

## INDEX

<b>Committee Meetings</b>	<b><i>Date</i></b>	<b><i>Page Nos</i></b>
1. Planning	15 June 2011	166 – 173
2. Investment	16 June 2011	174 – 178
3. Falkirk Council	22 June 2011	179 – 196
4. Appeals	26 July 2011	197 – 198
5. Appeals	28 July 2011	199 – 200
6. Policy and Resources	9 August 2011	201 – 207
7. Civic Licensing	10 August 2011	208 – 212
8. Environment and Community Safety	16 August 2011	213 – 218
9. Appointments	16 August 2011	219 – 220
10. Education	23 August 2011	221 – 226
11. Planning	24 August 2011	227 – 230
12. Appointments	29 August 2011	231
13. Housing and Social Care	30 August 2011	232 – 236
14. Appointments	31 August 2011	237 – 238
15. Joint Consultative	31 August 2011	239 – 240
16. Appointments	1 September 2011	241
17. Planning On-Site	5 September 2011	242 – 246
18. Policy and Resources	6 September 2011	247 – 251
19. Appointments	6 September 2011	252
20. Civic Licensing	7 September 2011	253 – 258
21. Appointments	8 September 2011	259
22. Planning On-Site	9 September 2011	260 – 263
23. Leisure Tourism and Community	13 September 2011	264 – 266
24. Investment	15 September 2011	267 – 269
25. Economic Strategy and Development	20 September 2011	270 – 275

<b><i>Working Group Meetings</i></b>	<b><i>Date</i></b>	<b><i>Page No.</i></b>
Best Value Forum	2 September 2011	29 – 30



# FALKIRK COUNCIL

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 15 JUNE 2011 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, Lemetti, C Martin, McLuckie, McNeill, Nicol and Thomson.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors A MacDonald, Mahoney and Oliver.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

## **DECLARATIONS**

**OF INTEREST:** None.

Prior to consideration of business, the Member below made the following statement:-

- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0848/FUL (minute P29).

## **P46. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 18 May 2011;
- (b) Minute of Meeting of the Planning Committee held On-Site on 30 May 2011; and
- (c) Minute of Special Meeting of the Planning Committee held on 30 May 2011, subject to apologies being recorded for Councillor Thomson.

**P47. USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD – P/10/0848/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 23 March and 20 April 2011 (Paragraphs P213 and P8 refer), Committee gave further consideration to Reports (circulated) dated 15 March and April 2011 by the Director of Development Services and an additional Report (circulated) dated 7 June 2011 by the said Director on an application for full planning permission for the use of an existing industrial yard for bus parking including the erection of plant and machinery for refuelling and washing on a site located on the north side of Bridgeness Road, Bo'ness and within the established D J Manning Auctioneers site behind an existing office block building and car park.

Councillor McLuckie, seconded by Councillor Buchanan, moved that the application be approved as detailed in the Report.

By way of an Amendment, Councillor Thomson, seconded by Councillor Carleschi, moved that the application be refused on the grounds that the proposed development would have an adverse impact on road safety and would generate an unacceptable level of noise.

On a division, 4 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 to 04 inclusive.
- (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 applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. Mitigation in the form of the recently constructed Bo'ness flood prevention scheme should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants' responsibility.
- (4) It is advised that the applicant prepares an operational plan for all staff at the site advising that all vehicles leaving the site do not undertake a left turn manoeuvre. The erection of an appropriate sign to reflect this is also strongly advised.

**P48. CHANGE OF USE FROM RESIDENTIAL CARE HOME TO DWELLINGHOUSE AT 34 CAMELON ROAD, FALKIRK FK1 5SH FOR NHS FORTH VALLEY - P/11/0216/FUL**

There was submitted Report (circulated) dated 7 June 2011 by the Director of Development Services for full planning permission for the change of use of a substantial property from a residential care home (formerly a dwellinghouse) to a dwellinghouse and located within the Arnothill Conservation Area at 34 Camelon Road, Falkirk.

**AGREED to GRANT** planning permission, subject to the following condition:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

- (1) The application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01.

**P49. CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH FOR FORTH ENERGY - ENQ/2010/0408**

With reference to Minutes of Meetings of the Planning Committee held on 26 January and 23 February 2011 (Paragraphs P166 and P189 refer), Committee gave further consideration to Reports (circulated) dated 19 January and 16 February 2011 by the Director of Development Services and an additional Report (circulated) dated 7 June

2011 by the said Director for consideration as a consultee in terms of Section 36 of the Electricity Act 1989 on an application for the construction and operation of a Biomass Renewable Energy Plant with a net electrical output of 100 Megawatts (MWe) at the site to the west of Forth Ports PLC, Central Dock Road, Grangemouth.

Councillor McNeill, seconded by Councillor Carleschi, moved that:-

‘It is recommended that Scottish Ministers refuse the proposed Biomass Renewable Energy Plant, by reason of the height, scale, massing and location which would have an unacceptable visual impact on the Falkirk Council area and, in particular, the town of Grangemouth. This would be to the detriment of the visual amenity of the area and its residents and is contrary to Falkirk Local Plan Policies EQ1 ‘Sustainable Design Principles’ and EQ3 ‘Townscape Design’ which emphasise the importance of design quality and consideration of visual impact. If, however, the Scottish Ministers are minded to grant permission, the draft conditions in the officers’ report should be imposed’.

Accordingly, **AGREED** to inform Scottish Ministers that Falkirk Council recommends that Scottish Ministers refuse the proposed Biomass Renewable Energy Plant, by reason of the height, scale, massing and location which would have an unacceptable visual impact on the Falkirk Council area and, in particular, the town of Grangemouth. This would be to the detriment of the visual amenity of the area and its residents and is contrary to Falkirk Local Plan Policies EQ1 ‘Sustainable Design Principles’ and EQ3 ‘Townscape Design’ which emphasise the importance of design quality and consideration of visual impact. If, however, the Scottish Ministers are minded to grant permission, such permission should be granted subject to the following conditions requiring the submission and approval of details in respect of, amongst other things, the design and appearance of the development, transport assessment and mitigation of impacts, monitoring of the nature and source of fuel, air quality monitoring and, potential for use of thermal energy off site.

- (1) Development shall commence no later than the date occurring three years after the date of the consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.
- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of Condition 16 of the consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:-
  - (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
  - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;

- (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
- (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
- (e) Details of permanent artificial lighting;
- (f) Details of permanent fencing or other means of enclosure;
- (g) Details of all hard and soft landscaping; and
- (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) No part of the built development shall commence until M9 junction 6 off slip is signalised or alternatively an operational assessment has been carried out of the junction and a scheme of proposed mitigation measures has been submitted to and agreed in writing by the planning authority, in consultation with Transport Scotland Trunk Road Network Management Directorate. The scheme thereafter agreed shall be fully implemented in the approved manner.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.
- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (10) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

- (11) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (12) 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.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.
- (16) Unless otherwise agreed in writing with the Council, within twelve months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. The scheme shall include:-
  - (a) Details of all structures and buildings which are to be demolished;
  - (b) Details of the proposed reuse of any buildings to be retained;
  - (c) Details of the means of removal and materials resulting from the demolition and methods for the control of dust and noise;
  - (d) The phasing of the demolition and removal; and
  - (e) Details of the restoration works and the phasing of the restoration works.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.
- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.



- (18) Unless agreed in writing by the Council, or unless in an emergency, the movement of biomass fuel feedstock by conveyor and the storage of any recovered biomass fuel feedstock (such as recovered wood, paper and cardboard) and all post-combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than twelve months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.
- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.
- (24) Prior to commencement of operation of the Grangemouth Renewable Energy Plant a Vehicle Management Plan shall be submitted to and approved in writing by this planning authority. This shall include procedures for recording the number of fuel deliveries to the plant by road each calendar month and for making such records available to the planning authority for inspection on request. Should the number of fuel delivery vehicles entering the plant per day exceed 29

then at the request of this planning authority the plant operator shall submit a transport assessment for the approval of this planning authority in writing and any mitigation measures identified in the approved assessment shall be fully implemented in the approved manner.

Reason(s):-

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.
- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.
- (24) To ensure that the operation of the plant does not cause unreasonable congestion within the surrounding road network.

## FALKIRK COUNCIL

**MINUTE of MEETING of the INVESTMENT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 16 JUNE 2011 at 9.30 A.M.**

- PRESENT:** Councillors Coleman, McNeill and Patrick.
- APOLOGIES:** Depute Provost Black; Councillors Blackwood and A MacDonald.
- CONVENER:** Councillor Patrick.
- ATTENDING:** Acting Chief Finance Officer; Treasury Manager and Senior Committee Services Officer.

**DECLARATION OF INTEREST:**

In connection with Item 4 – Application for Admission to Pension Scheme – Councillor Patrick intimated that a member of his family was employed by Falkirk Community Services Trust but he did not consider that this gave rise to a declarable interest in terms of the Code of Conduct.

### I1. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Investment Committee held on 17 February 2011.

### I2. FALKIRK COUNCIL PENSION FUND

There was submitted Report (circulated) dated April 2011 by Audit Scotland presenting the Annual Audit Plan for the Falkirk Council Pension Fund 2010/11.

**NOTED.**

### I3. PUBLIC SECTOR PENSIONS – THE HUTTON REPORT

There was submitted Report (circulated) dated 6 June 2011 by the Acting Chief Finance Officer providing an update on the recommendations made by the Independent Public Service Pensions Commission in its report on public sector pensions (the Hutton Report).

Discussion took place on the following:-

- Interface between Local Government Schemes and National Schemes
- Control of future employer costs
- Use of Consumer Price Index compared to Retail Price Index
- Impact of Average Earnings Scheme in comparison to Final Salary Scheme

**NOTED** the findings of the Final Report of the Independent Public Sector Pensions Commission.

#### I4. APPLICATION FOR ADMISSION TO PENSION SCHEME

There was submitted Report (circulated) dated 6 June 2011 by the Acting Chief Finance Officer, advising of an application for admission to the pension fund, received on behalf of Falkirk Community Services Trust.

**AGREED** that Falkirk Community Services Trust be admitted to the Falkirk Council Pension Fund as part of the Local Government Pension Scheme arrangements from 1 July 2011.

#### I5. LOCAL GOVERNMENT PENSION SCHEME GOVERNANCE COMPLIANCE STATEMENT

There was submitted Report (circulated) dated 7 June 2011 by the Acting Chief Finance Officer (a) referring to the Scottish Public Pensions Agency (SPPA) Circular SPN/LG 3/2011 which contained the statutory Guidance in respect of the Governance Compliance Statement required to be produced under Reg 27 of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (SSI 2008/228), and (b) advising that the Guidance sets out a number of best practice principles against which Councils must measure their LGPS governance arrangements.

**NOTED** the new Statutory Guidance.

#### **AGREED:-**

- (1) the Corporate Governance Compliance Statement, attached as an appendix to the Report, and
- (2) to refer the Report to the meeting of Falkirk Council on 22 June 2011, with the recommendation that the proposals set out within paragraphs 4.2 and 4.3 of the Report be consulted on, subject to the following revisions in paragraph 4.2:-
  - Lay Members on the Investment Committee would be increased from two to three to accommodate a pensioner representative;
  - all Lay Members on the Investment Committee would have full voting rights on that Committee; and
  - in order to facilitate the proposed increase in Lay Members on the Committee from two to three, the number of Falkirk Council Members, in terms of Section 57 of the Local Government (Scotland) Act 1973, would require to be increased from its current total of six to nine, as Lay Members are only permitted to comprise one third of the total number of places on the Committee
  - the new arrangements to become active immediately following the local government elections scheduled for May 2012.

#### I6. THE LOCAL GOVERNMENT PENSION SCHEME (MANAGEMENT AND INVESTMENT OF FUNDS) (SCOTLAND) REGULATIONS 2010 – INCREASED LIMITS ON INVESTMENTS

There was submitted Report (circulated) dated 2 June 2011 by the Acting Chief Finance Officer, proposing an increase in the Limits on Investments, consistent with the current Investment Regulations, insofar as it relates to investments in partnerships.

**AGREED that:-**

- (1) the headroom limits should be applied to the Fund's allocation to Alternative Investments, including private equity and infrastructure;
- (2) the limit should be 5% (of total Fund) on all contributions to any single partnership and 15% on all contributions to partnerships;
- (3) the purpose of the proposal is to accommodate the previously agreed investment in infrastructure;
- (4) the decision will apply for the period for which the Fund's strategic benchmark includes allocations to Alternative Investments;
- (5) a summary of the decision, as outlined in Section 4, will be published in the current version of the Fund's Statement of Investment Principles, and
- (6) the decision is in accordance with the Regulations.

## **17. PENSION FUND – GENERAL GOVERNANCE MATTERS**

There was submitted Report (circulated) dated 31 May 2011 by the Acting Chief Finance Officer updating on matters associated with the business of the Falkirk Council Pension Fund.

The Report provided details on the following:-

- Local Government Pension Schemes Pathfinder Project
- Remuneration Report
- Falkirk Council Pension Fund – Annual Audit Plan 2010/11
- Financial Reporting Council – UK Stewardship Code
- Statement of Investment Principles – Managers Compliance Statements
- Mandate Searches

**NOTED:-**

- (1) the publication of the Audit Scotland report on "The Cost of Public Sector Pensions in Scotland";
- (2) completion of Stage 2 of the Local Government Pension Scheme Pathfinder project;
- (3) the inclusion of a Remuneration Report in the 2010/11 Council report and accounts;
- (4) the issue of an audit plan by Audit Scotland consistent with separate audit of pension fund annual report and accounts;

- (5) compliance of Falkirk Investment Managers with Financial Reporting Council UK Stewardship Code;
- (6) compliance of Falkirk Investment Managers with their respective investment management agreements and the principles contained in the Fund Statement of Investment Principles, and
- (7) the progress of investment manager searches for Infrastructure and Absolute Return mandates and interview of Infrastructure short leet managers at Investment Committee to be held on 15 September 2011.

## 18. EXCLUSION OF PUBLIC

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

## 19. PENSION FUND – PERFORMANCE MEASUREMENT

There was submitted Report (circulated) dated 18 May 2011 by the Acting Chief Finance Officer, advising of the rates of return achieved by the Pension Fund Managers, as measured against pre-determined benchmarks.

**NOTED** the Fund Managers' performance for the period ending 31 March 2011.

## 110. PRIVATE EQUITY AND CREDIT MARKETS UPDATE

There was submitted Report (circulated) dated 25 May 2011 by the Acting Chief Finance Officer (a) updating on the progress and key events arising from each Managers' investment programme for the quarter ending 31 March 2011, and (b) reviewing the progress of the Fund's investment in the M&G UK Companies Financing Fund.

**NOTED** the progress of the Private Equity and Credit Markets Programmes as at 31 March 2011.

**AGREED** to a €15m (circa £13.5m) investment in SL Capital – European Smaller Funds I LP.

## 111. FUND MANAGER REVIEWS

There was submitted Report (circulated) dated 25 May 2011 by the Acting Chief Finance Officer (a) reviewing the investments of its Pension Fund Managers, and (b) attaching as enclosures to the Report, copies of the Investment Reports submitted by Aberdeen Asset Management; Legal & General Investment Management, and Schroder Investment Management.

**NOTED** the action taken by Aberdeen Asset Management, Legal & General Investment Management and Schroder Investment Management during the quarter ending 31 March 2011 consistent with their investment policies.

## **I12. FUND MANAGER REVIEW – PRESENTATION BY BAILLIE GIFFORD**

The Committee received a presentation from Leslie Robb and Anne-Marie Gillon of Baillie Gifford on their performance as a Fund Manager.

The presentation covered the following areas:-

- Partnership changes
- Performance summary
- Bond market outlook
- Market opportunities
- Portfolio exposure
- Active currency positions

The Convener thanked Mr Robb and Ms Gillon for their presentation.

**NOTED** the information provided by Baillie Gifford for the period ending 31 March 2011.

## **I13. FUND MANAGER REVIEW – PRESENTATION BY NEWTON INVESTMENT MANAGEMENT**

The Committee received a presentation from Rob Hay and John Burke of Newton Investments Management on their performance as Fund Managers.

The presentation covered the following areas:-

- Investment process overview
- Global equity return – market background for the 12 months to March 2011
- Investment performance
- Performance attribution by sectors
- Investment outlook – examination of positives and negatives
- Portfolio activity

The Convener thanked Messrs Hay and Burke for their presentation.

**NOTED** the performance of Newton Investment Management for the period to 31 March 2011.





DRAFT

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 22 JUNE 2011 at 9.30 AM.**

**PRESENT:** Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Oliver, Patrick, Ritchie, Spears, Thomson, Turner and Waddell.

**CONVENER:** Provost Reid.

**APOLOGIES:** Councillors Fry, Goldie and Nimmo.

**ATTENDING:** Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services and of Education Services; Acting Director of Law and Administration Services and of Social Work Services; Head of Business Services, of Human Resources, and of Policy and Performance Review; Acting Chief Finance Officer; Human Resources Manager; Accountancy Services Manager (D Cairney); Waste Manager (C Bullough) Legal Services Managers (I Henderson and C Moodie) and Democratic Services Manager.

**DECLARATIONS OF INTEREST:**

Councillors Mahoney, Nicol and Reid each declared a non financial interest in Item FC32 as Directors of the Falkirk Community Trust, but did not require to recuse themselves from consideration of the item, standing the terms of paragraph 5.18 (2)(i)(d) of the Code of Conduct.

Councillor Alexander declared a non-financial interest in (a) Item FC32 (as the spouse of an employee of the proposed Falkirk Community Trust), and (b) item FC29 (as a family member was an owner of a property listed in the Appendix to the Report) but did not consider that either interest required him to recuse himself from consideration of the items, having had regard to the objective test in the Code of Conduct.

**FC18. LOCAL GOVERNMENT BY-ELECTION:  
WARD 1 – BO'NESS AND BLACKNESS**

There was submitted Report (circulated) dated 10 June 2011 by the Returning Officer advising of the result of the By-election for the Bo'ness and Blackness Ward (Ward 1) and confirming the election of Councillor Sandy Turner as local member.

Provost Reid congratulated Councillor Turner on his election and welcomed him to Falkirk Council.

**NOTED.**

**FC19. MINUTES AND INFORMATION BULLETIN**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 27 April 2011;
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 2 2011/2012, and
- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 2 2011/2012.

**FC20. ORDER OF BUSINESS**

In terms of Standing Order 15.2(i), Provost Reid varied the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

**FC21. NOTICE OF MOTION****Woodburn Day Nursery**

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

“Council notes that, once again, the expected date of closure for the Woodburn Nursery has slipped with a new expected closure date at the end of October 2011.

Council further notes that the Council has been unable to provide all local children with a place in a local nursery following this cut in service.

Council therefore resolves to cancel the amalgamation of the Woodburn and Queen Street nurseries on the following grounds:-

- The local community around the Woodburn Nursery have demonstrated that the facility is a centre piece of the community and therefore should be retained
- The Council have been unable to ensure nursery places as a result of the amalgamation and closure programme”.

By way of an Amendment, Councillor C R Martin, seconded by Councillor C Martin, moved that:-

“It is proposed that the amalgamation of Woodburn Nursery and Queen Street Nursery School is put on hold until a further review of early years provision (0-5 yrs childcare and education) in Central Falkirk is carried out, including the proposed provision of a nursery class at St Andrews School for August 2012.

However, Council believes that there is already an undeniable proven need for the provision of baby and toddlers' care within the Falkirk Central area, and therefore, as a first step towards meeting this need, Council agrees that the improvements to Queen Street nursery should be further assessed to go ahead as planned.

The Director of Education is also asked to ensure that, if additional nursery education places are required at Victoria Primary School, additional staff would be deployed to meet the demand".

Following discussion, **AGREED** the terms of the Amendment.

**FC22. POLICY AND RESOURCES COMMITTEE – 3 MAY 2011 - REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE – MY FUTURE'S IN FALKIRK – BUSINESS SUPPORT STRATEGY - 19 APRIL 2011**

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 3 May 2011; and (b) Report by the Director of Development Services submitted to the said meeting presenting a revised Falkirk Area Business Support Strategy.

Councillor Alexander, seconded by Councillor Coleman, moved, " that there be a root and branch review of the My Future's in Falkirk Strategy by a cross party working group of Members, with a report being submitted for consideration to the appropriate Scrutiny Committee of the Council, with recommendations covering all the strands, being made to Policy and Resources Committee".

By way of an Amendment, Councillor Mahoney seconded by Councillor Lemetti, moved the recommendations as set out in the Report.

On a division, 13 Members voted for the Motion and 15 Members voted for the Amendment.

Accordingly, **AGREED** to approve the Falkirk Business Support Strategy as appended to the Report.

Councillor Spears withdrew from the meeting during consideration of the foregoing item of business.

Councillor A MacDonald withdrew from the meeting following consideration of the foregoing item of business.

### FC23. PROCUREMENT STRATEGY UPDATE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 31 May 2011; and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the said meeting presenting a draft Corporate Procurement policy for 2011-14 and proposing a review of the Council's procurement structure.

Councillor Alexander, seconded by Councillor Kenna, moved that Council:-

- “(1) notes that local procurement has dropped down the area of priority to the extent that it does not rate even a single mention in the Director's covering report;
- (2) agrees that it has a responsibility to seek to stimulate the local economy and can do so with a greater emphasis on local procurement;
- (3) notes the outcomes of the 2008-11 Procurement Strategy, the Procurement Capability Assessment results and the requirement to not only review existing procurement structures and resources, but also assess the impact on the local economy of centralisation of procurement policies; and
- (4) refers the 2011-14 Procurement Strategy back to the Best Value Forum to ensure that local procurement is given its proper place within the overall strategy.

By way of an Amendment, Councillor C Martin, seconded by Depute Provost Black, moved the recommendations as set out in the Report.

On a division, 13 Members voted for the Motion and 15 Members voted for the Amendment.

Accordingly, **NOTED** the outcomes from the 2008-11 Procurement Strategy, the Procurement Capability Assessment results and the requirement to review existing procurement structures and resources.

**AGREED** to approve the 2011-14 Corporate Procurement Strategy.

Councillor Spears rejoined the meeting during consideration of the foregoing item of business.

### FC24. FINANCIAL POSITION 2010/11

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

- (4) to instruct the Acting Director of Social Work Services to bring forward a report to Committee benchmarking Falkirk Council's level of payment against other authorities; and
- (5) to set as a policy position that Council will pay either the Scottish average or the rate contained within the paper, whatever is the greater figure, and this be reflected in the report to be brought back by the Acting Director of Social Work Services.

On a division, 15 Members voted for the Motion and 14 Members voted for the Amendment.

Accordingly, **AGREED:-**

- (1) to approve the Kinship Care Procedures as detailed in the Report;
- (2) that the 8 week payment in lieu of benefits be aligned with the Kinship Care Allowance;
- (3) that the Residence Allowance rate be set at £10 above the approved Kinship Carer weekly allowance;
- (4) that the Kinship Care Allowance is increased to £40 per week, effective from 1<sup>st</sup> July 2011; and
- (5) to request that the Acting Director of Social Work update Members on developments in this area as appropriate.

#### **FC26. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 31 MAY 2011 - TREASURY MANAGEMENT ANNUAL REVIEW 2010-11**

There was submitted (circulated) (a) Report by the Chief Finance Officer; and (b) Report by the Chief Finance Officer submitted to the meeting of the Policy and Resources Committee on 31 May 2011 presenting the Treasury Management Strategy Annual Review 2010/11.

Committee had agreed to refer the Annual Review 2010-11 to Council.

**NOTED** the Treasury Management Strategy Annual Review 2010-11.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 31 May 2011; and (b) Report by the Acting Chief Finance Officer submitted to the said meeting.

In accordance with the decision of the said Committee, Councillor Alexander, seconded by Councillor Coleman, moved that "Council agrees to suspend Standing Orders to consider the discontinuation of care charges imposed on elderly and disabled people in light of the improved financial position of the Council".

In terms of Standing Orders 32 and 33, said decision would require to be passed by two thirds of the Members present and voting and an absolute majority of the whole Council.

On a division 14 Members voted for the Motion and 15 voted against.

Accordingly the Motion fell.

Councillor A MacDonald returned to the meeting during consideration of the foregoing item of business.

## **FC25. KINSHIP CARE**

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Alexander and Kenna.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 31 May 2011; and (b) Report by the Acting Director of Social Work Services submitted to the said meeting (a) presenting an update on developments in Kinship Care, and (b) proposing an increase to the allowances paid to Kinship Carers of looked after children and to other linked payments.

Councillor C Martin, seconded by Councillor McNeill, moved that Council agrees:-

- (1) to approve the Kinship Care Procedures as amended;
- (2) that the 8 week payment in lieu of benefits be aligned with the Kinship Care Allowance;
- (3) that the Residence Allowance rate be set at £10 above the approved Kinship Carer weekly allowance;
- (4) that the Kinship Care Allowance is increased to £40 per week, effective from 1<sup>st</sup> July 2011; and
- (5) to request that the Acting Director of Social Work update Members on developments in this area as appropriate.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor McNally, moved the terms of the Motion, with the following substituted for paragraphs (4) and (5) thereof:-

**FC27. REFERRAL FROM INVESTMENT COMMITTEE – 16 JUNE 2011 – LOCAL GOVERNMENT PENSION SCHEME GOVERNANCE COMPLIANCE STATEMENT**

There was submitted (circulated) (a) Report by the Chief Finance Officer presenting a recommendation from the Investment Committee of 16 June 2011 with regard to the number of lay members on the Investment Committee; and (b) Report by the Chief Finance Officer submitted to the said meeting advising of statutory guidance setting out best value principles against which Councils must measure their Local Government Pension Scheme Governance arrangements.

**AGREED** to consult on the following proposals:-

- (1) to increase the number of Lay members on the Investment Committee from two to three to accommodate a pensioner representative;
- (2) that all lay members on the Investment Committee will have full voting rights on that Committee;
- (3) that in order to facilitate the proposed increase in Lay Members on the Investment Committee from 2 to 3, the number of Falkirk Council Members on the Committee, in terms of Section 57 of the Local Government (Scotland) Act 1973, would require to be increased from its current total of 6 to 9, as Lay Members are only permitted to comprise one third of the total number of places on the Committee. In such circumstances, the principles of political proportionality would be applied;
- (4) that the proposed Investment Panel will meet quarterly, shortly before the Investment Committee; and
- (5) that the proposed Panel will be formally constituted with its membership drawn from the wider Investment Forum to facilitate its effective functioning.

**FC28. ANNUAL ACCOUNTS 2010-11**

There was submitted Report (circulated) dated 6 June 2011 by the Acting Chief Finance Officer advising of the requirement, in terms the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, to submit the Council's Annual Unaudited Accounts for the financial year ended 31 March 2011 to the Controller of Audit.

**NOTED** the completion of the Unaudited Annual Accounts for 2010-11.

**APPROVED** the submission of the Unaudited Annual Accounts to the Controller of Audit by the statutory deadline of 30 June 2011.

## **FC29. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS**

There was submitted Report (circulated) dated 8 June 2011 by the Acting Director of Law and Administration Services proposing that Chief Officers of the Council be given delegated powers to determine urgent items of business which would normally be determined by Council or its Committees for the period of the summer recess.

**AGREED** to delegate power to Chief Officers, in consultation with the Convener and/or Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 23 June 2011 to 8 August 2011) and to report the decisions thereon to the first meeting of the Policy and Resources Committee thereafter, provided that:-

- (a) any such decision is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
- (b) any such decision does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
- (c) any such decision does not involve an increase in the permanent establishment of the particular Service, and
- (d) any such decision involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.

## **FC30. EXECUTION OF DEEDS**

There was submitted Report (circulated) dated 6 June 2011 by the Acting Director of Law and Administration Services advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

**NOTED** the signing and sealing by the Acting Director of Law and Administration Services of the deeds as detailed in the Appendix to the Report.

## **FC31. IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 – AMENDMENT TO SCHEME OF DELEGATION**

There was submitted Report (circulated) dated 14 June 2011 by the Director of Development Services (a) advising of the introduction of Sections 75 to 75 G of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Modifications and Discharges of Planning Obligations) (Scotland) Regulations 2010 and the Town and Country Planning (Modifications and Discharges of Good Neighbourhood Agreements) (Scotland) Regulations 2010, all of which came into force on 1 February 2011, and (b) proposing consequential amendments to the Council's Scheme of Delegation.



**NOTED** the introduction of planning obligations and good neighbour agreements, the procedures for modifying and discharging planning obligations and good neighbourhood agreements, and the implications for the planning authority as detailed within the Report.

**AGREED** to the terms of the proposed amendments to the existing Scheme of Delegation, as set out in Appendix 1 to the Report, and to the submission of the amended Scheme to Scottish Ministers for information.

Council then adjourned at 12 noon for 15 minutes and reconvened at 12.15 pm with all Members present as per the sederunt.

### **FC32. FALKIRK COMMUNITY TRUST UPDATE**

With reference to Minute of Meeting of Falkirk Council held on 8 December 2010 (Paragraph FC61 refers), there was submitted Report (circulated) dated 8 June 2011 by the Chief Executive (a) providing a further progress update on the development of Falkirk Community Trust, and (b) recommending that Council enter into a number of agreements to enable the Trust to deliver services on behalf of the Council with effect from 1<sup>st</sup> July 2011.

Councillor C Martin, seconded by Councillor Waddell, moved the recommendations as set out in the Report.

By way of an Amendment, Councillor Coleman, seconded by Councillor Oliver, moved that:-

“Council believes that such a radical change on employment policy should not be carried out so close to an election and therefore agrees to the following:-

- (1) postpone the establishment of the Trust until 1 July 2012;
- (2) ask the Trade Union to carry out a full consultation with affected employees and report back the findings;
- (3) disband the board of directors due to the actions above and the lack of proper scrutiny of the appointments process, and
- (4) establish an all party working group to be chaired by a member of the opposition to ensure proper scrutiny of all aspects of the trust proposals to report back before the dissolution of the Council prior to the 2012 elections.”

On a division, 15 Members voted for the Motion and 14 Members voted for the Amendment.

Accordingly, **NOTED** that Falkirk Community Trust Ltd and Falkirk Community Trading Ltd are both properly incorporated and established and able to deliver the services as outlined in the Transfer Agreement and Trust Business Plan 2011/12;

**AGREED to:-**

- (1) enter into the full suite of documents required to enable the transfer of services, business assets and personnel to take effect from 1 July 2011, including the:
  - Transfer Agreement
  - Funding Agreement
  - Collections Agreement
  - Pensions Agreement;
- (2) approve the Trust Business Plan for 2011/12 and agree to provide funding proportionately from the relevant Council budget;
- (3) grant to the Trust the leases and property licence as detailed at paragraph 6 of the Report; and
- (5) authorise the Chief Executive or her nominee to negotiate, agree to and make any amendments to the suite of documentation referred to in the Report as may be reasonably required by the Board of the Trust in advance of the Trust and its trading subsidiary becoming operative and generally to take all decisions and actions required to take forward the establishment of the Trust on 1 July 2011 or such other date as near as possible to 1 July 2011 as she may determine in the unlikely event of an unexpected reason delaying establishment.

Council then adjourned at 1.45 pm for 45 minutes for lunch and reconvened at 2.30 pm with all Members present as per the sederunt with the exception of Councillor Waddell.

**FC33. REVISED SCHEME OF DECENTRALISATION**

With reference to the Minute of Meeting of the Leisure, Tourism and Community held on 12 April (Paragraph LTC4 refers), there was submitted Report (circulated) dated 8 June 2011 by the Director of Corporate and Neighbourhood Services (a) advising on the background to the Council's current Scheme of Decentralisation; (b) summarising the process undertaken to review the current scheme, and (c) presenting a revised Scheme of Decentralisation for approval.

Councillor Mahoney, seconded by Councillor McLuckie, moved approval of the Scheme of Decentralisation and to explore options for a Petition Committee.

By way of an addendum, Councillor Alexander suggested that the Chief Executive should be asked to bring forward a paper on the restructuring of committee structures.

Council then adjourned at 3.00 pm to allow Members to consider the terms of the proposed addendum and reconvened at 3.10 pm with all Members present as per the sederunt, with the exception of Councillor Waddell.

Councillor Mahoney, with the consent to the Provost, and of Councillor McLuckie, as his seconder, agreed to alter his Motion to include the terms of the addendum .

Accordingly, **AGREED:-**

- (1) to approve the revised Scheme of Decentralisation as detailed in the Report;
- (2) that a Report, setting out a procedure to allow members of the community to raise issues of concern with the Council, such as through petitions, will be submitted to the Leisure, Tourism and Community Committee for consideration, and
- (3) that the Chief Executive will bring forward a paper on options for the restructuring of the Committee structures.

#### **FC34. APPOINTMENT TO EXTERNAL ORGANISATIONS**

There was submitted Report (circulated) dated 8 June 2011 by the Acting Director of Law and Administration Services (a) advising of the resignations of Councillor A MacDonald as the Council's representative on the Paragon Housing Association and from the Stirlingshire Educational Trust and inviting Council to appoint successors, and (b) seeking nominations to the Falkirk Community Trust Board.

**AGREED to:-**

- (1) appoint Councillor McNally to the Board of Paragon Housing Association; and
- (2) appoint Councillor Carleschi to the Stirlingshire Educational Trust

**NOTED** that the 2 positions on the Trust Board which were reserved for members of the SNP Group remained vacant.

#### **FC35. APPOINTMENTS TO COMMITTEES**

There was submitted Report (circulated) dated 7 June 2011 by the Acting Director of Law and Administration Services (a) confirming the political composition of the Council following the Bo'ness and Blackness by-election; (b) advising of the resignations from Committees by Councillors Nimmo and A MacDonald, and (c) inviting Council to appoint members to the Committee positions previously held by Councillors Nimmo and A MacDonald and by the late Councillor Constable.

**AGREED** to appoint to as follows:-

Committee	Member
Appeals	Councillor Turner
Appointments	Councillor Coleman
Economic Strategy and Development	Councillor Turner
Education	SNP Group to confirm nomination
Environment and Community Safety	Councillor Jackson
Housing and Social Care	Councillor Carleschi Councillor Turner
Leisure, Tourism and Community	Councillor Ritchie
Investment	Councillor Kenna
Planning	Councillor Alexander Councillor Turner
Policy and Resources	Provost Reid

**NOTED** the following shadow spokesperson appointments:-

Economic Strategy and Development – Councillor Jackson

Education – Councillor Oliver

Planning – Councillor Thomson

**NOTED** also Provost's Reid's resignation from the Economic, Strategy and Development Committee and the Leisure, Tourism and Community Committee as a consequence of his appointment to Policy and Resources Committee and that the Labour Group would submit nominations to the vacant positions.

### **FC36. NEWTOWN FOOTBALL PARK, BO'NESS**

There was submitted Report (circulated) dated 17 June 2011 by the Acting Director of Law and Administration Services to the Council in its role as trustee of the Newtown Park Trust advising (a) that the Council had inherited the trusteeship of Newtown Park, Bo'ness in 1996, and (b) of a request to transfer the trusteeship to another, community led, public trust.

**NOTED** the Council's role as trustee of the Newtown Park Trust.

**AGREED** to indicate, in principle only, that the Council would be prepared to effect a transfer of the trust assets in terms of Section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

### **FC37. NOTICE OF MOTION**

#### **Public Art**

Councillor Coleman, seconded by Councillor McNally, moved that:-

“The visual quality of the built environment has a major influence on the image of the area particularly when integrating new development into a post industrial setting. This Council wishes to encourage the highest possible standards when public art is to be inserted into urban landscape settings so that it does not permanently compromise historic sites or adversely detract from existing visual amenity.

The Council will work to achieve this aim by constituting a cross party working group supported by appropriate cultural services officers in order to provide a co-ordinated approach to the commissioning and purchase of public art in whole or in part.

This body will take into consideration cost, purpose location, heightening of local identity and sense of place when making its recommendations to the relevant committee.”

By way of an Amendment, Councillor Mahoney, seconded by Councillor Nicol, moved that Council:-

- (1) “ reaffirms its commitment to the existing Public Art Strategy, and
- (2) notes that the Public Arts Strategy is due to be reviewed within the next year”.

As an addendum to the Amendment, Councillor Nicol suggested that “In the meantime, Public Art applications would be referred to the Best Value Forum for preliminary consideration”.

Following discussion, Councillor Coleman, with the consent of the Provost, and of Councillor McNally as his seconder and with the consent of Councillor Mahoney as mover of the Amendment, agreed to accept the terms of the revised Amendment.

Accordingly, **AGREED:-**

- (1) to confirm support for the Council’s Public Arts Strategy;
- (2) to note that the Public Arts Strategy is due to be reviewed in the next year, and
- (3) that, in the meantime, public art applications will be referred to the Best Value Forum for preliminary consideration.

### **FC38. 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 Paragraphs 1, 11 & 12 of Part 1 of Schedule 7A of the said Act.

### FC39. REFUSE COLLECTION

With reference to the Minute of the Meeting held on 27 April 2011 (Paragraph FC17 refers), there was submitted Report (circulated) dated 3 June 2011 by the Director of Corporate and Neighbourhood Services (a) providing an update on progress with regard to the Best Value Review of the Refuse Collection service, and (b) setting out options for future delivery of the Service.

Councillor C Martin, seconded by Councillor C MacDonald, moved that Council confirms Option 4 as its preferred option for future delivery of the Refuse Collection Service.

By way of an Amendment, Councillor Alexander, seconded by Councillor Coleman, moved that Council:-

“agrees that Option 5 is the only option that allows a genuine input from staff and does not lead to inevitable privatisation and instructs Officers to establish an all party working group that also includes management and staff representatives to develop the improvement plan required to fully meet the terms of Option 5.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 27 Members present with voting as undernoted:-

For the Motion (14) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol and Patrick.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Ritchie, Thomson and Turner.

Accordingly, **AGREED**:-

- (1) to competitively tender for the provision of Refuse Collection Services and in tandem to allow the in-house provider the opportunity to improve (no in house bid) (Option 4), and
- (2) that Officers will submit a further report to the appropriate Committee on relevant timescales and progress on the agreed process.

Councillor Spears withdrew from the meeting during consideration of the foregoing item of business.

#### FC40. COUNCIL MANAGEMENT STRUCTURE: CHIEF OFFICER APPOINTMENTS

With reference of the Minute of the Meeting held on 23 June 2010 (Paragraph FC17 refers), there was submitted Report (circulated) dated 3 June 2011 by the Chief Executive (a) advising of progress made in implementing the approved management structure; and (b) detailing a proposed appointments process for vacant senior posts setting out relevant job descriptions, person specifications and pay grades together with recruitment procedures.

Councillor C Martin, seconded by Councillor Mahoney, moved the recommendations set out in the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor Coleman, moved that Council:-

- (1) “notes the failure to bring forward a management structure that is fit for purpose for the times we live in;
- (2) notes the failure to properly engage members in the scrutiny process;
- (3) believes that it is irresponsible at this stage of the current Administration’s existence to tie a new Administration into such a costly structure;
- (4) does not approve the Chief Executive’s Report but instead requests that the Chief Executive,
  - (i) carries out a full needs assessment into the requirement for each of these posts on the grounds of Best Value;
  - (ii) reviews the entire management structure using other local authorities as a benchmark, and
  - (iii) reviews all options including shared services and closer working agreements with partner organisations and neighbouring authorities to save money that can be re-invested in frontline services.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 27 Members present with voting as undernoted:-

For the Motion (14) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol and Patrick.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Ritchie, Thomson and Turner.

Accordingly, **NOTED** the progress made in the implementation of the approved management structure.

**AGREED:-**

- (1) that an Appointments Committee be convened with delegated authority to appoint to those posts requiring employees to be 'matched' to them, and to recruit and appoint to those posts detailed at paragraph 3.1 of the Report;
- (2) to advertise the posts externally using internally managed recruitment;
- (3) to approve the documents to be used in the recruitment process, as set out as Appendices 2 to 13 to the Report, and
- (4) to delegate to the Chief Executive the authority to advertise the posts detailed in paragraph 3.1 externally using the best cost effective method and medium.

Councillors Alexander and A MacDonald withdrew from the meeting following consideration of the foregoing item of business.

**FC41. EQUAL PAY UPDATE**

With reference to the Minute of the Meeting held on 2 March 2011 (Paragraph FC91) refers, there was submitted joint Report (circulated) dated 1 June 2011 by the Director of Corporate and Neighbourhood Services, Acting Chief Finance Officer and Acting Director of Law and Administration providing (a) update on ongoing negotiations with regard to equal pay, and (b) information on associated legal costs and recent developments in relevant Tribunal decisions.

**NOTED:-**

- (1) the value of the previously authorised equal pay settlements being paid out for the first wave claims;
- (2) the appointment of MacRoberts as the Council's external legal advisers;
- (3) the potential for future liability in the second wave claims.

**AGREED** that a further update would be submitted to Council at a future date.



**ACCESS AGREEMENT between FALKIRK COUNCIL and**  
R Dick and A E Dick

2 Tinto Drive, Grangemouth

**ASSIGNATION by**

Mathiesons Bakeries Limited (in administration)  
Mathiesons Foods Limited  
Mathiesons Bakeries Limited (in administration) and Mathiesons Foods Limited

41/43 La Porte Precinct, Grangemouth

47 Church Walk, Denny

**CHARGING ORDER by FALKIRK COUNCIL**

M Boyle

5 Creteil Place, Grangemouth

**DEED of SERVITUDE and DISCHARGE by FALKIRK COUNCIL**

J L Douglas and M A Ferrie or Douglas and J M Gray with the consent of Newcastle Building Society

9 Haypark Road, Denny

**DISCHARGE by FALKIRK COUNCIL In favour of**

C S Clark & D Clark

31 Skaithmuir Crescent, Carronshore, Falkirk

**DISCHARGE of INHIBITION by FALKIRK COUNCIL in favour of**

D Crook

12 Glebe Street, Denny

**DISPOSITION by FALKIRK COUNCIL In favour of**

M Meichan and F Meichan  
T Gardiner  
J Henderson  
J Beattie and F G Beattie  
Whyte and MacKay Limited  
L A Wight  
W Donnelly and P D Donnelly  
J McGregor and M Gilmoure as Executors of J McIntosh  
H O'Brien  
S Kinsella  
J Cochrane and J Cochrane  
W A McCourt  
A Murray  
S D A Benton and A I Benton  
J Cruse, J Cruse and M Cruse  
F Watson and J Braidwood  
D J O'Brien and J G O'Brien  
S B Cook  
P M Kane

3 Craigs Terrace, Rumford  
24 Graham Terrace, Airth  
5 Castings Drive, Falkirk  
5 Tay Street, Grangemouth  
Wood Street, Grangemouth  
61 Westfield Street, Falkirk  
13 Roberts Avenue, Polmont  
13 Quarrolhall Crescent, Carronshroe  
31 Kerse Road, Grangemouth  
63 Merchiston Avenue, Bainsford  
Ground a 28 Colonosy Avenue, Polmont  
24 Thornbridge Gardens, Falkirk  
121 Union Road, Camelon, Falkirk  
12 Mannfield Avenue, Bonnybridge  
12 Waverley Crescent, Bonnybridge  
Ground at the rear of 55 Graham Crescent, Bo'ness  
5 Loney Crescent, Denny  
17 Rannoch Road, Grangemouth  
45 Carronside Street, Bainsford

**IMPROVEMENT GRANTS by FALKIRK COUNCIL TO :-**

M McInally  
J Fisher  
A Taylor  
G Sharp  
M Yuill  
E Gair  
M Hamilton  
C Foley

7 Fairhaven Terrace, Reddingmuirhead  
10a Crimond Place, Shieldhill  
8 Hope Cottages, Muirhouses, Bo'ness  
159 Strowan Road, Grangemouth  
53 Maple Avenue, Stenhousemuir  
45 Wholequarter Avenue, Redding  
28 Berryhill Crescent, Grangemouth  
5 School Road, Redding

**LEASE between FALKIRK COUNCIL and**

Reynolds Catering Supplies Limited

Unit B, Block 1, West Mains Industrial Estate, Grangemouth

**MINUTE of AGREEMENT between FALKIRK COUNCIL and**

BMR Developments Ltd  
Robert Mowatt  
Street Lighting Supplies & Co Ltd  
Persimmon Homes East Scotland and NHBC

Land to the North of 17 Kinacres Grove, North Street  
Land at Wester Mailing, Denny  
20 Abbotsinch Road, Grangemouth  
Overton Site 13A, Falkirk

**MINUTE OF ALTERATION AND EXTENSION OF LEASE**

BP Exploration Operating Company Limited

Hadrian House, Callendar Business Park, Falkirk

**MINUTE OF RENUNCIATION between FALKIRK COUNCIL and**

X Jiao & R Li  
Mathiesons Bakeries Limited (in Administration)

3 York Square, Grangemouth  
39 Charlotte Dundas Court, Grangemouth

**MINUTE OF VARIATION of LEASE between FALKIRK COUNCIL and**  
Shanks Waste Management Limited

A J Scott Ltd  
Mathiesons Foods Limited

Unit 2 & Yard and Office at Victoria Sawmills, Bridgeness Road, Bo'ness  
0.8 acres at Wood Street, Grangemouth  
47 Church Walk, Denny



**NOTICE of TITLE by FALKIRK COUNCIL**

Land at Shore Road, Airth

**PAYMENT OF GRANTS**

J Hardwick  
D Meikle  
T Binnie  
M Wilson  
J & N Doherty  
M Watt  
E Steven  
J McLeod

38 Watson Street, Falkirk  
46 Central Avenue, Grangemouth  
1 Cedar Grove, Stenhousemuir  
38 Wilson Street, Grangemouth  
32 Deanfield Road, Bo'ness  
1 Montgomery Well, Carron, Falkirk  
19 Stuart Grove, Grangemouth  
29 High Street, Slamannan

**ROADS ORDERS**

The Falkirk Council (Stopping-Up of Footpath) (Carron Road/Haugh Street) Order 2011

**SECTION 75 AGREEMENT**

Manor Forrest Ltd

Vellore Road, Maddiston



**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 JULY 2011 at 9.30 am.**

**PRESENT:** Councillors Alexander, Blackwood, Gow, McLuckie, McNeill and Patrick.

**CONVENER:** Councillor McLuckie.

**APOLOGIES:** Councillors Jackson and Turner.

**ATTENDING:** Legal Services Manager (C Moodie); Human Resources Manager (T Gillespie) and Committee Services Officer (S Barton).

**A7. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Appeals Committee held on 13 June 2011 subject to the addition of apologies from Councillor Blackwood.

**A8. EXCLUSION OF PUBLIC**

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

**A9. APPEAL AGAINST DISMISSAL**

There were submitted (circulated) copies of (a) Note of Procedure; (b) Notification of Appeal from the Appellant dated 3 June 2011; (c) submission from the Appellant's representative dated 11 July 2011, and (d) Submission from Head of Service – Facilities Management dated 12 July 2011.

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

The Appellant Mr H was present and was represented by J Healy (Unison).

The Head of Service – Facilities Management, J Litts and Human Resources Adviser, L McGregor were present as representatives of the Council.

The Appellant's representative presented his case.

The Head of Service – Facilities Management asked questions of the Appellant and his representative.

Members of the Committee then asked questions of the Appellant and his representative.

The Head of Service – Facilities Management presented the case on behalf of the Council.

The Appellant's representative asked questions of the Head of Service – Facilities Management.

Members of the Committee then asked questions of the Head of Service – Facilities Management.

The Head of Service – Facilities Management summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

Following consideration of the submissions made, the Committee **AGREED:-**

- (1) that the decision to dismiss was excessive in light of the circumstances of the case;
- (2) that the Appellant be reinstated to his post as of the date of the Committee (26 July 2011);
- (3) that in substitution of the sanction of dismissal the following would apply:-
  - (i) that the Appellant be issued with a final written warning;
  - (ii) that management be requested to assess the Appellant's competence to fulfil the duties of his post, and
  - (iii) that it would be open to management to consider on completion of the assessment if redeployment would be appropriate to a post which would be subject to supervision.

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

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 28 JULY 2011 at 10.00 am.**

**PRESENT:** Councillors Alexander, Blackwood, Gow, Jackson, McLuckie, McNeill and Patrick.

**CONVENER:** Councillor McLuckie.

**APOLOGY:** Councillor Turner.

**ATTENDING:** Legal Services Manager (C Moodie); Human Resources Manager (T Gillespie) and Committee Services Officer (S Barton).

**A10. EXCLUSION OF PUBLIC**

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

**A11. APPEAL AGAINST FINAL WRITTEN WARNING**

There were submitted (circulated) copies of (a) Note of Procedure; (b) Notification of Appeal from the Appellant dated 24 May 2011; (c) Submission from the Appellant dated 20 July 2011, and (c) Submission from Head of Service – Education Services dated 19 July 2011.

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

The Appellant Mr McW was present and was represented by T Gray (EIS).

The Head of Educational Support, N Fletcher and Human Resources Adviser, C Haston were present as representatives of the Council.

The Appellant presented his case.

The Head of Educational Support asked questions of the Appellant.

Members of the Committee then asked questions of the Appellant and his representative.

The Head of Educational Support presented the case on behalf of the Council.

The Appellant and his representative asked questions of the Head Educational Support.

Members of the Committee then asked questions of the Head of Educational Support.

The Head of Educational Support summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

Following consideration of the submissions made, the Committee **AGREED** that in all the circumstances the disposal of a final written warning was the appropriate one, and accordingly the appeal was **REFUSED**.

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



DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 AUGUST 2011 at 9.30 a.m.**

**PRESENT:** Provost Reid; Depute Provost Black; Councillors Alexander, Fry, Hughes and C Martin.

**CONVENER:** Councillor C Martin.

**APOLOGIES:** Councillors Kenna and Spears.

**ATTENDING:** Chief Executive, Director of Development Services; Acting Director of Social Work Services; Chief Governance Officer; Acting Chief Finance Officer; Heads of Business Services and of Educational Support; and Senior Committee Services Officer.

**DECLARATIONS**

**OF INTEREST:** Provost Reid declared a non financial interest in Item 3 Gaelic Language Plan by virtue of his position as Treasurer of the Falkirk Branch of An Comunn Gaidhealach, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct

**PR29. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Policy and Resources Committee held on 31 May 2011.

**PR30. DECISIONS TAKEN UNDER DELEGATED POWERS**

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer detailing decisions taken by Service Directors, following appropriate consultation, under powers delegated by Falkirk Council on 22 June 2011. From the period of 23 June to 8 August 2011 the undernoted 2 decisions were taken by the Director of Development Services:-

- Rewiring and Heating Upgrade, Wallacestone Primary School – Award of Contract
- Smarter Choices, Smarter Places – submission of bid to Scottish Government for additional funding.

**NOTED.**

**PR31. GAELIC LANGUAGE PLAN**

There was submitted Report (circulated) dated 2 August 2011 by the Chief Executive submitting a Statutory Gaelic Language Plan, which examines and identifies the most practical and effective methods to preserve and sustain Gaelic in accordance with the principles of the Gaelic Language (Scotland) Act 2005, and which, following a 6-12 week public consultation period, should be submitted to Bòrd na Gàidhlig for approval by 31 October 2011.

**AGREED** the draft Gaelic Language Plan for consultation.

**PR32. FINANCIAL POSITION 2011/12**

There was submitted Report (circulated) dated 25 July 2011 by the Chief Finance Officer presenting an initial update on the financial position of the Council for 2011/12, reflecting the situation as at 30 June 2011.

**NOTED** the initial projection of revenue account spending for 2011/12.

**PR33. CAPITAL PROGRAMMES UPDATE REPORT**

There was submitted Report (circulated) dated 25 July 2011 by the Chief Finance Officer (a) advising of the outturn position for the 2010/2011 Capital Programmes, and (b) presenting an update on the progress of both the General Services and the Housing Capital Investment Programmes for 2011/2012.

**NOTED:-**

- (1) the outturn position for 2010/2011 subject to audit; and
- (2) the status of the General Services and the Housing Capital Investment Programmes for 2011/12.

**PR34. EXTERNAL AUDIT APPOINTMENT 2011/12 TO 2015/16**

There was submitted Report (circulated) dated 25 May 2011 by the Chief Finance Officer (a) referring to the 5 yearly review of the external audit undertaken by the Accounts Commission under the scope of the Public Finance and Accountability (Scotland) Act 2000, and (b) advising that following completion of the procurement process by the Accounts Commission, the audit of Falkirk Council will continue to be carried out by Audit Scotland for the 5 years from 2011/2012.

**NOTED** the appointment of Audit Scotland to undertake the audit of the Council's affairs for the 5 year period 2011/12 to 2015/16.

**PR35. CONTRACTS****(a) CONTRACT FOR THE SUPPLY AND FITTING OF TYRES (C/N: CNS/019/11)**

There was submitted Report (circulated) dated 1 July 2011 by the Director of Corporate and Neighbourhood Services (a) advising that in 2006 Falkirk Council, as lead authority for the Purchasing Consortium of Falkirk, Stirling and Clackmannanshire Councils, entered into a 5 year contract (which will end on 31 October 2011), for the supply and fitting of tyres for Falkirk and Clackmannanshire Councils and Central Scotland Fire and Rescue Services; (b) summarising the performance of the current contract; (c) explaining that following an evaluation of the procurement options, it was agreed that the purchasing Consortium re-tender for the contract, and (d) informing that following advertisement, 3 tenders were received for the 5 year contract, with an estimated annual value of £460,000, by the due date of 30 May 2011 and opened in accordance with Standing Order 11.2 Relating to Contracts.

**AGREED** in accordance with Standing order 6.2 (iv) to approve acceptance of the tender submitted by WH Tyres, Bonnybridge for the supply and fitting of tyres to Falkirk Council, with an estimated total value for 5 years of £2,300,000 of which £1,760,000 is for Falkirk Council.

**NOTED** the value of the proposed 5 year contract with WH Tyres, Bonnybridge for the supply and fitting of tyres to Clackmannanshire Council and Central Scotland Fire & Rescue Service with an estimated total value of £425,000 and £115,000 respectively, in order to permit these bodies to rely on this report for authority to enter into such contracts if that is their decision.

**(b) EXTENSION TO CONTRACTS: SHORT TERM HIRE OF MOTOR VEHICLES – (CNS/025/09) AND SUPPLY OF PLANT (CNS/075/09)**

There was submitted Report (circulated) dated 25 July 2011 by the Director of Corporate and Neighbourhood Services (a) referring to the contract period of a Framework Agreement to Falkirk and Clackmannanshire Councils and Central Scotland Fire and Rescue Service for both the Short Term Hire of Motor Vehicles and Supply of Plant, which commenced on 1 November 2009 and is scheduled to end on 31 August 2011, and (b) seeking approval to extend both contracts through to 30 June 2012.

**AGREED** in accordance with Standing Order 6.2(iv), to approve an extension of the contracts as detailed in Appendix 1 to the report with an estimated total value of (a) £440,000 (approximately £260,000 of which relates to Falkirk Council) for the supply of plant and (b) £510,000 (approximately £480,000 of which relates to Falkirk Council) for the short term hire of motor vehicles.

**NOTED** the value of the proposed contracts, in order to permit Clackmannanshire Council and Central Scotland Fire & Rescue Service to rely on this report for authority to enter into such contracts if that is their decision.

**(c) FRAMEWORK AGREEMENT FOR GAS HEATING REPLACEMENT AND RELATED GAS SERVICES TO COUNCIL HOUSING PROPERTIES (CNS/164/09)**

There was submitted Report (circulated) dated 25 July 2011 by the Director of Corporate and Neighbourhood Services (a) outlining the work undertaken to establish a Framework Agreement for Gas Heating Replacement and related Gas Services to Falkirk Council Housing properties; (b) detailing the related savings and community benefits, and (c) advising that following advertisement, 7 tenders were received by the due date of 4 July 2011 and opened in accordance with Standing Order 11.2 relating to contracts, for the 3 year contract, with an option to extend for a further year, valued at £6,500,000.

In accordance with Standing Order 6.2 (iv) **AGREED** to accept the tenders, as detailed in appendix 1 to the Report, as part of a Framework Agreement to Falkirk Council.

**(d) ACCEPTANCE OF TENDERS OVER £350,000 IN VALUE - CONTRACT FOR NEW BUILD HOUSING AT CARRON ROAD, MILLFLATS STREET AND HAUGH STREET, FALKIRK (FAL-6758)**

There was submitted Report (circulated) dated 1 August 2011 by the Director of Development Services (a) advising that in accordance with Development Services' Procedure IAM/130400 a single tender was invited from Corporate and Neighbourhood Services for the contract in respect of New Build Housing at Carron Road, Millflats Street and Haugh Street, Falkirk and (b) informing that the tender submitted by Corporate and Neighbourhood Services, The Forum, Callendar Business Park, Falkirk, was opened in accordance with Standing Order 11 relating to contracts, in the sum of £3,250,441.08 which, pro rata, represents best value for the Council.

**AGREED**, in accordance with Standing Order 6.2(iv), to accept the tender as detailed within the Report.

**(e) RECLADDING AND STRUCTURAL STEEL ROOFWORKS AT PATERSON TOWER, FALKIRK (FAL-6906)**

There was submitted Report (circulated) dated 18 July 2011 by the Director of Development Services (a) informing that tenders were issued for the re-cladding and structural steel roofworks at Paterson Tower, Falkirk on 18 July 2011 with a return date of 15 August 2011; (b) advising that the budget set for the project is £2.2m, and (c) having regard to the tight timescale for commencement of the work, seeking approval for the Director of Development Services to award the contract and to report to Members of the Committee at the earliest opportunity following the tender evaluation process.

**AGREED** to authorise the Director of Development Services to award the contract for the re-cladding and structural steel roofworks at Paterson Tower, Falkirk to the lowest tenderer, provided it is within budget and subject to a report on the outcome of the procurement being submitted to the earliest appropriate meeting of the Policy and Resources Committee following the tender evaluation process.

**(f) ACCEPTANCE OF TENDERS – FRAMEWORK AGREEMENT FOR THE PROVISION OF PROCESSING MATERIAL ARISING FROM RECYCLING CENTRES (C/N: Dev/037/11)**

There was submitted Report (circulated) dated 3 August 2011 by the Director of Development Services (a) advising that following advertisement 30 companies expressed an interest in tendering for the Framework Agreement for the Provision of Processing Material arising from Recycling Centres, (b) informing that the framework is for a fixed period of 3 years from 1 September 2011 to 31 August 2014, with the option of a one year extension; (c) intimating that 12 tenders were received by the due date of 11 July 2011 and opened in accordance with Standing Order 11.2 relating to contracts, with an estimated value totalling £603,564, and (d) explaining that given the nature of the recycle market, the companies on the framework will re-submit their price every 6 months in order to ensure best value is achieved.

**AGREED** in accordance with Standing Order 6.2(iv), to accept the tenders as detailed in appendix 1 to the report with an estimated annual value of £201,188 (£152,688 income and £48,500 expenditure) and a total contract value of £603,564 (£458,064 income and £145,500 expenditure) for the period 1<sup>st</sup> September 2011 to 31<sup>st</sup> August 2014, with the potential of a one year extension from 1<sup>st</sup> September 2014 to 31<sup>st</sup> August 2015 in respect of a Framework Agreement for the Provision of Processing Material Arising from Recycling Centres.

**(g) TENDER REPORT – PROPOSED LIFT REPLACEMENT AT EASTBURN, MARSHALL AND PARKFOOT TOWERS, FALKIRK**

There was submitted Report (circulated) dated 4 August 2011 by the Director of Development Services (a) advising that 5 tenders were submitted by the due date of 28 July 2011 for the replacement of 6 passenger lifts within Eastburn, Marshall and Parkfoot Towers, Falkirk, and (b) recommending that, following evaluation, the contract with a value of £556,206 be awarded to Clyde Valley Lifts Ltd, 120 Stepps Road, Glasgow, subject to the receipt of appropriate insurance and performance bonds.

**AGREED** in accordance with Standing Order 6.2(iv), to accept the tender as detailed within the Report

**PR36. REFERRAL FROM LEISURE TOURISM AND COMMUNITY COMMITTEE  
– 7 JUNE 2011**

With reference to Minute of Meeting of the Housing and Social Care Committee held on 7 June 2011 (Paragraph LTC10 refers), there was submitted Report (circulated) dated 1 August 2011 by the Director of Development Services enclosing a Report considered by the said Committee with the recommendation being referred to the Policy and Resources Committee, for approval, namely:-

- **Grange Terrace Conservation Area Appraisal Consultation Report**

**AGREED to:-**

- (1) approve the revised Conservation Area Boundary proposed in the Grange Terrace Conservation Area Appraisal, as detailed in the Appendix to the Report;
- (2) add to the Grange Terrace Conservation Area Appraisal further planning and design advice, as detailed in the Appendix to the Report;
- (3) rename the area Grange Conservation Area; and
- (4) instruct officers to prepare a Conservation Area Management Plan for the area.

**PR37. REFERRALS FROM ECONOMIC STRATEGY AND DEVELOPMENT  
COMMITTEE – 14 JUNE 2011**

With reference to Minute of Meeting of the Economic Strategy and Development Committee held on 14 June 2011 (Paragraphs ESD10, ESD11, ESD12, ESD15 and ESD19 refer), there was submitted Report (circulated) dated 1 August 2011 by the Director of Development Services enclosing Reports considered by the said Committee with the recommendations being referred to the Policy and Resources Committee, for approval, namely:-

- **Review of Supplementary Guidance: Education and New Housing Development**
- **Review of Policy SC4 of Falkirk Council Local Plan: Affordable Housing**
- **Standburn Housing Allocation: Draft Supplementary Planning Guidance**
- **Tamfourhill Update**
- **Portfolio Management Plan Update**

**AGREED:-**

- (1) the Supplementary Planning Guidance Education and New Housing Development as revised, as set out in the report;
- (2) to grant delegated authority to the Director of Development Services, in consultation with the Director of Education, in respect of any future changes to

the appendix of the Supplementary Planning Guidance: Education and New Housing Development;

- (3) the revised policy SC4 of Falkirk Council Local Plan: Affordable Housing;
- (4) the finalised Standburn Housing Allocation: Supplementary Planning Guidance; and
- (5) the progress in respect of the Tamfourhill Regeneration Project and the Collaboration Agreement.

With regard to the Portfolio Management Plan Update, and following discussion on the impact thereof on sitting tenants, it was **AGREED** that a full report on the Plan would be submitted to the next meeting of the Policy and Resources Committee for consideration.

#### **PR38. EXCLUSION OF PUBLIC**

**AGREED** that the following item of business be heard in public.

#### **PR39. PORTFOLIO MANAGEMENT PLAN: DISPOSAL OF PREMISES AT BEAN ROW, FALKIRK**

There was submitted Report (circulated) dated 2 August 2011 by the Director of Development Services (a) referring to the progress of the Portfolio Management Plan and (b) seeking approval to dispose of a property at Bean Row, Falkirk as illustrated in the plan attached as an appendix to the Report.

**AGREED** the sale of the store at Bean Row, Falkirk to Mr Robert Reilly for the sum of £30,000 subject to the conclusion of missives on satisfactory terms.





DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 AUGUST 2011 at 9.30 A.M.**

**PRESENT:** Provost Reid; Councillors Blackwood, Hughes, McLuckie, Nicol, Thomson and Waddell.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Jackson, Kenna and Nimmo.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator (B Douglas); Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS** None.

**OF INTEREST:**

**CL23. OPEN REMARKS**

The Licensing Co-ordinator informed Members that the application for the grant of a second hand dealer licence (agenda item 5) had been withdrawn by the applicant.

**CL24. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 1 June 2011.

Councillor Thomson entered the meeting following consideration of the foregoing item of business.

**CL25. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MAY AND JUNE 2011**

There was submitted Report (circulated) dated 2 August 2011 by the Chief Governance Officer on applications granted under delegated powers between 1 May and 30 June 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED**

**CL26. EXCLUSION OF PUBLIC**

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

**CL27. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1144 AND TAXI OPERATOR LICENCE NO.69**

The applicant, Mr MacD, and Chief Inspector G Taylor and Ms C Lawrence, Licensing Officer, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer advising of a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his taxi driver and operator licences.

The applicant, Mr MacD, advised that he had no preliminary points to make on the competency of the complaint.

Chief Inspector G Taylor then spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were then asked by Members of the Committee.

Mr MacD spoke in relation to the matter and requested that a copy a letter from his lawyer be circulated to the Committee. Following consultation with Members and the representatives from Central Scotland Police, the letter was circulated.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable Committee to consider the submissions.

The applicant, Mr MacD, Chief Inspector G Taylor and Ms C Lawrence, left and were then recalled to the meeting.

**AGREED:-**

- (a) to **SUSPEND** the taxi driver licence for a period of 3 months from 10 August 2011 on the basis that the licence holder was no longer a fit and proper person to hold the licence; and
- (b) **NOT** to **SUSPEND** the taxi operator licence.

**CL28. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr B, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED to GRANT** the licence for a period of one year subject to:-

- (a) the standard conditions; and
- (b) an additional condition of the effect that at each renewal of the applicant's licence or on an annual basis, whichever is the shorter period, the applicant will be required to undertake an examination of his eyesight by either an optician or a doctor and to submit to the licensing authority the results of that examination in order that the authority can satisfy itself as to the fitness of the applicant to hold a taxi driver licence.

**CL29. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr S, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr S spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED to GRANT** the licence for a period of one year subject to the standard conditions.

**CL30. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

The applicant, Mr McG, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) advising of the background to the application; (b) setting out the procedural issue that required to be considered in terms of Paragraph 8(5A) of Schedule 1 to the Civic Government

(Scotland) Act 1982; and (c) detailing the consultations undertaken and the responses received.

Mr McG spoke in explanation of the late submission of his application.

Questions were then asked by Members of the Committee.

Being satisfied that good cause had been shown as required by Paragraph 8 of the Civic Government (Scotland) Act 1982, Committee **AGREED** to consider the application and to **GRANT** renewal of the licence subject to the standard conditions.

### **CL31. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

Mrs D, a Director of the applicant company, entered the meeting together with Mr K, the administration manager of the Polmont premises and Mr K, the day to day manager of the application premises.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mrs D spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified in this case and therefore to **GRANT** the renewal of the late hours catering licence subject to the standard conditions.

Councillor Waddell left the meeting prior to consideration of the following item of business.

### **CL32. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE**

The applicant, Mr H, entered the meeting together with Mr McF, tattooist, and Ms S, the day to day manager of the application premises.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr H and Mr McF spoke in support of the application.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council spoke in relation to the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions.



DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the ENVIRONMENT AND COMMUNITY SAFETY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 16 AUGUST 2011 at 9.30 am.**

**PRESENT:** Councillors Blackwood, Buchanan, Jackson, McLuckie, C R Martin, Meiklejohn, Nicol, Oliver, Ritchie and Thomson.

**CONVENER:** Councillor C R Martin.

**ATTENDING:** Director of Development Services; Acting Director of Social Work Services; Head of Policy, Technology and Business Improvement and of Roads and Design; Acting Head of Environmental and Regulatory Services; Licensing Co-ordinator (B Douglas); Sustainable Development Officer; Legal Services Manager (C Moodie) and Committee Services Officer (S Barton).

**APOLOGIES:** Councillors Goldie and C MacDonald.

**DECLARATIONS**

**OF INTEREST:** Councillor McLuckie declared a non financial interest in Item ECS16 as his son was a taxi driver and stated that he would take no part in the discussion and decision making process on this item.

Councillor Oliver declared a non financial interest in Item ECS18 as he was employed by a neighbouring CHP, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

**ECS8. OPENING REMARKS**

Councillor Nicol, on behalf of the Committee, wished Councillor MacDonald a speedy return to the Chair.

Councillor Jackson, on behalf of the Committee, expressed condolences to Councillor Goldie and his family.

**ECS9. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Environment and Community Safety Committee held on 10 May 2011.

## ECS10. WINTER SERVICE PLANNING

There was submitted Report (circulated) dated 9 August 2011 by the Director of Development Services (a) detailing how the extreme weather conditions experienced during the winters of 2009/10 and 2010/11 placed conflicting demands on the Roads Service; (b) outlining the proposed improvements across all Council Services in terms of planning and budgeting for extreme weather events; (c) introducing an “Extreme Weather Event Plan” as part of the Roads Service Plan; (d) providing for consideration a revised “Winter Service Plan”, and (e) providing for consideration as Appendix B a list of proposed priority treatment areas.

An updated version of Appendix A was circulated to Members for their attention.

Discussion took place on the following:-

- The proposals for individual departmental Service Plans in relation to the Winter Service Plan
- The provision of grit bins
- The responsibility of retailers to make sure their premises are accessible during periods of bad weather
- Information provided during severe weather events

In response to points raised by Members in discussion, the Director of Development Services indicated that he would make minor adjustments to the Plan to clarify the text.

The Convener advised of a proposed change to the recommendations in the report. This was unanimously accepted by Committee.

Thereafter, **AGREED:-**

- (1) the proposed amendments to the Roads Services Winter Service Plan (Appendix A) subject to minor changes, and to refer to Policy and Resources Committee for approval, and
- (2) to continue consideration of the priorities in Appendix B to the next meeting of the Committee.

Councillor Thomson left the meeting during discussion of the foregoing item of business and apologies were submitted on her behalf for the remainder of the meeting.

## ECS11. SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE STRATEGY 2011 – 2016: CONSULTATION DOCUMENT

There was submitted Report (circulated) dated 9 August 2011 by the Director of Development Services (a) providing for consideration a revised Sustainable Development and Climate Change Strategy, and (b) seeking agreement for officers to undertake public consultation on the revised Strategy.

Discussion took place on the views of Community Planning partners on the revised Strategy.



**AGREED:-**

- (1) the proposal to undertake public consultation on the Falkirk Council Sustainable Development and Climate Change Strategy 2011 – 2016 Consultative Draft, and
- (2) to instruct officers to report back on the outcome of the public consultation.

**ECS12. CARBON MANAGEMENT PLAN**

There was submitted Report (circulated) dated 9 August 2011 by the Director of Development Services providing for consideration the Falkirk Council draft revised Carbon Management Plan which lays out how carbon emissions can be cut across all of the Council's estate and activities.

Discussion took place on the following:-

- The alternatives available for powering vehicles (Hydrogen, Electricity)
- Options for restricting the use of street lights
- The use of pool cars within the Council

**AGREED:-**

- (1) to approve the terms of the revised Carbon Management Plan, and
- (2) to refer to Policy and Resources Committee with a recommendation to approve the terms of the revised Plan.

Councillor Nicol left the meeting during discussion of the foregoing item of business.

**ECS13. FOOD SERVICE PLAN 2011-2012 AND FOOD SAFETY ENFORCEMENT POLICY**

There was submitted Report (circulated) dated 9 August 2011 by the Director of Development Services seeking approval of a Food Service Plan for 2011-2012 and revised Food Safety Enforcement Policy, prepared in response to the Framework Agreement on Local Authority Food Law Enforcement issued by the Food Standards Agency.

**AGREED:-**

- (1) to approve the Food Service Plan for 2011-2012, and
- (2) to approve the revised Food Safety Enforcement Policy.

Councillor Nicol re-entered the meeting during discussion of the foregoing item of business.

**ECS14. WORKPLACE HEALTH & SAFETY ENFORCEMENT SERVICE PLAN 2011-2012 AND WORKPLACE HEALTH & SAFETY ENFORCEMENT POLICY**

There was submitted Report (circulated) dated 9 August 2011 by the Director of Development Services seeking approval of a Workplace Health and Safety Enforcement Service Plan for 2011-2012 and a revised Workplace Health and Safety Enforcement Policy prepared in accordance with Section 18 of the Health and Safety at Work etc Act 1974.

**AGREED:-**

- (1) to approve the Council's Workplace Health and Safety Enforcement Service Plan for 2011-2012, and
- (2) to approve the Council's revised Workplace Health and Safety Enforcement Policy.

**ECS15. THE HOUSING (SCOTLAND) ACT 2006: LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)**

There was submitted Report (circulated) dated 8 August 2011 by the Chief Governance Officer advising of the forthcoming legislative changes to the licensing of houses in multiple occupation.

**AGREED** to note and support the content of the Report.

In accordance with his declaration of interest in the following item of business, Councillor McLuckie left the meeting and took no part in the discussion or decision.

**ECS16. UPDATE ON REVIEW OF THE TAXI/PRIVATE HIRE VEHICLE LICENSING ARRANGEMENTS**

There was submitted Report (circulated) dated 28 July 2011 by the Chief Governance Officer (a) providing an update in terms of progress of the review of taxi and private hire licensing arrangements; (b) advising that the main area of concern from some operators is the issue of vehicle numbers, and (c) outlining proposals to consult with the taxi trade on whether to proceed to a specialist survey.

Discussion took place on the following:-

- The format of the proposed consultation
- Implications of introducing a cap on taxi numbers
- The importance of taxi users' views
- The role of the taxi forum
- The cost and responsibility for funding the survey

The Committee agreed to a short adjournment. The meeting adjourned at 12.25 p.m. and reconvened at 12.35 p.m. with all Members present as per the sederunt with the exception of Councillor McLuckie.

Councillor C R Martin seconded by Councillor Nicol moved:-

“That Committee agree that the consultation with taxi operators as set out in paragraph 2.2 of the Report should be undertaken subject to the Council indicating that it will meet 50% of the cost of the survey and to refer this recommendation to Policy and Resources Committee for approval.”

By way of an Amendment, Councillor Jackson seconded by Councillor Meiklejohn moved:-

“That Falkirk Council meets the costs of the consultation. Officers are instructed to come back to Committee with a report on re-organisation of the Taxi Forum in order to give it a clear role and to refer the Report and recommendation to Policy and Resources Committee for approval”

The Committee agreed to a further adjournment to allow consideration of the proposed motion and amendment. The meeting adjourned at 12.40 p.m. and reconvened at 12.45 p.m. with all Members present as per the sederunt with the exception of Councillor McLuckie.

Thereafter, on a division, 4 Members voted for the Motion and 4 Members for the Amendment.

There being an equality of votes and in terms of Standing Order 21.6 the Convener used his casting vote in favour of the Motion.

Accordingly **AGREED:-**

- (1) that the consultation with taxi operators as set out in paragraph 2.2 of the Report should be undertaken subject to the Council indicating that it will meet 50% of the cost of the survey, and
- (2) To refer the recommendation to Policy and Resources Committee for approval.

Councillor McLuckie re-entered the meeting following consideration of the foregoing item of business.

## **ECS17. THE OBESITY TIME BOMB – SUMMARY**

There was submitted Report (circulated) dated 12 July 2011 by the Director of Corporate and Neighbourhood Services (a) providing a brief summary and commentary on the recently published briefing note entitled “The Obesity Time Bomb”, and (b) giving an insight on how Elected Members can help to tackle the obesity time bomb.

Discussion took place on the following:-

- The role of Elected Members
- The use of vending machines in Council buildings

**NOTED** the Report and the contents of the briefing note.

#### **ECS18. REVIEW OF COMMUNITY HEALTH PARTNERSHIPS – AUDIT SCOTLAND REPORT**

There was submitted Report (circulated) dated 25 July 2011 by the Director of Corporate and Neighbourhood Services (a) outlining the key findings of a review recently undertaken by Audit Scotland on Community Health Partnerships (CHP's) across Scotland, and (b) advising of the key recommendations which are being taken forward locally.

Discussion took place on the membership of the CHP.

**NOTED** the Review of Community Health Partnerships undertaken by Audit Scotland and the work about to be undertaken to review the new arrangements in place in Falkirk.

**AGREED** that officers should report back to Members on the outcomes of the local review, highlighting where appropriate, improvements to existing working arrangements.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 16 AUGUST 2011 at 3.00 pm.**

**PRESENT:** Provost Reid and Councillors Alexander, Blackwood (Item 2 only), Coleman, C Martin and Nicol.

**CONVENER:** Councillor C Martin.

**APOLOGY:** Councillor C MacDonald.

**ATTENDING:** Chief Executive; Human Resources Manager (T Gillespie) and Committee Services Officer (S Barton).

**AP1. 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 1 of Part 1 of Schedule 7A of the said Act.

**AP2. APPOINTMENT OF DIRECTOR OF SOCIAL WORK SERVICES**

This item is exempt from publication on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**AP3. APPOINTMENT OF CHIEF FINANCE OFFICER**

There was submitted Report (circulated) by the Chief Executive dated 10 August 2011 (a) outlining the recruitment procedure in respect of the post of Chief Finance Officer, and (b) enclosing application forms for the post with supporting papers.

Having heard from the Chief Executive and following consideration of all the applications submitted, **AGREED** that the following short list of applicants be interviewed by the Committee on Thursday 8<sup>th</sup> September 2011.

DS Alexander  
I Black  
J McLachlan  
B Smail

The Committee then considered the two possible presentation topics which were provided by the Chief Executive.

**AGREED** that the candidates be asked to prepare a presentation on the following topic:-

“As with other parts of the public sector, local authority finances are under pressure and there is a need for change which brings efficiencies with least impact on direct service delivery. What do you consider to be the key challenges for the Council; what strategies would you implement to assist the Council to face these challenges and how would you drive forward change?”

The Committee also **AGREED** that the other topic would be included as one of the set questions in the interview process.

**AP4. PRESENTATION TOPIC FOR MATCHING INTERVIEWS FOR POST OF HEAD OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL SERVICES**

The Committee gave consideration to possible presentation topics for the matching interviews for the post of Head of Economic Development and Environmental Services.

**AGREED** that the candidates be asked to prepare a presentation on the following topic:-

“In light of the current economic climate, discuss the key priorities and challenges facing the Council, with particular relevance to your division, over the next 12 months. Identify the strategies you would implement to address these.”

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the EDUCATION COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 23 AUGUST 2011 at 9.30 A.M.**

**PRESENT:** Councillors Blackwood, Carleschi, Coleman, Gow, Lemetti, McNally, McNeill, C R Martin, Meiklejohn, Partick, Ritchie and Waddell

**REPRESENTATIVES  
OF RELIGIOUS  
BODIES:**

G Boyle, M Coutts and Rev M Rollo.

**CO-OPTEES:** A Smith (Pupil Representative).

**CONVENER:** Councillor Waddell.

**ATTENDING:** Director of Education Services; Heads of Educational Support and Improvement and of Educational Planning and Resources; Acting Chief Finance Officer (D McGregor); Quality Improvement Manager; ICT Programme Manager; Integration Support Manager; Childcare Provision Co-ordinator; Quality Improvement Officer (T Bragg); Legal Services Manager (C Moodie) and Committee Services Officer (S Barton).

**ALSO**

**ATTENDING:** A O'Donnell, Headteacher, St Patrick's Primary School; E Gallagher, Headteacher, Bantaskin Primary School; L Westwood, Acting Headteacher, Drumbowie Primary School; D McPherson, Headteacher, Denny Primary School; K McPherson, Depute Headteacher, Braes High School; C Bell, Chair of Community Schools 2008 Charity Board.

**APOLOGIES:** M MacIver (Teacher Representative), M Ablett and J Ainslie (Parent Representatives).

**DECLARATIONS  
OF INTEREST:**

None.

**E9. MINUTE**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of the Education Committee held on 17 May 2011, and

- (b) There was submitted (circulated) and **APPROVED** Minute of Meeting of the Member/Officer Working Group on Educational Achievement held on 16 June 2011.

**E10. FOLLOW-THROUGH REPORT ON HMIe INSPECTION OF ST PATRICK'S RC PRIMARY SCHOOL AND NURSERY CLASS**

There was submitted Report (circulated) by the Director of Education Services (a) providing a progress report on the follow through inspection by HM Inspectorate of Education of St Patrick's Primary School, Denny, and (b) advising of the School's progress in meeting the main points for action.

Discussion took place on the following issues:-

- The activities being undertaken as part of the school celebrating its 150<sup>th</sup> Anniversary
- The transition programme for pupils leaving to go to St Modans High School

**NOTED** the Report.

**AGREED** to commend the Headteacher and her staff in taking forward the main points for action.

**E11. FOLLOW-THROUGH REPORT ON THE HMIe INSPECTION OF BANTASKIN PRIMARY SCHOOL AND NURSERY CLASS**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) providing a progress report on the follow through inspection by HM Inspectorate of Education of Bantaskin Primary School, and (b) advising of the School's progress in meeting the main points for action.

**NOTED** the Report.

**AGREED** to commend the Headteacher and her staff in taking forward the main points for action.

**E12. PROGRESS REPORT ON THE HMIe INSPECTION AREAS FOR IMPROVEMENT - DRUMBOWIE PRIMARY SCHOOL**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) providing a progress report on the follow through inspection by HM Inspectorate of Education of Drumbowie Primary School and Nursery Class, and (b) advising of the school's progress in meeting the main points for action.

**NOTED** the contents of the Report.

**AGREED** to commend the Headteacher and staff for taking forward the areas for improvement.



**E13. INTEGRATED INSPECTION BY HM INSPECTORATE OF EDUCATION OF DENNY PRIMARY SCHOOL – PROGRESS REPORT**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) providing a progress report on the follow through inspection by HM Inspectorate of Education of Denny Primary School and Nursery Class, and (b) advising of the school's progress in meeting the main points for action.

Discussion took place on the following issues:-

- The benefits of the 'big writing technique' in improving attainment
- How staff are working to increase the pace of learning

**NOTED** the contents of the Report.

**AGREED** to commend the Headteacher and staff for taking forward the areas for improvement.

**E14. PROGRESS REPORT ON THE HMIe INSPECTION AREAS FOR IMPROVEMENT – BRAES HIGH SCHOOL**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services a) providing a progress report on the follow through inspection by HM Inspectorate of Education of Braes High School, and (b) advising of the school's progress in meeting the main points for action.

Discussion took place on the following issues:-

- The work of teacher learning communities
- The attainment levels at the school

**NOTED** the contents of the Report.

**AGREED** to commend the Headteacher and staff for taking forward the areas for improvement.

**E15. EARLY YEARS REVIEW**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services outlining a proposal for a review of early years provision across the four locality areas of Falkirk Council.

Discussion took place on the following issues:-

- The differences between early years centres and nursery classes
- The availability of capacity information
- The timescales for completing the review

**AGREED** to the review of early years provision as outlined in section 3 of the report.

#### **E16. CONSULTATION ON A NAME FOR THE NEW DENOMINATIONAL PRIMARY SCHOOL AT ANTONSHILL**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) reporting back on the recent consultation on the naming of the new denominational primary school at Antonshill that is due to open in August 2012, and (b) proposing a name for the new school.

Discussion took place on the following issues:-

- The target for completion of the build
- The process and timescales for recruiting a new headteacher

**AGREED:-**

- (1) that the new denominational primary school will be named “St Bernadette’s Primary School; and
- (2) that this recommendation is passed to Policy and Resources Committee for approval.

#### **E17. ATTAINMENT AND ACHIEVEMENT IN SECONDARY SCHOOLS**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) providing information on Scottish Qualifications Authority (SQA) attainment within Falkirk Council secondary schools in 2011, and (b) attaching for comparison, information about the performance over the five years from 2006 to 2010 as well as comparison with the national average and that of the comparator authorities.

Discussion took place on the following issues:-

- The opportunities available for children when they leave school
- How tracking of pupils has helped to improve attainment

**NOTED** the SQA Attainment of our schools and the strategies outlined to further improve performance.

**AGREED** to remit the Member/Officer Working Group on Attainment to undertake further scrutiny of attainment at individual school level.

**E18. PARENTAL INVOLVEMENT STRATEGY**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) outlining the results of the interim review and evaluation of the current parental involvement strategy, and (b) presenting for consideration an updated Strategy which will enable Falkirk Council to continue to promote parental involvement and implement the duties placed on the authority under the Act.

Discussion took place on the following issues:-

- How schools can engage more with parents
- How the impact of the Strategy is measured
- Simplifying the Strategy for wider dissemination

**NOTED** the proposed Parental Involvement Strategy.

**AGREED** to submit the Strategy to the Policy and Resources Committee for approval.

**E19. TAKING FORWARD LEARNING AND TEACHING USING ICT**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) outlining the developments in ICT in learning and teaching in the Falkirk Council area, and (b) providing for consideration an updated ICT Strategy Document.

Discussion took place on the following issues:-

- How children with varied levels of skills are supported
- The use of mobile devices in the classroom
- How schools ensure inclusion for those who do not have access to equipment at home

**NOTED** the contents of the Report.

**AGREED** to endorse Education ICT Strategy Document (July 2011).

**E20. COMMUNITY SCHOOLS (2008) CHARITY – 2010/11 ANNUAL REPORT**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services providing an update on the status of the charity board's operations, financial position and organisational changes over the 2010/11 period.

Discussion took place on the following issues:-

- The benefits of increasing the tenure for Board members
- The high cost for indemnity insurance

**NOTED** the charity board's 2010/11 annual report and financial position.

**AGREED:-**

- (1) to give approval to the charity board to progress amending the Memorandum and Articles of Association to extend the appointment period of board members, and
- (2) that the charity board should give consideration to the length and rotation of membership.

Councillor Blackwood left the meeting during discussion of the foregoing item of business.

**E21. FOLLOWING THE PUBLIC POUND – 2010/11 MONITORING REPORT**

There was submitted Report (circulated) dated 15 August 2011 by the Director of Education Services (a) providing an update on the work of the organisations who receive funding, in whole or in part, from Education Services and who fall within the 'Following the Public Pound' (FPP) reporting and monitoring arrangements; (b) detailing the level of funding provided to each organisation in 2010/11; (c) providing a brief outline of the activities undertaken and the service provided by these organisations in 2010/11, and (d) detailing those organisations which will receive funding from Education Services in 2011/12.

Discussion took place on the following issues:-

- The service provided by the organisations detailed in the Report
- The introduction of a corporate reporting framework
- The introduction of qualifications for pre-school playgroup leaders
- The service provided by the speech and language therapists

**NOTED:-**

- (1) the report in accordance with the 'Following the Public Pound' monitoring framework for the financial year 2010/11, and
- (2) that Education Services are continuing to fund these organisations in 2010/11.

**AGREED:-**

- (1) to endorse the satisfactory performance of these organisations in 2010/11;
- (2) acknowledge and recognise the work undertaken by these organisations detailed in Appendices 1 and 2 in supporting and assisting pupils, parents and families within our local communities, and
- (3) to ask Education Services to continue to monitor the activity/ funding and performance of these organisations in 2011/12.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 AUGUST 2011 at 9.30 A.M.**

**PRESENT:** Councillors Alexander, Buchanan, Carleschi, Lemetti, C Martin, McLuckie, McNeill, Nicol, Thomson and Turner.

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Chief Governance Officer; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officer (R Mackenzie); Senior Forward Planning Officer (R Teed); Senior Environmental Health Officer; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** None.

**P50. OPENING REMARKS**

Prior to the commencement of business, the Convener:-

- (a) welcomed Councillors Alexander and Turner as new members of the Committee; and
- (b) informed Members that following consideration of the formal business on the agenda he would invite the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron. This would include an update on the continuing issues associated with the site, the Council's involvement and the enforcement measures being considered by SEPA.

**P51. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Planning Committee held on 15 June 2011.

**P52. ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA ON LAND TO THE EAST OF DENOVA COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse, stables and equestrian arena in association with an existing

horse breeding and stabling operation on land to the east of Denovan Cottage and to the south of Denovan Road, north of Denny.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P53. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH PROVISION FOR 20% AFFORDABLE HOUSING AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK FK2 0BN FOR CENTRAL SCOTLAND HOUSING - P/11/0194/PPP**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the development of part of an existing field within the countryside to the east of Maddiston for residential purposes and comprising 35 units separated by overhead electricity lines and pylons and accessed via the eastern spur of the new roundabout recently granted planning permission (P/10/0249/MS). The application includes provision for 20% affordable housing and is located at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P54. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 4 MERRYLEES COTTAGES, LINLITHGOW FOR MR AND MRS STODDART -P/11/0311/FUL**

There was submitted Report (circulated) dated 17 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse on land (formerly garden ground) to the north and rear of 4 Merrylees Cottages, Linlithgow.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P55. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS LESLEY HENDERSON - P/11/0322/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for a two storey extension to the rear of a two storey detached dwellinghouse at 8 McCambridge Place, Larbert.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P56. CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM PRIVATE GARDEN GROUND, ERECTION OF DOMESTIC GARAGE AND 1.8M TIMBER FENCING ON LAND TO THE EAST OF 14 BLINKBONNY ROAD, BLINKBONNY ROAD, FALKIRK FOR MR ALEXANDER GRAHAM - P/11/0254/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the change of use of public open space to the rear of two semi detached residential properties to form private garden ground, the erection of a domestic garage and 1.8 metre timber fencing on land to the east of 14 Blinkbonny Road, Blinkbonny Road, Falkirk.

**AGREED to GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2)
  - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
  - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.

Informative:-

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

- P57. SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission to demolish an existing flat roof extension to a dwellinghouse, to construct a one and a half storey extension with a reduced footprint, to subdivide a large garden area to the side of the property and to erect a dwellinghouse thereon. The site is situated at Windyknowe, Cromwell Road West, Falkirk.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

- P58. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and detached garage within the rear garden area of an existing detached dwellinghouse at Glen House, Glen Road, Torwood, Larbert and also to the rear of Torwood Tower and Torwood Cottage.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

- P59. MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON "MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON" AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW EH49 7LY FOR MARTIN AND ALISON WATT - P/11/0439/75M**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on a request to modify an Agreement in relation to planning permission F/96/0002 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997), as amended, and relating to restrictions on the occupancy of a dwellinghouse known as Alma Cottage at 7A Mannerston Holdings, Linlithgow.

**AGREED to CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.



**DRAFT**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the APPOINTMENTS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 29 AUGUST 2011 at 1.00 pm.**

**PRESENT:** Provost Reid; Councillors Alexander, Coleman, C Martin and Nicol.

**CONVENER:** Councillor C Martin.

**APOLOGY:** Councillor C MacDonald.

**ATTENDING:** Director of Corporate and Neighbourhood Services; Human Resources Manager (T Gillespie) and Committee Services Officer (Arlene Fraser).

**AP5. 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 it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the said Act.

**AP6. APPOINTMENT OF HEAD OF OPERATIONS**

There was submitted Report (circulated) by the Director of Corporate and Neighbourhood Services (a) outlining the recruitment procedure in respect of the post of Head of Operations, and (b) enclosing application forms for the post with supporting papers.

**AGREED** that the Director of Corporate and Neighbourhood Services interview a long leet of 9 candidates and report back to the Committee with a recommended short leet of candidates to be interviewed by the Committee.

