



Falkirk Council

VOLUME OF COUNCIL AND COMMITTEE MINUTES

VOLUME 3 2022/2023

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FALKIRK COUNCIL

Minute of Meeting of the Planning Committee Pre Determination Hearing held remotely on Thursday 1 September 2022 at 6.00 p.m.

The purpose of the meeting was to hold a pre-determination hearing in terms of the Planning etc. (Scotland) Act 2006.

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

Officers: Ian Dryden, Development, Building Standards & Climate Manager
 Jack Frawley, Team Leader - Committee Services
 Iain Henderson, Legal Services Manager
 Brian Pirie, Democratic Services Manager
 Antonia Sobieraj, Committee Services Officer
 Brent Vivian, Senior Planning Officer
 Bernard Whittle, Development Management Co-ordinator

Also Attending: Jon Anslow, Convener, Airth Parish Community Council
 Louise Blance, Senior Planning Officer, Place Services
 Kevin Collins, Transport Planning Co-ordinator, Place Services
 David Jones, Applicant's Agent
 Stuart Maxwell, National Trust for Scotland
 Craig Russell, Senior Roads Development Officer, Place Services
 Robert Smith, Secretary, Airth Parish Community Council
 Karen Strang, Strategy & Development Co-Ordinator, Transformation, Communities & Corporate Services

PDH1. Apologies

There were apologies from Councillors Brown and Stainbank.

PDH2. Declarations of Interest

There were no declarations of interest.

PDH3. Pre-Determination Hearing Procedures

The Convener outlined the procedures relating to the meeting.

PDH4. Minute of Meeting of Planning Pre Determination Hearing held on 20 January 2022**Decision**

The minute of Meeting of Planning Pre Determination Hearing held on 20 January 2022 was approved.

PDH5. 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 an update report by the Director of Place Services on an application for 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.

A pre-determination hearing for this application was held on 20 January 2022 and a copy of the report submitted to that meeting was provided as an appendix to the report. The application was assessed as being significantly contrary to the Local Development Plan 2 and required that a Pre Determination Hearing be held.

The application sought planning permission in principle for the erection of a visitor centre and 82 dwellinghouses (two-and three-bedroom bungalows). A +55-age occupancy restriction was proposed for the dwellinghouses. The dwellinghouses were intended as 'enabling development' to cross-fund provision of the visitor centre. The principal use proposed for the visitor centre was a café, with other uses indicated as a tourist information and display area, an arts and craft workshop, and a retail area.

The report dated 20 January 2022 included a detailed description of the proposal, a list of the information accompanying the application, details of a previous planning decision for the site, a summary of the consultation responses and public representations, including the position of the Airth Parish Community Council, a list of the relevant policies of LDP2 which the application would be assessed against, and relevant aspects of Scottish Planning Policy.

At the hearing of 20 January 2022, the Committee identified a range of matters that they sought to have addressed in the report prepared for a future meeting of the Planning Committee. The matters identified at the previous pre-determination hearing that the Committee wished further information on were:-

- Education,
- Healthcare,
- Equality issues,
- Housing Need,
- Proposed age occupancy restriction,
- Business Case,
- Landscape and visual impacts,
- Environmental impact on The Pineapple,
- Protected species,
- Local Development Plan history for the site, and
- Further information from National Trust for Scotland.

The applicant had submitted further information since the first pre-determination hearing, which included:-

- Letter from McLean and Stewart Solicitors in respect of the proposed age occupancy restriction and the Equalities legislation,
 - Business Plan,
 - Response to Matters Raised at the Pre-determination Hearing,
 - Amended Masterplan,
 - 3D Views of Proposed Visitor Centre,
 - Cycling and Walking Addendum, and
 - Visitor and Natural Asset Plan.
1. The Senior Planning Officer (B Vivian) outlined the nature of the application and the consultations carried out. The application was assessed as being significantly contrary to the Local Development Plan 2. There had been public representations submitted.
 2. The applicant's representative (D Jones) was heard in relation to the application. He explained that the planning application sought planning permission in principle for the erection of a visitor centre to include an information/exhibition space, arts and craft workshop, restrooms, café, retail area and 82 bungalows. He referred to Falkirk being a popular destination with iconic tourist destinations. A visitor

centre at the Pineapple was seen to enhance the tourism offer. A visitor centre with café and safe access for all would generate increased economic activity. It would provide a destination for cyclists. The proposed number of bungalows would allow the site to be financially viable. A need existed for this type of accommodation and would contribute to meeting the Council's identified shortfall in effective land supply. Further information had been provided in response to issues raised at the previous hearing. In relation to the proposed age occupancy restriction the applicant had provided legal advice that the restriction was appropriate and enforceable. The business case for the café had been reviewed by the Council's Business Gateway service and considered fair and reasonable. The scale of the housing development was proportionate to the development costs. The applicant has previous experience of successful operation of a café business. Landscaping and visual impact study incorporated 13 viewpoints. The development would have minimum visual impact once mitigating planting was mature. The ecological study found no adverse impact on protected species.

3. Jon Anslow, Convener, Airth Parish Community Council, a statutory consultee stated that provision of a visitor centre would be an essential part of the development as the area was felt to have road safety problems with coaches using roads that were not suitable for them. The Community Council supported the original application. However, in the subsequent application with the increase of housing provision the Community Council had some elements of interest. Being unable to hold a public meeting to determine the views of the wider community the Community Council took a neutral stance on the application.

Stuart Maxwell of the National Trust for Scotland (NTS), a statutory consultee and objector then addressed the hearing. The objection was made on the grounds that the application did not accord with Scottish Planning Policy. That there would be an impact on the Pineapple and Walled Gardens which were grade A listed structures in accordance with Scottish Planning Policy. The application was also not compatible with the LDP. There was concern over the viability of running a visitor centre at the location. NTS had no plans to develop the site.

Karen Strang of the Council's Housing department highlighted the need for affordable housing in the area and the need for wheelchair accessible housing.

4. Questions were then asked by Members of the Committee as follows:-
 - (a) Clarification was sought on the intention for age restriction.

Response by the applicant's agent:-

The properties would be designed for purchase and living by the age group 55 years plus.

- (b) Clarification was sought regarding further discussions with adjacent landowners and land users in relation to woodland walks and how the area was used.

Response by the applicant's agent:-

Discussion with NTS and consultants in preparing the report had analysed service users and visitors to the area. On that basis a document was produced which has led to NTS being happy with proposals. Impact on network deemed to be relatively small numbers of visitors to the centre itself. Not felt to have significant adverse impact on existing uses. Mitigation measures would be brought through to ease and provide some comfort to adjoining owners.

- (c) Clarification was sought on whether increased footfall would impact on biodiversity and the wider Dunmore Park area.

Response by the applicant's agent:-

Consultants undertook that work. The report has been provided to the Council.

- (d) Clarification was sought on the view of NTS on the proposal.

Response by the applicant's agent:-

Change of personnel at NTS. When first discussed with NTS in 2019 their view was no concern regarding the design and impact of the visitor centre. A second set of proposals were then drawn up and in January 2022 a letter of objection in principle was received from NTS. There was a good working relationship with NTS in dealing with the operational issues of having a visitor centre and what would be required in terms of additional visitor management.

- (e) Clarification was sought on the application of the age restriction where a younger person would inherit the property.

Response by the applicant's agent:-

Legal opinion that the burden would be on the property title and any ownership is subject to the age restriction test. There would also be a restriction on young people living with older owners at those properties.

- (f) Clarification was sought on how the staged development would operate.

Response by the applicant's agent:-

The visitor centre and café would be developed as phase one. There would be a staged release of housing to bring in funds. The business

case supported the phased development proposal.

- (g) Clarification was sought on whether the visitor centre would disturb the pineapple and walled gardens at construction stage

Response by the representative for NTS (S Maxwell):-

No issues predicted by construction or operation of the visitor centre.

- (h) Clarification was sought on whether NTS would be happy if there were more visitors.

Response by the representative for NTS (S Maxwell):-

Open site with no charge, runs at deficit. The pineapple has holiday lets with a 25 year agreement to another trust and generates no income to NTS. Resource light operation apart from maintenance and grass cutting. Possible benefit of converting visitors to members but downside of wear and tear. Increased visitor footfall may help tackle antisocial behaviour issues at the location. Pineapple not a priority area for NTS to invest in.

- (i) Clarification was sought on the impact of the roundabout and new road in helping traffic calming through Airth.

Response from Roads Officer (C Russell):-

Roundabout would likely reduce vehicle speeds on the approach to and exit from Airth.

- (j) Clarification was sought on the viability of a visitor centre from NTS perspective.

Response from representative of NTS (S Maxwell):-

Hard to find a like for like property to compare to.

- (k) Clarification sought on whether the re-sale of age restriction properties was legally enforceable.

Response by the Council's Legal Services Manager (I Henderson):-

The point was noted at the previous PDH and information would be included in the officer report to committee.

- (l) Clarification was sought on whether the committee would be able to see basis of legal opinion from applicant and what was considered in terms of equalities.

Response by the applicant's agent:-

Legal officers presented case to the Council. The applicant has provided information necessary to support case. Sure committee report will include answers being sought.

5. Section 38A of the Town and Planning (Scotland) Act 1997 together with Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 give those persons who have submitted representations on relevant planning applications the right to be heard before a Committee of the Council before the application is determined.
- (a) G Henderson, objector, stated that the initial application had been for 22 bungalows and a visitor centre which required a roundabout. The change of scale had raised objections. Non-compliance with LDP2. Detriment to amenities in the area and the environment at the Pineapple, impact on schools, and NTS objection. Residents nearby to the proposed development site had spent many years using the existing landscape and access. This area was essential for people's wellbeing, enjoyed by families and dog walkers and for exercise. Existing views would be compromised by the development. Residents supported a 20mph limit in the area even before more housing is built at sites with current permissions. It was felt to be hazardous for pupil's walking to school. Further traffic calming would need to be considered. School capacity was an issue toward a peak of 84% in 2024. Larbert High School was the most crowded high school in Scotland in a media report. People aged 55+ could have school aged children. The Community Council had taken a neutral stance and the reasons were understood. However, 28 people in nearby streets objected compared to 2 supporting. Locally there was more of a view against development than for it. Local residents objected while a number of the letters of support came from people living further away even in other council areas. The viability of the business was also a concern.
 - (b) G Lawrie, an objector, highlighted the contradiction to LDP2. That the proposal submitted was not contained within LDP2 which was only adopted on 7 August 2020 taking housing through to 2040. If not suitable in 2020 cannot see justification for it being suitable now in 2022. Scheme had been rejected twice. Original scheme with 22 units reviewed within LDP2 process and not adopted. Went to Reporter for Review and was not adopted. A reason given was that the original development would not outweigh the landscape harm that would be produced. Strong feeling of objection locally at a ratio of 5 to 1. Request that Airth Community Council reconsider their neutral stance to being against to reflect views of the local community. Non-required homes in a designated countryside area.
 - (c) S Williamson, an objector, highlighted congestion and traffic through Airth village. It was noted that this was considerable already and would only be exacerbated by the proposed development. There was a very limited bus service in the area which would mean the burden on private transport was high. Local campaign for a 20mph speed limit. Impact on air flow and quality in the village. New houses would have a detrimental impact. Over 55 age bracket puts an

unhealthy burden on a small village with limited infrastructure and capacity.

- (d) Response by the applicant's agent. The LDP process Reporter's conclusions were that sufficient evidence was not provided to release the land for housing or a visitor centre at that time. 16 detailed studies provided through the previous and current applications point to answering as many questions as possible. If the Reporter had had such a weight of information they may have reached a different conclusion. In June 2020 the Planning Committee considered the first application and were minded to approve on the basis of the information available then. It is not a static process. Falkirk Council currently has a shortfall in the required 5 year housing land supply which this development would help bridge. 21 units would be affordable housing. Loss of amenity space had to be viewed against what was required and needed versus the totality of open space. Information had been provided which satisfied development long term. Traffic calming would be assisted by the development through provision of a roundabout at north of the village. There would be a contribution to public bus services to assist in running a Sunday bus service.

- 6. Further questions were then asked by Members of the Committee as follows:-

- (a) Clarification was sought on the view of GH that the visitor centre was unwanted, would this be the case even without housing.

Response by GH:-

Unwanted in the sense of by the NTS. NTS do not see the demand for this facility. Personal view is that there was the potential for this venture to fail and then have an empty building creating an eyesore on countryside land.

- (b) Clarification was sought on the impact of the roundabout.

Response by the Council's Roads Officer (CR):-

The transport planning unit assess traffic impact from development in terms of number of vehicles likely from the development. He stated that his previous comment was on the likely impact of a roundabout on vehicle speeds as the application was in principle so detail of the roundabout not known. It was likely to slow vehicles as all roundabouts did.

- (c) Clarification was sought on the enforceability of the title burden for over 55s ownership and occupancy.

Response by the Council's Legal Services Manager (IH):-

Information would be included in the final report to committee. Burdens were not uncommon in title deeds and were generally

effective in the case of a sale when purchasers' solicitors would be examining title. The Council was not a party to what was in the title deeds and had no enforcement role in what was in such title deeds.

7. Further information requested by Members of the Committee within the report for the meeting of the Planning Committee included:-
 - (a) Impact on school capacity if the housing generated school age children.
 - (b) Explanation of health care provision for those in the area and those in the proposed development.
 - (c) Equalities issues.
 - (d) Information on Housing Need and Effective Housing Land Supply and their relationship.
 - (e) Information on the environmental impact of the development particularly that on biodiversity and protected species.
 - (f) Information on what the impact on air quality from additional traffic generated by development would be.
 - (g) Information regarding social care provision and whether there would be an impact on these services.
8. Close of Meeting

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined at a future meeting of the Planning Committee.

Draft**FALKIRK COUNCIL****Minute of Joint Meeting of the Pensions Committee and Board held on Thursday
1 December 2022 at 10.00 a.m.****Present:**

Committee:-

Councillors - Falkirk Council:-

David Aitchison

Lorna Binnie (Convener)

Jim Flynn

Iain Sinclair

Robert Spears

Euan Stainbank

Douglas MacNaughtan, Pensioner Representative

Board:-

Tony Caleary, Unison, Stirling Council

Nicola Griffin, NHS

David Morgan, SEPA

Ed Morrison, SCRA

George Murphy, Stirling Council

David Wilson, Unison, Clackmannanshire Council

Attending:

Catherine Carruthers, Pensions Manager

Sophie Dick, Graduate

Justyna Korszen-Bennett, Senior Accountant

Gemma McArthur, Committee Services Officer

Brian Pirie, Democratic Services Manager

Amanda Templeman, Chief Finance Officer

Also in attendance: Stewart Piotrowicz, Lothian Pension Fund**PE27. Apologies**

Apologies were intimated on behalf of Andy Douglas, Unison and Councillor Bryan Quinn, Clackmannanshire Council.

PE28. Declarations of Interest

There were no declarations.

PE29. Minute**Decision**

The minute of the joint meeting of the Pensions Committee and Board held on 22 September was approved.

PE30. 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.

The Fund was on track to meet the staging date for the Pensions Dashboard of 30 September 2024, the Board asked when this would be accessible to users. The Pensions Manager confirmed that those within the Private Pension Scheme would be able to access the Dashboard in 2023 and Public Pension Scheme individuals on 30 September 2024.

The Board noted the inflation rate of 10.1% and asked how this would impact the funding level. Ms Carruthers explained it was too early to comment on the impact but recognised that it would have an effect. There were a number of factors impacting the valuation of funding level. She noted that the current state of gilts significantly reduced liabilities. Mr Piotrowicz echoed that the inflation rate would impact and noted the gain within the assets since the last valuation whilst funding was expected to be in a good position.

The Pensions Manager stated that the Pensions Dashboards Regulations 2022 would be available to read on www.legislation.gov.uk.

Following on from a question, Ms Carruthers explained that the government's triple lock related solely to the state pension and the Council tracked the move in Consumer Price Index. The move occurred between each September – from September 2021 to September 2022, the Consumer Price Index increased by 10.1% and therefore it was expected that pensions would also increase by this rate.

In terms of Climate Change Financial Disclosures, the Pensions Manager explained that they were related to how investments were affecting climate change. The focus was placed on engagement with Environment, Social and Governance Principles and the Task Force on Climate-related Financial Disclosures tried to identify how investment was impacting on climate change.

Decision

The Committee and Board noted the report.

PE31. Investment Review

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services detailing The Local Government Pension Scheme Regulations requirement that administering authorities maintain and update a Statement of Investment Principles (SIP) from time to time. Furthermore, that they review pension fund investments and the performance of their managers at least once every three months.

Implementation of the investment strategy determined by the Pensions Committee is delegated to the Chief Finance Officer, who took advice from the Joint Investment Strategy Panel (JISP). An update on the Panel meeting on 5 December 2022 would be given at the next meeting.

This report presented:

- an update on recent investment market developments
- an update on the Fund's strategic allocation and performance
- an update on monitoring activity of the Fund's investment mandates during the most recently completed quarter.

The quarterly asset allocations table showed that cash had increased by 3.6% over a volatile market and the Committee sought for more information about this. Mr Piotrowicz confirmed that cash had increased which he stated aligned with Lothian and Fife pension funds as all had a reasonable cash position which was not expected to continue long-term. It was expected that the volatile market would continue through to 2023 which offered the opportunity to take advantage of the volatility and therefore having more cash than normal for liquidity purposes which was deemed sensible. The Chief Finance Officer noted that since the reporting period, 30 September 2022, the cash figure had decreased due to further investment.

Following a question, Mr Piotrowicz explained that the benchmark return had decreased by 5.1% due to the difficulty of finding appropriate benchmarks for some assets.

The Pensions Manager, following a suggestion of a review of salary assumptions, explained that as part of the evaluation process, after 31 March 2023 a selection of data would be chosen to allow actuaries to do calculations. From there, discussions with employers would be held outlining the contribution setting.

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 September 2022; and
- (4) the investment monitoring activity of the JISP.

PE32. 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 3 of 2022.

The Board highlighted that there was a lack of tracking around where engagement was deemed to be failing. Furthermore, there was lack of information on how organisations were moving towards the consideration of divestment.

Decision

The Committee and Board noted:-

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

PE33. 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).

The Committee sought for information on what the risk would be if sudden changes were to occur to employer contribution rates to which the Chief Finance Officer explained that the valuation was based on a number of assumptions. The risk was that Lothian Pension Funding Strategy Statement was inconsistent with the one within Falkirk and based on different assumptions leading to a material difference. Ms Templeman noted that most assumptions were aligned, however, in certain areas this was not the case. Work was ongoing to understand what the assumptions were, why they were chosen, the impact of them and to evaluate if they were appropriate.

In terms of what work would be done around the Merger between approval in March 2023 and the following Council meeting in June 2023, and the risk of waiting that long, Ms Templeman explained that progress cannot be made fully without Council's approval. There was potential for a Special Council meeting if there was a desire to accelerate work around this – it would be

difficult to hold this meeting in Quarter 1 due to budget demands. She noted that there was no specific date yet set for the Merger due to uncertainty around when it would be approved by Council. The focus for the Pensions Team in Falkirk Council was the Levelling Up activity and there were also ongoing discussions with officers, both within and out-with Falkirk Council, around the legal questions of the Merger.

The Board suggested that a meeting should be held prior to March 2023 due to the volume of work ongoing and to be considered. The Chief Finance Officer explained that it was essential to ensure that the work presented to members was sufficient to allow decision to be competent. Ms Templeman was anticipating a number of briefings and sessions to take place with the Committee and Board to explain the reports in advance of the decision-making process.

Following a question on whether an impact assessment had been carried out on the positions that support LGBS in Falkirk currently, the Chief Finance Officer explained that work was ongoing with HR. The Project Team included a HR representative from Falkirk Council and Lothian Pension Fund. An initial session was held with all staff to identify their views and concerns which was currently being worked through. All Falkirk Council staff were working through the formal TUPE process. In terms of the impact on Falkirk Council, the staff made up a very small proportion of the overall number and therefore had minimal consequential impact on other teams such as cleaning or IT. She was not anticipating a notable impact on Falkirk Council staff and as the set-up of Lothian Pension Fund was significantly different to Falkirk, they would have their own departmental staff. The Pensions Manager explained that an EPIA was about to begin although recognised there would be minimal impact on staff. Under the Heads of Terms which agreed the principles of the terms, there was a legally binding obligation that there would be no job losses and individuals would be placed into roles that were commensurate with their original role. Pensioners would maintain their existing benefits as they were a statutory right as well as keep the same payment date. In practice, there would be limited change.

The Board highlighted that decision would be taken at Falkirk Council during a Council meeting and asked if it was appropriate for partners, such as representatives from other Councils, to attend. The Chief Finance Officer would consider it and seek legal advice, however, recognised that Falkirk Council was the administering authority and therefore take the decision on whether this position would continue. A consequence of this was that all decisions were for Falkirk Council to take. Ms Templeman stated that communication was important and noted that a Coms Plan was in place to ensure this.

Decision

The Committee and Board noted the report.

PE34. 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.

PE35. Pension Fund – Projected Outturn

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing an update on details of the projected outturn for the Pension Fund for 2022/23.

Decision

The Committee and Board noted the report.

PE36. Business Continuity Arrangements

The Committee and Board considered a report by the Director of Transformation, Communities and Corporate Services providing an update on the information regarding the Fund's Business Continuity arrangements.

Decision

The Committee and Board noted the report.

FALKIRK COUNCIL

Minute of meeting of the Executive held on Tuesday 6 December 2022 at 10.00 a.m.

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

Officers: Karen Algie, Director of Transformation, Communities & Corporate Services
 Malcolm Bennie, Director of Place Services
 Danny Cairney, Senior Service Manager, Corporate Finance
 Sophie Dick, Democratic Services Graduate
 Douglas Gardiner, Head of Environment & Operations
 Kenny Gillespie, Head of Housing & Communities
 Paul Kettrick, Head of Invest Falkirk
 Steven Kirkwood, Chief Finance Officer, Falkirk IJB
 Kenneth Lawrie, Chief Executive
 Gemma McArthur, Committee Services Officer
 Michael McGuinness, Head of Growth, Planning & Climate Change
 David Maley, Engineering Design Manager
 Colin Moodie, Chief Governance Officer
 Robert Naylor, Director of Children's Services
 Brian Pirie, Democratic Services Manager

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.

EX47. Apologies

There were no apologies.

EX48. Declarations of Interest

Councillor Bouse declared an interest as a Director of Dobbie Hall Trust in terms of section 5 of the Code of Conduct for Councillors, referring to a potential benefit the Trust may gain from decisions taken on item EX53. Having applied the objective test Councillor Bouse stated that he considered that this required him to recuse himself from consideration of the item of business.

EX49. Minute**Decision**

The minute of the meeting of the Executive held on 4 October 2022 was agreed as a correct record.

EX50. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 4 October 2022 was provided. Item 606 was subject of a report on the agenda for this meeting and subsequently fell from the action log.

Decision

The Executive noted the rolling action log.

EX51. Referral from Audit Committee – Risk Management Assurance Policy and Framework and Corporate Risk Management Update

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Risk Management Assurance Policy and Framework and Corporate Risk Management Update from the Audit Committee of 7 November 2022 for consideration and approval.

Decision

The Executive approved the Risk Management Assurance Policy and Framework and the Corporate Risk Management Update.

EX52. Falkirk 2022 Delivering Best Value – Strategic Action Plan Progress

The Executive considered a report by the Chief Executive providing an update on the Falkirk 2022 Delivery Best Value – Strategic Action Plan Progress agreed by Falkirk Council in February 2022.

Decision

The Executive noted the progress made with specific Best Value strategic actions between September 2022 – November 2022.

Councillor Bouse left the meeting in accordance with his earlier declaration of interest.

EX53. Strategic Property Review

The Executive considered a report by the Director of Place Services providing an update on the Strategic Property Review (SPR) and setting out a programme of actions to deliver further on the approved objectives and principles set out in the Council's Property Strategy.

The recommendations of this report deliver on the 2022/27 Council Plan strategic priorities of supporting a thriving economy and green transition through the reduction of carbon emissions from rationalised and modernised assets.

Councillor Hannah, seconded by Councillor Paterson, moved that the Executive agrees to refer consideration of this item to the Council, to allow all members to participate in the decision.

The Executive adjourned at 10.35am to consider the motion and reconvened at 10.50am with all members present as per the sederunt, excluding Councillor Bouse.

In accordance with the terms of Standing Orders 20.7 and 22.1, a vote was taken on the motion, being a procedural motion, on a for and against basis. The vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (5) – Councillors Hannah, Nimmo, Paterson, Spears and Stainbank.

Against the motion (6) – Councillors Bundy, Devine, Garner, Kerr, Meiklejohn and Sinclair.

The motion was not agreed.

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

- (1) notes the previously agreed Property Strategy and the approach to the Strategic Property Review following extensive community consultations, and the progress made on implementation since;
- (2) recognises that the Council continues to have an operational property estate that cannot be sustained due to current financial constraints, its deteriorating condition, backlog repairs and declining performance;
- (3) agrees, in principle, to the proposed rationalisation of the properties identified within the implementation programme, and the phases and timescales outlined within the report;
- (4) agrees that a public consultation is undertaken into alternative delivery models and approaches suggested by communities/stakeholders for the retention of properties. The results of this and any EPIA impacts and mitigations from the planned rationalisation will be reported back to Executive in February 2023 for final decision;
- (5) agrees officers bring forward a report on the closure of the four secondary school swimming pools identified in the report to Education, Children's and Young People Executive in early 2023 for a final decision. This will include further detail and EPIA considerations and implications;
- (6) notes that communities will be supported and encouraged to develop capacity to enable alternative delivery models and approaches for the assets proposed for rationalisation;
- (7) agrees that to support this activity and enable successful delivery of the SPR, a capital fund of £6m is established from the savings generated by this proposal;
- (8) agrees that any capital receipts received from rationalised property may be considered for reinvestment in retained properties subject to the appropriate business case, and
- (9) agrees to the establishment of a policy development panel chaired by the Education and Leisure portfolio holder to look at a future model for delivering leisure services for the district and that the panel commence work following the final decision in February.

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

- (1) notes the previously agreed Property Strategy and the approach to the Strategic Property Review following limited community consultations in 2020, and the progress made on implementation since;

- (2) recognises that the Council continues to have an operational property estate that cannot be sustained due to current financial constraints, its deteriorating condition, backlog repairs and declining performance;
- (3) agrees that a public consultation is undertaken into alternative delivery models and approaches suggested by communities/stakeholders for the retention of properties. The results of this and any EPIA impacts and mitigations from the planned rationalisation will be reported back to Full Council in February 2023 for final decision;
- (4) notes that communities will be supported and encouraged to develop capacity to enable alternative delivery models and approaches for the assets proposed for rationalisation;
- (5) agrees that to support this activity and enable successful delivery of the SPR, a capital fund of £6m is established from the savings generated by this proposal, and
- (6) agrees that any capital receipts received from rationalised property may be considered for reinvestment in retained properties subject to the appropriate business case.

Councillor Kerr gave notice of a further amendment. Having been invited to intimate the detail of the further amendment, Councillor Kerr, seconded by Councillor Bundy, advised that the amendment would be to:-

- (1) adjust the text of clause (3) of the motion to read:-

agrees, in principle, to the proposed rationalisation of the properties identified within the implementation programme, and the phases and timescales outlined within the report, subject to recognising that Town Halls play a core function in serving and strengthening our communities, and

- (2) insert the following clause prior to the current clause (8) of the motion:-

Recognises that selling buildings will not reduce area-wide emissions; that retrofitting to raise Energy Efficiency in these buildings would reduce area-wide emissions; recognises that the retrofitting of buildings is expensive and unlikely to be afforded by community groups; and therefore, as part of the support package, the council works out the estimated costs of Energy Efficiency upgrades to national standards for the Town Halls and that officer report back on the cost of this at the point of final decision with a view to creating a specific fund from the £6m capital fund so community-led groups can afford to retrofit their building.

The Executive adjourned at 11.25am to allow members to consider the terms of the amendments and reconvened at 12.05pm with all members present as per the sederunt, excluding Councillor Bouse.

Councillor Kerr, with the consent of the convener, and his seconder, Councillor Bundy adjusted the terms of his amendment to alter his clause (8) to read as follows:-

- (8) recognises that selling buildings will not reduce area-wide emissions; that retrofitting to raise Energy Efficiency in these buildings would reduce area-wide emissions; recognises that the retrofitting of buildings is expensive and unlikely to be afforded by community groups; as part of the support package, the council works out the estimated costs of Energy Efficiency upgrades to the national standards for the Town Halls and that officer report back on the cost of this at the point of final decision with a view to creating a specific fund from the £6m capital fund so community-led groups can afford to retrofit their building; agrees to bring back any decision on the SPR to full council; and agrees to bring back the decision on the proposed closure of 4 school swimming pools to full council.

Having considered the terms of the adjusted amendment, Councillor Garner, with the consent of Councillor Meiklejohn, as his seconder, adjusted the terms of the motion to incorporate the terms of the amendment. The adjusted motion was that the Executive:-

- (1) notes the previously agreed Property Strategy and the approach to the Strategic Property Review following extensive community consultations, and the progress made on implementation since;
- (2) recognises that the Council continues to have an operational property estate that cannot be sustained due to current financial constraints, its deteriorating condition, backlog repairs and declining performance;
- (3) agrees, in principle, to the proposed rationalisation of the properties identified within the implementation programme, and the phases and timescales outlined within the report, subject to recognising that Town Halls play a core function in serving and strengthening our communities;
- (4) agrees that a public consultation is undertaken into alternative delivery models and approaches suggested by communities/stakeholders for the retention of properties. The results of this and any EPIA impacts and mitigations from the planned rationalisation will be reported back to Council in February 2023 for final decision;
- (5) agrees officers bring forward a report on the closure of the four secondary school swimming pools identified in the report to Council in early 2023 for a final decision. This will include further detail and EPIA considerations and implications;

- (6) notes that communities will be supported and encouraged to develop capacity to enable alternative delivery models and approaches for the assets proposed for rationalisation;
- (7) agrees that to support this activity and enable successful delivery of the SPR, a capital fund of £6m is established from the savings generated by this proposal;
- (8) recognises that selling buildings will not reduce area-wide emissions; that retrofitting to raise Energy Efficiency in these buildings would reduce area-wide emissions; recognises that the retrofitting of buildings is expensive and unlikely to be afforded by community groups; as part of the support package, the Council works out the estimated costs of Energy Efficiency upgrades to the national standards for the Town Halls and that officers report back on the cost of this at the point of final decision with a view to creating a specific fund from the £6m capital fund so community-led groups can afford to retrofit their building; agrees to bring back any decision on the SPR to full council; and agrees to bring back the decision on the proposed closure of 4 school swimming pools to full council;
- (9) agrees that any capital receipts received from rationalised property may be considered for reinvestment in retained properties subject to the appropriate business case, and
- (10) agrees to the establishment of a policy development panel chaired by the Education and Leisure portfolio holder to look at a future model for delivering leisure services for the district and that the panel commence work following the final decision in February.

Having incorporated the terms of the Conservative Group amendment, amendment into the motion, that amendment accordingly fell. As a further consequence of the adjusted terms of the motion, which requested reports back to Council, clause (3) of the Labour Group amendment accordingly fell.

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

For the motion (6) – Councillors Bundy, Devine, Garner, Kerr, Meiklejohn and Sinclair.

For the amendment (5) – Councillors Hannah, Nimmo, Paterson, Spears and Stainbank.

Decision

The Executive agreed the motion.

Councillor Bouse rejoined the meeting following consideration of the previous item.

EX54. Waste Services Review

The Executive considered a report by the Director of Place Services proposing a number of changes in waste services that would address forthcoming legislative and regulatory issues, they would also create a more efficient operational service to cope with significantly increased costs and align to Council's carbon reduction targets and strategy.

The recommendations supported the 2022-27 Council Plan's strategic priority of supporting a green transition, as well as the enabler of Financial Sustainability.

Councillor Hannah, seconded by Councillor Stainbank, moved that the Executive:-

Agrees to refer consideration of this item to the Council, to allow all members to participate in the decision.

In accordance with the terms of Standing Orders 20.7 and 22.1, a vote was taken on the motion, being a procedural motion, on a for and against basis. The vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the motion (5) – Councillors Hannah, Nimmo, Paterson, Spears and Stainbank.

Against the motion (7) – Councillors Bouse, Bundy, Devine, Garner, Kerr, Meiklejohn and Sinclair.

The motion was not agreed.

Councillor Sinclair, seconded by Councillor Garner, moved that the Executive:-

- (1) agrees that Falkirk Council adopts the updated national Code of Practice (when published) for residual waste so that additional capacity (i.e. greater than a 240 litre bin collected 4 weekly) would only be granted to households of 7 and above and this would be subject to application;
- (2) notes the forthcoming biodegradable landfill ban from 31 December 2025 and the financial impact that this is likely to have on the Council;
- (3) agrees to the reintroduction of a charge for all bulky uplifts (£40.00), removing the provision of one free uplift per household per year. In

recognition of the Council's Poverty Strategy, those residents in receipt of eligible benefits, would receive one free collection per annum;

- (4) agrees that a booking system is introduced as soon as practically possible for all vehicles looking to gain entry to Council Household Waste Recycling Centre(s) (HWRCs);
- (5) agrees that Falkirk Council reviews HWRC site opening times to 10am – 6.00pm;
- (6) agrees to the removal of the Environmental Enforcement Team from Summer 2023;
- (7) agrees to retain the Environmental Improvement Fund at a level of £20,000 per annum from April 2023;
- (8) agrees to the introduction of a charge for the collection of brown bins (garden waste), at an annual charge of £35.00 per bin. For those households receiving financial benefit in recognition of the Council's Poverty Strategy, those residents in receipt of eligible benefits, would only be subject to 50% of the charge.
- (9) agrees that an estimated £60k of the savings generated from these measures is used to fund an expansion of the HVO fuel pilot to reduce carbon emissions in the heavy fleet by up to 90% per vehicle.

As an amendment, in substitution for the motion, Councillor Stainbank, seconded by Councillor Nimmo, moved that the Executive agrees that officers should undertake a Waste Services Review including up to date Equalities and Poverty Impact Assessments, and detailed Climate Change Impact Assessments on each proposed option. The report on the review to be brought to Full Council with options, advantages and disadvantages of each option outlined.

The Executive adjourned at 1.00pm and reconvened at 2.00pm with all members present as per the sederunt.

Councillor Kerr gave notice of a further amendment. Having been invited to intimate the detail of the amendment, Councillor Kerr, seconded by Councillor Bundy, advised that the amendment would be to adjust the proposed charges set out in clauses (3) and (8) of the motion as:-

- (3) agrees to the reintroduction of a charge for all bulky uplifts (£35.00), removing the provision of one free uplift per household per year. In recognition of the Council's Poverty Strategy, those residents in receipt of eligible benefits, would receive one free collection per annum;
- (8) agrees to the introduction of a charge for the collection of brown bins (garden waste), at an annual charge of £25.00 per bin. For those households receiving financial benefit in recognition of the Council's

Poverty Strategy, those residents in receipt of eligible benefits, would only be subject to 50% of the charge.

Councillor Sinclair, with the consent of the convener, and Councillor Garner, as his seconder, adjusted the terms of the motion to incorporate the terms of the proposed Conservative Group amendment. The adjusted motion was that the Executive:-

- (1) agrees that Falkirk Council adopts the updated national Code of Practice (when published) for residual waste so that additional capacity (i.e. greater than a 240 litre bin collected 4 weekly) would only be granted to households of 7 and above and this would be subject to application;
- (2) notes the forthcoming biodegradable landfill ban from 31 December 2025 and the financial impact that this is likely to have on the Council;
- (3) agrees to the reintroduction of a charge for all bulky uplifts (£35.00), removing the provision of one free uplift per household per year. In recognition of the Council's Poverty Strategy, those residents in receipt of eligible benefits, would receive one free collection per annum;
- (4) agrees that a booking system is introduced as soon as practically possible for all vehicles looking to gain entry to Council Household Waste Recycling Centre(s) (HWRCs);
- (5) agrees that Falkirk Council reviews HWRC site opening times to 10am – 6.00pm;
- (6) agrees to the removal of the Environmental Enforcement Team from Summer 2023;
- (7) agrees to retain the Environmental Improvement Fund at a level of £20,000 per annum from April 2023;
- (8) agrees to the introduction of a charge for the collection of brown bins (garden waste), at an annual charge of £25.00 per bin. For those households receiving financial benefit in recognition of the Council's Poverty Strategy, those residents in receipt of eligible benefits, would only be subject to 50% of the charge; and
- (9) agrees that an estimated £60k of the savings generated from these measures is used to fund an expansion of the HVO fuel pilot to reduce carbon emissions in the heavy fleet by up to 90% per vehicle.

Having incorporated the terms of the Conservative Group amendment into the motion, that amendment accordingly fell.

In terms of Standing order 22.1, the vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the motion (7) – Councillors Bouse, Bundy, Devine, Garner, Kerr, Meiklejohn and Sinclair.

Against the motion (5) – Councillors Hannah, Nimmo, Paterson, Spears and Stainbank.

Decision

The Executive agreed the motion.

EX55. Food Waste & Absorbent Hygiene Products (AHP) Contract Procurement Strategy

The Executive considered a report by the Director of Place Services advising on the requirement of Falkirk Council's Contract Standing Order, Section 6.2(ii) to detail to the Executive future major contract requirements for Falkirk Council.

This new contract sought to create a more efficient kerbside service, in recognition of the forthcoming national Deposit Return Scheme. This would contribute to the 2022-27 Council Plan's strategic enabler of Financial Sustainability and align to Council's carbon reduction targets and strategy.

Decision

The Executive approved the requirement to secure a kerbside collection service for domestic food waste and Absorbent Hygiene Products (AHP), and the cessation of the existing black box collections. The proposed term of contract was 7 years with an option to extend for a further 3-year period. This identified contract term aligned with the anticipated vehicle replacement programme for collection vehicles required to deliver contract requirements.

EX56. Planning Fees – Introduction of Discretionary Charging

The Executive considered a report by the Director of Place Services proposing the introduction of pre-application planning charges to help resource and sustain an efficient, consistent, and responsive Planning Service.

The recommendation would help reduce the Council's budget gap and contribute to the 2022-27 Council Plan's strategic enabler of Financial Sustainability.

Decision

The Executive approved the introduction of pre-application planning charges as proposed in appendix 1 to the report.

EX57. National Strategy for 20mph Speed Limits

The Executive considered a report by the Director of Place Services providing an update on the Scottish Government's National Strategy for 20mph which aimed to ensure all appropriate roads in built-up areas had a speed limit of 20mph by 2025.

This report also advised how the National Strategy would impact the Council's phased introduction of 20mph speed limits as agreed by the Executive on 18 January 2022.

This proposal supported the strategic priority "Supporting stronger and healthier communities" as set out in the Council Plan 2022-2027.

Decision

The Executive:-

- (1) noted that Transport Scotland was gathering information from Local Authorities with respect to 20mph speed limits, after which it was anticipated that Transport Scotland would provide further guidance, information on funding and a timetable for implementation, and**
- (2) agreed that implementing the Council's proposed 20mph speed limits in town centres and villages should be deferred until such new guidance on 20mph speed limits is issued.**

EX58. Introduction of Short Term Lets Licensing Scheme

The Executive considered a report by the Director of Transformation, Communities and Corporate Services seeking the introduction of a new licensing scheme and agree a draft policy.

The overall aim of this policy was to ensure Falkirk Council had a licensing scheme which:-

- aligned with the Scottish Government's overall policy objectives for the licensing of short-term lets;
- was shaped to the Council's local policies and the needs and circumstances of Falkirk; and
- was efficient, effective, and proportionate to the issues faced by residents.

The aims of this policy would be achieved through the following objectives:-

- Regulate Short Term Let business activity
- Ensure properties meet the basic safety and property condition standards set out by the licence conditions.
- Reduce anti-social behaviour within local communities
- Use of online and digital verification, for example, through photo and video evidence instead of a visit.
- Take a proportionate, risk-based approach to checks and verification, for example, when and how often visits to premises are needed.
- Gain understanding of the prevalence of Short Term Let activity in Falkirk.

This would support the 2022-27 Council Plan priority of thriving economy and green transition.

Decision

The Executive approved the short term let licensing policy as detailed in appendix 1 to the report and the terms of the report with the modifications set out in paragraphs 5.7 (Temporary Licence), 5.8 (additional conditions) and paragraph 5.9 (Maximum occupancy levels – children).

EX59. Projected Financial Position 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate Services presenting the third update on the Council's revenue budgets 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 is facing.

This report related to the Financial Sustainability enabler within the Council Plan.

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 for Teachers was not agreed;**
- (3) noted the position with respect to Reserves;**

- (4) noted the progress on the achievement of approved savings; and**
- (5) instructed Service Directors to take appropriate actions to maintain their costs within the approved budget and focus on essential spend only.**

EX60. Capital Programmes Update Report

The Executive considered a report by the Director of Transformation, Communities and Corporate Services providing an update to Members on the 2022/23 Capital Programmes for Housing and the General Fund Services. This will support the 2022-27 Council Plan enabler of Financial Sustainability.

Decision

The Executive noted:-

- (1) the forecast spend by Services for both the General Fund Services (£42.1m) and Housing Capital Programmes (£60.9m); and**
- (2) the Prudential Indicators.**

EX61. Assets Surplus to Operational Requirements

The Executive considered a report by the Director of Place Services seeking approval to dispose of the properties outlined which are surplus to operational requirements.

Decision

The Executive:-

- (1) agreed to declare the following properties as surplus to operational requirements:-**
 - 1) Larbert Day Nursery, Larbert**
 - 2) Victoria Buildings Complex, Falkirk**
 - 3) Park Street Community Education Base, Falkirk; and**
- (2) authorised the Director of Place Services to dispose of these properties on the open market and approve sales recognising scheme of delegation limits.**

Draft**FALKIRK COUNCIL****Minute of meeting of the Scrutiny Committee held remotely on Thursday 15 December 2022 at 10.00 a.m.**

Councillors: Margaret Anslow
 Lorna Binnie
 Provost Robert Bissett (Chair)
 Gordon Forrest

Officers: Karen Algie, Director of Transformation, Communities & Corporate Services
 Sophie Dick, Democratic Services Graduate
 Rhona Jay, Service Manager, Children's Services
 Gayle Martin-Brown, Education Support Officer
 Gemma McArthur, Committee Services Officer
 Robert Naylor, Director of Children's Services
 Brian Pirie, Democratic Services Manager

Prior to the meeting, Councillor McCabe stepped down as Convener. In the absence of a Convener, the Democratic Services Manager sought for nominations from Councillors 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. Provost Bissett was nominated by Councillor Binnie, which was seconded by Councillor Forrest.

S11. Apologies

Apologies intimated on behalf of Councillors Aitchison and Robertson.

S12. Declarations of Interest

No declarations were made.

S13. Minute

Members referred to the discussion held at the previous meeting around EPIA training, to which the Democratic Services Manager explained training on budget setting was being prioritised and would be held the following week instead of EPIA training. This training would be undertaken during January or early February.

Decision

The minute of the meeting of the Scrutiny Committee held on 10 November 2022 was approved.

S14. Rolling Action Log

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

The Director of Children's Services explained that the rolling action log action log was up-to-date and the items which remained on it were being progressed. Item 553 was to be removed as it appeared as an agenda item at the meeting.

In terms of Item 596, 'Care Inspectorate Inspection Report and Action Plan – Rannoch Early Learning and Childcare Centre', Mr Naylor assured committee it would be provided once the follow-up visit was undertaken. This was echoed by the Service Manager.

Decision

The committee noted the Rolling Action Log.

S15. Pupil Equity Funding – Outcomes Update

The committee considered a report by the Director of Children's Services which provided an update on the arrangements for Pupil Equity Funding and presented the outcomes on closing the attainment gap across Falkirk Council schools.

Appended to the report were case studies from Falkirk High School and Langlees Primary School.

The committee requested a follow-up report to ensure the predicted improvement in attainments were on track following the disruption caused by the Covid-19 pandemic.

Following a question on how the cost-of-living crisis was impacting the Pupil Equity Fund in terms of utilisation and the uptake of Free School Meals, the Director of Children's Services agreed to refer back to committee with figures on the increase of Free School Meals uptake. In terms of the use of the funds, the Free Meal Entitlement was the proxy measure for the allocation of the funds – in an instance where a school had 20% of pupils entitled to Free School Meals which then raised to 24%, they would receive a larger share of Falkirk's total amount. As a consequence of this, the percentage schools receive changed annually. Mr Naylor explained that a challenge that may

occur would be if entitlement increased by 10% nationally then a requisite amount of money would need to be added to the Pupil Equity Fund.

Members referred to the cost-of-living crisis and the 10.1% rate of inflation and asked if this was impacting the spend for food in schools. Mr Naylor confirmed that schools were not responsible for buying food, instead the catering and cleaning service managed all school. Following a conversation with the Catering Manager, it was understood that the cost of food had increased by 16-20% over the course of the last year. The Council purchased goods through the Scotland Excel Contract to ensure costs were as low as possible, it was clear that certain foods were increasing significantly. He referred to a motion carried in the December Falkirk Council meeting which moved that the Council should consider buying from local food sources – he recognised that this may increase costs. The Director of Children's Services acknowledged that costs were increasing across the board, which may further increase if strike action led to pay awards – he noted that if staff costs were to increase, this would lead to a reduction in the use of Pupil Equity Fund money.

The funds must be spent by the end of the academic year unless there were exceptional circumstances, and it was noted this was the first year that there would be no funding carried forward. The Education Support Officer explained that the necessity to spend funds within the academic year was relaxed due to the pandemic, however, the Scottish Government requested this to be enforced. To ensure funds were fully utilised, a Resource Officer was meeting with schools and a Pupil Equity Fund Officer worked closely with the Education Support Officer and their team. Meetings were regularly undertaken with schools and reports were published every 2 months. Ms Martin-Brown explained that the current targeted overall spend should be between 30-40% which was being met as 33% had been spent. If it was identified that a particular school was not on track, further meetings and assistance would be provided to identify problems that were causing the lack of spending or possible amendments to plans of spending. She noted that despite criteria being based on Free School Meals, schools were encouraged to use their discretion to assist those who needed it during the cost-of-living crisis as working families were also identified as vulnerable.

The purpose of the Pupil Equity Funding was to reduce the poverty related attainment gap, focusing on different aspects such as health and wellbeing. The committee asked how this specific aspect would be measured. The Service Manager explained there were many ways, including digital tracking which every primary school was undertaking that had the ability to track and monitor performance on health and wellbeing. Each child would be evaluated to understand how they were coping, and these evaluations as with the Health and Wellbeing Curriculum. Furthermore, health and wellbeing became a priority area for all school's improvement plans over the course of the pandemic. Work was also ongoing with the Community Health and Wellbeing Mental Health Service which had set up both face-to-face and online services that allowed children from 5 years and over access to support. Ms Jay also explained that there was also support for families that

focused on both support and leaning through online systems to provide ideas to families on how they could support each other, both as adults and a family unit. The Education Support Officer noted that all Scottish schools were involved in a School Census, that was undertaken earlier on in the year – work was ongoing to evaluate this. This work would identify the level of need in the area and then allow schools to be informed where improvements were still to be made. The Director of Children’s Services also offered to provide members with a copy of the Health and Wellbeing Presentation which had previously been shared at the induction training for elected members after the Local Council Elections.

The committee requested that the results of the School Census be presented once finalised.

In terms of whether the Strategic Raising Attendance Lead would be able to undertake their role in more schools than just Langlees Primary School, Ms Martin-Brown explained that there wasn’t the capacity to do this but information on how they created the improvements and how their post could be adopted elsewhere was shared widely. Schools were not necessarily replicating this specific post but were learning from it and utilising the shared information to create a similar post, adjusted to their needs, in their area.

Decision

The Scrutiny Committee:-

- (1) agreed the arrangements in place for Pupil Equity Funding were appropriate;**
- (2) noted the impact made to closing the attainment gap;**
- (3) noted the plans in place to continue to close the attainment gap; and**
- (4) requested a report for a follow-up report in a years’ time to ensure the predicted improvement in attainments are back on track following the disruption caused by the Covid-19 pandemic.**

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held remotely on Thursday 12 January 2023 at 10.00 a.m.

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

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Jack Frawley, Team Leader
Rose Mary Hoey, Legal Services Manager
Frances Kobiela, Senior Solicitor

CL63. Apologies

There were no apologies.

CL64. Declarations of Interest

There were no declarations of interest.

CL65. Minute

The minute of the meeting of the Civic Licensing Committee held on 30 November 2022 was approved.

CL66. List of Applications Granted Under Delegated Powers During November and December 2022 and Notifications of Public Processions Pending

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

Decision

The committee noted the report.

CL67. 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.

CL68. Application for the Renewal of a Taxi Driver Licence

The applicant Mr B was in attendance.

The committee considered a report by the Chief Governance Officer which provided information of the renewal application, together with details of the applicant's current medical assessment. Details of the DVLA Group 2 Regulations Standards, which all taxi/private hire car drivers licensed within the Falkirk Council area are required to meet, and a letter from the applicant's Consultant Cardiologist, were attached as appendices to the report.

The committee heard from the Licensing Co-ordinator in summary of the report.

There being no questions from the applicant, members asked questions of the Licensing Co-ordinator.

The committee heard from the applicant in support of his application and in clarification of questions raised by members.

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

Decision

The committee agreed:-

- (a) to refuse to renew the taxi driver licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(c)(v) on the ground of public safety, and**
- (b) should there be a material change of circumstance in relation to the medical fitness of the applicant, a new application could be lodged prior to 12 January 2024, and the applicant would not be required to sit and pass the knowledge test.**

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

CL69. Application for the Grant of a New Taxi Driver Licence

The applicant, Mr M, 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 grant of a new taxi driver licence and detailing that two letters of objection in relation to the application had been submitted by the Chief Constable, Police Scotland.

The committee were advised that one of the letters received from the Chief Constable contained details of spent and protected convictions.

After discussion, the committee were satisfied that in terms of the test in the Rehabilitation of Offenders Act 1974 section 7(3) that, to consider the new application, justice could not be done except by admitting or requiring evidence relating to the applicant's spent convictions and to the circumstances ancillary thereto. The committee decided to admit the information on the spent convictions and the circumstances.

Following confirmation from both parties that they had no objection, both letters of objection from the Chief Constable were circulated to members.

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

Questions were asked of Sergeant O'May by the applicant and thereafter by members of the committee.

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

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

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 Devine.

Councillor Stainbank, seconded by Councillor Flynn moved that the committee refuse the grant of a taxi driver 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 such a licence.

As an amendment, Councillor Deakin seconded by Councillor Robertson moved that the committee grant the taxi driver licence subject to the applicant passing a medical, subject to the standard conditions for a period of six months.

A vote was taken as follows:

For the motion (4) – Councillors Anslow, Flynn, Kerr and Stainbank,

For the amendment (4) – Depute Provost Balfour, Councillors Aitchison, Deakin and Robertson.

There being an equality of votes the Convener exercised his casting vote in favour of the motion.

The motion was carried.

Decision

The committee agreed to refuse the grant of a taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph (3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

The committee adjourned at 1.00pm and reconvened at 2.00pm with all members present as per the sederunt, with the exception of Councillor Kerr.

Councillor Devine joined the meeting.

CL70. Revocation/Suspension Hearing in Relation to a Taxi Driver Licence

The licence holder, Mr F, his representative, Mr S were in attendance. Sergeant Malcolm O'May, Police Scotland was also in attendance.

The committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by the Chief Constable, Police Scotland in respect of the licence holder, which had sought an immediate suspension of the taxi driver licence.

At its meeting on 30 November 2022, the committee had agreed to continue the matter to allow the licence holder to be in attendance.

Mr S, the licence holder's representative advised that he had no preliminary points to raise at this time and confirmed that he was content that the letter of complaint be circulated to members. Accordingly, a copy of the letter was circulated to members.

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

There were no questions for Sergeant O'May.

The licence holder's representative, Mr S was then heard in relation to the matters contained in the Chief Constable's letter of complaint.

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

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.

Decision

The committee agreed to take no further action.

CL71. Application for the Renewal of a Private Hire Car Driver Licence

The licence holder, Mr M, his representative, Mr S were in attendance. Sergeant Malcolm O'May, Police Scotland was also in attendance.

The committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by the Chief Constable, Police Scotland in respect of the licence holder.

Mr S, the licence holder's representative advised that he had no preliminary points to raise at this time and confirmed that he was content that the letter of complaint be circulated to members. Accordingly, a copy of the letter was circulated to members.

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

There being no questions from the licence holder's representative, members asked questions of Sergeant O'May.

The licence holder's representative, Mr S was then heard in relation to the matters contained in the Chief Constable's letter of complaint.

There were no questions asked of Mr S.

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.

Decision

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

Councillor Anslow left the meeting during consideration of the following item.

CL72. Revocation/Suspension Hearing in Relation to a Private Hire Car Driver Licence

The licence holder, Mr M, his representative, Mr S were in attendance. Sergeant Malcolm O'May, Police Scotland was also in attendance.

The committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by the Chief Constable, Police Scotland in respect of the licence holder, which had sought an immediate suspension of the private hire car driver licence.

Mr S, the licence holder's representative advised that he had no preliminary points to raise at this time and confirmed that he was content that the letter of complaint be circulated to members. Accordingly, a copy of the letter was circulated to members.

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

There were no questions asked of Sergeant O'May.

The licence holder's representative, Mr S was then heard in relation to the matters contained in the Chief Constable's letter of complaint.

There were no questions asked of Mr S.

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 Councillors Anslow and Kerr.

Decision

The committee agreed to take no further action.

FALKIRK COUNCIL

Minute of meeting of the Executive held on Tuesday 17 January 2023 at 10.00 a.m.

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

Officers: Malcolm Bennie, Director of Place Services
 Jack Frawley, Team Leader – Committee Services
 Kenny Gillespie, Head of Housing & Communities
 Tracey Gillespie, Human Resources Manager
 Jen Kerr, Communities & Fairer Falkirk Manager
 Paul Kettrick, Head of Invest Falkirk
 Kenneth Lawrie, Chief Executive
 Gemma McArthur, Committee Services Officer
 Sarah McCulley, Employment & Training Manager
 Michael McGuinness, Head of Growth, Planning & Climate Change
 Colin Moodie, Chief Governance Officer
 Robert Naylor, Director of Children's Services
 Brian Pirie, Democratic Services Manager
 Alistair Shaw, Development Plan Co-ordinator
 Amanda Templeman, Chief Finance Officer

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.

EX62. Apologies

There were no apologies.

EX63. Declarations of Interest

There were no declarations.

EX64. Minute**Decision**

The minute of the meeting of the Executive held on 6 December 2022 was agreed as a correct record.

EX65. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 6 December 2022 was provided.

Decision

The Executive noted the rolling action log.

EX66. King's Coronation Holiday 2023

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which outlined proposals regarding changes to public holiday arrangements to celebrate the King's Coronation in May 2023. The Council had 8 public holidays each year, one of which was aligned with the early May bank holiday.

The Scottish Government had confirmed an additional bank holiday, consideration needed to be given to whether the additional day should be recognised locally. There was a choice of adding an additional day or moving the existing public holiday scheduled for 1 May to 8 May 2023. Moving the public holiday had minimal impact on cost and service provision and allowed the Council to recognise the event.

School Term Dates and Public Holidays for 2022-23 had already been agreed and set by the Local Negotiating Committee for Teachers (LNCT) within the parameters of the local agreement with Clackmannanshire and Stirling Councils. If the proposal to move the 1 May 2023 public holiday to celebrate the King's Coronation were agreed, the change may cause some disruption to families and school-based staff who may have already booked holidays based on the published term dates. To mitigate these issues, Children's Service's would consult the LNCT to get agreement on adopting similar flexible approaches that were taken in June 2022 to accommodate the changes that were necessary to support the Platinum Jubilee Holiday arrangements.

Councillor Meiklejohn, seconded by Councillor Bouse, moved that the Executive agrees:-

- (1) to continue the traditional May Day holiday, falling on May 1 2023, recognised as International Workers Day (May Day), celebrating workers across Falkirk district and beyond and their significant contribution to our society;
- (2) that the coronation of King Charles III is a major event of national interest which should be marked with an additional fixed day of leave on Monday 8 May, and
- (3) that the Director of Children's Services locally consult and agree the position to adopt for schools with both the Local Negotiating Committee for Teachers (LNCT) and the Service Partnership Forum in the same manner that was used make the necessary changes to accommodate the Platinum Jubilee Holiday arrangements in June 2022.

The Executive adjourned at 10.15am and reconvened at 10.20am with all members present as per the sederunt.

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

- (1) agrees to celebrate the workers of Falkirk, who are the backbone of our district, society, and economy, by continuing to provide a public Holiday on the 1st of May 2023, in line with International Workers' Day ('May Day');
- (2) recognises that the coronation of King Charles III is an exceptional event and therefore provide for a public holiday to celebrate his coronation on the 8th of May 2023, in line with the rest of Scotland and the United Kingdom, and
- (3) agrees that the Director of Children's Services locally consult and agree the position to adopt for schools with both the Local Negotiating Committee for Teachers (LNCT) and the Service Partnership Forum in the same manner that was used make the necessary changes to accommodate the Platinum Jubilee Holiday arrangements in June 2022.

In terms of Standing order 22.1, the vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the motion (5) – Councillors Bouse, Devine, Garner, Meiklejohn and Sinclair.

For the amendment (7) – Councillors Bundy, Hannah, Kerr, Nimmo, Paterson, Spears and Stainbank.

Decision

The Executive agreed the amendment.

EX67. Community Council Elections 2022 Update

The Executive considered a report by the Chief Executive which set out the results of the extended Community Council nomination process which closed on 9 December 2022. During the extended period sufficient nominations were received to allow three further community councils to form: Blackness; Camelon, Bantaskine and Tamfourhill, and Reddingmuirhead and Wallacestone. For two further community councils: Denny and District, and Slamannan & Limerigg, the Executive was invited to permit formation having received nominations for two-thirds or more places.

Decision

The Executive:-

- (1) noted the outcome of the extended nomination period for the 2022 Community Council elections;**
- (2) noted the formation of Blackness, Camelon, Bantaskine & Tamfourhill and Reddingmuirhead & Wallacestone Community Councils;**
- (3) permitted the formation of the Denny & District and Slamannan & Limerigg Community Councils with the remaining vacancies being filled by cooption;**
- (4) noted that 12 Community Councils did not form as part of the election process, and**
- (5) that any further actions to be taken could be considered as part of the development of the Strategy for Community Engagement.**

EX68. Review of the Strategy for Community Engagement 2019-2024

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which set out the outcomes of a review of the Strategy for Community Engagement 2019-2024; reported progress against the Strategy to date, and highlighted the need for a Community Empowerment Strategy that encompassed participation and aligned to the new Council Plan 2022-2027 priority: Supporting stronger and healthier communities.

It was proposed that a Policy Development Panel was established to design and take forward the review. The panel should investigate and address the perception that communities had little influence in decision making that

affected them and work with communities to consider how to address this.
The co-design of a new Strategy would:-

- Provide the time and space to develop objectives, priorities and actions which met the priorities and needs of communities and the Council as outlined in the Falkirk Plan and the Council Plan 2022-2027.
- Work to develop practical and measurable solutions to increase community influence in decision making.
- Provide an opportunity to address both internal and external barriers to community engagement to make sure accessible communications, support and resources were available to staff and communities.
- Ensure the objectives, priorities and actions of an empowerment Strategy were relevant and measurable, and that agreed indicators of success were built in.
- Support robust reporting and implement a governance structure which ensured progress, oversight and accountability, providing the Community Partnership Team with the ability to coordinate and agree plans and practice to meet the standards.

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

- (1) notes the findings of the review and progress against the Community Engagement Strategy 2019-2024
- (2) agrees to the establishment of a PDP to design a new Community Empowerment Strategy and to consider the role of community councils and our support for them, and
- (3) agrees that the PDP consist of five members with 2 SNP, 1 Labour, 1 Conservative and 1 independent. With the Independent member being drawn from the membership of the Executive.

As an amendment, Councillor Bundy, seconded by Councillor Kerr, moved the terms of the motion subject to the substitution of clause (1) to read as follows:-

- (1) notes the findings of the review and progress against the Community Engagement Strategy 2019-2024, but expresses disappointment that progress on all 9 strategic priorities are behind projected progress.

Following discussion, Councillor Meiklejohn, with the consent of Councillor Bouse as her seconder, adjusted the terms of the motion to incorporate the terms of the amendment.

Decision

The Executive:-

- (1) noted the findings of the review and progress against the Community Engagement Strategy 2019-2024, but expressed disappointment that progress on all 9 strategic priorities was behind projected progress;**
- (2) agreed to the establishment of a PDP to design a new Community Empowerment Strategy and to consider the role of community councils and our support for them, and**
- (3) agreed that the PDP consist of five members with 2 SNP, 1 Labour, 1 Conservative and 1 independent. With the Independent member being drawn from the membership of the Executive.**

EX69. Order of Business

The convener advised that the order of business would be varied from that listed on the agenda. The following items are recorded in the order in which they were considered at the meeting.

EX70. Proposed Sale of land – Braes Golf Centre, Maddiston

The Executive considered a report by the Director of Place Services which sought approval to dispose of two areas of land adjacent to Braes Golf Centre in Maddiston which were surplus to operational requirements and that they be sold by negotiation.

Decision

The Executive:-

- (1) agreed to declare 2,871 sq m of land adjacent to Braes Golf Centre surplus to requirements, and**
- (2) authorised the Director of Place Services to conclude the disposal by negotiated agreement to neighbouring landowner Ordhead Limited for £21,000.**

EX71. Development Plan Scheme 2023

The Executive considered a report by the Director of Place Services which sought approval of the Development Plan Scheme 2023 which set out the Council's future intentions for the preparation of the Falkirk Local

Development Plan 3 (LDP3), including the expected programme and participation statement.

A draft Development Plan Scheme focussed on the proposed arrangements for LDP3 had been prepared and was appended to the report. Sections 1 and 2 of the Development Plan Scheme provided an introduction to development planning, how it was changing under the Planning (Scotland) Act 2019, and the purpose of the scheme. Section 3 set out the current framework for development planning in the area, including a summary of LDP2 and its supporting suite of supplementary guidance. Section 4 explained how the future arrangements for development planning in the area would work. The new process for LDPs was explained by way of a flow diagram.

Section 5 set out the proposed indicative timetable for LDP3. Key stages were:-

- Preparation of the Evidence Report, estimated to take around a year to complete. This will identify the proposed Housing Land Requirement for the area as a whole.
- Evidence Report subjected to Gate Check involving scrutiny by a Scottish Government Reporter assessing the sufficiency of the evidence and recommending any changes.
- Preparation of the Proposed Plan, including the Council's preferred spatial strategy and detailed policies and proposals. Following consultation on the plan, and any further modifications the Council may wish to make, it will be submitted to Scottish Ministers for Examination of unresolved issues. Submission was not expected until 2026, with the Examination concluded and Adoption of the plan completed by 2027.

Section 6 was the participation statement, outlining general principles for engagement with the public and stakeholders, and how, when and who the Council would consult as part of the LDP3 process.

Decision

The Executive approved the Development Plan Scheme 2023, as set out at appendix 1 to the report.

EX72. Employment and Training Unit Proposal

The Executive considered a report by the Director of Place Services which proposed a more efficient use of the Employment and Training Unit budget given the changing funding landscape of employability provision, locally and nationally.

It was proposed that there be an employer recruitment incentive (ERI) reduction of 75 funded places across the four-year period 2022/2023 – 2025/2026 resulting in 25 remaining ERI places. There would be a resultant

budget decrease from £444,017 to £111,407. Further, withdrawal of the community engagement support programme created a saving of £29,463. Alongside this a year three reduction of 15 short courses, reducing places by 120 creating a saving of £37,537. Wider provision would continue to accommodate the employability support needs of priority groups and investment from UK Shared Prosperity Fund would mitigate impact.

Decision

The Executive agreed to reduce:-

- (1) Employer Recruitment Incentives as outlined in the report to deliver efficiencies of £332,610, and**
- (2) commissioned training and support provision programmes as outlined in the report to deliver efficiencies of £67,000.**

EX73. Local Government Settlement 2023/24

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which provided an update on the Local Government Settlement following the announcement of the Scottish Government Budget on the 15 December 2022. This is a provisional allocation pending further consideration and agreement by the Scottish Parliament scheduled for early February 2023.

Councillor Meiklejohn, seconded by Councillor Garner, moved that the Executive notes the report and the implications for the Council's 2023/24 General Fund Revenue Budget and 2023/24-2027/28 Capital Programme.

As an amendment, in substitution for the motion, Councillor Hannah, seconded by Councillor Stainbank, moved that the Executive agrees that the Leader of the Council writes to the First Minister setting out the Council's view that the settlement represents an unacceptable real terms cut in Council funding following on from years of real terms cuts and that letter should make clear that these cuts have had and will have a continuing and negative impact on vital public service and jobs.

Following discussion, Councillor Hannah, with the consent of the Convener, and Councillor Stainbank as her seconder, adjusted the terms of the amendment in the following ways:-

- (1) to write to the First Minister in terms consistent with the letter sent from COSLA Leaders regarding the Local Government Settlement, and**
- (2) to incorporate that a letter would also be sent to the Prime Minister in respect of the UK Government's role in the settlement for Local Government in Scotland.**

Decision

The Executive agreed that the Leader of the Council writes to the First Minister in terms consistent with the letter sent from COSLA Leaders regarding the Local Government Settlement and to the Prime Minister in respect of the UK Government's role in the settlement for Local Government in Scotland.

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held remotely on Thursday 19 January 2023 at 10.00 a.m.

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

Officers: Kevin Brown, Planning Officer
 Chris Cox, Transport Planning Manager
 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

P64. Apologies

There were no apologies.

P65. Declaration of Interest

There were no declarations.

P66. Minutes

- (a) The Minute of Meeting of Planning Pre Determination Hearing held on 20 January 2022 was noted;

- (b) The Minute of Meeting of Planning Pre Determination Hearing held on 1 September 2022 was approved.
- (c) The Minute of Meeting of the Planning Committee held on 16 November 2022 was approved.

P67. 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 – Continuation

The committee considered an update 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.

Councillor Murtagh, seconded by Councillor Bouse, moved that the Planning Committee refuses the application for the following reason(s):-

- (1) The application is contrary to Policies PE14 'Countryside', HC05 'Housing in the Countryside' and JE05 'Business Development in the Countryside' of Falkirk Local Development 2 as the proposed development does not satisfy any of the circumstances to justify new housing or business development in the countryside. The application therefore represents unjustified development in the countryside, outwith the urban and village limits.
- (2) The application is contrary to Policies PE14 'Countryside', HC05 'Housing in the Countryside' and JE05 'Business Development in the Countryside' of Falkirk Local Development Plan 2 as the scale, layout and design of the proposed development are not considered to be suitable for the intended countryside location. In particular, the proposed development extends onto open agricultural land and is largely unable to take advantage of existing features such as topography and woodland to integrate and nestle it within the landscape.
- (3) The application is contrary to Policy PE01 'Placemaking' of Falkirk Local Development Plan 2 as the proposed development is not considered on balance to promote the qualities of successful place-making.

- (4) The application is contrary to Policies PE07 'Listed Buildings' and PE10 'Historic Gardens and Designed Landscapes' of Falkirk Local Development Plan 2 as the proposed development would significantly adversely affect the character, integrity and setting of the East Lodge Category B listed building and the inventory Garden and Designed Landscape of Dunmore Estate associated with The Pineapple and the understanding and experience of this designed landscape.
- (5) The application is contrary to Policy PE18 'Landscape' of Falkirk Local Development Plan 2 as the proposed development would extend onto open agricultural land to the detriment of the landscape setting of the village and it is not considered that a satisfactory landscape fit would be able to be achieved.
- (6) The application is contrary to Policy HC01 'Housing Land' of Falkirk Local Development Plan 2 as the site is not identified as a contributing site to meet the Council's housing supply target for the period 2017 to 2030. While additional sites for housing will be considered as there is currently a shortfall on the 5-year supply of effective housing land, this is only where the proposal constitutes sustainable development. The proposed development is not considered to constitute sustainable development.
- (7) The application is contrary to Policy JE01 'Business and Tourism' of Falkirk Local Development Plan 2 as the site is not identified as a Strategic Business Location or a tourism node and the proposed development is unlikely to support the tourism nodes and tourism networks/ themes identified in the development plan. The Pineapple is not identified as a tourism node in the plan.
- (8) The application is contrary to Policy IR04 'Community Facilities' of Falkirk Local Development Plan 2 as it is not considered that the criteria to support new community facilities have been satisfied. In particular, it is not considered that good access to the proposed visitor centre by walking and cycling would be provided, and the scale and character of the visitor centre and associated road and parking infrastructure would not be compatible with its location within the inventory designed landscape.
- (9) The application is contrary to Policy IR05 'Travel Hierarchy and Transport Assessment' of Falkirk Local Development Plan 2 as the extent to which the travel demands of the proposed development can be maximised by firstly walking, then cycling, then public transport is constrained by the edge of village location, and the substandard width of the existing footway along the A905 between the village and the proposed visitor centre. It is considered that no suitable mitigation measures have been identified to provide a suitable, safe and convenient footway connection between the village and the proposed visitor centre.

- (10) It has not been demonstrated to the satisfaction of the planning authority that the proposed scale of enabling housing development (82 units) is the minimum necessary to deliver the proposed visitor centre while allowing an appropriate level of developer profit.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our online reference numbers 01, 02A, 03A, 04 and 05.

As an amendment, in substitution for the motion, Councillor Flynn, seconded by Provost Bissett, moved that the Planning Committee considers that the following material considerations are considered to be of such weight as to indicate that the development plan should not be afforded priority:-

- (1) That the proposal would enhance tourism and leisure provision in the area;
- (2) That the proposal would bring economic and employment benefits to the area;
- (3) That the proposal would enhance recreational and leisure space in the area;
- (4) That road traffic and transportation improvements would result from the development including a roundabout access;
- (5) That the location and scale of both the proposed visitor centre and the proposed housing, which would cross fund the development works for the visitor centre and associated infrastructure, are acceptable and it is not considered that either would have an unacceptable impact on the surrounding area;
- (6) Noting that there is a shortfall in the Council's housing land supply and that it is considered that the development would contribute to sustainable development with benefits being considered to outweigh any adverse impacts, the development would contribute to meeting the shortfall in the housing land supply.

The Committee accordingly agrees that it is minded to grant planning permission in principle subject to the completion of a section 75 planning obligation under the Town and Country Planning (Scotland) Act 1997 in terms satisfactory to the Director of Place Services in respect of:-

- (1) An open space contribution at the rate of £1,400 per unit;
- (2) The provision of 25% of the units at the site as affordable housing;
- (3) Public transport provision (a bus service contribution to fund a Sunday service at the rate of £1,332 per unit);

- (4) A contribution towards education provision to mitigate and address impacts on capacity within catchment schools to accommodate children from the proposed housing development;
- (5) Phasing of development to ensure completion of the visitor centre;
- (6) Appropriate investment of the proceeds of disposal of houses in the visitor centre and associated infrastructure;
- (7) The floor area safeguarded for the tourist information display area within the visitor centre;
- (8) Retention of land for passive open space/landscaping;

And thereafter on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to appropriate conditions as determined by him.

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

For the motion (6) – Councillors Bouse, Collie, Forrest, Kelly, Murtagh and Sinclair.

For the amendment (5) - Provost Bisset, and Councillors Buchanan, Flynn, Kerr and Stainbank.

Decision

The Planning Committee agreed the motion.

- P68. 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.

Decision

The Planning Committee agreed that it was Minded to Grant Planning Permission 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 within nursery education provision at the rate of £1,629.61 per dwellinghouse;**
 - ii A contribution towards Public Art at the rate of £100 per dwellinghouse;**
 - iii A contribution towards greenspace improvements at a rate of £250 per dwellinghouse;**
 - iv A proportionate contribution towards upgrading of the surrounding core path network.**
 - v A contribution at the rate of £1,159 per unit towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility; and**
 - vi The provision of 15% of the residential units at the site as affordable housing.**
- 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 condition(s):-**

Planning Permission in Principle Conditions and reasons relating to Phase 2 only.

- 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) Existing and proposed site levels;
- b) Proposed finished floor levels;
- c) The siting of the buildings;
- d) The design of the buildings;
- e) The external appearance of the buildings;
- f) Details of the access arrangements, including the new street layout and parking arrangements;
- g) Details of soft and hard landscaping and open space provision;
- h) Details of proposed play provision and recreational open space informed by a revised Local Open Space Audit.
- i) Details of the provision of pedestrian and cycle facilities, including links to the wider area;
- j) Details of proposed boundary treatments;
- k) Tree protection measures;
- l) Updated surveys for protected species;
- m) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated September 2021 or updated appraisal as appropriate;
- n) A detailed surface water drainage strategy, including design and calculations;
- o) A contaminated land assessment;
- p) A Coal Mining Risk Assessment;
- q) Details of the size and location of suitable site within Phase 2 to be safeguarded and marketed as a neighbourhood shop/café/restaurant.
- r) A travel plan and a residential development travel information pack;
- s) The provision of on-site low and zero carbon generating technologies,

2. 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.**
3. **There shall be no works that affect trees within the site or immediately adjacent until any necessary tree protection fencing 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.**
 4. **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.**

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.**
- 2-4. **To safeguard the visual amenity of the area.**

Detailed planning conditions and reasons relating to Phase 1 only.

1. **The development to which this permission relates must be begun within three years of the date of this permission.**
2. **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.**
3. **Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all recreational play provision shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
4. **All noise mitigation measures, including acoustic fencing, glazing and ventilation measures, as identified within the submitted Noise Impact Assessment (Technical Report No.R-9391-CL1-RRM, 9th August 2022), shall be implemented in full on site unless otherwise agreed in writing by the planning authority.**

5. **Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all boundary treatments and retaining structures across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
6. **Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised schedule of all external finishing materials to be used in the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
7. **Notwithstanding details on the approved plans, and prior to the start of work on site, finalised design, specification and finishing materials schedule for all footpaths across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
8. **Prior to the start of work on site, details of a suitable new pedestrian crossing on Crawfield Road, including a proposed timescale for installation, shall be submitted to and approved in writing by the planning authority. Thereafter, the crossing shall be installed by the developer in accordance with these approved details.**
9.
 - 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.**
- 10. 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 15%, 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.

- 11. No development shall commence on any residential unit within any part of the Phase 1 site affected by ground stability issues, as identified in the Coal Mining Risk Assessment report (June 2019, prepared by Mason Evans), until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.**
- 12. Prior to the first occupation of development within the Phase 1 site area, a signed statement or declaration prepared by a**

suitably competent person confirming that the site 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 completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason(s):-

- 1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.**
- 2. As these drawings and details constitute the approved development.**
- 3. To ensure adequate play provision and recreational facilities are provided.**
- 4. To protect the residential amenity of the occupants of the new housing across the site.**
- 5-6. To safeguard the visual amenity of the area.**
- 7. To ensure the design and specification of all footpaths are fit for purposes.**
- 8. To ensure adequate pedestrian crossing facilities are provided.**
- 9. To ensure the ground is suitable for the proposed development.**
- 10. To ensure the development achieves the required CO₂ emission reduction as a result of development.**
- 11-12. To ensure the ground is suitable for the proposed 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, 02B, 03-06, 07A, 08B, 09A, 10A, 11A, 12A, 13, 14, 15A, 16, 17A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 27A, 28, 29A, 30, 31A, 32, 33A, 34, 35A, 36, 37A, 38, 39A, 40A, 41, 42, 43A, 44, 45, 46A, 47A, 48, 49, 50A, 51A, 52, 53, 54A, 55, 56A, 57, 58A, 59, 60, 61, 62A, 63A, 64, 65, 66A, 67A, 68, 69, 70A, 71A, 72, 73, 74B, 75B, 76B, 77, 78B, 79A, 80A, 81A, 82-85, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 897A, 98A, 99A, 100A, 101A, 102A, 103-107, 108A and 109-111, 112A, 113-135.**
- 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.

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.

P69. Construction of Outbuilding (Ancillary Living Accommodation) at The Wood Yard, Cauldcoats Holdings, Blackness, Linlithgow, EH49 7LX for Mr Steve Matthews - P/22/0420/FUL

The committee considered a report by the Director of Place Services on an application for the construction of outbuilding (ancillary living accommodation) at The Wood Yard, Cauldcoats Holdings, Blackness, Linlithgow, EH49 7LX for Mr Steve Matthews - P/22/0420/FUL.

Decision

The committee granted planning permission subject to the following condition(s):-

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. 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.
3. The outbuilding hereby permitted shall only be used for purposes ancillary to the main dwellinghouse and shall not be occupied or sold as an independent dwellinghouse nor shall it be used as holiday accommodation.

Reason(s):-

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.
2. As these drawings and details constitute the approved development.
3. To ensure that the development is used for purposes ancillary to the main house.

Informative(s):-

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

FALKIRK COUNCIL

Minute of meeting of the Education, Children and Young People Executive held on Tuesday 31 January 2023 at 10.00 a.m.

Councillors:

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

**Representatives
of Religious
Bodies:**

Maureen Harkins
Rev Michael Rollo

Co-Optees:

John Chalmers, Teacher Representative
Fiona Craig, Teacher Representative
Declan McGavin, Pupil Representative
Caitlyn Mossman, Care Experienced Young Person

Officers:

Arlene Fraser, Committee Services Officer
Jack Frawley, Team Leader – Committee Services
Gary Greenhorn, Head of Planning and Resources
Kenneth Lawrie, Chief Executive
Alison Lindsay, Accountancy Services Manager
David Mackay, Head of Education
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Richard Teed, Senior Forward Planning Officer

ECYE32. Apologies

There were no apologies.

ECYE33. Declarations of Interest

There were no declarations of interest.

ECYE34. Minute**Decision**

The minute of the meeting of the Education, Children and Young People Executive held on 8 November 2022 was approved.

ECYE35. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 8 November 2022 was provided. Items 609 – Consultation on Proposed Mothballing of Blackness Primary School and 613 – Review of Transport (Zero Based Budgeting Project) 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.

ECYE36. Education, Children and Young People Executive - Membership

The Education, Children and Young People Executive considered a report by the Director of Transformation, Communities and Corporate Services inviting the appointment of two teacher representatives and a care experienced young person representative to the Education, Children and Young People Executive. Information was also provided on the outstanding vacancies of two parent representatives which required to be filled.

Decision

The Education, Children and Young People Executive:-

- (1) agreed to appoint John Chalmers and Fiona Craig as the teacher representatives;**
- (2) agreed to appoint Caitlyn Mossman as the care experienced young person;**
- (3) agreed to make the appointments with immediate effect until the next local government elections, and**
- (4) noted the two parent representative vacancies.**

ECYE37. Consultation on the Proposed Mothballing of Blackness Primary School

With reference to Standing Order 33.5, the Convener referred to a deputation request received from Dr Juliet Graham and Jann Fairley, on behalf of Blackness Parent Council to be heard in relation to this item.

The Executive agreed to hear the deputation.

The Education, Children and Young People Executive considered a report by the Director of Children's Services which provided details of the feedback from the consultation exercise undertaken in respect of the proposal to mothball Blackness Primary School from August 2023.

The Education, Children and Young People Executive had agreed on 8 November 2022 (ref ECYE28) to proceed with an informal consultation exercise on the potential mothballing of the school. Thereafter, a 4-week consultation period ran from 14 November to 12 December 2022.

The report summarised the comments and opinions expressed from those invited to contribute to the consultation, together with information relating to other respondents out-with the identified consultation group.

A selection of survey responses from those in favour and those opposed to the mothballing proposals were set out in Appendices 1A and 1B to the report. Children's Services had also prepared responses, where appropriate to some of the comments received, which were set out in Appendix 2 to the report.

Information from responses received indicated the possibility that, from August 2024 onwards, the number of catchment children enrolling at the school could be 11, which exceeded the current threshold for school mothballing consideration. In view of this, it was the opinion of Children's Services that the school remain open for the 2023/24 session, but that the position be reviewed again in March 2024, when the total number of catchment pupil enrolments for the 2024/25 session would be known.

The annual budgeted cost per pupil attending the school, excluding transport costs was currently £31,697, which was significantly higher than Falkirk's average cost per primary school pupil. The Local Government Benchmarking Framework (LGBF) latest published figures showed Falkirk's average for 2020/21 as being £5,606 per primary pupil. Additional financial information on Blackness Primary School was set out in Appendix 3 to the report.

Decision

The Education, Children and Young People Executive:-

- (1) noted the feedback on the consultation exercise undertaken in respect of Blackness Primary School;**

- (2) **agreed not to proceed with the proposal to mothball the school from August 2023, based on the recommendations made by the Director of Children's Services as stated in Section 5.10 of the report, and**
- (3) **instructed the Director of Children's Services to monitor the position and to update the Education, Children and Young People Executive on the outcome in March 2024.**

Fiona Craig and Maureen Harkins joined the meeting during consideration of the previous item.

The Executive adjourned at 11.20am and reconvened at 11.30am with all members present as per the sederunt with the exception of Caitlyn Mossman.

ECYE38. Request to Undertake a Formal Consultation on the Proposal to Change the Distance Criteria for Home to Schools Transport

The Education, Children and Young People Executive considered a report by the Director of Children's Services which provided details on a proposal to make changes to the Falkirk School Transport Policy with respect to distance entitlement limits for free home to school transport. Approval was also sought to undertake a formal statutory consultation exercise on this proposal in accordance with The Schools (Consultation)(Scotland) Act 2010.

The Executive had agreed on 4 October 2022 (ref EX36) that, as part of the Council's Review of Transport (Zero Based Budgeting Project), a report considering a statutory consultation on a change to the school transport criteria be submitted to this Executive for determination.

Falkirk's school transport distance entitlement exceeded that of the recommended national distance entitlement, which resulted in considerable additional cost to the Council.

The current Transport Policy provided for free home to school transport for:-

- Primary pupils **up to 8 years old** who live more than 1 mile from school by the nearest available safe walking route, and
- All primary and secondary pupils **aged 8 years and over** who live more than 2 miles from school by the nearest available safe walking route

In comparison to other Scottish Local Authorities, 24 operate with higher distance entitlement levels than Falkirk, with the remaining 7 operating a lower or broadly similar distance entitlement. If the proposed changes were approved, Falkirk's distance entitlement levels would still be lower than 5 local authorities.

The following proposed changes to the current Transport Policy would take effect from August 2023, namely:-

- **Primary pupils** who live more than 2 miles from school by the nearest available safe walking route, and
- **Secondary pupils** who live more than 3 miles from school by the nearest available safe walking route

The proposals did not affect the current transport provision for children with additional support need, where transport was provided by virtue of their individually assessed support needs.

The report provided information on the significant financial challenges that the Council faced over the next four years and how, if the proposal were approved, would address the current c.£750k financial overspend that was currently projected for school transport for 2022/23.

Details on how the proposals would affect individual schools and localities was set out in Appendix 1 to the report.

Any consultation on the proposed changes to the Children's Services Transport Policy would be carried out in accordance with the requirements of The Schools (Consultation)(Scotland) Act 2010. It was proposed that the consultation would be undertaken between 1 February and 17 March 2023 which met the legislative minimum period of 30 term time days. The report advised that following the consultation a report would be submitted to the Education, Children & Young People Executive of 30 May 2023.

Decision

The Education, Children and Young People Executive:-

- (1) **agreed to proceed with the statutory consultation, as required by the Schools (Consultation)(Scotland) Act 2010, on the proposal as outlined in Section 5 of the report, and**
- (2) **requested that the Director of Children's Services report back to the Education, Children and Young People Executive on the feedback and results of the consultation along with any appropriate recommendations.**

ECYE39. Assets Surplus to Operational Requirements

The Education, Children and Young People Executive considered a report by the Director of Children's Services seeking approval that 2 existing Children's Services properties were deemed to be surplus to requirements to meet day to day operational purposes from the dates stated in the report.

Once properties had been agreed as being surplus to Service requirements, the Council's Asset Management Team then considered the options around their disposal.

Maps showing the site location of the two individual assets were set out in Appendices 1A and 1B to the report.

Decision

The Education, Children and Young People Executive agreed that the following 2 properties be deemed surplus to Children's Services operational purposes for the reasons outlined in Section 5 of the report, namely:-

- (1) Denny Football Centre, and**
- (2) the former Heathrigg Nursery School, Slamannan.**

Draft**Minute of meeting of the Falkirk Common Good Fund Committee held remotely on Tuesday 7 February 2023 at 4.00 p.m.**

Councillors: Depute Provost David Balfour (Depute Convener)
 Lorna Binnie
 Provost Robert Bissett (Convener)
 Cecil Meiklejohn
 Euan Stainbank

Officers: Hazel Jones, Senior Accountant
 Brian Pirie, Democratic Services Manager

Also attending: Les Pryde, Friends of Dollar Park
 Pat Reid, Friends of Dollar Park

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.

CGF1. Apologies

Apologies were submitted on behalf of Councillors Patrick and Sinclair.

CGF2. Declarations of Interest

No declarations were made.

CGF3. Minute**Decision**

The Minute of the meeting held on 25 October 2021 was approved.

CGF4. Application for Financial Assistance - Friends of Dollar Park

The committee considered a report from the Director of Transformation, Communities and Corporate Services on an application from Friends of Dollar Park to fund Phase 2 of the project to restore the dovecote and adjacent buildings in Dollar Park.

Awards from the Common Good Fund to local projects which were for public use accord with the Council priority of supporting stronger and healthier communities.

The Friends of Dollar Park was formed to act as a forum and lobby on behalf of people with an interest in Dollar Park. Its aim was to develop a sense of community ownership, improve the environment through development and sustainability and act as voluntary guardians of the park.

The dovecote and adjacent buildings were Falkirk Common Good Fund Assets.

The Friends of Dollar Park had obtained £80,000 of funding from Community Choices in 2021 to restore the dovecote. This was Phase 1 of the project.

Council planning officers had determined that the two adjacent, dangerously derelict buildings had originally formed the dovecote and insisted that planning permission would only be given for the restoration of all three buildings together.

Phase 1, restoration of the dovecote, was due to commence mid-January 2023 and Phase 2, restoration of the adjacent buildings, would start immediately thereafter while the contractor was on site.

The application was for £58,822.80 from the Common Good Fund for Phase 2 of the project. The balance of the Falkirk Common Good Fund was £691,290 at financial year end 31 March 2022.

Rents and interest received for the financial year 2021/22 were anticipated to be around £34,500, giving an available projected balance of £725,790.

Mr Reid gave an overview of the Phase 2 of the project. In response to a question on whether the cost of Phase 2 represented Best Value, Mr Reid explained that in his view it did. The restoration would enhance the park as a local tourist attraction. With the opening of the Distillery as a tourist destination later, the vicinity would be a tourist destination of choice and the park was ideally suited to attract visitors. In its current condition the dovecote and adjacent buildings were a danger to the public and were in need of restoration. He reminded the committee that the properties were, in fact, Common Good property. By carrying out the works, and by securing part external (to the Common Good Fund) funding, the projects had saved further additional spend from the Common Good Fund had the Council undertaken the works itself.

Following a question on the tender process the Clerk advised that the Council's Contract Standing Orders would not be engaged for an award such as this i.e., an award to a third party who will contract works for its own project. Normally, as best practice, applicants for Common Good funding were required to seek two tenders. However, it was recognised

that in this case the works were specialist and there were benefits in using the same, local, contractor, for both phases of the works.

Decision

The Committee agreed to make a second, and final award of £58,822.80, from Falkirk Common Good Fund to the Friends of Dollar Park to undertake the restoration works forming Phase 2 of the project on the dovecote and adjacent buildings in Dollar Park.

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held remotely on Wednesday 8 February 2023 at 10.00 a.m.

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

Officers: Bryan Douglas, Licensing Co-ordinator
 Arlene Fraser, Committee Services Officer
 Jack Frawley, Team Leader
 Rose Mary Hoey, Legal Services Manager
 Frances Kobiela, Senior Solicitor

CL73. Apologies

Apologies were received from Councillor Devine.

CL74. Declarations of Interest

There were no declarations of interest.

CL75. Minute

The minute of the meeting of the Civic Licensing Committee held on 12 January 2023 was approved.

CL76. 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.

Depute Provost Balfour, Councillors Ritchie and Robertson joined the meeting after consideration of the previous item.

CL77. 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 a new taxi driver licence.

Decision

The committee agreed:-

- (1) to give the applicant a final opportunity to take and pass the knowledge test by 8 March 2023, and**
- (2) 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, but should the applicant pass the knowledge test, and provided he also passes the medical, to authorise the Chief Governance Officer to grant the taxi driver licence;**

CL78. 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 a new taxi driver licence.

Decision

The committee agreed:-

- (1) to give the applicant a final opportunity to take and pass the knowledge test by 8 March 2023, and**
- (2) 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 but should the applicant pass the knowledge test, and provided he also passes the medical, to authorise the Chief Governance Officer to grant the taxi driver licence;**

CL79. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr B, together with his agent, Mr Boyd were in attendance. Sergeant M O'May, Police Scotland was also in attendance.

The committee considered a report by the Chief Governance Officer advising of an application for the renewal of a taxi driver licence and referred to a letter of objection submitted by Police Scotland in respect of the renewal application.

The committee heard from the Licensing Co-ordinator in summary of the report and, with no objections being made, the letter of objection from the Chief Constable, Police Scotland was circulated to members of the committee.

Sergeant O'May was heard in relation to the Chief Constable's letter of objection and in clarification of questions raised by Mr Boyd.

Sergeant O'May was then heard in clarification to a question raised by a member.

Mr Boyd was heard in relation to the matters contained in the letter of objection and in support of his client's application.

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

Both parties were invited to sum up.

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

Decision

The committee agreed to grant the renewal of the taxi driver licence, subject to the standard conditions for a period of 1 year.

The committee agreed to a recess at 11.20am and reconvened at 11.30am with all members present as per the sederunt.

CL80. Application for the Grant of a New Taxi Driver Licence

The applicant, Mr A, together with his agent, Mr Sandeman were in attendance. At the request of the applicant, Ms A, Urdu Interpreter was in attendance. Sergeant M O'May, Police Scotland was also in attendance.

The Licensing Co-ordinator advised that a late letter of objection had been submitted by the Chief Constable, Police Scotland in relation to the application.

Mr Sandeman advised that he had a preliminary point to raise in relation to the Chief Constable's letter of objection. It bears to be an objection to a taxi licence and not to his client's application for a taxi driver licence.

Sergeant O'May, the Chief Constable's representative, confirmed that the letter of objection related to a taxi licence, and not a taxi driver's licence, and apologised for this error.

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

Ms Kobiela, Senior Solicitor advised that the letter of objection was not a competent objection.

The committee agreed not to consider the letter of objection and it was therefore not circulated to members.

The committee heard from the Licensing Co-ordinator in summary of the report which provided information on an application for the grant a new taxi driver licence.

Mr Sandeman was heard in support of his client's application and in clarification of questions raised by members.

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

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, had failed to satisfy the Authority that he 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.

Mr Sandeman requested that a statement of the reasons for the decision be issued.

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Foundry, Larbert with remote participation on Friday 10 February 2023 at 9.30 a.m.

Councillors:

Gary Bouse (Convener)
Bryan Deakin
Stacey Devine
Jim Flynn
Anne Hannah
Robert Spears
Euan Stainbank (Depute Convener)

Officers:

Jack Frawley, Team Leader - Committee Services
Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Legal Services Manager

A1. Apologies

An apology was intimated on behalf of Councillor Redmond.

A2. Declarations of Interest

Councillor Stainbank made a transparency statement in respect of item A5. He stated that he had a connection to the item by reason of familiarity with the appellant's representative who was an office bearer in the Falkirk East Constituency Labour Party. Councillor Stainbank was a member of the Falkirk West Constituency Labour Party and had previous dealings with the Falkirk East Constituency Labour Party. He was also familiar with the appellant's representative in his role as a Trade Union representative. However, having applied the objective test he stated that he did not consider that he had an interest to declare given the distinct role of the committee.

Councillor Hannah made a transparency statement in respect of item A5. She stated that she had a connection to the item by reason of familiarity with the appellant's representative who was an office bearer in the Falkirk East Constituency Labour Party of which she was also a member. She was also familiar with the appellant's representative in his role as a Trade Union representative. However, having applied the objective test she stated that she did not consider that she had an interest to declare given the distinct role of the committee.

A3. Minute**Decision**

The minute of meeting of the Appeals Committee held on 1 April 2022 was approved.

A4. 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 ground that they would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

During consideration of the following item Councillor Spears made a transparency statement. He stated that there was a reference to a family member within the paperwork for the item. However, having applied the objective test he stated that he did not consider that he had an interest to declare given that his relation had no involvement in the matters as being considered by committee.

A5. Appeal Against Dismissal

The Committee considered papers relating to an Appeal Against Dismissal which included (a) Note of Procedure; (b) Appeal Against Dismissal Submission from the Interim Roads Services and Engineering Design Manager, dated 10 February 2023; and (d) Copies of Core Documents relating to the Appeal.

The Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, MM and his representative K Robertson, Unite were present.

The Interim Roads Services and Engineering Design Manager and HR Business Partner (C McIlwraith) were present as representatives of the Council.

The Appellant's representative presented the appellant's case.

The Interim Roads Services and Engineering Design Manager intimated he had no questions for the appellant's representative.

Members of the Committee then asked questions of the Appellant's representative.

The Interim Roads Services and Engineering Design Manager presented the case on behalf of the Council.

The Appellant's representative asked questions of the Interim Roads Service and Engineering Design Manager.

Members of the Committee then asked questions of the Interim Roads Service and Engineering Design Manager.

The Interim Roads Service and Engineering Design Manager summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

The Committee adjourned at 10.50am to consider its decision and reconvened at 12.15pm with all members present as per sederunt.

The Committee, having given careful consideration to all of the submissions made, **AGREED**, by a majority, that the decision taken by management to dismiss you from employment was excessive in light of the circumstances of the case.

The Committee therefore agreed to uphold the appeal and to reinstate the Appellant to the post of Refuse Collector from the date of dismissal and that the sanction of a Final Written Warning be substituted for the sanction of dismissal.

The parties to the appeal were recalled and the decision intimated to them.

Draft**FALKIRK COUNCIL**

Minute of meeting of the Executive held on Tuesday 14 February 2023 at 10.00a.m.

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

Officers: Karen Algie, Director of Transformation, Communities & Corporate Services
 Christopher Cox, Transport Planning Manager
 Paul Ferguson, Revenue & Benefits Manager
 Jack Frawley, Team Leader – Committee Services
 Paul Kettrick, Head of Invest Falkirk
 Kenneth Lawrie, Chief Executive
 Gemma McArthur, Committee Officer
 Michael McGuinness, Head of Growth, Planning & Climate Change
 Laura McIntyre, Principal Economic Development Officer
 Colin Moodie, Chief Governance Officer
 Robert Naylor, Director of Children's Services
 Adekoyejo Olugbile, Transport Planning Officer
 Amanda Templeman, Chief Finance Officer

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.

EX74. Apologies

There were no apologies.

EX75. Declarations of Interest

There were no declarations.

EX76. Minute**Decision**

The minute of the meeting of the Executive held on 17 January 2023 was agreed as a correct record.

EX77. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 17 January was provided. Item 593 – Outcome of the Taxi Licensing Policy Development Panel – was the subject of a report on the agenda and accordingly fell from the action log.

Decision

The Executive noted the rolling action log.

EX78. Forth Green Freeport

The Executive considered a report by the Director of Place Services which provided an update on the success of the Forth Green Freeport Bid. The report set out the implications for Falkirk Council and sought approval of the Council's proposed role in taking forward the bid.

The partnership bid for a Green Freeport for the Forth Estuary with Falkirk Council as Accountable Body had been successful and this had been announced on 13 January 2023. The Forth Green freeport included 4 Sea Ports, Grangemouth, Leith, Rosyth, Burntisland and one Airport (Edinburgh). Forth Green Freeport was private sector led (Forth Ports, Ineos, Babcock, Scarborough Muir, Edinburgh Airport,) and had input from officers at Falkirk, Fife and City of Edinburgh Councils.

It had been proposed that Falkirk Council be the Accountable Body for Forth Green Freeport. The main responsibilities included managing and being accountable for public money, participation in the Green Freeport governance arrangements, liaison with Government and providing public sector leadership. Forth Green Freeport funds would cover the costs involved with the Accountable Body role. All grant funding from Government would be channelled through the Accountable Body and it would have the authority to hold to account any of the members of the bodies within the governance structure or projects, should they present a risk to the overall programme.

The anticipated benefits from the Forth Green Freeport included over 50,000 jobs with 20,000 from operations in Grangemouth and indirectly through supply chains. There would be a dedicated skills fund for local people to gain the skills to access them. These jobs would be quality, well paying, and

sustainable. Analysis of the direct jobs created showed that the wages would be significantly higher than the median wage of each region, by 23% in Falkirk, 15% in Fife and 7% in the City of Edinburgh.

The successful submission and approval of an Outline Business Case (OBC) and Full Business Case (FBC) by the UK and Scottish Governments was required before a Green Freeport received formal designation and could commence operations. The broad timeline for OBC completion and approval to move to FBC was to be agreed, but was likely to be Autumn 2023.

Decision

The Executive:-

- (1) endorsed the engagement of officers to develop the Outline Business Case (OBC) and Full Business Case (FBC);**
- (2) delegated authority to the Chief Executive, or his nominees, to sign-off and submit the final OBC and FBC to Government for approval by UK and Scottish Governments;**
- (3) agreed that Falkirk Council act as the Accountable Body for the distribution of development and seed funding within the constraints of the bid parameters including recruitment and retention of Programme Management Office staff and consultants to take forward the Green Freeport proposal;**
- (4) agreed that Falkirk Council enters into agreements with Fife and City of Edinburgh Councils to work collaboratively on the Green Freeport proposals;**
- (5) delegated authority to the Chief Executive, or his nominees to progress with other authorities and partners on arrangements for the Council's role in the Green Freeport's governance structure and to consider the alignment with appropriate council governance requirements, and**
- (6) agreed a future report on proposed governance arrangements for the Council's role in the Green Freeport's governance structure will be forthcoming in due course.**

EX79. Commercial Property Portfolio Strategy and Management Plan 2023/24 to 2028/29

The Executive considered a report by the Director of Place Services which sought approval for the proposed Corporate Property Portfolio Strategy and Management Plan 2023/24 to 2028/29. The proposed Commercial Property Portfolio Strategy and Management Plan would provide the Council with a framework for the management of its commercial property assets and

provide transparency in terms of performance. The strategy was set out in an appendix to the report.

The performance framework established by the strategy covered nine areas that would ensure the portfolio was managed in an effective and efficient way, these were:-

- Compliance
- Condition
- Suitability
- Sufficiency
- Accessibility
- Sustainability
- Financial
- Economic Renewal and Regeneration
- Good Estate Management.

Decision

The Executive agreed the Commercial Property Portfolio Strategy and Management Plan 2023/24 to 2028/29.

EX80. Improving Falkirk's Public Transport and Promoting a Cleaner Environment

The Executive considered a report by the Director of Place Services which fulfilled a request by Council in October 2022 to provide a report on "Improving Falkirk's Public Transport and Promoting a Cleaner Environment". In addition, the Executive requested on 15 March 2022 that it received a report on a number of items identified by the Policy Development Panel including exploration of an enhanced role of Taxi / Private Hire Car (PHC) in a Demand Responsive Transport strategy and a review of the Taxi Card Scheme. Should the Executive agree to progress with a major transport review then officers would include these aspects into the proposed scope of the report.

The Council provided:-

- 14 subsidised local bus services at a cost of c£1m per annum.
- 58 mainstream education bus services at a cost of c£2.6m per annum.
- 29 additional support needs education bus services at a cost of c£800,000 per annum.
- 4 social-work day centre transport bus services across the Council area.
- Dial-a-Journey demand responsive transport service at a cost of c£150,000 per annum.
- TaxiCard travel concession scheme for people with mobility issues, offering a £2 subsidy per taxi journey (up to a maximum of 6 journeys per week). Total cost of £61,000 per annum.

Commercial local bus services were primarily provided by McGills East Scotland with some express coach services provided by Scottish Citylink and Stagecoach. There was limited competition for local bus service contracts in the Falkirk Council area with many contracts only attracting one bidder.

The Council was a member of the Forth Valley Bus Alliance which was working with Stirling and Clackmannanshire Councils, Sustran and bus operators in the area. The alliance was working with Transport Scotland on proposals to reduce congestion for bus services in the Forth Valley area. Any municipal bus operator would become a member of the alliance and would benefit from any measures put in place.

An outline business case for the creation of a municipal bus company (either in-house or arms-length) would be a significant undertaking. The Transport Planning Unit did not have the capacity or expertise to produce the report. As a result for this report to be delivered as requested the Council would need to engage an external consultant to assist. It was estimated that the report would cost in the region of £100,000.

The Executive adjourned at 10.50am and reconvened at 11.10am with all members present as per the sederunt.

Councillor Garner, seconded by Councillor Sinclair, moved that the Executive:-

- (1) notes that the Council does not have the capacity or expertise internally to prepare such a comprehensive report, and
- (2) agrees that the preparation of such a comprehensive report does not progress at this time given the challenging financial position facing the Council both in revenue and the capital revenue budget.

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

- (1) acknowledges that full Council agreed unanimously on 27 October 2022 that Officers should bring forward a report on improving Public Transport and Promoting a Cleaner Environment in the terms detailed in section 4,
- (2) recognises the importance of the contribution an effective, clean, public transport system can have in achieving the Council's 2045 Net Zero aims, regenerating town centres, encouraging and enabling citizens to engage in more active transport, and the consequent benefits to both physical and mental health

- (3) agrees that it is the responsibility of officers to do all that is possible to undertake what has been decided by Council, even if that is challenging,
- (4) recognises that this is a long term plan which can only be achieved when adequate funding has been identified,
- (5) retain but renumber point 2.1 (1)
- (6) accepts that due to the lack of staffing and expertise it will be necessary to commission an external consultant and instructs officers to do this,
- (7) instructs officers to investigate the possibility of applying for Levelling Up funds or other funds for this purpose, and
- (8) instructs officers, in the event that no other funds are available, to use up to £100,000 of reserves or Service Concession Arrangements to commission a report in the terms outlined in 5.5 to 5.13 and to submit that report to a full Council meeting.

In terms of Standing Order 22.1 a vote was taken by roll call. There being 12 members present with voting as undernoted:-

For the motion (7) – Councillors Bouse, Bundy, Devine, Garner, Kerr, Meiklejohn and Sinclair.

For the amendment (5) – Councillors Hannah, Nimmo, Paterson, Spears and Stainbank.

Decision

The Executive agreed the motion.

EX81. Review of Electric Vehicle Charging Tariff

The Executive considered a report by the Director of Place Services which sought approval to increase Falkirk Council electric vehicle (EV) charge point tariff, minimum spend and overstay charge across the charging network. This move responded to recent increases in energy costs, to ensure that day to day running costs of the network were covered.

Falkirk Council had been responsible for installing and operating public Electric Vehicle Charging Points (EVCP) since 2014. There were currently 57 EVCPs at 28 locations across the area with an additional 32 EVCPs at 10 locations due to be installed in the next 12 months.

Due to increased energy prices, income from the tariff was no longer covering expenditure. The Council spent £62,348 on electricity supply for

public facing charging points in 2021/22 and received an income of £56,727. This excluded maintenance costs, annual service costs, signage replacement, and data management so the real cost to the Council was much higher.

Councillor Sinclair, seconded by Councillor Garner, moved that the Executive:-

- (1) approves a tariff increase based on the recommendation of Option 2 - Set the EV charging tariffs to:-
 - Fast / AC (7kW or 22kW): £0.48 per kWh
 - Rapid / DC: £0.69 per kWh
 - Ultra-Rapid / DC: £0.75 per kWh (due by summer 2023/24)
- (2) approves an increase of the minimum spend to £5;
- (3) approves an increase of the overstay charge for Fast, Rapid and Ultra-Rapid chargers as follows:-
 - Fast / AC – (22kW only) £12 after first 4 hours plus 15 minutes grace; and £12 subsequently after every 4-hour duration
 - Rapid / DC - £20 after first 60 minutes plus 15 minutes grace; and £20 every subsequent hour
 - Ultra-Rapid / DC - £30 after first 40 minutes plus 15 minutes grace; and £30 every subsequent 40 minutes; and
- (4) delegates authority to the Director of Place Services to modify charging tariffs to address fluctuating energy prices and ensure the Council is remains at a cost neutral position.

As an amendment, Councillor Bundy, seconded by Councillor Kerr, moved the terms of motion subject to replacement of clause (4) with:-

“Delegates authority to the Director of Place Services to modify charging tariffs to address fluctuating energy prices for a maximum of two years”.

The Executive adjourned at 11.50am and reconvened at 12.10pm with all members present as per the sederunt.

Councillor Sinclair, with the consent of the Convener and Councillor Garner as his seconder, adjusted the terms of clause (4) of the motion to read:-

- (4) “Delegates authority to the Director of Place Services to modify charging tariffs to address fluctuating energy prices and associated running costs for a maximum of two years”.

Having considered the adjusted terms of the motion, Councillor Bundy, with the unanimous consent of those present, withdrew the amendment.

Decision

The Executive:-

- (1) approved a tariff increase based on the recommendation of Option 2 - Set the EV charging tariffs to:
 - Fast / AC (7kW or 22kW): £0.48 per kWh
 - Rapid / DC: £0.69 per kWh
 - Ultra-Rapid / DC: £0.75 per kWh (due by summer 2023/24)
- (2) approved an increase of the minimum spend to £5;
- (3) approved an increase of the overstay charge for Fast, Rapid and Ultra-Rapid chargers as follows:
 - Fast / AC – (22kW only) £12 after first 4 hours plus 15 minutes grace; and £12 subsequently after every 4-hour duration
 - Rapid / DC - £20 after first 60 minutes plus 15 minutes grace; and £20 every subsequent hour
 - Ultra-Rapid / DC - £30 after first 40 minutes plus 15 minutes grace; and £30 every subsequent 40 minutes; and
- (4) delegated authority to the Director of Place Services to modify charging tariffs to address fluctuating energy prices and associated running costs for a maximum of two years.

EX82. Projected Financial Position 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which set out the final in-year update on the Council's revenue budgets 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 was facing. The year end outturn position would be presented to the Executive in June. The main variations from budget were set out in the report for each Service:-

Children's Services (over budget by £4.411m – 1.8%)
 Social Work Adult Services (on budget)
 Place Services (under budget by £2.762m – 7.7%)
 Transformation, Communities & Corporate Services (under budget by £1.198m – 2.6%)
 Integration Joint Board (on budget).

The projected year-end position on General Fund reserves was £13.630m, which was above the policy range of £7.5m - £11.0m.

As a result of ongoing negotiations for Teachers pay there had been a number of strike days. The current projection included the impact of those held recently although further dates had also been announced.

Services had been tasked with delivering £5.677m of savings in 2022/23. Budgets were reduced at the start of the financial year and non-delivery of savings would show as an overspend. 71% of savings were achieved or likely to be achieved. 2% of savings had partially delivered. Closer to Home (£1.532m) was now not expected to deliver any savings this year (27% of savings).

Housing Revenue Account (HRA) spend was projected to be on budget. It was proposed that the HRA allocate £0.250m to the Household Support fund. The reserve balance brought forward at 1 April 2022 was £7.228m. After the planned use of reserves of £0.611m the balance was expected to be £6.617m at 31 March 2023.

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 for Teachers is not agreed;**
- (3) noted the position with respect to Reserves;**
- (4) noted the progress on the achievement of approved savings; and**
- (5) approved allocation of £0.250m from HRA to the Household Support Fund.**

EX83. Empty Property Rates Relief Report

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which advised that the existing reliefs that applied to empty non-domestic properties would cease to apply from 1 April 2023 and each Scottish Local Authority was required to implement its own scheme. The report sets out a proposal to meet this requirement.

Local authorities administered Empty Property Reliefs on behalf of the Scottish Government. Relief awarded was currently at no cost to local authorities. Although the rate was set by the Scottish Government, the money was collected by Councils and was worth, on average, 22% of their revenue funding. In 2022/23 this equated to £80.433m in Falkirk.

From 1 April 2023 any relief awarded would be met from the General Fund. While Scottish Government would no longer provide direct re-imbursement for Empty Property Relief awards, the Scottish Government draft budget included an allocation of £2.169m of additional annual funding to Falkirk Council. This exceeded the average relief awarded in 2018/19 and 2019/20.

The proposed scheme for Falkirk Council to take effect from 1 April 2023 was provided in an appendix to the report. It was proposed that the scheme would be reviewed during 2024/25. Following the review any proposed revisions to scheme were to be implemented from no earlier than 1 April 2025.

Decision

The Executive:-

- (1) noted the need for a local Empty Property Relief Scheme in advance of 1 April 2023;**
- (2) agreed the proposal for the scheme as set out in appendix 1 to the report, and**
- (3) noted the commitment to review the scheme during 2024/25 and that any subsequent revisions to the scheme would be effective no earlier than 1 April 2025.**

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held remotely on Wednesday 15 February 2023 at 10.00 a.m.

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

Officers: 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
John Milne, Planning Officer

P70. Apologies

Apologies were submitted by Provost Bissett.

P71. Declaration of Interest

There were no declarations.

P72. Minute

The Minute of Meeting of the Planning Committee held on 19 January 2023 was approved.

- P73. Discharge of Planning Obligation Attached to Planning Permission P/07/1208/OUT Which Required that the Dwellinghouse Approved Under that Permission and Now Known as Greenknowes, Be Used and Occupied In All Time Coming for No Other Purpose than Exclusively as Accommodation for Persons, Including their Dependants, Employed or Last Employed Full-time in Agricultural Work at Wester Bowhouse Farm, Maddiston, Falkirk at Greenknowes, Standburn, Falkirk, FK2 0BX for Mr and Mrs Andrew and Christine McGillivray - P/22/0454/75D**

The committee considered a report by the Director of Place Services on an application for the discharge of planning obligation attached to planning permission P/07/1208/OUT which required that the dwellinghouse approved under that permission and now known as Greenknowes, be used and occupied in all time coming for no other purpose than exclusively as accommodation for persons, including their dependants, employed or last employed full-time in agricultural work at Wester Bowhouse Farm, Maddiston, Falkirk at Greenknowes, Standburn, Falkirk, FK2 0BX for Mr and Mrs Andrew and Christine McGillivray - P/22/0454/75D.

Decision

The Planning Committee agreed to Discharge the Planning Obligation for the following reason(s):-

- 1. It is considered that the Section 75 Legal Agreement attached to planning permission P/07/1208/OUT does not meet all of the tests for a planning obligation under Planning Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.**

DRAFT**FALKIRK COUNCIL****Minute of meeting of the Planning Review Committee held remotely on Tuesday 21 February 2023 at 10.00 a.m.**

Councillors: Provost Robert Bissett
William Buchanan
Alf Kelly
James Kerr
Iain Sinclair

Officers: Douglas Blyth, Team Leader, Legal Services
Jack Frawley, Team Leader - Committee Services
Gemma McArthur, Committee Officer
John Milne, Senior Planning Officer (Items PRC6 & 7)
Brent Vivian, Senior Planning Officer (Item PRC5)

PRC1. Apologies

There were no apologies.

PRC2. Declarations of Interest

There were no declarations.

PRC3. Minute

The minute of meeting of the Planning Review Committee held on 18 March 2023 was approved.

PRC4. Planning Review Committee Procedures

Douglas Blyth outlined the Procedures for Planning Review Committee Meetings.

John Milne provided Committee with an update on the implementation of National Planning Framework 4 (NPF4). As of Monday 13 February 2023 NPF4 formed part of the statutory development plan. NPF4 had superseded NPF3 and Scottish Planning Policy 2014. Additional new policies may require to be considered apart from those previously considered in the report on handling of the planning applications. Section 25 of the Town and Country Planning (Scotland) Act 1997 required that

decisions were made in accordance with the development plan unless material considerations indicated otherwise.

The Scottish Government recognised that it may take some time for Planning Authorities and stakeholders to get to grips with NPF4 policies, in particular the interface with local development plan policies and any incompatibility between NPF4 and the LDP. It was therefore recommended that the applicant be afforded the opportunity to submit comments where considered appropriate on the emerging NPF4 policies as they related to the application to be considered by the Planning Review Committee prior to any decision being taken. The Planning Authority may also intimate the perceived relevance of any emerging policies.

PRC5. Planning Application P/21/0609/FUL - Formation of Outdoor Seating Area/Beer Garden, Including the Erection of Fencing and Enclosures, Decking and Canopy (Retrospective) at The Orchard Hotel, 2 Kerse Lane, Falkirk, FK1 1RG

The Committee having heard advice from Mr Blyth and Mr Milne, **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned, and the matter be continued to allow the following:-

- (1) members to conduct an unaccompanied inspection of the site;
- (2) the continuation of the matter to a future meeting of the Committee on a date to be agreed;
- (3) representations to be invited from the applicant and the Planning Authority on the impact of any emerging policies from NPF4 as they relate to the application within a period of 14 days of the date of any such letter, and
- (4) the applicant and the Planning Authority to be afforded a period of 14 days to respond to any matters raised by the other party in relation to point (3) above.

Decision

The Committee agreed to continue the matter to a future meeting.

PRC6. Planning Application P/22/0067/PPP - Development of Land for Residential Use at Land To The East Of Viewlands, Standburn

The Committee having heard advice from Mr Blyth and Mr Milne, **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned, and the matter be continued to allow the following:-

- (1) members to conduct an unaccompanied inspection of the site;
- (2) the continuation of the matter to a future meeting of the Committee on a date to be agreed;
- (3) representations to be invited from the applicant and the Planning Authority on the impact of any emerging policies from NPF4 as they relate to the application within a period of 14 days of the date of any such letter, and
- (4) the applicant and the Planning Authority to be afforded a period of 14 days to respond to any matters raised by the other party in relation to point (3) above.

Decision

The Committee agreed to continue the matter to a future meeting.

PRC7. Planning Application P/21/0731/FUL - Construction of Dwellinghouse at Land To The North Of 10 Mannerston Holdings Blackness

The Committee having heard advice from Mr Blyth and Mr Milne, **AGREED** that it did not have sufficient information to allow it to make a determination and that the meeting would be adjourned, and the matter be continued to allow the following:-

- (1) members to conduct an unaccompanied inspection of the site;
- (2) the continuation of the matter to a future meeting of the Committee on a date to be agreed;
- (3) representations to be invited from the applicant and the Planning Authority on the impact of any emerging policies from NPF4 as they relate to the application within a period of 14 days of the date of any such letter, and
- (4) the applicant and the Planning Authority to be afforded a period of 14 days to respond to any matters raised by the other party in relation to point (3) above.

Decision

The Committee agreed to continue the matter to a future meeting.

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Foundry, Larbert with remote participation on Friday 3 March 2023 at 10.00 a.m.

Councillors:

Gary Bouse (Convener)
Bryan Deakin
Stacey Devine
Jim Flynn
Anne Hannah
Jack Redmond
Robert Spears
Euan Stainbank (Depute Convener)

Officers:

Jack Frawley, Team Leader - Committee Services
Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Legal Services Manager

A6. Apologies

There were no apologies.

A7. Declarations of Interest

There were no declarations.

A8. Minute**Decision**

The minute of meeting of the Appeals Committee held on 10 February 2023 was approved.

A9. 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 ground that they would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A10. Appeal Against Dismissal

The Committee considered papers relating to an Appeal Against Dismissal which included (a) Note of Procedure; (b) Appeal Against Dismissal Submission from the Head of Housing and Communities, dated 17 February 2023; and (d) Copies of Core Documents relating to the Appeal.

The Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, DMcG and his representative L Turner, Unite were present. H Welsh, Unite was also present as an observer.

The Head of Housing and Communities and HR Business Partner (J Simpson) were present as representatives of the Council.

Mr Turner advised that he had a preliminary point to raise in relation to additional material in the form of character references which he wished to submit in support of the appellant's case outwith the agreed timescales. The Head of Housing and Communities stated that he had no objection to the additional material being circulated.

The Committee adjourned at 10.05am and reconvened at 10.10am with all members present as per the sederunt.

The Committee agreed to allow the submission of the additional information. The material was then circulated to members of the Committee and representatives of the Council.

The Committee then adjourned at 10.15am to consider the additional material and reconvened at 10.20am with all members present as per the sederunt.

The Appellant and his representative presented the case on behalf of the appellant.

The Head of Housing and Communities asked questions of the appellant.

Members of the Committee then asked questions of the Appellant..

The Head of Housing and Communities presented the case on behalf of the Council.

The Appellant's representative asked questions of the Head of Housing and Communities.

Members of the Committee then asked questions of the Head of Housing and Communities.

The Head of Housing and Communities summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

The Committee adjourned at 11.20am to consider its decision and reconvened at 12.15pm with all members present as per sederunt.

The Committee, having given careful consideration to all of the submissions made, **AGREED**, that the decision taken by management to dismiss the Appellant from Council Service was reasonable in all the circumstances. Accordingly, the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.

FALKIRK COUNCIL

Minute of meeting of the Civic Licensing Committee held remotely on Wednesday 8 March 2023 at 10.00 a.m.

Councillors: Margaret Anslow
Bryan Deakin
Stacey Devine
Jim Flynn
James Kerr
Euan Stainbank (Convener)

Officers: Bryan Douglas, Licensing Co-ordinator
Jack Frawley, Team Leader
Rose Mary Hoey, Legal Services Manager
Frances Kobiela, Senior Solicitor
Gemma McArthur, Committee Officer

CL81. Apologies

Apologies were received from Depute Provost Balfour and Councillors Aitchison, Ritchie and Robertson.

CL82. Declarations of Interest

There were no declarations.

CL83. Minute

The minute of the meeting of the Civic Licensing Committee held on 8 February 2023 was approved.

CL84. List of Applications Granted Under Delegated Powers During January 2023 and Notifications of Public Processions Pending

The committee considered a report by the Chief Governance Officer detailing applications granted under Delegated Powers during January 2023 and Notifications of Public Processions Pending.

Decision

The committee noted the report.

CL85. 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.

CL86. 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 to give the applicant a final opportunity within three months 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 should the applicant pass the knowledge test, provided the applicant also passes the medical to authorise the Chief Governance Officer to grant the Taxi Driver licence.

CL87. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr W, was in attendance.

Sergeant O'May, Police Scotland was also 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 representation in relation to the renewal application had been submitted by the Chief Constable, Police Scotland.

The committee heard from Sergeant O'May, 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.

The committee were also advised that a letter of support had been submitted from the applicant's former employer.

Following confirmation from both parties that they had no objection to either letter, the letter from the Chief Constable and the letter from the applicant's former employer were circulated to members.

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

Questions were asked of Sergeant O'May by the applicant.

Questions were then asked of Sergeant O'May by members of the committee.

Mr W was then heard in support of his application.

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

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 subject to the standard conditions for 3 years.

CL88. Application for the Grant of a New Taxi Operator Licence

The applicant, Mr B, 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.

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

Decision

The committee agreed to grant the Taxi Operator licence, with a variation to Taxi Operator Licence Condition No 13 to allow display of the sticker on the inside of the vehicle.

The committee adjourned at 11.05am and reconvened at 11.15am with all members present as per the sederunt.

CL89. Application for the Grant of a New Taxi Operator Licence

The applicant, Ms M, and her representative Mr A, were 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's representative 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 to grant the new Taxi Operator Licence subject to the standard conditions for a period of one year.

CL90. Application for the Grant of a New Taxi Operator Licence

The day to day manager, Mr B, from Baird Taxis Ltd 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.

The committee agreed to a brief adjournment and reconvened with all members present.

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 vehicle, subject to the standard conditions for the period of one year.

Draft**FALKIRK COUNCIL****Minute of Meeting of the Planning Committee held at Grangemouth Education Unit on Wednesday 15 March 2023 at 10.00a.m**

Councillors: Gary Bouse
William Buchanan (Convener)
Jim Flynn
Gordon Forrest
Alf Kelly (Depute Convener)
James Kerr
Jack Redmond
Iain Sinclair
Euan Stainbank

Officers: Ian Dryden, Development Manager
Jack Frawley, Team Leader - Committee Services
Iain Henderson, Legal & Procurement Manager
Gemma McArthur, Committee Officer
Gary McGregor, Roads Bridges & Flooding Co-Ordinator
Craig Russel, Network Co-Ordinator
Alistair Shaw, Development Plan Co-Ordinator
Brent Vivian, Senior Planning Officer

P74. Apologies

Apologies were submitted by Provost Bissett; and Councillors Collie and Murtagh.

P75. Declaration of Interest

There were no declarations.

P76. Minute

The Minute of Meeting of the Planning Committee held on 15 February 2023 was approved.

P77. Construction of 6 Flatted Dwellings and Associated Car Parking at Land to the South of 1 - 9 Bridge Street, Bridge Street, Bonnybridge, for Mr Robert Arbuckle - P/22/0519/FUL

The committee considered a report by the Director of Place Services on an application for the construction of 6 flatted dwellings and associated car parking at Land to the South of 1 - 9 Bridge Street, Bridge Street, Bonnybridge, for Mr Robert Arbuckle - P/22/0519/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from Councillor Bryan Deakin, Local Member, to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Kerr, seconded by Councillor Buchannan, moved that the Planning Committee grants planning permission in accordance with the recommendation in the said report.

As an amendment in substitution for the motion, Councillor Redmond, seconded by Councillor Kelly, moved that the Committee agrees 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.

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 9 members present with voting as undernoted:-

For the motion (3) – Councillors Kelly, Redmond and Stainbank.

Against the motion (6) – Councillors Bouse, Buchanan, Flynn, Forrest, Kerr, and Sinclair.

The procedural proposal was accordingly defeated and the original motion became the substantive motion. There was then general agreement on the substantive motion.

Decision

The Planning Committee granted planning permission subject to the following condition(s):-

- 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 development to which this permission relates must be begun within three years of the date of this permission.
3. The development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
4. Notwithstanding the approved plans, the development shall not commence until the precise details of the colour and specification of all proposed external finishing materials have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
5. The development shall not commence until the precise details of the location, height, colour and construction of all proposed walls, fences, gates, and other means of enclosure have been submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details before the building is occupied.
6. The development shall not commence until the details of a scheme of soft and hard landscaping have been submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (iii) The location of all new trees, shrubs, hedges and grassed areas;
 - (iv) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (v) The location, colour and specification of all proposed hard surface materials;
 - (vi) Existing and proposed services such as cables, pipelines, sub- stations etc.;
 - (vii) Other artefacts and structures such as seating, litter bins, dog bins and external lighting; and
 - (viii) A programme for completion of the approved scheme of landscaping.

Thereafter the development shall be carried out in accordance with the approved details.

7. The development shall not commence until a Tree Protection Plan has been submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained trees. The protective fencing shall be put in place prior to commencement of the development and shall remain in place until all construction works are completed. The Planning Authority shall be notified in order to provide an opportunity to inspect the protective fencing once it is in place.
8. No excavation, level changes, material storage, fires, or vehicle movements shall take place within the fenced off areas indicated on the approved Tree Protection Plan.
9. 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.

10. The development shall not commence until a contaminated land assessment has been submitted to and approved in writing by this Planning Authority (unless otherwise agreed). The development shall not be occupied until any necessary remedial works have been implemented in accordance with an approved detailed remediation strategy, and any necessary remediation completion report/validation certificate has been submitted to and approved in writing by this Planning Authority.
11. The development shall not be occupied until the facade mitigation outlined in section 4.2 of the Noise Impact Assessment prepared by Stuart King Architecture and Design Limited, dated 19 December 2022, has been fully implemented.

12. The development shall not be occupied until the barrier mitigation outlined in section 4.1 of the Noise Impact Assessment prepared by Stuart King Architecture and Design Limited, dated 19 December 2022, has been fully implemented. The location of the barrier shall be subject to the written approval of this Planning Authority.
13. The development shall be carried out in accordance with the Sustainable Drainage System Assessment prepared by Terrenus Land and Water Limited, dated 31 January 2023, and the mitigation measures outlined in section 4.2 of the Flood Risk Assessment prepared by Terrenus Land and Water Limited, dated 18 May 2022 (unless otherwise agreed).
14. The development shall not be occupied until the proposed bike rack has been installed, in accordance with details to be submitted to and approved in writing by this Planning Authority.
15. The development shall not be occupied until the on-site parking area has been formed and marked out in accordance with the approved plans and is available for use.
16. The development shall not be occupied until the new vehicular access to the site has been constructed with a gradient of no steeper than 1 in 10 and in a manner to ensure that no loose material or surface water is discharged onto the public road.
17. The development shall not be occupied until a Maintenance Plan for the common infrastructure including the soft and hard landscaping and the SUDS measures has been submitted to and approved in writing by this Planning Authority, including documentary evidence of the party appointed to implement the plan.
18. The development shall not be occupied until provision has been made for electric vehicle/ cycle charging points in accordance with details to be submitted to and approved in writing by this Planning Authority.
19. The development shall not be occupied until the visibility splays within the application site boundaries as shown on the approved Block Plan (Revision N) have been fully provided. Thereafter the splays shall be maintained free of obstruction exceeding a height of 600mm above road level within the site boundaries.

Reason(s):-

1. As these drawings and details constitute the approved development.

2. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.
3. To ensure that all construction related impacts are adequately addressed.
- 4-6. To safeguard to visual amenity of the area.
- 7-8. To safeguard the visual and environmental amenity of the area.
8. To safeguard the visual and environmental amenity of the area.
9. To ensure the development achieves the required CO₂ emission reduction as a result of development.
10. To ensure that the ground is suitable for the proposed development.
- 11-12. To ensure that the occupants of the properties are safe guarded against excessive noise intrusion.
13. To ensure that suitable drainage is provided and mitigate flood risk.
14. To provide facilities for a sustainable mode of transport.
15. To ensure that adequate car parking facilities are provided.
16. To safeguard the interests of the users of the highway.
17. To ensure that suitable maintenance arrangements are put in place.
18. To provide facilities to promote sustainable transport.
19. To safeguard the interests of the users of the highway.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02C, 03C, 04B, 05B, 06A, 07 and 08C.
2. 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.

- 3. In the event of unexpected contaminated land being encountered following commencement of the development, the applicant is advised to ensure that all work on the affected part of the site ceases, the Planning Authority is notified immediately, a contaminated land assessment and any necessary remediation works are carried out, and the development is only recommenced with the prior written approval of the Planning Authority.**
- 4. Scottish Water have advised that further investigations into the capacity of the Carron Valley Water Treatment Works and the Bonnybridge Waste Water Treatment Works to service the proposed development may be required once formal applications to connect have been submitted.**
- 5. Historic Environment Scotland have recommended that the boundaries of the development site adjacent to the Forth and Clyde Canal should be clearly marked out and care is taken not to disturb or undermine any element of the canal embankment. Any disturbance to the canal structure would require Scheduled Monument Consent. Any works affecting the canal structure without consent may be regarded as Unauthorised Works under the Archaeological Monuments and Ancient Areas Act 1979.**
- 6. A Minor Roadworks Consent (MRC), issued by Falkirk Council Road Services, will be required for formation of the new vehicular access.**

P78. Planning Review Committee Procedure - NPF4

The committee considered a report by the Chief Governance Officer and the Director of Place Services which sought approval of the Planning Committee to implement certain interim measures in relation to National Planning Framework 4 (NPF4) in connection with matters under the remit of the Planning Review Committee.

The reason for the matter being brought before Planning Committee is that this committee, under Standing Order 51.9, has delegated authority to agree procedures relating to Planning Review Committee reviews where regulations do not deal with such procedures.

Decision

The Planning Committee agreed that officers should invite further written representations from applicants and the Planning Authority in relation to any outstanding or future review applications where those applications relate to delegated decisions issued without reference to NPF4 policies and to collate these before consideration by the Planning Review Committee.

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



Minute of Meeting Scotland Excel Joint Committee

Date	Time	Venue
Friday, 17 June 2022	09:30	Remotely by MS Teams,

Present

Councillor Brenda Durno (Angus Council); Councillor William Sinclair (Argyll and Bute Council); Councillor Carolyn Wilson (Dumfries and Galloway Council); Councillor Stephen Canning (East Ayrshire Council); Councillor John McMillan (East Lothian Council); Councillor Margaret Anslow (Falkirk Council); Councillor Altany Craik and Councillor Ross Vettraino (both Fife Council); Councillor Ruairi Kelly and Councillor Rashid Hussain (both Glasgow City Council); Councillor Douglas Bowen (Midlothian Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Michael McPake and Councillor Gary Robinson (both North Lanarkshire Council); Councillor Sheila McCole (Perth and Kinross Council); Councillor John Shaw (Renfrewshire Council); Councillor Mark Rowley (Scottish Borders Council); Councillor Ryan Thomson (substitute for Councillor Dennis Leask) (Shetland Islands Council); Councillor Peter Henderson (South Ayrshire Council); Councillor Walter Brogan (South Lanarkshire Council); and Councillor Rachel Nunn (Stirling Council).

In Attendance

J Welsh, Director, S Brannagan, Head of Customer & Business Services, H Carr, Head of Strategic Procurement, L Campbell, Corporate Services Manager, M Robertson, Marketing and Communications Manager, E Hay, Strategic Procurement Manager, L Richard, Senior Procurement Manager, L Muir, Category Manager, Z Shankly, Customer Account Manager, K Forrest, Office Manager and N French, Customer Services Assistant (all Scotland Excel); and M Conaghan, Head of Corporate Governance (Clerk), C McCourt, Head of Finance & Business Services, K Festorazzi, Principal Accountant, E Currie, Senior Committee Services Officer and K O'Neill, Assistant Democratic Services Officer (all Renfrewshire Council); and M Ferris, Senior Audit Manager (Audit Scotland).

Apologies

Councillor Ellen Forson (Clackmannanshire Council); Councillor Kenny Macleod (Comhairle Nan Eilean Siar); Councillor Lynne Short (Dundee City Council); Councillor Calum Smith (East Dunbartonshire Council); Councillor Tony Buchanan (East Renfrewshire Council); Councillor Martin McCluskey (Inverclyde Council); Councillor Dennis Leask (Shetland Islands Council); Councillor Eileen Logan (South Lanarkshire Council); Councillor Daniel Lennie (West Dunbartonshire Council); and Councillor Anne McMillan (West Lothian Council).

Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

Prior to the start of the meeting the Clerk welcomed members to the first meeting of the Joint Committee following the local government elections in May 2022.

1 Appointment of Convener

The Clerk asked for nominations for the post of Convener.

Councillor Robinson, seconded by Councillor Henderson, moved that Councillor Shaw be appointed as Convener of the Joint Committee.

There being no further nominations it was agreed that Councillor Shaw be appointed as Convener of the Joint Committee.

DECIDED: That Councillor Shaw be appointed as Convener of the Joint Committee.

Chair

Councillor Shaw thereafter took the chair.

2 Appointment of Vice Convener

The Convener asked for nominations for the post of Vice Convener.

Councillor Shaw, seconded by Councillor McMillan, moved that Councillor Craik be appointed as Vice Convener of the Joint Committee.

There being no further nominations it was agreed that Councillor Craik be appointed as Vice Convener of the Joint Committee.

DECIDED: That Councillor Craik be appointed as Vice Convener of the Joint Committee.

3 Term of Office of Convener and Vice Convener

There was submitted a report by the Clerk relative to the term of office for the Convener and Vice Convener of the Joint Committee.

DECIDED: That the term of office of the Convener and Vice Convener of the Joint Committee be until the next local government elections in May 2027.

4 **Membership of Joint Committee**

There was submitted a report by the Clerk relative to the appointments by member authorities to the Scotland Excel Joint Committee. It was noted that an updated appendix detailing appointments was issued prior to the meeting.

DECIDED: That the appointments be noted.

5 **Membership of Executive Sub-committee**

There was submitted a report by the Clerk seeking approval for the continued appointment of the existing membership of the Scotland Excel Executive Sub-committee for a further period to June 2023.

The report intimated that in June 2017, the Joint Committee agreed to increase the number of members of the Sub-committee from 12 to 13 to include both the Convener and Vice Convener and the Procedural Standing Orders had been amended to reflect that change. However, the new arrangements remained subject to the requirement that where possible, the membership of the Executive Sub-committee should reflect the geographic diversity of the constituent authorities.

Councillor Shaw, seconded by Councillor McCole, moved, in terms of Standing Order 36, that Standing Order 35 be suspended to allow consideration of the membership of the Executive Sub-committee as detailed in Standing Order 40a. This was agreed unanimously.

After discussion Councillor Shaw, seconded by Councillor McCole, proposed that:

(a) Standing Order 40a be amended to read that “the Executive Sub-committee shall comprise a maximum of 14 members including the Convener and Vice Convener with the other members appointed by the Joint Committee. The Convener and Vice Convener of the Joint Committee shall be the Convener and Vice Convener of the Executive Sub-committee.”;

(b) That it be agreed that the Executive Sub-committee comprise elected members from Aberdeenshire Council, Angus Council, City of Edinburgh Council, Comhairle nan Eilean Siar, Dumfries & Galloway Council, Fife Council (Vice Convener), Glasgow City Council, Highland Council, North Ayrshire Council, North Lanarkshire Council, Renfrewshire Council (Convener), South Ayrshire Council, South Lanarkshire Council and Shetland Islands Council; and

(c) That the membership of the Executive Sub-committee be next reviewed at the meeting of the Joint Committee in December 2022.

This was agreed unanimously.

DECIDED:

(a) That Standing Order 40a be amended to read that “the Executive Sub-committee shall comprise a maximum of 14 members including the Convener and Vice Convener with the other members appointed by the Joint Committee. The Convener and Vice Convener of the Joint Committee shall be the Convener and Vice Convener of the

Executive Sub-committee.”;

(b) That it be agreed that the Executive Sub-committee comprise elected members from Aberdeenshire Council, Angus Council, City Of Edinburgh Council, Comhairle nan Eilean Sar, Dumfries & Galloway Council, Fife Council, Glasgow City Council, Highland Council, North Ayrshire Council, North Lanarkshire Council (Vice Convener), Renfrewshire Council (Convener), South Ayrshire Council, South Lanarkshire Council and Shetland Islands Council; and

(c) That the membership of the Executive Sub-committee be next reviewed at the meeting of the Joint Committee in December 2022.

6 **Minute of Joint Committee**

There was submitted the Minute of the meeting of the Joint Committee held on 10 December 2021.

DECIDED: That the Minute be approved.

7 **Minutes of Executive Sub-committee**

There were submitted the Minutes of the meetings of the Executive Sub-committee held on 10 December 2021, 28 January 2022, 18 February 2022 and 18 March 2022.

DECIDED: That the Minutes be approved.

Sederunt

Councillor Rowley joined the meeting during consideration of the following item of business.

8 **Overview of Scotland Excel**

The Chief Executive of Scotland Excel gave a presentation to members providing an overview of Scotland Excel’s governance and management structures; the budget process which included information on annual requisitions, the budget reported to the Joint Committee in December of each year, spend reviews and the reporting process; details of the organisations development journey from 2008 to present day; procurement and consultancy services; projects and partnerships; community wealth building; the opportunities offered by the Scotland Excel Academy; both the governance and benefits of associate membership; the framework portfolio which had a total value of circa £2 billion; additional commissioned projects in both adult social care and children and families; construction, transport and environment frameworks and the focus on supporting a Just Transition to Net Zero; corporate, education and ICT frameworks; supply chain disruption; delivering value; return on investment for both pre-2022 and 2022 and beyond; the income strategy which included information on rebates, consultancy, the Academy, new build and associates; environmental sustainability; and emerging priorities.

DECIDED: That the presentation be noted.

Sederunt

Councillor Vettraino left the meeting during consideration of the following item of business.

9 **Unaudited Annual Accounts 2021/22**

There was submitted a report by the Treasurer relative to Scotland Excel's unaudited annual accounts for 2021/22, a copy of which were attached to the report.

The report intimated that the accounts for the year ended 31 March 2022 would be submitted to Audit Scotland for audit in advance of the statutory deadline of 30 June 2022. The accounts indicated that Scotland Excel's core activities resulted in a small overspend of £3,217 in 2021/22 compared to a budgeted break-even position and that projects returned income of £326,488 over expenditure. This resulted in a combined underspend for the year of £323,271 which had been added to usable reserves, which were committed as outlined in note 3 to the accounts.

The management commentary within the accounts provided an overview of Scotland Excel's performance during 2021/22 along with risk information and its outlook for the future.

The report advised that the Local Authority Accounts (Scotland) Regulations 2014 required that Scotland Excel prepare and publish a set of accounts, including an annual governance statement, by 30 June each year. The unaudited accounts were then required to be formally considered by the Joint Committee no later than 31 August and the annual governance statement should be formally approved at this time.

Further, that in accordance with the Local Authority Accounts (Scotland) Regulations 2014, the unaudited annual accounts would then be signed by the Treasurer as proper officer. The accounts would then be subject to external audit by the Joint Committee's appointed auditor, Audit Scotland, by 30 September. Under the Coronavirus (Scotland) Act 2020, this had been extended to 30 November this year and the 2021/22 audited accounts were scheduled to be presented to the Executive Sub-committee on 18 November 2022 for approval and signing by the Convener, the Chief Executive of Scotland Excel and the Treasurer, in accordance with the regulations.

DECIDED:

(a) That the unaudited annual accounts for 2021/22 be noted; and

(b) That the annual governance statement be approved.

10 **Elected Member Engagement Plan**

There was submitted a report by the Chief Executive of Scotland Excel providing an overview of the engagement activity proposed for Joint Committee elected members.

The report advised that a member of Scotland Excel's Executive Team would request a meeting with all elected members on the Joint Committee at least once a year to provide a one-to-one opportunity to discuss the organisation's recent activities and forward plans and examine the value delivered for each council from its membership and would make contact with members twice per year to provide an opportunity for members to discuss any specific matters with staff; Scotland Excel's quarterly e-newsletter would be issued to members together with copies of corporate publications and briefing notes; members would receive invitations to online and in-person events and would be invited to Scotland Excel's biennial Supplier Awards in 2023 which would celebrate the role of suppliers in public procurement; the Scotland Excel Academy offered regular Introduction to Public Procurement courses which might be of interest

to members and that bespoke training could be arranged for members where there was sufficient demand; a dedicated Account Manager was assigned to each Council and that contact would be made with members to offer any support required; and that members could also make contact with the Executive Team or Senior Management Team at any time.

DECIDED: That the proposed elected member engagement plan be approved.

11 **Operating Plan for April 2022 – March 2023**

There was submitted a report by the Chief Executive of Scotland Excel presenting the organisation's operating plan for the period 1 April 2022 to 31 March 2023, a copy of which formed Appendix 1 to the report.

The report intimated that the plan covered the key activities being undertaken during the 2022/23 financial year to complete the delivery of the current five-year corporate strategy. It was noted that a new five-year strategy would be developed over the coming year in conjunction with local authority stakeholders and would be presented to the Joint Committee for approval in December 2022.

A copy of the performance report against the 2021/22 operating plan formed Appendix 2 to the report. This plan covered a 15-month period from 1 January 2021 to 31 March 2022 as a result to the changes to the planning process necessitated by the Covid-19 pandemic.

The report advised that Scotland Excel followed a robust process to develop its corporate strategy and operating plan as detailed in section 2 of the report. The 2022/23 operating plan had 34 commitments which reflected the key actions Scotland Excel would undertake this financial year to conclude the five-year strategy. These commitments were aligned to more than 100 specific actions which were cascaded to staff as part of Scotland Excel's performance review and development programme.

The report further advised that progress reports were produced to track Scotland Excel's performance against operating plan commitments and reported to the Executive Sub-committee at the end of each quarter with half-yearly and annual reports being submitted to Joint Committee meetings. These reports summarised the progress made against operating plan commitments and used a 'traffic light' symbol to provide a guide to the status of each activity.

It was noted that Scotland Excel performed well against the commitments set out in its 2021/22 operating plan with 27 commitments progressing in line with plans and indicated as green within the report; two commitments were indicated as amber within the report and would be completed in 2022/23; and one commitment was indicated as black within the report. It was noted that due to restrictions on holding national and regional events, the coaction project would now be implemented on a project-by-project basis.

DECIDED: That the content of the operating plan for 2022/23 and the performance against the 2021/22 operating plan be noted.

Sederunt

Councillor McMillan left the meeting prior to consideration of the following item of business and Councillor Henderson left the meeting during consideration of the following item of business.

12 **Annual Procurement Report**

There was submitted a report by the Chief Executive of Scotland Excel relative to Scotland Excel's annual procurement report, a copy of which was appended to the report.

The report intimated that the Procurement Reform (Scotland) Act 2014 (the Act) worked alongside procurement regulations to provide a national legislative framework for sustainable public procurement and supported Scotland's economic growth through improved procurement practice. The Act focussed on a small number of general duties on contracting authorities regarding their procurement activities and some specific measures aimed at promoting good, transparent and consistent practice.

The report advised that since the introduction of the Act, public bodies with an estimated procurement spend of £5 million or more required to publish an annual procurement strategy, or a published revision of the previous strategy, and an annual procurement report. The Act set out what, as a minimum, each annual procurement report must contain.

The report noted that annual procurement reports were expected to be published as soon as reasonably practicable after the end of the financial year, which for Scotland Excel was 31 March, and should be relevant and proportionate; provide transparency of purchasing activities; and address all matters contained in the organisations' procurement strategy.

It was noted that the Act required Scottish Ministers to publish an annual report on procurement activity in Scotland providing an overview of public procurement activity informed by the individual annual procurement reports published by contracting authorities in Scotland.

DECIDED:

(a) That the content of the annual procurement report, as appended to the report, be noted; and

(b) That publication of the annual procurement report on Scotland Excel's website be approved.

13 **Scotland Excel's Approach to Risk**

There was submitted a report by the Chief Executive of Scotland Excel providing an overview of Scotland Excel's approach to strategic risk management.

The report provided detail on how Scotland Excel intended to share risk assessments with local authority partners, the reporting regime to the Joint Committee and Executive Sub-committee and internal monitoring and assessment procedures. The report also summarised the current strategic risk identified within Scotland Excel's strategic risk register.

DECIDED: That the content of the report be noted.

14 **Date of Next Meeting**

DECIDED:

- (a) That it be noted that the next meeting of the Joint Committee would be held at 10.45 am on 9 December 2022; and
- (b) That the Clerk, in consultation with the Convener, consider arrangements for future meetings of the Joint Committee and advise members.