

Council therefore seeks a full appraisal of current levels of funding to Community Councils, with a view to assessing that levels of financial and secondary support are adequate to allow Community Councils to fully comply with their statutory remit.

Councillor C Martin, seconded by Councillor Nimmo, moved the following amendment in substitution for the motion:-

Council recognises the important role that community councillors play in statutory consultation and local democracy. Council appreciates the ever increasing workload, especially now that community engagement is high on our agendas.

10 years has passed since Council reviewed the “Scheme of Establishment” for Community Councils.

Accordingly, Council agrees to carry out a full review of its Scheme of Establishment, which will include a review of the financial support.

The review to be completed for implementation by November 2013, the date of the next Community Council elections.

Following discussion, Councillor Spears, with the consent of the Provost and Councillor McCabe, as his seconder, agreed to incorporate the terms of the amendment within his motion.

Accordingly,

NOTED:-

- (1) the important role that community councillors play in statutory consultations and local democracy, Council appreciates the ever increasing workload, especially now that community engagement is high on our agendas, and
- (2) that 10 years has passed since Council reviewed the “Scheme of Establishment” for Community Councils.

AGREED to carry out a full review of its Scheme of Establishment, which will include a review of the financial support (a full appraisal of current levels of funding to Community Councils, with a view to assessing that levels of financial and secondary support are adequate to allow Community Councils to fully comply with their statutory remit).

The review to be completed for implementation by November 2013, the date of the next Community Councils election.

(e) Re-use of Public Sector Information Regulations 2005

Councillor McCabe moved that:-

The Re-use of Public Sector Information Regulations 2005, placed a statutory duty on the Council to establish an internal complaints procedure relevant to the regulations. Falkirk Council currently does not have such a procedure but instead has used an informative leaflet which is flawed.

Council therefore instructs the Chief Governance Officer to present a Report for members' approval that fulfils all of the statutory duties placed upon the Council by The Re-use of Public Sector Information Regulations 2005.

AGREED the terms of the motion.

(f) Supplementary Planning Guidance

Councillor McCabe, seconded by Councillor Spears, moved that:-

Current Council practice refers all planning applicants to the requirement to have them, or their Environmental Consultant, follow the Falkirk Council Supplementary Planning Guidance (SPG) Note 'Development of Land Affected by Contamination: Guidance for Applicants and Developers'. The Director of Development Services has recognised that information contained within this guidance document is wrong. As far as I am aware, Councillors on the Planning Committee are advised that compliance with the SPG is a 'material consideration' when arriving at their decisions.

Council therefore instruct the immediate withdrawal of Supplementary Planning Guidance Note "Development of Land Affected by Contamination: Guidance for Applicants and Developers" until all errors or omissions have been corrected.

Councillor C Martin, seconded by Councillor Nimmo, moved the following amendment in substitution for the motion.

To mitigate effectively any risk of land contamination, Council continues to support the policy in relation to the use of Supplementary Planning Guidance note on "Development of Land Affected by Contamination – Guidance for Applicants and Developers", as approved by the Policy and Resources Committee on 8 March 2012, subject to the minor amendments to text effected recently by the Director of Development Services.

On a division 17 members voted for the amendment and 12 voted for the motion, with 2 abstentions.

Accordingly, **AGREED** the terms of the amendment.

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

(g) Welfare Reforms

Councillor Meiklejohn seconded by Councillor Bird moved that:-

Council notes with concern the plans for a further attack on the most vulnerable within society by the UK Government with the announcement in the Autumn Statement on 5 December 2012 that a further c.£4bn is to be cut from the welfare budget at a time when income tax rates for the rich are being reduced.

Council also deplores the changes to the benefits and treatment of disabled people implemented in December 2012 and calls on the UK Government to secure termination of the contract with ATOS, the French company set targets for the removal of benefits to disabled people at present by the Tory/Liberal Coalition Government in London.

Council also calls for information about all benefit changes to be added to the report to be submitted following the 26 September 2012 meeting.

Councillor C Martin, seconded by Councillor Murray, requests that the following wording be included as an addendum to the motion failing which it could be moved as an amendment:-

Council is concerned to note that not enough is being done to address assessments that do not have enough regard to mental health issues. Council is further concerned to note the chaos prevailing with the introduction of changes to child benefit and the obvious unfairness regarding the assessment of household incomes in this connection.

In light of these experiences, Council urges the UK Government to listen to the growing anger and concerns from the various charity organisations and individuals regarding the introduction of further cuts in welfare budget announced in the Autumn Statement 2012.

Following discussion Councillor Meiklejohn, with the consent of the Provost, and Councillor Bird as her seconder, agreed to incorporate the terms of the amendment within her motion.

Councillor Nicol, seconded by Depute Provost Patrick then moved the following amendment against the adjusted motion:-

Council recognises the need for Welfare Reform as:-

- (1) It is unsuitable at a time of global recession for the Benefits System to continue to cost every household in Britain £3000 per year.
- (2) In the last five years, those on benefits have seen their incomes rise almost twice as fast as people in work – at a rate of 20 per cent compared with an increase in average earnings of only 12 per cent.
- (3) Council recognises that work must pay and that the benefits cap of £26000 (£35,000 before tax) is well above the earnings of many of our own staff.
- (4) Council applauds the Government for its determination to deliver stability to the public finances, to cut the deficit and to restore fairness to hard working tax payers.

On a division 2 members voted for the amendment and 29 voted for the adjusted motion.

Accordingly **AGREED** that Council:-

- (1) notes with concern the plans for a further attack on the most vulnerable within society by the UK Government with the announcement in the Autumn Statement on 5 December 2012 that a further c.£4bn is to be cut from the welfare budget at a time when income tax rates for the rich are being reduced;
- (2) deplores the changes to the benefits and treatment of disabled people implemented in December 2012 and calls on the UK Government to secure termination of the contract with ATOS, the French company set targets for the removal of benefits to disabled people at present by the Tory/Liberal Coalition Government in London;
- (3) calls for information about all benefit changes to be added to the report to be submitted following the 26 September 2012 meeting;
- (4) is concerned to note that not enough is being done to address assessments that do not have enough regard to mental health issues and is further concerned to note the chaos prevailing with the introduction of changes to child benefit and the obvious unfairness regarding the assessment of household incomes in this connection, and

- (5) in light of these experiences, urges the UK Government to listen to the growing anger and concerns from the various charity organisations and individuals regarding the introduction of further cuts in welfare budget announced in the Autumn Statement 2012.

DRAFT

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 7 JANUARY 2013 at 7.00 PM.

PRESENT: Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Paterson, Ritchie, Spears and Turner.

CONVENER: Provost Reid.

ATTENDING: Director of Development Services; Chief Governance Officer; Depute Chief Governance Officer; Development Manager (I Dryden), Senior Planning Officer (B Vivian); Legal Services Manager (I Henderson); Network Co-ordinator (R Steedman); Environmental Health Officer (S Henderson); Roads Development Officer (C Russell); Transport Planning Co-ordinator; and Democratic Services Manager.

ALSO
ATTENDING: Sport and Recreation Manager (Falkirk Community Trust).

FC75. SEDERUNT

The sederunt was taken by way of a roll call.

FC76. APOLOGY

An apology was intimated on behalf of Councillor Oliver.

FC77. DECLARATIONS OF INTEREST

No declarations were made.

FC78. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of Planning Committee (comprising all Members of the Council) held on 14 November 2012.

FC79. MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND SPORTS FACILITIES ON LAND TO THE EAST OF BONNYBRIDGE HOSPITAL, BONNYBRIDGE FOR ANTONINE PROPERTY DEVELOPMENTS GROUP LTD – P/09/0431/0UT

With reference to Minute of Meeting of the Planning Committee (comprising all Members of the Council) held on 14 November 2012 (Paragraph P129 refers), there was submitted Report (circulated) dated 20 December 2012 by the Director of Development Services on an application for planning permission in principle for the mixed use development comprising residential development (including approximately 200 dwellinghouses) and sports facilities on land, extending approximately to 19 hectares lying to the east of the existing Bonnybridge urban limit.

Councillor Buchannan, identified the following considerations which he determined to be material and which collectively outweighed the terms of the development plan:-

- the location of the proposed development is a sustainable one;
- the proposal offers benefits to the community, most notably the proposed sports facilities which would meet a local need;
- the extent of public support for the proposal;
- the provision of affordable housing;
- the provision of a improved road infrastructure together with a canal towpath and cycleways;
- the provision of a nursing home, and
- economic benefits flowing from the extent of construction in the development.

Councillor Buchanan, seconded by Councillor McLuckie accordingly moved that Council be minded to grant planning permission in principle, subject to the provisions of paragraph 7 c.4 of the Report detailed below:-

- (a) The submission by the applicant of a Transport Assessment, a Visual/Landscape Assessment, an Air Quality Assessment, an amended Drainage Statement and additional information in respect of potential flood risk from the Forth and Clyde Canal and the Rowan Tree Burn.
- (b) Further consideration in respect of the means by which to mitigate the potential impact of the proposed development on local school and nursery capacity.
- (c) Further consideration in respect of the provision of play facilities to serve the proposed development, including the upgrade of existing facilities at Anderson Park.
- (d) Further consideration of the Masterplan and the establishing of design principles for the proposed development having regard to the Council's Supplementary Planning Guidance Note for Housing Layout and Design.
- (e) The submission by the applicant of proposals to overcome the 'Advise Against' response from the Health and Safety Executive.

- (f) The submission by the applicant of details of the proposed phasing of the development.
- (g) Resolution of the matters to be considered in (a) to (f) above to the satisfaction of the Director of Development in consultation with the relevant consultees, provided that the Director of Development Services may exercise a judgment to refer the application back to Council in respect of any matters in respect of items (a) to (f) above.

And thereafter that planning permission in principle be granted following the satisfactory completion of any necessary legal agreement and subject to the imposition of appropriate conditions; both matters which would be remitted to the Director of Development Services.

By way of an amendment, Councillor Carleschi, seconded by Councillor Jackson, moved that the application be refused in accordance with the recommendations in the Report.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 31 members present, with voting as undernoted:-

For the motion (13) – Depute Provost Patrick; Councillors Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Nicol and Paterson.

For the amendment (18) – Provost Reid; Councillors Alexander, Balfour, Bird, Black, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Murray, Nimmo, Ritchie, Spears and Turner.

Accordingly **AGREED** to **REFUSE** planning permission in principle for the following reasons:-

- (1) The proposed development is contrary to Policy ENV.1 (Countryside and Protected Areas) of the Falkirk Council Structure Plan and Policies EQ19 (Countryside) and SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan as it has not been demonstrated that a countryside location is essential for the proposed development. It therefore represents unjustified development in the countryside;
- (2) The proposed development is contrary to Policy ENV.2 (Green Belt) of the Falkirk Council Structure Plan and Policy EQ20 (Green Belt) of the Falkirk Council Local Plan as the proposed development would undermine the role of the Green Belt by detracting from its existing landscape character, reducing the separation between the settlements of Bonnybridge and Camelon, incrementally contributing to the overall coalescence of these settlements and compromising the future use of the development site for countryside recreation;

- (3) The application site has not been identified as a housing opportunity site under the Falkirk Council Local Plan to contribute towards meeting the Housing Land Requirement, and the proposed development is not required to maintain an effective 5 year housing land supply. Therefore, the proposed development is not required to achieve the development strategy of the Falkirk Council Structure Plan and cannot be justified by the need for housing land;
- (4) The proposed development is contrary to Policy ENV.4 (Coastal Planning and Flooding) of the Falkirk Council Structure Plan and Policy ST12 (Flooding) of the Falkirk Council Local Plan as it has not been demonstrated that the proposed development would be free from the risk of flooding from the Forth and Clyde Canal and the Rowan Tree Burn, or that an increase in the level of risk to existing development would be avoided as a consequence of surface water drainage discharge from the proposed development;
- (5) The proposed development is contrary to Policies COM.5 (Developer Contributions) and COM.7 (School Provision) of the Falkirk Council Structure Plan and Policies SC11 (Developer Contributions to Community Infrastructure) and SC14 (Education and New Housing Development) of the Falkirk Council Local Plan as it has not been demonstrated that proper provision has been made to mitigate the potential impact of the proposed development on school capacity and local roads infrastructure;
- (6) The proposed development is contrary to Policy TRANS.3 (Transport Assessment) of the Falkirk Council Structure Plan and Policy ST7 (Transport Assessment) of the Falkirk Council Local Plan as it has not been demonstrated how the impact of the proposed development on the surrounding road network would be minimised and how other modes of travel rather than the car would be encouraged;
- (7) The proposed development is contrary to Policy EQ30 (Agricultural Land) of the Falkirk Council Local Plan as the proposed development would result in the loss of Class 3.1 prime quality agricultural land which is not allocated for development in the Local Plan;
- (8) The proposed development is contrary to Policies EQ16 (Sites of Archaeological Interest) and EQ17 (Antonine Wall) of the Falkirk Council Local Plan as it has not been demonstrated that the proposed development would protect the settings of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and the Forth and Clyde Canal Scheduled Monument, and
- (9) The proposed development is contrary to Policy EP18 (Major Hazards) of the Falkirk Council Local Plan as the proposed development would result in an unacceptable increase in the number of people exposed to risk from two high pressure gas pipelines which bisect the application site.

FALKIRK COUNCIL

MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 15 JANUARY 2013 at 9.30 a.m.

PRESENT: Depute Provost Patrick; Councillors Balfour, MacDonald, C Martin, McLuckie, Meiklejohn, Murray and Ritchie.

CONVENER: Councillor C Martin.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services and of Social Work Services; Chief Finance Officer; Chief Governance Officer; Waste Strategy Co-ordinator and Senior Committee Services Officer.

PR68. APOLOGIES

No apologies were made.

PR69. DECLARATIONS OF INTEREST

No declarations were made.

PR70. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Policy and Resources Committee held on 13 November 2012.

PR71. LANDFILL TAX CONSULTATION

There was submitted Report (circulated) dated 8 January 2013 by the Director of Development Services (a) referring to the new powers conferred on the Scottish Parliament by the Scotland Act 2012, relating to taxation, in particular, control of landfill tax; (b) advising that the Scottish Government has released a consultation on landfill tax, detailing how the tax and its receipts will be managed over the coming years, and (c) attaching as an appendix to this Report, a copy of the responses to the questions in the consultation document.

AGREED to approve the proposed responses to the consultation document.

PR72. FINANCIAL POSITION 2012/13

There was submitted Report (circulated) dated 30 December 2012 by the Chief Finance Officer presenting an update on the financial position of the Council for 2012/13, reflecting the situation as at 30 November 2012.

NOTED the latest projection of revenue account spending for 2012/13.

PR73. LOCAL GOVERNMENT FINANCE SETTLEMENT

There was submitted Report (circulated) dated 30 November 2013 by the Chief Finance Officer summarising the Scottish Government Finance Circular no 5/2012 which provides local authorities with details of provisional revenue and capital allocations for 2013/14, an update on grant charges for 2012/13, details of the business rates consultation and the next business rates revaluation.

NOTED

PR74. CONTRACTS

(a) **Hire of Portable Accommodation as part of a Framework Agreement to Falkirk Council (C/N: CNS/124/12)**

There was submitted Report (circulated) dated 12 December 2012 by the Director of Corporate and Neighbourhood Services (a) advising that 22 companies expressed an interest in the tender for the Hire of Portable Accommodation, as part of a Framework Agreement, advertised in the Official Journal of the European Union; (b) informing that the framework will commence on 1 February 2013 and run for 3 years until 31 January 2016, with the availability of extending, if desired, for an additional 12 months until 31 January 2017; (c) intimating the total value of the Framework Agreement, over the 4 year period, is approximately £1,240,000, and (d) explaining that following the receipt of 6 tenders received by the due date of 27 September 2012, which were opened in accordance with Standing Order 11.2 Relating to Contracts and evaluated by officers, 5 tenders, as detailed in the appendix to the Report, were selected as offering best value for money across the full range of accommodation units required.

AGREED in accordance with Standing Order 6.2(iv) to approve the acceptance of the tenders submitted as detailed in the Appendix to the Report in the sum of £930,000 for the 3 year period 1 February 2013 to 31 January 2016 in respect of a Framework Agreement for the Hire of Portable Accommodation to Falkirk Council, with a further extension opportunity to 31 January 2017.

(b) Land at Dunmore

There was submitted Report (circulated) dated 19 December 2012, by the Director of Development Services summarising the marketing exercise for the site at the woodyard, Dunmore.

NOTED the outcome of the recent marketing exercise for the site at the woodyard, Dunmore.

AGREED that a further Report on the site he brought forward to Committee following discussions with Dunmore Residents Associations.

(c) Contract for Extension to Gym Hall at St Andrew's Primary School, Falkirk (FAL-6461)

There was submitted Report (circulated) dated 14 December 2012 by the Director of Development Services (a) advising that the return date for tenders was 11 January 2013, with evaluation taking place immediately thereafter; (b) informing that the programmed completion date for the contract of August 2013 requires the contractor to start on site at the earliest possible opportunity to maximise the available time for construction works, and (c) seeking, in view of the timescale, delegated authority to award the contract outwith the Committee cycle, provided it is within budget, ensuring that a report is presented to the earliest appropriate meeting of the Committee following the award.

AGREED to authorise the Director of Development Services to award the contract for the extension to the Gym Hall at St Andrews Primary School, Falkirk, provided it is within budget and that a report on the outcome of the procurement will be submitted to the earliest appropriate meeting of the Policy and Resources Committee following the tender evaluation process.

(d) Acceptance of Tenders over £350,000 in value Contract for Proposed Re-Roofing at Camelon Social Work Offices (CAM-7012)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 13 November 2012 (Paragraph PR60(c) refers), there was submitted Report (circulated) dated 18 December 2012, by the Director of Development Services advising that following the receipt of 4 tenders by the due date of 26 September 2012, opened in accordance with Standing Order 11 Relating to Contracts, the lowest tender was submitted by Murdoch Smith and Co. Ltd, Crownest Loan, Stenhousemuir for the sum of £362,770.56.

NOTED that in terms of the decision agreed at the meeting of the Policy and Resources Committee held on 13 November 2012, the Director of Development Services accepted the tender submitted by Murdoch Smith & Co. Ltd, Crownest Loan, Stenhousemuir in the sum of £362,770.56 in respect of the proposed re-roofing at Camelon Social Work Offices.

(e) Acceptance of Tenders over £350,000 in value Contract for Gas Heating Replacement to Council Housing Properties in the Falkirk Area (VAR-7077b phase 2)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 4 September 2012, (Paragraph PR34(b) refers) when approval was given to accept tenders for gas heating replacement to Council housing properties in the Falkirk Area as part of a Framework Agreement and to authorise the award of call off contracts, providing they were within the overall budget defined within the Framework Agreement, there was submitted Report (circulated) dated 12 December 2012 by the Director of Development Services advising that the second call-off tender, received by the due date of 29 November 2012 and opened in accordance with Standing Order 11 Relating to Contracts for the amount of £1,124,195.53, was awarded to McTear Contracts Limited, Wishaw, who were the first placed contractor on the approved Framework Agreement list.

NOTED that in terms of the decision agreed at the meeting of the Policy and Resources Committee held on 04 September 2012, the Director of Development Services accepted the tender submitted by McTear Contracts Limited, Unit 12 Canyon Road, Netherton Industrial Estate, Wishaw ML2 0EG in the sum of £1,124,195.53 in respect of gas heating replacement to council housing properties in the Falkirk area, contract No VAR-7077B – Phase 2.

(f) Acceptance of Tenders over £350,000 in value Contract for New Build Housing, Parkhall Drive, Maddiston (MAD-6958)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 13 November 2012, (Paragraph PR60(f) refers), there was submitted Report (circulated) dated 6 December 2012 by the Director of Development Services advising that following the granting of planning permission by the Planning Committee on 28 November 2012 a tender submitted by Corporate and Neighbourhood Services, The Forum, Callendar Business Park, Falkirk, FK1 1XR, for the sum of £4,045,359.17 for the provision of 40 new homes, was received by the due date of 5 November 2012 and opened in accordance with Standing Order 11 Relating to Contracts.

NOTED that in terms of the decision agreed at the meeting of the Policy and Resources Committee held on 13 November 2012, the Director of Development Services accepted the tender submitted by Corporate and Neighbourhood Services, The Forum, Callendar Park, Falkirk FK1 1XR in the sum of £4,045,359.17 in respect of new build housing at Parkhall Drive, Maddiston.

(g) Acceptance of Tenders over £350,000 in value Contract for New Build Housing, Merchiston Road, Falkirk, phase 1 (FAL-6959)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 4 September 2012, (Paragraph PR34(d) refers), there was submitted Report (circulated) dated 14 December 2012 by the Director of Development Services advising that following the receipt of 6 tenders by the due date of 21 September 2012, opened in accordance with Standing Order 11 Relating to Contracts, the lowest tender was submitted by JB Bennett (Contracts) Ltd, Banton, By Kilsyth, G65 0QG for the sum of £3,914,673.35.

NOTED that in terms of a decision agreed at the meeting of the Policy and Resources Committee held on 4 September 2012, the Director of Development Services accepted the tender submitted by JB Bennett (Contracts) Ltd, Banton, By Kilsyth, G65 0QG for the sum of £3,914,673.35 in respect of new build housing at Merchiston Road, Falkirk, phase 1 and that works commenced on this development in early December 2012.

(h) Acceptance of Tenders over £350,000 in value Contract for Re-Roughcasting and Re-Roofing Works at Skinflats & Grangemouth (GRA-7136)

With reference to the Minute of Meeting of the Falkirk Council held on 5 December 2012, (Paragraph FC60 refers), there was submitted Report (circulated) dated 7 December 2012 by the Director of Development Services advising that following the receipt of 3 tenders by the due date of 26 November 2012, opened in accordance with Standing Order 11 Relating to Contracts, the lowest tender was submitted by AC Whyte & Co. Ltd, 6 Bowerwalls Place, Crossmill Business Park, Barrhead, G78 1BF for the sum of £372,341.13.

NOTED that in terms of the decision agreed at the meeting of Falkirk Council held on 5 December 2012, the Director of Development accepted the tender submitted by AC Whyte & Co. Ltd, 6 Bowerwalls Place, Crossmill Business Park, Barrhead, G78 1BF in the sum of £372,341.13 in respect of the re-roughcasting and re-roofing to 40 locations in Skinflats and Grangemouth.

(i) Acceptance of Tenders over £350,000 in value Contract for Re-Roofing & Re-Roughcasting at Falkirk, Laurieston, Sheildhill and Hallglen (FAL-7123)

With reference to the Minute of Meeting of Falkirk Council held on 5 December 2012, (Paragraph FC61 refers), there was submitted Report (circulated) dated 27 December 2012 by the Director of Development Services advising that following the receipt of 3 tenders by the due date of 7 December 2012, opened in accordance with Standing Order 11 Relating to Contracts, the lowest tender was submitted by Ailsa Building Contractors Ltd., 251 Dundyvan Road, Coatbridge, ML5 4AU for the sum of £404,485.67.

NOTED that in terms of the decision agreed at the meeting of Falkirk Council held on 5 December 2012, the Director of Development Services accepted the tender submitted by Ailsa Building Contractors Ltd., 251 Dundyvan Road, Coatbridge, ML5 4AU in the sum of £404,485.67 in respect of the re-roofing and roughcasting at Falkirk, Laurieston, Sheildhill and Hallglen.

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 JANUARY 2013 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, D Goldie, McLuckie, McNally, Nicol and Ritchie.

CONVENER: Councillor Nicol.

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

CL79. APOLOGIES

Apologies were intimated on behalf of Councillors Buchanan, Hughes and Turner.

CL80. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non financial interest in Item 14 (minute CL93) by virtue of her being acquainted with the applicant's family and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Ritchie advised that she had a slight acquaintance with the applicant in Item 12 (minute CL91) but did not consider that it amounted to a declarable interest under the Code.

Provost Reid advised that he was an occasional user of the premises referred to in Item 11 (minute CL90) but did not consider that it amounted to a declarable interest under the Code.

CL81. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 15 November 2012.

CL82. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN OCTOBER AND NOVEMBER 2012

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 October to 30 November 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications for public processions received during the same period.

NOTED.

CL83. EXCLUSION OF PUBLIC

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

CL84. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Councillor Nicol advised of a variation to 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.

CL85. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Ms R, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Ms R 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 and dependant on the applicant sitting the Council's medical examination and providing evidence to show that she has met the DVLA Group 2 Regulations Standards.

CL86. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr K, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer on an application for the renewal of a taxi 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 K spoke in support of the application.

Questions were then asked by Members of the Committee.

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

CL87. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr V, entered the meeting.

There was submitted Report (circulated) dated 20 December 2012 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; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr V spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) that the applicant be given a final opportunity to take and pass the knowledge test;
- (2) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised to refuse the licence without further reference to Committee in terms of the Civic Government (Scotland) Act 1982 Section 13 (5);
- (3) that, should the applicant pass the knowledge test, officers will arrange for the applicant to sit the Council's medical examination and the applicant shall thereafter provide evidence to show that he has met the DVLA Group 2 Regulations Standards;
- (4) that, should the applicant pass both tests, the Chief Governance Officer is authorised to grant the licence; and
- (5) that, should the applicant pass the knowledge test but fail the medical test, the application will be further considered at a future meeting of the Committee.

CL88. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer on an application for the renewal of a 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 G spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **RENEW** the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.

CL89. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

A Director of the applicant company, Mr A, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the 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.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

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

Mr A left and was then recalled to the meeting.

AGREED that a departure from the Council's policy was justified and therefore to **GRANT** the licence from 11 p.m. to 5 a.m. for a period of six months subject to the standard conditions and the following additional conditions:-

- (1) No hot food will be sold on the premises after 1.30 a.m.;
- (2) Between 1.30 a.m. and 5 a.m. only ready to eat pre-packaged food from the chill cabinet (e.g. sandwiches) will be sold on the premises; and
- (3) For the purpose of this licence 'hot food' refers to baked goods from the in-store bakery on the premises. No other form of hot food will be sold.

In light of the non-standard nature of this application, **AGREED** that the licence will be monitored for its duration and any application for a renewal of the licence will be referred to Committee for determination.

CL90. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The Licensing Co-ordinator advised that the applicant, Ms A, was not present at the meeting. The Committee then requested the Licensing Co-ordinator to contact the applicant by telephone to ascertain if she would be attending and, being mindful that the following agenda items required consideration of Police objections, to allow Police representatives to arrive.

The Committee at 11.00 a.m. **AGREED** that a 15 minute adjournment take place to allow the Licensing Co-ordinator to contact the applicant and for the Police to arrive.

The Committee re-convened at 11.15 a.m. with all Members present as per the sederunt, with the exception of Councillor D Goldie.

The Licensing Co-ordinator then advised that the applicant had been involved in a road accident that morning and was unable to attend but wished the matter to be considered in her absence. Having heard from the Licensing Co-ordinator, the Committee agreed to consider the application in the applicant's absence.

There was submitted Report (circulated) dated 8 January 2013 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 the 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.

Questions were then asked by Members of the Committee.

AGREED that a departure from the Council's policy was justified and therefore to **RENEW** the late hours catering licence for a period of three years subject to the standard conditions.

CL91. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McC, Inspector D Gibson and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr McC raised by way of a preliminary point that there had been inaccurate information presented in the original objection letter lodged by Central Scotland Police in relation to his convictions in that they related to another person of the same name. This information was later corrected by Central Scotland Police. One inaccuracy however remained, that being the nature of one particular conviction. Mr McC submitted that this would be prejudicial to himself. In response, Inspector Gibson apologised for the original incorrect information relating to another person but did not have any information on Police record in relation to the nature of the aforementioned conviction.

After consideration, the Committee determined that the inaccuracies relating to the other person had been adequately acknowledged and corrected by Central Scotland Police. The Committee therefore resolved to consider the police objection letter but indicated that Central Scotland Police must provide conclusive clarification in respect of the conviction identified by the applicant.

Inspector D Gibson then spoke in amplification of the objection and indicated that he had no further information in relation to the conviction referred to by the applicant.

Questions were asked of Inspector Gibson by Members of the Committee and the applicant.

Mr McC was then heard in relation to the objection.

Questions were asked of the applicant by Members of the Committee and Central Scotland Police.

AGREED that a short adjournment take place to enable Committee to consider the submissions and to allow the representatives of Central Scotland Police to obtain clarification on the court conviction referred to by the applicant.

The applicant, McC, Inspector D Gibson and PC S Leishman, left and were then recalled to the meeting.

Inspector D Gibson then clarified the details of the conviction identified by the applicant and confirmed that the information as presented by the applicant was correct.

Following further questions asked by Members of the Committee **AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi drivers.

CL92. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

The applicant's representative, Mr S, raised by way of preliminary point, the inaccuracy of information presented in the objection letter lodged by Central Scotland Police. This related to two matters which were not convictions as presented. These instances however did not affect the competency of the objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant's representative stated that he had no questions for Inspector Gibson.

Mr S was then heard in relation to the objection and this included clarifying the specific charge in relation to one incident.

Questions were asked of the applicant's representative by Members of the Committee. The representative from Central Scotland Police stated that he had no questions for the applicant's representative.

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, left and were then recalled to the meeting.

After consideration, the Committee **AGREED** that the application would be considered following the next item on the agenda to allow the representatives of Central Scotland Police to obtain clarification on the specific charge in relation to one incident identified by the applicant's representative.

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, thereafter left the meeting.

In accordance with her declaration of interest, Councillor Ritchie left the meeting prior to consideration of the following item of business.

CL93. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr M, and Inspector D Gibson, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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.

The applicant, Mr M, advised that he had no preliminary points to make on the competency of an objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant stated that he had no questions for Inspector Gibson.

Mr M was then heard in relation to the objection.

Questions were asked of the applicant by Members of the Committee and Central Scotland Police.

AGREED to **REFUSE** the licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3) (a) (ii) on the ground that the applicant was not a fit and proper person to be the holder of such a licence.

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

**CL94. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE
- CONTINUED**

The applicant, Mr C, together with his representative, Mr S, and Inspector D Gibson and PC S Leishman, Central Scotland Police, re-entered the meeting.

Inspector D Gibson provided clarification on the specific charge in relation to one incident identified by the applicant's representative.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** the licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3) (a) (ii) on the ground that the applicant was not a fit and proper person to be the holder of such a licence.

The applicant's representative requested a Statement of Reasons.

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC EVENTS PANEL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 JANUARY 2013 at 1.45 PM.

PRESENT: Provost Reid and Depute Provost Patrick.

CONVENER: Provost Reid.

ATTENDING: Accountancy Assistant (L Callachan) and Members' Services Administrator (H Forster).

CE12. APOLOGIES

No apologies were intimated.

CE13. DECLARATION OF INTERESTS

No declarations were made.

CE14. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Events Panel held on 14 November 2012.

CE15. CIVIC HOSPITALITY BUDGET

There was submitted Report (circulated) dated 8 January 2013 by the Chief Finance Officer detailing the expenditure and balance available in respect of the Civic Hospitality Budget 2012/13.

NOTED.

CE16. FORTH VALLEY DISABILITY SPORT

There was submitted Report (circulated) dated 14 December 2012 by the Chief Governance Officer advising that a request had been received from the Chairperson, Forth Valley Disability Sport seeking financial assistance towards the organisation's Annual Awards Ceremony.

AGREED to provide financial support in the sum of £1,200 to Forth Valley Disability Sport on the occasion of their Annual Awards Ceremony to be held on 18 February 2013 in the Park Hotel, Falkirk.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 18 JANUARY 2013 at 9.30 a.m.

PRESENT: Councillors Blackwood, D Goldie, Gow, McLuckie and Turner.

CONVENER: Councillor McLuckie.

ATTENDING: Depute Chief Governance Officer; Human Resources Manager, and Committee Services Officer (S Barton).

A20. APOLOGIES

Apologies for absence were intimated on behalf of Depute Provost Patrick and Councillors Chalmers and Jackson.

A21. DECLARATIONS OF INTEREST

There were no declarations made.

A22. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Appeals Committee held on 19 December 2012.

A23. 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.

A24. APPEAL AGAINST DISMISSAL

There were submitted (circulated) copies of (a) Note of Procedure; (b) Submission from Head of Resources and Procurement, Corporate and Neighbourhood Services dated 11 January 2013, and (c) copies of core documents relating to the Appeal.

The Depute Chief Governance Officer and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr L, was present and was represented by A Coutts, GMB.

The Head of Resources and Procurement and Human Resources Adviser, J Simpson were present as representatives of the Council.

The Appellant and his representative presented his case.

The Head of Resources and Procurement asked questions of the Appellant and his representative.

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

The Head of Resources and Procurement presented the case on behalf of the Council.

The Appellant and his representative then asked questions of the Head of Resources and Procurement.

Members of the Committee then asked questions of the Head of Resources and Procurement.

The Head of Resources and Procurement summarised the case on behalf of the Council.

The Appellant and his representative summarised his case.

The parties to the appeal withdrew.

The Committee having given careful consideration to all the submissions made, were satisfied that the decision by management to dismiss Mr L from Council service was reasonable in all the circumstances. Accordingly, the appeal was **REFUSED**.

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

DRAFT

MINUTE of MEETING of the ENVIRONMENT AND COMMUNITY SAFETY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 22 JANUARY 2013 at 9.30 am.

PRESENT: Councillors Alexander, Blackwood, G Goldie, Jackson, Mahoney, Dr C R Martin, Nicol, Oliver, Paterson and Turner.

CONVENER: Councillor Dr C R Martin.

ATTENDING: Director of Development Services; Depute Chief Governance Officer; Heads of Children and Families and Criminal Justice, of Policy, Technology and Improvement and of Operational Services; Acting Service Manager, Criminal Justice; Accountancy Services Manager (H MacArthur); Environmental Health Co-ordinator; Licensing Co-ordinator (B Douglas); Area Estates Co-ordinator (M Bryce); Sustainable Development Officer; Interim Legal Services Manager (RM Hoey), and Committee Services Officer (S Barton).

ALSO

ATTENDING: Chief Superintendent David Flynn and Chief Inspector Alan Waddell, Central Scotland Police (Item ECS24 only).

ECS21. APOLOGIES

An apology for absence was intimated on behalf of Councillor McNally.

ECS22. DECLARATIONS OF INTEREST

There were no declarations made.

ECS23. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Environment and Community Safety Committee held on 23 October 2012.

ECS24. POLICE AND FIRE REFORM - UPDATE

There was submitted Report (circulated) dated 19 December 2012 by the Chief Executive (a) providing an update on the progress of police and fire reform and the Council's local response to this, and (b) outlining the recently published proposed national policing priorities and the national Fire and Rescue Framework 2013.

Discussion took place on the following:-

- the work being progressed by Central Scotland Police in preparing for the transition to the single force
- the appointment of Senior Officers, including those in the “Forth Valley Division”
- the uniform for the National Police Force
- the monitoring arrangements for allocating money to the local area

NOTED:-

- (1) the progress being made at a national level to prepare for the establishment of the Police Service of Scotland and the Scottish Fire and Rescue Service;
- (2) the distribution of consultations on national strategic policing and fire and rescue priorities, and
- (3) the steps being taken at a local level to develop appropriate scrutiny arrangements and the development of local plans for both police and fire services.

AGREED:-

- (1) to approve the submission made in respect of policing priorities as set out in Appendix 1 of the Report, and
- (2) to request further updates on this subject as further information becomes available and meaningful developments start to take shape.

Councillor Goldie entered the meeting during discussion of the foregoing item of business.

ECS25. UPDATE ON REVIEW OF TAXI/PRIVATE HIRE VEHICLE LICENSING ARRANGEMENTS

With reference to the Minute of Meeting of the Environment and Community Safety Committee held on 23 October 2012 (Paragraph EC17 refers), there was submitted Report (circulated) dated 15 January 2013 by the Depute Chief Governance Officer (a) outlining the process currently being undertaken in relation to the review of taxi numbers, and (b) providing an update on the other outstanding areas of the ongoing taxi review, namely licensing conditions, vehicle types and driver standards.

Discussion took place on the following:-

- the timescales for completing the review
- the proposal to allow the use of cars with smaller engines
- the plans for driver training
- advertising on taxis