limits.

Board members noted that the Device Associated Bacteraemia (DABs) remained within control limits for August with 2 hospital acquired and 4 healthcare acquired.

11 E coli bacteraemia (ECBs) had been reported with 4 hospital acquired, 6 Healthcare acquired and 1 nursing home acquired. Mr Horwood highlighted that ECBs remained within the control limit for August.

6 healthcare clostridioides difficile infection (CDIs) were reported in August with no hospital acquired reported. Healthcare acquired CDIs had exceeded control limits this month. Mr Horwood confirmed that each infection was reviewed, and no cases were linked to antibiotics and/or PPIs. Ongoing monitoring by the Infection Prevention and Control Team (IPCT) would continue.

Mr Horwood identified 3 Surgical site infections: 1 related to breast surgery and 2 related to caesarean sections. Board members noted that there was no further update on estate clean and compliance reporting as the next report is not due to October 2022 where Mr Horwood hopes to see Bellsdyke facilities back to green rating.

One outbreak of Covid was reported (6 patients) with IPCT supporting. Mr Horwood identified there had been changes to Covid guidance with a DL published asking to pause asymptomatic testing for patients attending the hospital. Board members noted that this has been implemented (September 2022) and is being monitored.

The Forth Valley NHS Board:

- ***Noted the HAIRT report***
- ***Noted the performance in respect of the AOP Standards for SABs, DABs, CDIs & ECBs***
- ***Noted the detailed activity in support of the prevention and control of Health Associated Infection***

8. BETTER VALUE

8.1 Finance Report

The NHS Board considered a paper 'Finance Report' presented by Mr Scott Urquhart, Director of Finance.

Mr Urquhart confirmed the Board continues to face a very challenging financial position with an overspend for the 5-month period to 31 August of £2.5 million - this compares to an overspend of £0.5 million for the same period in the previous year. The financial position reflects ongoing capacity and staffing pressures with an increase in the use of temporary workforce to support additional acute contingency beds as reported by Mrs Cowan in her performance update to the Board earlier in the meeting, plus the impact of inflationary price pressures across supplies, services, and contracts.

Mr Urquhart identified that the year-end forecast indicates a projected overspend against budget at 31 March 2023, quantified between £10m to £15m which is significantly adrift from the break-even position which was set out in the approved financial plan. Board members noted that financial forecasts had been based on a set of working assumptions for expenditure rates against confirmed funding plus anticipated resources.

Mr Urquhart informed Board members that a number of actions were being progressed to mitigate the projected overspend as far as possible and that these would be set out in an Action Plan to be submitted to the Scottish Government on 30 September. Board

members noted that if financial support was required to deliver in-year financial balance this would be repayable and would need to be accompanied by a recovery plan. Mr Urquhart advised that he would share a further update on the financial forecast and cost improvement plans at the Performance and Resources Committee on 25 October.

Board members noted the longer-term risk on financial sustainability, and the work being progressed aligned to the national Sustainability and Value themes including more effective use of resources and better value care.

Board members noted the balanced Capital position and forecast. Mr Stuart wished to seek clarity on current capital expenditure which was relatively low in comparison to the full year budget. Mr Urquhart assured the Board that plans were in place to deliver the capital plan and proposed to add a trajectory of expected monthly spend to future reports to provide Board members with further assurance.

Mr Fairbairn asked about the Scottish Government position in relation to spend associated with delays in patient discharge including supplementary staff costs. Mrs Cowan confirmed that a number of NHS Boards are having similar challenges and that the Cabinet Secretary was working across Government portfolios to agree solutions in preparation for winter. Mr Urquhart confirmed that there are ongoing discussions throughout the Directors of Finance national meeting in relation to these challenges.

Mr Johnston sought clarity on Covid funding and access to IJB reserves to support health and care in advance of winter. Mr Urquhart referred to his report which set out anticipated Covid-19 funding of £12.3m against projected costs of £17m position, resulting in a gap of approx. £4.3m which had been factored into outturn forecasts. Board members asked for further clarity on IJB reserves and agreed to pursue this as IJB members to support health and social care services going into winter.

The Forth Valley NHS Board:

- ***Noted the year-to-date revenue overspend of £2.5m and balanced capital position as at 31 August 2022***
- ***Noted that the financial sustainability risk remains very high with the scale of challenge increasing for future years based on projections and this risk is reflected in the NHS Board Corporate Risk Register.***
- ***Noted a potential year-end revenue overspend quantified at £10m to £15m as reported to the Performance and Resources Committee, based on key pressures including cost inflation, current additional bed capacity measures and funding risk***
- ***Noted that significant action will be required to deliver a break-even position in -year. An action plan is currently being developed for submission to Scottish Government to outline how this will be addressed***

9. BETTER GOVERNANCE

9.1 ED Update

The NHS Board considered a paper 'ED Update' Presented by Mrs Cathie Cowan, Chief Executive.

Mrs Cowan provided an update on each of the four sections: Nursing Workforce, Clinical, Staff and Corporate Governance. Board members noted that all of the 'Nursing recommendations had been actioned and implemented with the exception of induction. Investment in nurse staffing in ED and AAU/CAU had been approved and was now being implemented.

Similarly, in Clinical Governance the majority of recommendations had been actioned with the exception of:

- Recommendation 2 - this was down to timing and progressing a workshop to respond to the training needs identified by Committee members
- Recommendation 8 - SAE Policy having been refreshed was due to be reviewed and this was progressing
- Recommendation 13 - action had included a separate but relevant assurance piece of work. Assurance and Achievement Directorate and Partnership meetings were now being updated and piloted

Board Members noted all the recommendations had been progressed and business as usual reporting via the Staff Governance Committee would be progressed.

In Corporate Governance, Board Members noted the OD work to support ELT revisit its Terms of Reference, Values and Membership had been completed. Board Members noted the Chair's commitment to ongoing Board development to support the Board's high performance ambitions. Mrs Cowan highlighted Recommendations 7 and 8 would be picked up in the Nurse Workforce developments and investments in 24/7 Nurse Leadership.

Mrs Cowan also highlighted the work underway by Internal Audit to review the Board's response to ED culture and governance. Mrs Cowan confirmed this was yet to report. In addition, the ED Working Group to determine impact on ED specific recommendations was established and would report back to the Board in January 2023.

Mr Clark confirmed the ED Working Group had been established and local staff representatives had been supported to contribute to this next phase of review. Determining the impact of the Board's actions highlighted the Board's commitment to supporting improvement in the workplace.

The Forth Valley NHS Board:

- ***Noted an ED Working Group has been established to review the impact of the Board's response to the ED specific recommendations***
- ***Noted that the Chief Executive will be sharing quarterly reports (having been considered by the Health Board) with the Integration Joint Boards to enable the IJBs to fulfil their oversight role***
- ***Noted the outcome of the commission of Internal Audit to provide assurance on the Health Board's response to the ED external review will be reported to the Audit & Risk Committee and an update on the findings reported to a future meeting of the Board***

9.2 Governance Committee Minutes

9.2.1 Performance & Resources Committee Update: 30/08/2022 Performance & Resources Committee Minute: 28/06/2022

Mr Fairbairn informed the Board that all key points discussed at the Performance and Resources Committee had been covered throughout the Board Meeting.

The NHS Board noted the assurance provided through the minutes of the Performance & Resources Committee Meeting 28/06/22.

9.2.2 Clinical Governance Committee Update: 23/08/2022 Clinical Governance Committee Minute: 17/05/2022

Dr Michele McClung informed the Board that the agenda items at the Clinical Governance Meeting 23 August 2022 were informed by the five domains set out in the Vincent Framework. Board member noted that an update was also provided on Mental Health by Dr Crabb who shared a series of improvements adopted and implemented by the service.

The NHS Board noted the assurance provided through the minutes of the Clinical Governance Meeting 17/05/22.

9.2.3 Staff Governance Committee Minute: 13/05/2022

The NHS Board noted the assurance provided through the minutes of the Staff Governance Committee Meeting 13/05/22.

10. ANY OTHER COMPETENT BUSINESS

Ms McCusker wished to acknowledge the response by all staff working across Directorates and Partnerships to the challenges in both demand and capacity. Ms McCusker on behalf of the Board acknowledged the leadership of the ELT and thanked staff for their ongoing commitment to deliver services in very difficult circumstances.

Board members noted that the next Board Meeting will be held in person 29 November 2022 and that all details will be provided by Sinead Hamill.

There being no other competent business the Chair Closed the meeting.

DRAFT MINUTE OF MEETING OF COSLA CHILDREN AND YOUNG PEOPLE BOARD

Thursday 29th September 2022, 10.30am

At Verity House and Via Microsoft Teams

Present

Angus Council	Cllr Lynne Devine
Clackmannanshire Council	Cllr Graham Lindsay
Dumfries and Galloway Council	Cllr George Jamieson*
Dundee City Council	Cllr Roisin Smith
East Ayrshire Council	Cllr Elaine Cowan
East Lothian Council	Cllr Fiona Dugdale
East Renfrewshire Council	Cllr Tony Buchannan (Spokesperson)
East Renfrewshire Council	Cllr Andrew Anderson
Falkirk Council	Cllr Laura Murtagh
Inverclyde Council	Cllr Jim Clocherty*
Midlothian Council	Cllr Ellen Scott
Moray Council	Cllr Kathleen Robertson
North Ayrshire Council	Cllr Shaun Macaulay
North Lanarkshire Council	Cllr Lesley Mitchell
Orkney Islands Council	Cllr Gwenda Shearer
Perth and Kinross Council	Cllr John Rebbeck
Shetland Islands Council	Cllr Davie Sandison
South Ayrshire Council	Cllr Stephen Ferry
South Lanarkshire Council	Cllr Lynsey Hamilton
West Dunbartonshire Council	Cllr Clare Steel
ADES	Prof Michael Wood
Directors of Public Health	Dr Lorna Watson*
Social Work Scotland	Ben Farrugia
SOLACE	Grace Vickers
West Lothian Head of Services	Clare Wallace

Apologies

Aberdeen City Council	Cllr Martin Greig
Aberdeenshire Council	Cllr Gillian Owen
Argyll and Bute Council	Cllr Yvonne McNeilly
City of Edinburgh Council	Cllr Euan Davidson
Comhairle nan Eilean Siar	Cllr Paul Finnegan
Dumfries and Galloway Council	Cllr Richard Brodie
East Dunbartonshire Council	Cllr Lynda Williamson
Fife Council	Cllr David Graham
Glasgow City Council	Cllr Christina Cannon
Highland Council	Cllr John Finlayson

Inverclyde Council	Cllr Francesca Brennan
Renfrewshire Council	Cllr Emma Rodden
Scottish Borders Council	Cllr Leagh Douglas
Stirling Council	Cllr Ewan Dillon
West Lothian Council	Cllr Andrew McGuire
ADES	Peter McNaughton
Argyll & Bute Chief Education Officer	Jen Crocket
CIPFA - Directors of Finance	Alan Puckrin
Directors of Education	Carrie Lindsay
Directors of Finance	Hugh Dunn
Directors of Public Health	Donna Milne
Midlothian Council CO	Gary Failey
North Ayrshire Council	Craig Hatton
North Lanarkshire Council	Des Murray
Public Health Scotland	Debbie Wason
Scottish Borders Council	Michael Cook
SOLACE	Grace Vickers

Public Session

1. Welcome and Apologies

Cllr Tony Buchanan welcomed Board members to the newly formed Board for the next term and thanked all for attending.

2. Introduction to COSLA and the Children and Young People Board

Officers introduced themselves and provided a brief overview of their remit and areas they cover. Contact details will be shared following the meeting.

3. Minute of Previous Meeting 20th April 2022

The minute was agreed as an accurate record.

4. Children and Young People Board Overview Paper and Workplan

Officers provided an overview of the Board workplan and its purpose. It was noted no decision is required at this stage, and the final workplan is approved by Convention. However, it would highlight what members can expect at future meetings and key priority areas.

5. Presentation from The Promise Scotland

A presentation was delivered by newly appointed Chief Executive of The Promise Scotland Fraser McKinley and Clare Stuart Head of Evidence.

Board Members welcomed the presentation and noted this would be a key partnership for Local Government.

Officers noted the Local Government annual report on the Promise, published earlier in the year, will be circulated to Board Members for information and is on the [COSLA](#)

[website](#). Fraser McKinley confirmed they would be happy to attend future Board meetings and provide further updates.

6. The Promise Partnership Agreement

This paper highlighted that COSLA, and The Promise Scotland have worked closely since the publication of The Promise. This paper seeks agreement from the Board on a formal partnership arrangement between both organisations.

Board members welcomed this partnership and noted this could help assess national issues and how these are overcome at a local level. Board Members also raised concerns around foster and kinship care allowances. Officers noted they will pick up these points and provide a further update at the next Board meeting in November.

The Board:

- i. Commented on and agreed the Partnership Agreement at Appendix A

7. School uniform consultation

This paper provided an overview of the Scottish Government's Consultation on national school uniform guidance. It was highlighted that an aim from the Scottish Government is to tackle costs for families.

Board Members noted local flexibility should also be promoted to allow local authorities to provide as much support as they can to children and families, as they will know their communities best. Board Members also raised concerns of safety and bullying and that should be taken into consideration with any guidance. In addition, practical costs should marry up with the current cost-of-living crisis.

The Board:

- i. Commented on the proposed headlines of the COSLA response,
- ii. Delegated sign off of the final response to the Children and Young People Spokesperson.

8. ELC Inspection Framework Consultation

This paper provided an overview of the Scottish Government's Consultation on early learning and childcare inspection.

Board Members supported the paper, however, highlighted the importance of the process being streamlined to ensure there are not two different inspection bodies in settings at different times. Members would welcome a coherent approach to inspection.

The Board:

- i. Provided views to inform a COSLA response to the Scottish Government consultation on the inspection of ELC services
- ii. Delegated sign off of the final response to the COSLA Children and Young Peoples Spokesperson.

9. Appointments to Outside Bodies

Officers highlighted following the Local Government elections and formation of the new Children and Young People Board, nominations would be required for outside bodies. One member is required to sit on the Board of Directors for Children in Scotland, and two members to sit on the General Teaching Council Scotland (GTCS).

The Board:

- i. Agreed to email Member Support to nominate themselves for the position on the Children in Scotland Board of Directors; and
- ii. the General Teaching Council Scotland (GTCS) Council.

10. Children's Care and Justice Bill

Officers noted Leaders had approved COSLA's response to the Children's Care and Justice Bill consultation in June 2022. This paper presented the initial consultation analysis and themes likely to be explored further through the Bill.

Board Members welcomed the paper and noted it included positive changes that are to be supported, and focused on prevention; however, these changes will require Local Government to be provided with the adequate resource to deliver on these.

The Board:

- i. Provided comment on Appendix B
- ii. Agreed that COSLA's Children and Young People Spokesperson meets Clare Haughey, Minister for Children and Young People to discuss the Children's Care and Justice Bill.

11. Bairns' Hoose Standards Consultation

This paper provided an update on members arrangements for Bairns' Hoose in Scotland.

Board Members supported the paper, however, highlighted the importance of Scottish Government fully funding Bairn's Hoose if it is to be successful and deliver on the ambitions, and that local flexibility is built into any model..

The Board:

- i. Provided views in respect of the COSLA response to the consultation; and
- ii. Agreed that COSLA submits a high-level response as drafted, with discretion that the response can be revised to support any significant risks or issues identified by professional colleagues in their respective consultation responses.

12. Lets Talk Scottish Education – national discussion on the future of Scottish Education

This paper provided an update on the national discussion on the future of Scottish Education, jointly convened by COSLA and the Scottish Government.

Board Members noted concerns over the impacts that the pandemic had on children and young people, and the disproportionate impact on children with additional support needs and those facing socioeconomic deprivation. Board Members also highlighted the need for Young People to be involved in ongoing discussions around exam diet and for the focus to remain on education quality.

The Board:

- i. Agreed to invite the independent facilitators for the discussion, Professor Campbell and Professor Harris, to a future meeting of the Board.

13. Race Equality and Anti-Racist Education Programme

This paper provided an update on the Scottish Government's Race Equality and Anti-Racist Education Programme.

Board Members highlighted the importance of this work and clarity on implications for Local Authorities and schools being required.

The Board:

- i. Considered and noted the summary the Race Equality and Anti-Racism in Education Programme, attached as Annex 1
- ii. Endorsed the work to date of the Race Equality and Anti-Racism in Education Programme and mandate COSLA officers to continue to work with the Scottish Government, the Local Government family and wider stakeholders on Race Equality and Anti-Racism in Education.

14. Early Learning and Childcare- Sustainable Rate Setting

This paper updated the Children and Young People Board on the ongoing discussions at a national level related to the setting of sustainable rates for private and third sector Early Learning and Childcare providers.

Board Members highlighted the role of ELC providers in delivering 1140 and rising costs being experienced by both LAs and providers.

The Board:

- i. Agreed that COSLA should continue in a supportive role, at a national level, in terms of rate setting, and that COSLA should not have direct involvement in local rate setting discussions, in line with the previously agreed guidance.
- ii. Shared experiences of setting sustainable rates for 2022/23 to inform political and official engagement with stakeholders.

15. Early Learning and Childcare- Future Plans

This report provided an update on development in early learning and childcare policy, including the forthcoming Strategic Childcare Plan and School Age Childcare Delivery Framework. Officers highlighted the publication had been delayed slightly and will now be published in October.

Board Members welcomed the update; however, highlighted that it would need to be fully funded.

The Board:

- i. Commented on the forthcoming Strategic Childcare Plan and School Age Childcare Delivery Framework.

16. Children and Young People's mental health leadership – next steps

This paper provided Board Members with an overview of work to support children and young people's mental health undertaken jointly between Scottish Government and COSLA.

Councillor Buchanan noted he had met with the Minister and will continue to meet with him on mental health, alongside Councillor Kelly as COSLA's Health and Social Care Spokesperson. Board Members highlighted the uncertainty the National Care Service brings and how some Children and Young People may need more intensive support. Officers confirmed all points will be fed back in ongoing discussions.

Board Members:

- i. Provided views on what it is essential to consider when we look at the next steps in children and young peoples mental health leadership.
- ii. Agreed the position outlined at paragraph 11.

17. Physical Intervention in Schools Consultation Response

This paper detailed that the Scottish Government consultation on guidance which has been developed on the use of restraint and seclusion in schools.

Board Members welcomed the paper however, added it may be helpful to have guidance for staff members across services and sectors to ensure consistency of response to children and young people in distress.

Board Members:

- i. Considered and discussed the guidance document and drafted consultation response; and
- ii. Agreed to sign off the response, subject to any revisions suggested by the Board.

18. Update Paper

This paper provided an update on areas of work undertaken since the last Board in April.

Board Members welcomed this paper and looked forward to the next update in November.

19. Any other Competent Business

No comments were raised.

Date of Next Meeting: Friday 18th November 2022

Councillor Buchanan closed the meeting at 12:55pm and thanked all Board Members for attending and noted he looked forward to working together over the next term.

Minute of Meeting of the Central Scotland Valuation Joint Board held at Hillside House, Laurelhill Business Park, Stirling on Friday 30 September 2022 at 9.30 a.m.

Councillors: David Balfour
Donald Balsillie
Martha Benny
Robert Bissett
Bryan Deakin
Kenneth Earle
Paul Henke
Councillor McGarvey
Alan Nimmo (Convener)
Sarah Patrick
Jim Robertson
Elaine Watterson

Officers: Sophie Dick, Democratic Services Graduate
Mark Docherty, Divisional Assessor
Ann Gardner, Divisional Assessor
Elizabeth Hutcheon, Assistant to the Treasurer
Sarah McPhee, Senior Internal Auditor
Brian Pirie, Assistant to the Clerk
Lindsay Sim, Treasurer
Pete Wildman, Assessor and Electoral Registration Officer

Also attending: Amanda Barclay, Audit Scotland
Mark Ferris, Audit Scotland

VJB16. Apologies

Apologies were intimated on behalf of Councillor Redmond.

VJB17. Declarations of Interest

No declarations were made.

VJB18. Minute

The minute of the meeting of the Central Scotland Valuation Joint Board held on 1 July 2022 was approved.

VJB19. Appointment of Depute Convener

The Board considered a report by the Clerk to the Board which invited the Board to appoint a Depute Convener.

In terms of the Valuation Joint Boards (Scotland) Order 1995, the Joint Board was required to appoint a Convener and a Depute Convener from its membership. The Convener and Depute Convener cannot be members of the same authority.

At its meeting on 1 July 2022 the Board appointed Councillor Alan Nimmo, Falkirk Council, as Convener. Following nominations, it then proceeded to appoint Councillor Bryan Deakin, also Falkirk Council, as its Depute Convener. In terms of the Order this was not a competent decision given that both are Falkirk Council Councillors. As the error was not picked up at the meeting the error was not remedied. The Board was being asked to appoint a Depute Convener from the Stirling and Clackmannanshire Council representatives.

The Depute Convener would hold office, if they continued to be a member of the Board, from the date of their appointment until the next ordinary appointment of members of the Board unless they ceased to be a member of the Board prior to that date.

Nominations were sought for the position of Depute Convener.

Councillor Deakin nominated Councillor Balsillie.

Provost Bissett nominated Councillor Earle.

Councillor Watterson nominated Councillor Benny.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Balsillie – 4

For Councillor Benny – 4

For Councillor Earle – 3

As Councillor Earle received the fewest votes and no candidate had achieved an overall majority, a fresh vote was taken between the two candidates who received the most votes.

On a division, with each member voting for one candidate, voting was as follows:

For Councillor Balsillie – 7

For Councillor Benny – 4

Councillor Balsillie was appointed Depute Convener.

Decision

The Board appointed Councillor Balsillie as its Depute Convener.

VJB20. Revenue Budget 2022/23 - Review as at 30 June 2022

The Board considered a report by the Treasurer which advised of the forecast outturn for the financial year ending 31 March 2023 as at 30 June 2022.

The budget for the financial year 2022/23 was £3.098million. The projected outturn against the budget showed an underspend of £0.215m, The main reason for the underspend was a delay in recruiting to vacant posts.

In terms of reserves, £0.35m was committed and £0.237m was uncommitted. The level of uncommitted reserves was 8.8% of budgeted net expenditure and sat about the Board's target level of 3-6%.

Decision

The Board noted the financial forecast for the year to 31 March 2023.

VJB21. Final Annual Accounts 2021/22

The Board considered a report by the Treasurer which presented for approval the final Audit Accounts 2021/22.

The Board was required by law to prepare a statement of accounts in accordance with 'proper practices' which set out the financial position at the end of each financial year. This was defined as meaning compliance with the terms of the Code of Practice in Local Authority Accounting in the United Kingdom.

The Audit of the Accounts was required to be completed and the final accounts approved by the Board for signature by the 30 September 2022. In considering the final accounts, the Board was required to have regard to the report provided by the External Auditor set out as the next item on the agenda.

The Treasurer highlighted an error on Page 62 of the report under the 'Movement in Reserves during 2021/22 period' as it showed a £3.3m decrease within Unusable Reserves. Ms Sim noted this figure should not

be in brackets, as it was in fact an increase of £3.3m and assured the Board this had been rectified in the final report.

Decision

The Board approved the 2021/22 final audited annual accounts subject to the consideration of the Auditor's report also on the agenda of this meeting.

VJB22. Annual Report to Those Charged with Governance and the Controller of Audit for Financial Year Ended 2021/22

The Board considered a report by the Treasurer which set out the findings arising from the work carried out by the External Auditors on the Audit of the 2021/22 Annual Accounts.

The Auditor's report set out:-

- Key Messages
- Audit of 2021/22 Annual Accounts
- Financial sustainability and Annual Governance Statement
- Action Plan 2021/22
- Summary of 2021/22 national performance reports and briefing papers

As part of the audit written representations were required from the Treasurer, as the Section 95 officer, on aspects of the accounts, including the judgements and assessments made. A draft of the Treasurer's letter (ISA 580) was appended to the report as appendix 2.

Decision

The Board:-

- (1) noted the content of the Independent Auditor's Report;**
- (2) approved the content of the Letter of Representation (ISA 580) and**
- (3) noted the recommendations for improvement and the follow up on prior year recommendations within Appendix 1 of the Annual Audit Report.**

VJB23. Electoral Registration Update

The Board considered a report by the Assessor & Electoral Registration Officer which provided an update on Electoral Registration work that

has been carried out since March 2022. The report also provided an update on ongoing and future work.

The Assessor & Electoral Registration Officer explained that those who did not have access to the internet would still be able to apply for a Voter ID through a paper form and post it. He stated that there were plans to allow for in-person applications, however, this would require prior staff training. Mr Wildman emphasised that the public were still encouraged to apply online when possible.

Decision

The Board noted the report.

VJB24. Programme of Meetings 2023

The Board considered a report by the Clerk to the Board which advised of the proposed dates and arrangements for meetings in 2023.

Dates for the Joint Board were agreed on a yearly basis from January to December. The Board traditionally met four times a year (including a budget setting meeting)

The proposed dates for 2023 were as follows:-

Friday 3 March at 9.30 a.m. (budget setting) (this date may be subject to change depending on the Scottish Government's budget setting timetable)
 Friday 30 June at 9.30 a.m.
 Friday 22 September at 9.30 a.m.
 Friday 17 November at 9.30 a.m.

Since the onset of the Covid-19 pandemic, the Board met remotely. At the Board's first meeting it had agreed to look to move from fully remote to hybrid meetings where members could attend remotely or in person. The Board agreed to run the remaining meetings in 2022 (this meeting and 25 November) as hybrid meetings on a trial basis. The physical element of the meetings would be held in Hillside House, Stirling. It was proposed that meetings for 2023 continued to be held on this hybrid basis subject to agreement at the next Board.

Meetings of the Board were public meetings – the public and press held the right to attend meetings of the Board. The Board explored in 2021 the possibility of livestreaming its meetings to a dedicated YouTube channel and recordings would be posted online.

In terms of the dates of the 2023 meetings, the Board highlighted that the 30 June 2023 would be the last day of school for all 3 Councils. The Assistant to the Clerk agreed to reconsider this date and if necessary discuss an alternative with the Convener.

Decision

The Board:-

- (1) approved the dates of Friday 3 March; Friday 30 June; Friday 22 September and Friday 17 November 2023 for ordinary meetings of the Board, noting that the budget setting date may be subject to change;**
- (2) agreed to run its meetings in 2023 as hybrid meetings, subject to a review of the arrangements run on this basis in 2022; and**
- (3) noted that special meetings may be convened as necessary outwith the planned timetable.**

VJB25. Exclusion of Public

The Board was resolved in term of section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for any part of discussion on the following item of business relating to information contained in appendices 3 - 6 on the ground that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of schedule 7A to that Act.

VJB26. Accommodation Review

The Board considered a report by the Assessor and Electoral Registration Officer which advised that the Board's lease on its current offices would expire on 31 May 2023. A review of the accommodation needs had been carried out.

The review considered the current and ongoing accommodation needs of the organisation and Graham and Sibbald, Chartered Surveyors had been appointed to identify possible alternative accommodation. Following that exercise Shepherd, Chartered Surveyors were appointed to act for the Board in the negotiation of Heads of Terms for a new lease.

The report set out recommendations in regard to new accommodation together with costs.

Decision

The Board agreed the recommendations set out in the report.