

FALKIRK COUNCIL

MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 12 FEBRUARY 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 Development Services and of Education Services; Chief Finance Officer; Chief Governance Officer; Heads of Human Resources and Customer First, of Planning and Transportation and of Resources and Procurement; Revenues Manager; Service Manager (D McCart); Strategic and Private Sector Manager; Transportation Planning Manager; Public Transport Officer; Transport Co-ordinator; Committee Services Officer (A Fraser) and Senior Committee Services Officer.

PR75. APOLOGIES

No apologies were made.

PR76. DECLARATIONS OF INTEREST

No declarations were made.

PR77. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Policy and Resources Committee held on 15 January 2013.

PR78. MEMBERSHIP OF FALKIRK LOCAL LICENSING FORUM

There was submitted Report (circulated) dated 15 January 2013 by the Chief Governance Officer (a) providing background information on the Falkirk Licensing Forum; (b) outlining the Council's duties in regard to establishing a Forum; (c) summarising the recruitment process, and (d) seeking to appoint Members to the Licensing Forum.

AGREED:-

- (1) the appointment of Members to the Falkirk Local Licensing Forum as detailed within the report, and
- (2) that the details of those persons not appointed are held on file as reserves and authority be given to the Chief Governance Office to appoint from this group should any vacancies arise.

PR79. BUYING BACK EX-LOCAL AUTHORITY HOUSING

With reference to the Minutes of the Meetings of both the Housing and Social Care Committee held on 28 August 2012 and Falkirk Council held on 26 September 2012 (Paragraph HSC10 and FC36 refers) there was submitted Report (circulated) dated 30 January 2013 by the Director of Corporate and Neighbourhood Services seeking approval to buy back ex local authority housing, following the conclusion of the recent consultation process.

AGREED to:-

- (1) commence with the repurchase of ex Right to Buy properties based on the principles set out in the report, and
- (2) refer a further report to the Housing and Social Care Committee which will outline the progress made towards achieving the targets outlined in the report.

PR80. SCOTTISH GOVERNMENT BUSINESS RATES CONSULTATION

There was submitted Report (circulated) dated 8 January 2013 by the Director of Development Services (a) referring to the Consultation paper published by the Scottish Government on business rates – “Supporting Business – Promoting Growth”; (b) summarising the content of the consultation paper, and (c) attaching as an appendix to the report, a copy of the responses to the questions in the consultation document.

NOTED the consultation exercise on business rates.

AGREED to approve the proposed responses to the consultation document.

PR81. SCOTTISH GOVERNMENT CONSULTATION PAPER – A CONSULTATION ON TAX MANAGEMENT

There was submitted Report (circulated) dated 30 January 2013 by the Chief Finance Officer (a) referring to the consultation paper published by the Scottish Government on tax management arrangements; (b) summarising the content of the consultation paper, and (c) attaching as an appendix to the Report, a copy of the responses to the questions in the consultation document.

NOTED the consultation paper.

AGREED to approve the proposed responses to the consultation document.

PR82. RESERVES STRATEGY UPDATE

With reference to the Minutes of Meetings of both the Policy and Resources Committee held on 4 September 2012 and Falkirk Council held on 26 September 2012 (Paragraphs PR32 and FC37 refers) there was submitted Report (circulated) dated 31 January 2013 by the Chief Finance Officer advising of the updated balances on each of the Council's Earmarked Reserves and the Repairs and Renewals Fund.

NOTED the latest position with Reserves.

AGREED to approve the spending plans as detailed in the report.

PR83. REVIEW OF LOCAL BUS SERVICES

With reference to the Minutes of Meetings of both the Policy and Resources Committee held on 9 October 2012 and Falkirk Council on 5 December 2012 (paragraphs PR43 and FC69 refers) there was submitted Report (circulated) dated 5 February 2013 by the Director of Development Services detailing the outcome of the root and branch review of non commercial bus service provision, and (b) attaching as appendices to the Report copies of the report prepared by consultants, TAS, together with an outline of some immediate recommendations.

AGREED:-

- (1) the Directors of Social Work Services and Development Services be authorised to investigate and implement further use of the Social Work vehicles during the off peak;
- (2) the Director of Development Services be authorised to negotiate terms and conditions and liaise with the community prior to implementing a Taxibus service for the Blackness area;
- (3) the Director of Development Services be authorised to investigate a possible transport service for the Braes, for Committee consideration;
- (4) to approve the undernoted temporary replacement bus service contracts, awarded from October/November 2012 (at a rate of £492,000 a year):
 - 27B (Falkirk-FVRH-Banknock) – contract cancelled because of low usage
 - F15 (Falkirk-Carronshore-Alloa) – reduce the frequency to every two hours and re-route away from Carronshore (which has other services) and make the same alterations to the pre-existing contract for evening and Sunday services
 - Service 40 (Falkirk-California) – retain with minor adjustments
 - X19 (Falkirk-Bo'ness-Edinburgh) – operate every 2 hours but with off-peak journeys starting and terminating at Bo'ness
 - Service 17 (Falkirk-Limerigg) – retain until pilot unconventional service produced
 - F45 (Bo'ness-Linlithgow) – retain; and
 - 59/16 (Callendar-Stirling-Airth-Falkirk) – should be routed away from Falkirk Community Hospital and any journeys through The Inches which are not being used by residents of that area should be re-routed to Bellsdyke Road (informing local Members of the result of the analysis).
- (5) with the exception of service 49 Blackness area (which should be retained temporarily until replaced by the proposed Taxibus service), the contract bus services listed in Appendix 2 Table 2 of the Report be retained (subject to the normal ongoing monitoring and periodic adjustment in line with the policy) on the provision that the financial arrangements are confirmed at the Special Meetings of the Policy and Resources Committee and Falkirk Council to be held on 13 February 2013, and

- (6) that the Order of Malta Dial-a-Journey Ltd be awarded a three year contract from 1 April 2013 for the accessible transport service at a cost of £201,000 in 2013/14 plus inflation in subsequent years.

PR84. CONTRACTS

- (a) **Acceptance of tenders over £350,000 in value - Contract for recladding and associated works at Leishman & Marshall Towers, Seaton Place, Falkirk (FAL-7116)**

With reference to the Minute of Meeting of the Policy and Resources Committee held on 9 October 2012 (Paragraph PR50(e) refers) there was submitted Report (circulated) dated 21 January 2013 by the Director of Development Services advising that following the receipt of 6 tenders by the due date 5 November 2011, opened in accordance with Standing Order 11 relating to Contracts, the lowest tender was submitted by Apollo Property Services Group Limited, Conquest House, Church Street, Waltham Abbey, Essex in the sum of £4,995,255.00.

NOTED that in terms of the decision agreed at the Meeting of the Policy and Resources Committee held on 9 October 2012, the Director of Development Services had accepted the tender submitted by Apollo Property Services Group Limited, Conquest House, Church Street, Waltham Abbey, Essex in the sum of £4,995,255.00 in respect of recladding and associated works at Marshall and Leishman Towers, Seaton Place, Falkirk.

- (b) **Acceptance of tenders over £350,000 in value - Contract for gas heating replacement to Council Housing Properties in the Falkirk area (VAR-7077C PHASE 3)**

With reference to the Minutes of Meeting of the Policy and Resources Committee held on 4 September 2012 and 15 January 2012, (Paragraphs PR34(b) and PR74(e) 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 third call-off tender, received by the due date of 18 January 2013 and opened in accordance with Standing Order 11 Relating to Contracts for the amount of £1,115,805.01, 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 had accepted the tender submitted by McTear Contracts Limited, Unit 12 Canyon Road, Netherton Industrial Estate, Wishaw ML2 0EG in the sum of £1,115,805.01 in respect of gas heating replacement to council housing properties in the Falkirk area, contract No VAR-7077C – Phase 3.

(c) Contract for new build housing, Tinto Drive, Grangemouth (GRA-6960)

There was submitted Report (circulated) dated 24 January 2013 by the Director of Development Services advising that tenders were issued for the new build of 56 homes at Tinto Drive, Grangemouth, with a return date of 11 March 2013.

AGREED:-

- (1) to authorise the Director of Development Services to award the contract for the new build housing at Tinto Drive, Grangemouth provided it is within budget, and
- (2) that the Director of Development Services report the outcome of the procurement to the earliest appropriate Meeting of the Policy and Resources Committee following the tender evaluation process.

(d) Participation in Scotland Excel - Contract for the supply and distribution of Fleet Parts

There was submitted Report (circulated) dated 28 January 2013 by the Director of Corporate and Neighbourhood Services (a) advising that as a member of Scotland Excel, Falkirk Council has access to a recently established supply of vehicle parts; (b) seeking approval to participate in this Scotland Excel Framework, following the expiry of the current contract with Fleet Factors on 31 March 2013, and (c) examining the potential implication for the transfer of staff from Fleet Factors to the Council at the conclusion of the current contract acknowledging that the potential transfer would relate to duties under the Transfer of Undertakings and Protection of Employment (TUPE) Regulation 2006, in respect of Fleet Factor stores staff who have been based at the fleet workshops since 2009.

AGREED:-

- (1) In accordance with Standing Order 6.2(iv) to approve Falkirk Council's participation in the Scotland Excel Framework for Vehicle Parts at an estimated value of £2,400,000 for the period 1st April 2013 through to its potential conclusion on 31st December 2016, and
- (2) that an in-house Fleet stores function be established and officers progress the work necessary to meet TUPE obligations arising as a consequence of that decision.

(e) Participation in Scotland Excel - Contract for the supply and distribution of Hygiene and Paper Products

There was submitted Report (circulated) dated 28 January 2013 by the Director of Corporate and Neighbourhood Services (a) advising that as a member of Scotland Excel, Falkirk Council has access to a national framework agreement for the supply and distribution of hygiene and paper products, and (b) seeking approval to participate in the Scotland Excel Framework following expiry of the current contract on 31 March 2013.

AGREED:-

- (1) In accordance with Standing Order 6.2(iv) to approve Falkirk Council's participation in the Scotland Excel Framework for the Supply and Distribution of Hygiene & Paper Products at an estimated value of £700,000 for the period 1st April 2013 through to its potential conclusion on 31st March 2015, and
- (2) to approve that Bunzl Cleaning & Hygiene Supplies Ltd be the preferred supplier from the Scotland Excel Framework, subject to them continuing to demonstrate best value during the term of the Framework.

PR85. REFERRAL FROM EDUCATION COMMITTEE – 29 JANUARY 2013

With reference to the Minute of Meeting of the Education Committee held on 29 January 2013 (Paragraph E36 refers) there was submitted Report (circulated) dated 29 January 2013 by the Director of Education Services enclosing the Report – Class Contract Time in P1/2, considered by the said Committee with the recommendation being referred to the Policy and Resources Committee for approval.

AGREED to endorse the proposal to deliver an entitlement to 25 hours class contact per week for all primary aged pupils.

PR86. REFERRAL FROM HOUSING AND SOCIAL CARE COMMITTEE – 5 FEBRUARY 2013

With reference to the Minute of Meeting of the Housing and Social Care Committee held on 5 February 2013 (Paragraph HSC39 refers) there was submitted Report (circulated) dated 6 February 2013 by the Director of Social Work Services enclosing the Report – Commissioning of Care at Home Services, considered by the said Committee with the recommendation being referred to the Policy and Resources Committee for approval.

AGREED to approve the award of up to 2% uplift to providers of Care at Home Services for 2013/14.

PR87. REFERRAL FROM JOINT CONSULTATIVE COMMITTEE – 6 FEBRUARY 2013

With reference to the Minute of Meeting of the Joint Consultative Committee held on 6 February 2013 (Paragraphs JCC 31, 32, 33, 34 and 35 refers). there was submitted Report (circulated) dated 6 February 2013 by the Director of Corporate and Neighbourhood Services enclosing Reports considered by the said Committee with the recommendations therefrom being referred to the Policy and Resources Committee, for approval, namely:-

- Family Leave Policy (all employees except Teachers)
- Drug and Alcohol Policy
- Legionnaire's Disease Policy
- Needlestick Policy
- Smoking Policy

- Health Safety and Care Policy

AGREED to approve the proposed amendments to the policies listed above.

PR88. 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 involve the likely disclosure of exempt information as defined in Paragraphs 8&9 of Part 1 of Schedule 7A to the said Act.

PR89. HOUSING SITES SURPLUS TO OPERATIONAL REQUIREMENTS

There was submitted Report (circulated) dated 31 January 2013 by the Director of Corporate and Neighbourhood Services seeking approval to (a) declare land held on the Council's Housing Revenue Account, surplus to operational requirements subject to obtaining any necessary approvals to sale of land on the Housing Revenue Account from the Scottish Ministers, and (b) demolish vacant garage lockups.

AGREED:-

- (1) to declare the sites adjacent to the undernoted addresses and shown on the plans attached to the report surplus to operational requirements:
 - 16 Fairways Place, Bonnybridge
 - 54 Gateside Avenue, Bonnybridge
 - 78 Dochart Place, Hallglen
 - 32 Hornbeam Crescent, Laurieston
 - 22 Fairways Place, Bonnybridge
 - 1 Norwood Avenue, Bonnybridge
 - 39 Dean Road, Bo'ness (the entire area hatched on the plan)
- (2) to authorise the Director of Development Services to organise the negotiated disposal of the sites referred to in the preceding paragraph with the exception of 32 Hornbeam Crescent, Laurieston which will be the subject of a lease, subject to any necessary consents for such disposals being obtained from the Scottish Ministers;
- (3) to declare surplus to operation requirements the two small areas of land at Glenburn Road, Hallglen lying adjacent to the former "Cottages" site shown on the plan attached to the report and, subject to obtaining any necessary Ministerial consent as aforesaid, to authorise the Director of Development Services to dispose of the site to Loretto Housing Association at nil value, and
- (4) to declare surplus the lockup garages at 8-13 (with the exception of numbers 8 and 9 and which are privately owned) Melrose Drive, Grangemouth and 14-22 Dryburgh Way, Grangemouth, allowing for their demolition and for the site to revert to open space, subject to the satisfactory conclusion of discussions with relevant owner occupiers.

PR90. IRRECOVERABLE DEBTS 2012/13

There was submitted Report (circulated) dated 31 January 2013 by the Chief Finance Officer presenting details of Council Tax, Rents, Housing Benefits Overpayments, Non Domestic Rates, Sundry Accounts and Payroll overpayments, which, for a variety of reasons, may not be recoverable, and, therefore require to be written out of the Accounts in the financial year 2012/13.

AGREED that:-

- (1) Council Tax debts in excess of £5,000 totalling £47,222.65 as detailed in Appendix A to the Report, be written out of the Accounts in 2012/13, subject to further recovery action being taken should the opportunity arise;
- (2) Housing Benefit Overpayments in excess of £5,000 totalling £42,676.50 as detailed in Appendix B to the Report, be written out of the Accounts in 2012/13, subject to further recovery action being taken should the opportunity arise;
- (3) Non-Domestic Rates debts in excess of £5,000 amounting to £948,458.27 as detailed in Appendix C to the Report, be written off, with an appropriate adjustment to the Rate Income Return for 2012/13, subject to amendments should further information on the debtors concerned become available, and
- (4) Sundry Account debts in excess of £5,000 totalling £59,290.26 (Inclusive of VAT) as detailed in Appendix D to the Report, be written out of the Accounts in 2012/13, subject to further recovery action being taken should the opportunity arise.

PR91. REDDING PARK DEVELOPMENT COMPANY LTD LAND AT REDDINGMUIRHEAD ROAD, REDDING, FALKIRK

With reference to the Minute of Meeting of the Policy and Resources Committee held on 14 September 2004 (Paragraph PR99 refers) there was submitted Report (circulated) dated 11 January 2013 by the Director of Development Services (a) presenting background information on the sale of land at Reddingmuirhead Road, Redding, Falkirk and the arrangements with the Redding Park Development Company Ltd, and (b) detailing settlement proposals and possible implications.

AGREED to authorise the Director of Development Services and the Chief Governance Officer to conclude the settlement proposal as outlined in the Report.