

DRAFT**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 JUNE 2008 at 10.30 AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Nimmo, Oliver, Spears and Thomson.

CONVENER: Provost Reid

APOLOGIES: Councillors Patrick and Waddell.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Commercial Services, of Development Services, of Education Services, of Finance Services and of Housing and Social Work Services; Heads of Facilities Management Section, of Human Resources and of Policy and Performance and Review; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Service Manager, Housing and Social Work Services, (L MacEwan) and Senior Committee Services Officer (D Kelly).

FC30. OPENING REMARKS

Councillor Alexander expressed concern about the proposed closure of HM Revenue and Customs Offices in both Falkirk and Grangemouth. These concerns were shared by Council.

The Chief Executive advised of her intention to discuss any response to the proposals with the Group Leaders during the recess period to ensure that Council's views were appropriately communicated.

DECLARATIONS

OF INTEREST: Councillor Gow declared a financial interest in respect of Agenda Item 21 – Equal Pay, Single Status and Craft Pay and Conditions Update, on the basis of a family member's involvement in the craft worker's negotiations and that she would take no part in the debate and decision making on that item.

FC31. PROVOST'S REMARKS

Prior to commencement of the formal business of the meeting, Provost Reid congratulated all those involved in receiving the following awards:-

- Stenhousemuir Children and Families Team for winning the award for best Scottish Social Work Service Team, Unit, or Service from the voluntary, public or private sectors at the Scottish Social Services Council Care Accolades Awards 2008

- Vicky Brown of the Criminal Justice team received the exceptional award for the most outstanding promise from the Young Scotland Programme
- Michelle Campbell of the Criminal Justice and Children and Families team named as “Scotland’s Top PA” in the MacKay Hannah PA of the Year Awards
- Jennifer Lindsay “Student Social Worker of the year” from the British Association of Social Workers in Scotland
- Falkirk Council highly commended in Employer of the Year Awards at the Institute of Leadership and Managements Awards
- Falkirk Council web-site rated top local authority site in Scotland and 12th in the UK
- First Green Flag Eco School Awards presented to Queen Street Nursery, St Mary’s Primary School, Bantaskin Primary School, Langlees Primary School and Bainsford Primary School

FC32. MINUTES

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 30 April 2008;
- (b) There was submitted (circulated) and **APPROVED** Minute of Reconvened Meeting of Falkirk Council held on 26 May 2008;
- (c) There was submitted (circulated) and **APPROVED** Minute of Reconvened Meeting of Falkirk Council held on 9 June 2008;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 2 2008/2009; and
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 2 2008/2009.

FC33. QUESTIONS

Question by Councillor D Alexander

“FC8 Falkirk Community Stadium Limited Shareholders Update

Bullet point 4 of the agreement in the report approved unanimously at the full Council meeting at Wednesday 30 April 2008 was to press FCSL for information on the developer’s proposals and to bring the report therein to the June meeting of Council and further agrees to monitor progress by regular briefings to Members.

I am aware from the press statement issued by FCSL that the report has not yet been concluded hence the reason why it is not on the agenda for today.

However, I would be grateful if you could advise me if there have been briefings for any Members of Falkirk Council on the proposals being considered by FCSL to stakeholders groups that make up the company”.

Response by Provost Reid

“FCSL have held 2 shareholder briefings since the last meeting”.

FC34. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Provost Reid advised of variations 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 at the meeting.

FC35. NOTICES OF MOTION

Councillor Gow, seconded by Councillor C MacDonald, moved that:-

In order to ensure the proper and timely dispatch of Council business, Council hereby agrees to replace section 31 of the Standing Orders relating to Meetings with the following and that with immediate effect:

31. CLOSE OF BUSINESS

- 31.1 Meetings of Council will generally start at 10.30a.m. (unless the Provost specifies an earlier or later time) and will last for no longer than 3 hours unless a motion to continue the meeting for a further specified period has been moved, seconded and voted upon without discussion, provided that no meeting will continue beyond 5p.m. on that same day (subject to the terms of section 31.2 below) unless a motion to continue the meeting beyond that time for a further specified period has been moved, seconded and voted upon without discussion.
- 31.2 If, at 5 p.m. or such later time as Council shall have agreed, business remains on the agenda to be transacted, it shall be dealt with in the following manner:
 - 31.2.1 Any motion or amendment which has been formally moved and seconded will be put to the vote by the Provost.
 - 31.2.2 Any reports or motions then remaining on the agenda will be considered by the Provost in order. It will be available for a motion and amendment to be moved and seconded on each item but without discussion (provided that the Provost may allow discussion on such an item where in his/her view such discussion is necessary for the proper consideration of the item). Each item will then be put to the vote by the Provost. Items not moved and seconded will fall from the agenda.
 - 31.2.3 There will be no right of reply available to the mover of any motion under this Standing Order.
- 31.3 Nothing in this Standing Order will prejudice the power of the Provost, at his/her discretion, to adjourn temporarily any meeting for a brief period. The time elapsed during any such adjournment will be disregarded for the purpose of

calculating the period of 3 hours referred to in Standing Order 31.1 but will not have the effect of extending the 5p.m. closure term specified therein.

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

“The notice of motion moved by the Leader of the Council is both demeaning to the Provost and a gross interference in the role of Falkirk’s first citizen.

The motion is also an attack on the ability of opposition groups to be heard and therefore an affront to democracy.

The problem with meetings overrunning has been a matter of poor management from the Administration and the confrontational and immature attitude adopted towards opposition groups and members.”

Council therefore resolves to:-

- Retain the Standing Orders of the Council in their current format as the best means of ensuring balanced debate and equal opportunities as well as demonstrating respect for the Provost of Falkirk Council;
- End the intolerance demonstrated against opposition groups with the petty amendments to opposition motions that often results in amendments being approved that mean the same as the original motion; and
- Open proper dialogue between all groups prior to the finalisation of the Council agenda. This could be achieved with the Provost chairing a meeting of group leaders to investigate areas of agreement and to seek compromise where there is little between the groups. Thus areas of common consensus can be reached and therefore reducing the time spent in chambers by all members.”

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call there being 30 Members present, with Members voting as undernoted.

For the Motion (16) – Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol and Nimmo.

For the Amendment (14) – Councillors Alexander, Carleschi, Coleman, J Constable, H Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **RESOLVED** in terms of the Motion.

FC36. ANNUAL ACCOUNTS 2007/08

There was submitted Report (circulated) dated 9 June 2008 by the Director of Finance advising of the submission of the Council’s Unaudited Annual Accounts for the financial year ended 31 March 2008 to the Controller of Audit as required in terms of the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1995

NOTED the formal submission of the Unaudited Annual Accounts to the Controller of Audit by the 30 June 2008 deadline.

FC37. CONTRACTS FOR THE PROVISION OF WASTE MANAGEMENT SERVICES

There was submitted Joint Report (circulated) dated 25 June 2008 by the Directors of Development Services and Corporate and Commercial Services (a) advising that Falkirk Council, as lead Authority for the purchasing consortium of Falkirk, Stirling and Clackmannanshire Councils, had invited three tenders for the provision of waste management services for all three Council areas; and (b) providing information on the tender evaluation exercise together with officers' recommendations in respect of the award to the contract.

AGREED, in respect of Falkirk Council only and in accordance with Standing Order 6.2(iv), to accept the tender submitted by Avondale Environmental Ltd, Polmont, in the sum of £20,096,500 for the five years of the contract from 15 August 2008 to 14 August 2013 with an option to extend this contract by a further two, one year extensions.

NOTED the positive impact that residual waste treatment will have in achieving future waste diversion targets.

FC38. REFERRAL FROM SPECIAL HOUSING AND SOCIAL SERVICES COMMITTEE – 24 JUNE 2008 - HOUSING ALLOCATIONS REVIEW UPDATE

With reference to Minute of Special Meeting of the Housing and Social Services Committee held on 24 June 2008 (Paragraph HSS30 refers), there was submitted (a) Extract of Minute of the said meeting ; and (b) Report (circulated) dated 14 June 2008 by the Director of Corporate and Commercial Services considered at the said meeting.

Councillor Goldie seconded by Councillor McNeill moved the recommendations as agreed at the Special Meeting of the Housing and Social Services held on 24 June 2008.

By way of an amendment Councillor McNally, seconded by Councillor Meiklejohn moved that:-

“ Council believes that it is important to get the allocation system right and that the current process does not allow members adequate opportunity to scrutinise the proposals that have come forward from the officer only working group.

Council believes that there should have been a seminar in advance of the publication to discuss these proposals which, contrary to the claims by the convener of the Housing and Social Work Committee, have never been discussed with Members.

Council also believes that elected members are the democratic voice of the people and to refuse access to the working group for elected members is a breach of the principle of public representation.

However, as the Administration has decided upon the course of minimum scrutiny and minimum Member involvement the following changes should be made forthwith.

Council agrees to develop a choice based Housing Allocations System that is transparent and fair, the current proposed system fails both criteria.

The proposals as they are, fail to:-

- deal with the categorisation of multi priority applications thus being inherently unfair
- provide an easily understood system of allocation for elderly and infirm applicants in particular
- flexible enough to deal with applicants who fall between stools in the manner that Social Management Points category were established to deal with
- pass the test of scrutiny both in terms of the lack of opportunity for Member input into the policy determination phase and the ability to scrutinise the implementation of the policy if adopted
- reduce the number of successful homeless applicants to below the figures achieved in the months before the interim arrangements currently in place arose

Council therefore agrees to:-

1. Develop a “Choice Based” allocations system that has as its core, fairness. To achieve this Council agrees to allocate points for each priority classification within the individual Category Groups thus giving some transparency within the system. Applicants will be invited to apply for void properties with the property being allocated to the applicant with the highest number of priority points from within the Category Group. Where there is more than one applicant with the same number of points the property will be allocated to the applicant who has waited the longest.
2. Develop a simplified method of advertising and registration that ensures all of our applicants have access to lists and therefore equal opportunity to void properties.
3. Remove the draconian penalties for refusal as there must be a reason for refusing an allocation an individual has applied for. Applicants should therefore be allowed a maximum of two refusals before they are suspended from the waiting list for a period of six months.
4. Officers to bring forward a financial incentive package to people with under occupancy points to encourage them to move into properties more suited to their family compliment, thus freeing up larger family homes.
5. All medical applications must be dealt with by the Community Medicine Specialist to ensure consistency of award.”

Following a short adjournment to consider the terms of the motion and amendment, the matter under consideration was put to the vote when 16 Members voted for the Motion and 14 for the Amendment.

Accordingly, **AGREED:-**

- (i) the draft allocations policy for consultation as set out in Appendix 2 to the Report;
- (ii) to extend the interim arrangements as set out in Section 9 of the Report;

- (iii) to note that during the summer recess, further development work would be carried out as detailed in Section 8 of the Report; and
- (iv) to note the proposal to bring a report on the consultation outcome to a future meeting of the Housing and Social Services Committee.

FC39. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 10 June 2008 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.

FC40. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS

There was submitted Report (circulated) dated 25 May by the Acting Director of Law and Administration 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 Committee for the period of the summer recess.

AGREED:-

- (1) to delegate power to Chief Officials, in consultation with the Convener and Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 25 June 2008 to 11 August 2008) 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;
 - (d) any such decision involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision; and
- (2) that a report be submitted to the first meeting of the Policy and Resources Committee after the recess, detailing decisions made under these powers.

FC41. APPOINTMENT TO OUTSIDE BODIES

There was submitted Report (circulated) dated 9 June 2008 by the Acting Director of Law and Administration advising of (a) an application for appointment to the vacant position on Cornton Vale Prison Visiting Committee; and (b) seeking a nomination to join the Argyll, Loch Lomond and Forth Valley Development Partnership.

AGREED:-

- (1) to approve the appointment of Ms Julie Reilly to Cornton Vale Prison Visiting Committee; and
- (2) to nominate Councillor Mahoney as the Falkirk Council representative on the Argyll, Loch Lomond and Forth Valley Development Partnership.

FC42. SINGLE OUTCOME AGREEMENT

There was submitted Report (circulated) dated 11 June 2008 by the Chief Executive providing a copy of the Single Outcome Agreement (SOA) between the Falkirk Council Area Community Planning Partnership and the Scottish Government for approval.

NOTED the contents of the report and the work that has been undertaken to date in developing the Single Outcome Agreement for the Falkirk Council area.

AGREED to approve the Single Outcome Agreement for the Falkirk Council Area Community Planning Partnership

In terms of Standing Order 31.1 it was **AGREED** to continue the meeting beyond the 3 hour limit, following a short adjournment for lunch. The meeting adjourned at 1.30 pm and re-convened at 2.10 pm with all Members present per the sederunt.

FC43. 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 Paragraphs 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC44. EQUAL PAY, SINGLE STATUS AND CRAFT PAY AND CONDITIONS UPDATE

With reference to her earlier Declaration of Interest, Councillor Gow left the meeting at this point.

There was submitted Report (circulated) dated 12 June 2008 by the Director of Corporate and Commercial Services providing an update in respect of the following issues:-

- (i) pay settlements to specific groups of employees in respect of Equal Pay;
- (ii) implementation of the Single Status proposals; and
- (iii) discussions with trade unions at a local level with regard to pay and conditions for craft workers.

Councillor Nimmo, seconded by Councillor C MacDonald, moved the recommendations as contained within the Report.

By way of an amendment, Councillor Alexander, seconded by Councillor Coleman moved:-

“Council notes the report from the Director of Corporate and Commercial Services and believes that there is insufficient information to allow a balanced decision to be made.

In particular, Council notes the inconsistency between previous legal advice and recommendations contained within the report.

Council therefore agrees to the following:-

1. agrees to set up a Working Group made of the Group Leaders and their deputies to review the entire Single Status issue;
2. the Working Group have access to all evidence including independent legal advice on the matter and have the authority to seek additional independent legal advice over and above that already received; and
3. the Working Group will report back to the next scheduled meeting of the Council.”

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 29 Members present, with Members voting as undernoted:-

For the Motion (15) - Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol and Nimmo.

For the Amendment (14) Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED**:-

- (1) to grant the Chief Executive delegated authority to commence negotiations in respect of settlement of outstanding Tribunal claims within a £4m framework and report back to Members on any agreement reached to seek final approval;
- (2) to delegate authority to the Chief Executive in consultation with Group Leaders, to continue negotiations with Trades Unions on the Single Status proposals outlined in Section 3 of the Report, with a view to reaching a collective agreement on this matter, which may incur additional costs and report back to Members with details of any agreement reached, and
- (3) to note the on-going discussions with the Craft Trades Unions and to request a further report where necessary to outline progress.

Members of the press and public were re-admitted to the meeting.

Councillor Gow re-entered the meeting.

FC45. TOWN CENTRES STRATEGY: BO'NESS HARBOUR AND FORESHORE INITIATIVE

With reference to Minute of Meeting of Falkirk Council held on 30 April 2008, Paragraph FC7 refers), there was submitted Report (circulated) by the Director of Community Services (a) outlining the method and outcome of the consultation exercise undertaken with the Bo'ness Community on the Bo'ness Harbour and Foreshore Initiative; (b) detailing the content of the feedback, and (c) providing an updated perspective on the proposed development.

Councillor C Martin, seconded by Councillor Lemetti moved the recommendations as contained within the Report.

By way of an amendment Councillor J Constable, seconded by Councillor H Constable moved:-

“Council rejects the recommendation in this report.

Council instructs that Officers offer ING the opportunity of fresh negotiations based on a development ensuring the delivery of the harbour regeneration project.

Council at the same time instructs officers to contact the other original bidders to determine any remaining interest they may have and prepare an advertisement for publications in which statutory notification of such potential re-tendering of the development is required.

That a negotiating team comprising appropriate officers, local councillors, the Leader of the Council, and appropriate Conveners be established to receive replies from all interested bodies and assess these prior to their being brought back through the committee process”.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call there being 30 Members present, with Members voting as undernoted.

For the Motion (15) – Provost Reid and Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, and Nimmo.

For the Amendment (15) – Councillors Alexander, Carleschi, Coleman, J Constable, H Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Nicol, Oliver, Spears and Thomson.

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

Accordingly, **NOTED** the extent and outcome of the consultation on the proposed rephrasing of the Bo'ness Initiative and the comments supplied in response to the views of the community as set out in the Report.

AGREED that, having considered the outcome of the consultation, the revised phrasing of the Initiative should proceed and that the Director of Community Services be

authorised to work with ING RED UK (Bo'ness) Ltd, with ING RE BV as guarantor, to progress and deliver the regeneration masterplan and finalise a Development Agreement on the terms set out in the original Policy and Resources Committee Report of 11 March 2008.

FC46. FALKIRK GATEWAY

There was submitted Report (circulated) dated 19 June 2008 by the Director of Community Services (a) providing an update on progress made in regard to the Falkirk Gateway development; and (b) seeking agreement for the Council to make a contribution towards meeting increased infrastructure costs associated with the project, repayable by the developers, subject to levels of return from subsequent phases of the scheme.

AGREED:-

- (1) to authorise a phased contribution, up to a maximum of £500,000 towards the increased costs of the site servicing and infrastructure at Falkirk Gateway following Phase 1 drawdown; and
- (2) to note that the contribution will be subject to open book verifications of such costs being properly incurred by the developer, Macdonald Estates and the conclusion of the necessary legal agreements in satisfactory terms.

FC47. AUDIT OF BEST VALUE AND COMMUNITY PLANNING – AUDIT SCOTLAND REPORT, MAY 2008

There was submitted Report (circulated) dated 5 June 2008 by the Chief Executive (a) advising of the findings contained within the report recently published by Audit Scotland on the Audit of Best Value and Community Planning within Falkirk Council; and (b) detailing the improvement actions which the auditors have recommended the Council consider in progressing its approach to Best Value.

AGREED:-

- (1) to welcome the publication of the Audit Scotland report, Audit of Best Value and Community Planning for Falkirk Council;
- (2) the findings of the report, including the areas for improvements;
- (3) that a response be sent to the Accounts Commission recognising the positive nature of the report and the Council's agreement of its findings along with a copy of the existing Improvement Plan as detailed in Appendix 1 of the report;
- (4) to update the current Improvement Plan to make reference to the specific actions as noted in paragraph 3.10 of the report; and
- (5) that the new Plan be monitored through regular reports to Best Value and Audit Forum with six monthly progress reports being submitted to the Policy and Resources Committee.

FC48. SCOTTISH HISTORIC ENVIRONMENT POLICY (SHEP) ON HISTORIC BATTLEFIELDS: CONSULTATION RESPONSE

There was submitted Report (circulated) dated 16 June 2008 by the Director of Development Services providing information on a public consultation launched by Historic Scotland on 30 April 2008, entitled “Scottish Historic Environment Policy on Historic Battlefields.”

AGREED to approve the response to the Scottish Historic Environment Policy (SHEP) on Historic Battlefields as detailed in the Appendix to the report.

FC49. REFERRAL FROM ENVIRONMENT AND HERITAGE COMMITTEE – 10 JUNE 2008 - FALKIRK COUNCIL LOCAL PLAN HILLEND FARM, SLAMANNAN RESPONSE TO REPRESENTATIONS

With reference to Minute of Meeting of the Environment and Heritage Committee held on 10 June 2008 (Paragraph EH15 refers), there was submitted (a) Extract of Minute of Meeting of the said Committee (circulated); and (b) Report (circulated) dated 28 May 2008 by the Director of Development Services considered at the said meeting.

AGREED:-

- (1) to accept Local Plan objections 098/169 (Persimmon Homes) and 0105/185 (Mr John Kelly) and to approve the responses to those objections as detailed in Appendix 2 of the Report;
- (2) to approve the proposed pre-inquiry modifications as detailed in Appendix 2 of the Report, and to advertise these modifications to allow the opportunity for further representations; and
- (3) that should objections remain unresolved and be considered at the Local Plan Inquiry, the responses and proposed pre-inquiry modifications form the basis of the Council’s position at the Inquiry.

The meeting adjourned for a short break at 5.00 p.m. and reconvened at 5.10 p.m. with all Members present per the sederunt.

FC50. COMMITTEE STRUCTURES

With reference to the Minute of Meeting of Falkirk Council held on 5 December 2007 (Paragraph FC59 refers), there was submitted Report (circulated) dated 23 June 2008 by the Chief Executive summarising the discussions which had taken place at the Working Group reviewing Service and Committee Structures.

Councillor Gow, seconded by Councillor C MacDonald moved as follows:

“This Council agrees that more investigative work be undertaken by the Structures Working Group into the disparities of workloads of the committees. Standing Orders to be revised to allow Scrutiny Committees to respond directly to consultation papers etc within their remit to take decisions on issues that do not change or materially alter

Council policy or involve additional resources or changes to the establishment . Council agrees to establish a separate Audit Committee a report to be brought to Council on the role, remit and constitution of this Committee. Council to retain the current Best Value and Audit Committee to scrutinise service performance etc.

Council agrees that Scrutiny Committees continue with 12 elected members but that they start at 9.30 am. Council also agrees that Committees utilise Standing Orders to invite representatives from other organisations to attend Committee as they think appropriate to answer questions and offer expert opinion.

Council agrees that the interim arrangements for Housing Services and Roads have been successful therefore Housing Services be permanently moved to Corporate and Commercial Services and the contractor part of the Roads function be permanently moved to Development Services. In addition the job descriptions of the relevant Directors be re-designed.

Council to receive a further report on the implementation of these changes together with any other Service structure or associated issues to be brought back to a future meeting of Council .

Council agrees to provide a commitment to the Trade Unions on all employee relation issues as detailed in paragraphs 3.15 to 3.17 to the Chief Executive's report."

By way of an amendment, Councillor Alexander, seconded by Councillor Coleman moved:-

Committees

"Restructure our scrutiny committees from five to four based, as closely as possible on the remits of the department.

These would be:-

1. Education Committee (dealing only with Educational matters)
2. Community Committee (dealing with such as Economic Development & Tourism and Leisure)
3. Housing, Health and Social Services
4. The Strategic Committee dealing with the remainder of Community Health and Safety and Environment and Heritage Committee.

(These are suggestions in terms of names and responsibilities and therefore subject to amendment following consultation with officers or alternative suggestions on such as names by members)

Committees be encouraged to include within their membership appointed outside representatives in order to take forward the community planning agenda.

Council also agrees that all Committees and Council meetings should generally commence at the same time to avoid confusion and agrees to start all meetings at 10 am thus allowing those from outlying areas an opportunity to arrive using public transport if required.

Scrutiny Committees be given delegated powers to approve consultation responses unless there is a division in which case the matter can be called into full Council. The Best Value and Audit Forum be restructured to separate Best Value and Audit. The Best Value Forum continue to meet in private to discuss the intricate Best Value agenda. The audit section become a sub committee of Policy and Resources mirroring the membership of the Policy and Resources Committee and meeting twice or three times per year as required.

Council agrees that scrutiny committees must have access to all information pertaining to their Services and agrees that included within this process must be scrutiny of the relevant Performance Indicators and Service Plans.

Structures

The current temporary structures for the Housing Department are not providing the results members had hoped for. Council agrees that these have to change and proposes that a dedicated and qualified Head of Service be appointed as part of the Corporate and Commercial Services' department and calls for this post to be reactivated and advertised."

On a division 16 Members voted for the Motion and 14 for the Amendment.

Accordingly **RESOLVED** in terms of the Motion.

In terms of the newly approved Standing Order 31.2 and with the meeting having continued beyond 5 pm, the Provost advised that the remaining reports on the agenda would be dealt with in accordance with Standing Order 31.2.2 and that there would be no discussion on the individual items.

Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson left the meeting at this point.

FC51. SHARED HEADTEACHERS IN PRIMARY SCHOOLS

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

With reference to Minute of Meeting of the Policy and Resources Committee held on 3 June 2008 (Paragraph PR36 refers), there was submitted (circulated) (a) Extract of Minute of Meeting of the said Committee; and (b) Report by the Director of Education Services submitted to the said meeting.

NOTED:-

- (1) the outcomes of the consultation exercise;
- (2) that the first option should be recruit a headteacher to each school;

- (3) that if it proved difficult to recruit a headteacher to a small school (as defined in paragraph 2.1 of the report), it should be available to the Director of Education to consider the option of a shared responsibility following consultation, and
- (4) that if a shared headship were to be agreed, a principal teacher post would be created in a small school to provide appropriate management support.

FC52. COMMUNITY USE OF PFI CLASS '98 SCHOOLS

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

With reference to Minute of Meeting of the Policy and Resources Committee held on 3 June 2008 (Paragraph PR36 refers), there was submitted (circulated) (a) Extract of Minute of Meeting of the said Committee, and (b) Report dated 6 May 2008 by the Director of Education Services submitted to the said meeting.

NOTED:-

- (1) the proposals for access and opening times; and
- (2) that free access afforded to junior groups (under 18's) under the policy operated by Education Services would be retained.

AGREED:-

- (1) that the charges to be levied for access to the facilities by the public would be based on the charges levied by Sport and Leisure Services; and
- (2) to seek an update report following the October 2008 break to ascertain how the programme is working and assess user feedback.

FC53. FALKIRK CRUISE PARTNERSHIP AND ASSOCIATED FALKIRK TOWN CENTRE ISSUES – UPDATE

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

With reference to Minute of Meeting of the Policy and Resources Committee held on 3 June 2008 (Paragraph PR35 refers), there was submitted (a) Extract Minute of Meeting of the said Committee (circulated); and (b) Report (circulated) dated 2 May 2008 by the Director of Development Services submitted to the said meeting.

NOTED the contents of the Report and the intention to submit regular update reports to the Community Health and Safety Committee, as appropriate.

AGREED to call on the Convener of the Community Health and Safety Committee to write to the Scottish Transport Minister asking him to contact the UK Transport Minister asking for a review of the use of wide bore exhausts.

FC54. DISCONTINUED BUS SERVICES

There was submitted Report (circulated) dated 18 June 2008 by the Director of Development Services providing information on bus services that have been withdrawn since 2005 and the reasons why those services have been discontinued.

NOTED the contents of the report.

AGREEMENT between FALKIRK COUNCIL and

A Y Henderson

Subjects at North Inches, Falkirk

CHARGING ORDER by FALKIRK COUNCIL

M Gusz and M H Gusz

4 Muirhall Place, Muirhall Road, Larbert

R McI Baird

11 Thornbridge Square, Falkirk

COMPULSORY PURCHASE ORDER

The Falkirk Council (A905 North of Bowtrees) Compulsory Purchase Order 2008

DISCHARGE by FALKIRK COUNCIL

2 Abercairney Place, Grangemouth

Sovereign House Developments Limited

Redding Park, Falkirk

E Thomson

27 Langlees Street, Falkirk

The Late Charles James Peace

8D Market Street, Bo'ness

DISCHARGE by FALKIRK COUNCIL in favour of

A R Barber

1 Alloa Road, Carron

E Thomson

27 Langlees Street, Falkirk

DISCHARGE of INHIBITION by FALKIRK COUNCIL in favour of:-

C O Robertson

The Late C J Peace

J Campbell & A Campbell

DISPOSITION by FALKIRK COUNCIL in favour of:-

L J Sneddon

199 Dean Road, Bo'ness

J S Waugh

70 Hamilton Road, Grangemouth

T Ure and J Ure

55 Livingstone Drive, Bo'ness

J Speirs

49 Orchard Street, Grangemouth

J J Penman and J Penman

Ground at 17 Finistere Avenue, Falkirk

R Black

56 Balfour Crescent, Larbert

T McKellar and T Breslin

17 Norwood Avenue, Bonnybridge

S M Jackson

29 Westquarter Avenue, Westquarter

E C K McCracken

13 Corentin Court, Falkirk

J D Green

26 Orchard Street, Grangemouth

J E Podmore

35 School Road, Redding

C Turnbull

17 Castle Terrace, Denny

P Sheppard and J Sheppard

7 Maranatha Crescent, Brightons, Falkirk

J Hunter

49 Dochart Place, Hallglen, Falkirk

J Graham and B Graham

31 School Road, Laurieston

D Fell	3 Kersie Terrace, South Alloa
J O'Brien	14 Gerald Terrace, Stenhousemuir
D Smith	4 Elmbank Crescent, Dennyloanhead
M Stirling	23 High Street, Slamannan
M McDonald and G McDonald	7 Teviot Street, Falkirk
L Donnelly	16 Fir Grove, Westquarter
A Begum	Area of ground at Campbell Crescent, Laurieston
I Sahin	10 Woodburn Road, Falkirk
P McAllister	68 Elphinstone Crescent, Airth
G O A Corner	40 Castlehill, Bo'ness
Castlelaurie Property Limited	0.480 acres at Castle Laurie Works, Bankside, Bainsford
D E Stammers	195 Dean Road, Bo'ness
J H Nimmo and M H Nimmo	108 Alexander Avenue, Falkirk
S Garai	156 Merchiston Avenue, Falkirk
GRP Watson and E Watson	125 Carronside Street, Falkirk
J Chylewski and EJ Chylewski	132.5 m2 or thereby of land adjacent to 38B Duke Street, Denny
J S Stewart	29 Ochil Street, Grangemouth
ENM Beck and M Beck	63 Skaithmuir Crescent, Carronshore
M Rooney	2 Mannfield Avenue, Bonnybridge
M McAlpine and D McAlpine	14 Coneypark Crescent, Banknock
W Guy and H M Guy	17 Grove Street, Denny
M Cockburn	25 Manuel Terrace, Whitecross
W I Merrilees and N C A Merrilees	71 Burnbank Road, Grangemouth
M M Toland and S Toland	22 Lomond Drive, Falkirk
C J Plinston and A M Plinston	42 Dovecot Road, Westquarter

LEASE between FALKIRK COUNCIL and:-

Street Lighting Supplies Co Ltd	20 Abbotsinch Road, Abbotsinch Industrial Estate, Falkirk
Trustees of Falkirk Golf Club	Ground at Stirling Road, Camelon
Recognise-Me-Limited	12 Powdrake Industrial Estate, Grangemouth
Calor Gas Limited	30 Abbotsinch Road, Grangemouth
Colin Graham	20 Charlotte Dundas Court, Grangemouth
PLS Medical Limited	25 & 27 Cockburn Street, Falkirk
Aileen Thomson	2A Wellpark Terrace, Bonnybridge

MINUTE of AGREEMENT between FALKIRK COUNCIL and:-

Kier Homes Limited and National House Building Co	Redding Park, (phases 2, 4 & 5) Reddingmuirhead, Falkirk
Kier Homes Limited and National House Building Co	New Carron Road, Falkirk
Shirley McClements	7 Church Walk, Denny
Mohammed Bashir	Tenants interest in 263 Carron Road, Falkirk
Cabri (Three) Limited	Areas of ground at Talbot Street, Grangemouth

D Gillespie
Gray Marshall and Associates
J & A Walker
D S J Monro, R Golding & M F Scully, Trustees of
Grangemouth Congregation of Jehovah's
Witnesses

Consultancy Services
Conservation Appraisal Falkirk Town Centre
South of 4 Coneypark Place, Kilsyth Road, Banknock
Ground at Roxburgh Street, Grangemouth

MINUTE of LEASE between FALKIRK COUNCIL and

SP Distribution Limited

Substation at Kemper Avenue CHP S/Stn, Falkirk

Jackie Fraser
Botterills Convenience Stores Limited

25m2 at West Mains Industrial Estate, Falkirk
87 to 91 Church Walk, Denny

Reynolds Catering Supplies Limited
G Adison, A J Bryson and D M Walker
Victim Support Scotland

2F West Mains Industrial Estate, Grangemouth
Suite 2, 350 Main Street, Camelon, Falkirk
Suites A, B & D, 30 Newmarket Street, Falkirk

**RENUNCIATION by R BROWN & SON in favour
of FALKIRK COUNCIL with consent of
MACDONALD ESTATES PLC**

71 King Street, Stenhousemuir

On Street Parking for Disabled Persons (No:472) Order 2008
On Street Parking for Disabled Persons (No:471) Order 2008
On Street Parking for Disabled Persons (No:465) Order 2008
On Street Parking for Disabled Persons (No:475) Order 2008
On Street Parking for Disabled Persons (No.476) Order 2008

SECTION 75 AGREEMENT between FALKIRK COUNCIL and

Andrew Young Henderson and Archtarget Ltd

North Inches, Falkirk

STANDARD SECURITY by FALKIRK COUNCIL in favour of

A C Meichan

12 Fountainpark Crescent, Bo'ness

TEMPORARY PROHIBITION OF TRAFFIC ORDERS

Waggon Road, Brightons Temporary Prohibition of Traffic Order 2008
Stirling Rd, Larbert Temporary Footpath Closure Order 2008
Laurieston Rd, Grangemouth
Various St, Bo'ness
La Porte Precinct, Grangemouth Temporary Prohibition of Traffic
Princess St & Park St, Falkirk, Temporary Footway Closure

DRAFT**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 22 AUGUST 2008 at 9AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Coleman, H Constable, J Constable, Fry, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Meiklejohn, Nicol, Nimmo, Patrick, Spears, Thomson and Waddell.

CONVENER: Provost Reid

APOLOGIES: Councillors Carleschi, McNally and Oliver.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Finance Services and Acting Director of Law and Administration Services; Heads of Economic Development and of Accountancy and Democratic Services Manager.

FC55. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 12 AUGUST 2008 – CONTRACTS

With reference to Minute of Meeting of the Policy and Resources Committee held on 12 August 2008 (Paragraph 49(a) refers), there was submitted (circulated) (a) Extract of Minute of the said meeting; and (b) Report (circulated) dated 5 August 2008 by the Director of Community Services considered at the said meeting.

NOTED.

FC56. EXCLUSION OF PUBLIC

Councillor Alexander, seconded by Councillor Coleman, moved that Item FC57 was taken in public.

By way of an amendment, Councillor Gow, seconded by Councillor C MacDonald, moved that the item was taken in private.

On a division, 18 Members voted for the Amendment and 11 voted for the Motion.

Accordingly, **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 8 of Part 1 of Schedule 7A of the said Act.

FC57. FALKIRK STADIUM: LEASE OF PREMISES: FIRST FLOOR (SOUTH) AND SECOND FLOOR

There was submitted (circulated) Report dated 19 August 2008 by the Director of Community Services outlining proposals to fit out the first floor (south) of Falkirk Stadium with a view to it then being leased to the Oran Group of companies, and of a second proposal to lease a second floor office to SportCentral.

Councillor Gow, seconded by Councillor C MacDonald, moved the recommendations in the Report.

By way of an amendment, Councillor Alexander, seconded by Councillor Coleman moved in addition to the recommendations in the Report that:-

8.0 (vi) Officers bring back a report to Members with details of losses suffered by such as Alchemy Inns and others who have incurred losses due to the cancelling of FCSL bookings and commitments in the first floor area.

8.1 Council believes that the partnership approach produces best results from the people of Falkirk Council and believes that ethos has not been best served in the manner this item has been dealt with by the labour/tory administration of Falkirk Council. Council therefore instructs officers to ensure that (1) in all future developments where there are partnership involvement, Falkirk Council ensure that our partners are treated with respect and fully engaged in matters at hand.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 29 Members present with Members voting as undernoted:-

For the Motion (18) – Provost Reid, Depute Provost Black, Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (11) – Councillors Alexander, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, Meiklejohn, Spears and Thomson.

Accordingly, **RESOVLED** to:-

- (i) authorise conclusion of the lease of the first floor office premises at the Stadium between FCSL and the Council in satisfactory terms;
- (ii) authorise conclusion of the lease of the said premises between the Council and Oran Ltd on satisfactory terms;
- (viii) the application of £642,385.00 funds from the General Services Capital Programme 2008/09 (Business Property Reinvestment Fund) in order to meet the office fit out costs of the project on completion of agreements with FCSL and Oran Ltd in satisfactory terms; and

- (iv) authorise conclusion of the lease of the second floor office at the Stadium between FCSL and the Council on behalf of SportCentral, subject to conclusion of the necessary agreements in satisfactory terms;
- (v) should it be required, a further report on the terms of Wholeflats development being submitted to the Policy & Resources Committee.

FC58. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 12 AUGUST 2008 – CONTRACTS

With reference to Minute of Meeting of the Policy and Resources Committee held on 12 August 2008 (Paragraph 49(b) refers), there was submitted (circulated) (a) Extract of Minute of the said meeting; and (b) Report (circulated) dated 5 August 2008 by the Director of Development Services considered at the said meeting advising of tenders received in respect of the fitting out to form office accommodation within the first floor of Falkirk Community Stadium and seeking approval to accept the successful tender.

AGREED to award the tender for the first floor fit out (south) at Falkirk Stadium (FAL-6510) to Ashwood Scotland Ltd in the sum of £642,385.

DRAFT**FALKIRK COUNCIL****MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 1 SEPTEMBER 2008 at 7.00 p.m.**

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

CONVENER: Provost Reid

APOLOGIES: Councillor Nimmo.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services and of Finance; Acting Director of Law and Administration; Head of Accountancy; Acting Head of Planning and Transportation and Democratic Services Manager.

DECLARATIONS OF INTEREST:

Councillor Patrick declared a non-financial interest in relation to item (FC59(d)) – Falkirk Rugby Club as a non-playing member of the club but did not consider that his interest would influence his role as a Councillor. Councillor Patrick, therefore, participated in the discussion and decision.

FC59. MOTIONS**(a) Tourism Events**

Councillor A MacDonald, seconded by Councillor Coleman moved that:-

Council notes with disappointment the failure of the current Labour/Tory Administration to bid for a share of the special £5m fund set up by the SNP Government and administered by Events Scotland to assist local authorities organise tourism events for the Year of the Homecoming in 2009.

Council notes that under the previous SNP/Independent Administration income from Tourism rose by over 6% a year due in the main to the development of the My Future's in Falkirk economic development strategy and the ability to develop major projects such as the Helix and the MOD.

Council therefore calls for:

1. A commitment from the Administration that it will in the future seek to take advantage of opportunities that come the way of local government such as the Events Scotland fund.
2. Will bring forward to the relevant scrutiny committee a strategy paper for the maximisation of tourism potential around the national Year of the Homecoming strategy by no later than the next cycle of committee meetings.

By way of an amendment Councillor Mahoney seconded by Councillor C R Martin moved that:-

Council welcomes the recent growth in visitor numbers to a number of key tourist sites across Falkirk district. We reaffirm our commitment – highlighted within our corporate plan – to work with partners to grow tourism further by ensuring:

- the promotion of the area's unique heritage and culture;
- maintaining and developing high profile national events;
- developing high-quality visitor attractions;
- and engaging with our communities in their local heritage and culture.

We also reaffirm our commitment to build on our success attracting external and government funding to support these initiatives, where appropriate.

On a division 14 Members voted for the Motion and 16 for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment.

Councillor Fry entered the meeting during consideration of the foregoing item of business.

Councillor Goldie entered the meeting at the conclusion of the foregoing item of business.

(b) Discontinued Bus Services

Councillor Oliver, seconded by Councillor Hughes moved that:-

In order to meet the terms of the authority's Equal Opportunities policies to say nothing of our stated goals and values Council agrees to the following.

1. To bring forward a detailed financial report committing the Council to the re-instatement of all bus services discontinued where the bus passenger criteria was not met but where the usage was greater or equal to the usage of the recently reinstated last bus to Slamannan.

By way of an Amendment Councillor Mahoney seconded by Councillor McLuckie moved that:-

Council reaffirms its commitment to work with communities across Falkirk district to improve services for local people, within the financial constraints placed on it by the SNP Government.

On a division 14 Members voted for the Motion and 17 for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment.

(c) Office Accommodation

Councillor Coleman, seconded by Councillor Alexander moved that:-

The Johnston Press have become synonymous with Falkirk and as such are a key employer within the town.

Council notes with disappointment the snubbing of the company at the Falkirk Stadium and believes that positive action is required to keep the company HQ in the Falkirk area.

Council also notes the shortage of modern office accommodation within the Falkirk area and therefore believes that the dithering by the current Labour/Tory/Independent coalition before finally implementing the terms of the Strategic Property Review concluded by the previous SNP/Independent Administration was a grave error of judgement.

Council also notes the delay in bringing forward details of the Henry Boot proposals for Westfield which, we believe, contains proposals for office space within the first phase as another contributing factor in the failure of the Administration to find alternative accommodation for the Johnston Press HQ.

Council therefore instructs the appropriate Community Service staff to bring forward a report to the first available Economic Development Committee outlining the steps taken to date to assist Johnston Press relocate and the options open to Falkirk Council to assist and avenues currently being investigated.

By way of an amendment Councillor C Martin seconded by Councillor Lemetti moved that:-

Council applauds the tremendous work being done by the Economic Development section within Falkirk Council in continuing to attract new jobs to the area working in partnership with Scottish Enterprise and the Private Sector.

Council confirms its good links with Johnston Press, meeting regularly with its staff and engaging on joint projects such as the business awards.

Council dismisses the SNP motion for its short sightedness and lack of knowledge on the matter of Johnston Press relocation.

Council fully supports the recent implementation of the Business Property Strategy that will be more flexible in order to take account of market conditions and their effects on the council.

On a division 14 Members voted for the Motion and 17 for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment.

(d) Falkirk Rugby Club

Councillor Thomson, seconded by Councillor Alexander moved that:-

Falkirk Council congratulates Falkirk Rugby Club for their achievements on and off the pitch over the past few years.

In particular Falkirk Council welcomes the club's youth development work with youngsters which often sees over 150 local kids taking part in club sessions during the week.

The Council also welcomes the recent award of £200,000 from the SportsScotland for the upgrade of existing facilities and the provision of new facilities at Sunnyside.

We view this as an opportunity to establish a mutually beneficial partnership with the club similar to those established with Stenhousemuir and Falkirk Football Clubs.

Council therefore agrees to open up discussions between the club and authority with a view to a Council contribution to the programme and report back to the appropriate committee in due course.

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

Falkirk Council congratulates Falkirk Rugby Club for their achievements on and off the pitch over the past few years.

In particular Falkirk Council welcomes the club's youth development work with youngsters which often sees over 150 local kids taking part in club sessions during the week.

The Council also welcomes the recent award of £200,00 from the Sport Scotland for the upgrade of existing facilities and the provision of new facilities at Sunnyside.

Council dismisses part of the SNP motion in particular paragraphs 4 and 5 as being out of date, given that the contents of the motion are already being implemented.

Council applauds the tremendous work being undertaken by the Community Services within Falkirk Council in their ongoing partnerships with various sporting organisations including SRU, Falkirk and Grangemouth Rugby Clubs.

Council confirms its continued links with SRU, in particular the work of the Sports Development Officers specific to Rugby and the two Modern Apprentices who assist in delivering coaching programmes around the district. Council also notes the proposals from SRU to appoint a further 2 Modern Apprentices to the Rugby Programme.

Following discussion, Councillor Gow seconded by Depute Provost Black moved that “the question be now put”.

On a division 18 Members voted for the Motion with 13 against following which the mover of the original motion exercised her right of reply.

Members then voted on the motion and amendment with 13 Members voting for the Motion and 18 for the Amendment.

Accordingly **RESOLVED** in terms of the Amendment.

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 22 SEPTEMBER 2008 at 10.30 AM.

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Nicol, Oliver, Patrick, Spears, Thomson and Waddell.

CONVENER: Provost Reid

APOLOGIES: Councillors Meiklejohn and Nimmo.

ATTENDING: Chief Executive; Directors of Community Services, of Development Services, of Finance Services and Acting Director of Law and Administration Services; Heads of Economic Development and of Accountancy and Democratic Services Manager.

**DECLARATIONS
OF INTEREST:**

In terms of Standing Order 14.2, and paragraphs 5.14 and 5.15 of the Councillors' Code of Conduct, Provost Reid; Councillors Alexander, Jackson, Lemetti, C MacDonald, C Martin, C R Martin and Patrick each declared a non-financial interest in relation to the item of business (ref FC8 – Falkirk Community Stadium) on the basis of their regular attendance at matches involving Falkirk Football Club and further declared that, in terms of Paragraphs 5.17 and 5.18 of the said Code of Conduct, they had concluded that no member of the public acting reasonably would consider that they might be influenced by their respective interests in their roles as Councillors. Each Member, therefore, participated in the discussion and decision.

FC60. 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 Paragraphs 6,8,9 & 12 of Part 1 of Schedule 7A of the said Act.

FC61. FALKIRK COMMUNITY STADIUM LTD – STRATEGIC REVIEW

There was submitted Report (circulated) dated 16 September 2008 by the Chief Executive advising Members of the outcome of a strategic review by Falkirk Community Stadium Ltd (FCSL) of its operations. The report set out the key findings of the review together with a proposed response by Falkirk Council.

Broadly, the review had concluded that, the company should be reorganised in a commercially attractive and tax efficient manner. It was therefore proposed to split

FCSL into (initially) three companies with the assets and activities allocated to Falkirk Council and Falkirk Football and Athletic Club (FFAC).

Councillor Gow, seconded by Councillor C MacDonald moved the recommendations in the Report.

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

1. Council re-affirms the strategic objectives of the stadium development as outlined in section 2.3 of the report, including the commitment to complete the stadium development
2. Council agrees the restructuring of the current Joint Venture Company into three separate companies as outlined in section 7.1 of the Council report, as the first stage of the re-invigoration of the partnership between Falkirk Council and Falkirk Football Club that has delivered so much so far.
3. Council believes that this can best be achieved with the following mission statement and actions:-
 - i. The establishment of an all party and dual partner Working Group to take forward the development of the stadium company with, in principle, Henry Boot as the preferred developer, subject to compliance with the Council's statutory obligations
 - ii. The original clause contained in the joint venture agreement between Falkirk Council and FCSL offered the option of the remaining 29 acres should this be required to achieve the strategic objectives of the project. Council believes, in principle, that although FCSL is being dismantled the principle of using the whole 70 acre site for the achievement of the strategic objectives, including the completion of the stadium itself, is one Falkirk Council wishes to endorse.
 - iii. Objectives of the restructuring proposals are to recognise the respective investments made by the joint venture partners and the repayment of outstanding debt to Falkirk Council. However, if there is any surplus profits from the development of the 70 acre site it would be the Council's intention to reinvest it in the strategic objective, including the completion of the stadium.
 - iv. That Falkirk Council will become fully engaged in the partnership to achieve all strategic objectives including the construction of the East Stand.
 - v. These actions and conditions may alter in the future on the basis of agreement between both partners.
4. Officers will report back progress on the objectives above to Council on a regular basis.

Following discussion there was an adjournment to consider the terms of the Motion and Amendment. Council thereafter re-assembled with all Members present, per the sederunt.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 30 Members present, with Members voting as undernoted:-

For the Motion (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Oliver, Spears and Thomson.

Accordingly, **RESOLVED** in terms of the Motion, namely to:-

1. approve the restructuring of Falkirk Community Stadium Limited (FCSL) to form three new companies and the subsequent transfer of assets to Falkirk Council and Falkirk Football and Athletic Club (FFAC) as set out in the Report;
2. to agree the apportionment of assets as detailed in the Report, and
3. to agree the programme of action set out in the Report.

FALKIRK COUNCIL

Subject: REFERRALS FROM EDUCATION AND LEISURE COMMITTEE -
Meeting: FALKIRK COUNCIL
Date: 8 October 2008
Author: DIRECTOR OF EDUCATION

1. INTRODUCTION

1.1 The following reports were presented to the Education and Leisure Committee on 26 August 2008 and it was agreed that this report would be referred on to Falkirk Council for approval.

- Early Years Development

1.2 After consideration of the attached reports, Education and Leisure agreed the recommendations contained in the reports and to refer the reports to Falkirk Council for approval.

2. RECOMMENDATION

2.1 Falkirk Council endorses the recommendation as outlined in Section 6 of the attached reports as approved by Education and Leisure Committee on 26 August 2008.

.....
Director of Education

Date:

Contact Officer: Julia Swan,
Director of Education, ext 6680

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the EDUCATION AND LEISURE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 AUGUST 2008 at 9.30 AM.

EL18. EARLY YEARS DEVELOPMENT

With reference to the Minute of Meeting of Falkirk Council held on 30 April 2008 (Paragraph FC10 refers), there was submitted Report (circulated) by the Director of Education Services (a) providing an update on the consultations that have been carried out; (b) making recommendations on the way forward; and (c) providing information on national developments which would impact on early years services in the Falkirk Council area.

Discussion took place on the following:-

- The consultation process, including the additional consultations undertaken
- Excess capacity in Camelon, Falkirk and Grangemouth areas
- The constraints on funding
- The concerns of the local communities over the proposals
- The success of the amalgamated nursery in Denny

Councillor Waddell, seconded by Councillor C Martin moved the recommendations as contained within the Report.

By way of an amendment, Councillor Coleman, seconded by Councillor A MacDonald moved:-

“That Woodburn Day Nursery and Queen Street Nursery be retained at their current sites.

That Glenfair Nursery School and Camelon Children’s Centre be retained at their current sites.

That Grangemouth Day Nursery and Inchyra Nursery School be retained at their current sites and that there be no amalgamation of these Nurseries until a new Nursery at Beancross Primary School is opened.”

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 13 Members present, with Members voting as undernoted:-

For the Motion (8) - Councillors Blackwood, Lemetti, McNeil, C Martin, Patrick and Waddell, Mrs M Coutts and Rev M Rollo.

For the Amendment (4) - Councillors Carleschi, Coleman, Hughes and A MacDonald.

Abstention (1) – Mr G Boyle.

Accordingly **AGREED:-**

- (i) to note the proposals as set out in Section 6 of the report and to submit them to Falkirk Council for approval; and
- (ii) to note the developing national context.

FALKIRK COUNCIL

3(i)

MINUTE of MEETING of the COMMUNITY HEALTH AND SAFETY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 AUGUST 2008 at 10.30 a.m.

CH13. SUBSTANCE MISUSE

With reference to Minute of Meeting of the Community Health and Safety Committee held on 21 August 2007 (Paragraph CH6 refers), there was submitted Report (circulated) dated 30 June 2008 by the Director of Corporate and Neighbourhood Services (a) outlining how Falkirk Council's local strategy is developing in comparison to the new National Strategy, (b) referring to the local strategy's partnership approach in tackling substance misuse within the Falkirk Council area, (c) advising of the considerable changes and improvement in the quality and delivery methods of services, and (d) detailing the broad range of co-ordinated services which are meeting the diverse needs of substance misuse across the Falkirk Council area.

Discussion took place on the following:-

- Effectiveness of strategies
- Role of Education and Social Work Departments
- Relationship with Alcohol Focus Scotland
- Stenhousemuir pilot project on off-sales licensing

Councillor C MacDonald, seconded by Councillor McLuckie moved the recommendations as contained within the Report.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Hughes moved:

"Committee notes the significant benefits in areas such as West Lothian and Stenhousemuir in reducing alcohol fuelled anti social behaviour by restricting off sales for those under 21 and 25 respectively.

Committee also notes the outcome of the results of the consultation exercise undertaken by Michael Matheson MSP where 82% of those consulted from across the district want to see the age at which you can purchase alcohol from off sales raised from 18 to 21.

Officers are therefore instructed to open up a dialog with the licensing authority on what a scheme to limit off sales in Falkirk District could be implemented and report back to the next Community Health and Safety Committee meeting.

On a division, 6 Members voted for the Motion and 5 Members for the Amendment.

Accordingly, **NOTED** the contents of the Report

AGREED that a further Report be submitted to the Community Health and Safety Committee outlining achievements, and progress made in dealing with opportunities and challenges which resulted from the developing local and national strategies for tackling alcohol, drugs and tobacco.

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 SEPTEMBER 2008 at 10.30 a.m.

PR54. POST OFFICE LTD – NETWORK CHANGE PROGRAMME

There was submitted Report (circulated) dated 26 August 2008 by the Chief Executive summarising proposals by the Post Office Network to close Grangepans Post Office as part of the Network Change Programme.

Councillor Gow, seconded by Depute Provost Black, moved the recommendations in the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna, moved the recommendations in the Report and that:

- (1) Officers be asked to relay to the UK Labour Government the Committee's opinion that we have no confidence in their ability or desire to maintain the Post Office Network as a service throughout the country; and
- (2) Committee relays to the MP for Linlithgow and East Falkirk, Michael Connarty, our anger at his voting record on Post Office closures and calls on Mr Connarty to apologise to the people of Bo'ness for his failure to oppose London Government policy on Post Office closures.

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

Accordingly, **RESOLVED** in terms of the Amendment, namely that:-

- (1) Officers put together a case for the retention of the Grangepans Post Office and submit this to Post Office Ltd by 23 September 2008;
- (2) Officers relay to the UK Labour Government the Committee's opinion that we have no confidence in their ability or desire to maintain the Post Office Network as a service throughout the country; and
- (3) Committee relays to the MP for Linlithgow and East Falkirk, Michael Connarty, our anger at his voting record on Post Office closures and call on Mr Connarty to apologise to the people of Bo'ness for his failure to oppose London Government policy on Post Office Closures.

FALKIRK COUNCIL

Subject: POST OFFICE LTD – NETWORK CHANGE PROGRAMME
Meeting: POLICY AND RESOURCES COMMITTEE
Date: 9 SEPTEMBER 2008
Author: CHIEF EXECUTIVE

1. INTRODUCTION

- 1.1 Members will be aware that Post Office Ltd published plans on 19 August 2008 outlining the future of the Post Office Network in Linlithgow and Falkirk East Parliamentary Constituency. This report notes the proposal to close Grangepans post office in Bo'ness and sets out a proposed response to this.

2. THE PLANS

- 2.1 The following post offices are covered by the plans recently published:

- Avonbridge;
- Bo'ness;
- California;
- Charlotte Dundas Court;
- Grangemouth;
- Grangepans;
- Limerigg;
- Maddiston;
- Maidenpark;
- Newtown;
- Slamannan; and
- Whitecross

- 2.2 Post Office Ltd has proposed that Grangepans is to close. The closing date for responses to the proposal is 23 September 2008.

3. NETWORK CHANGE PROGRAMME

- 3.1 The criteria that Post Office Ltd use to assess each post office are as follows and this covers the whole of the UK:

- 3.2 Nationally

- 99% of the total UK population within 3 miles, 90% within 1 mile;

- 95% of total urban populations within 1 mile (urban classed as settlement more than 10,000);
- 95% of total rural population within 3 miles (rural is classified as settlement less than 10,000);
- 99% of urban deprived within 1 mile (15% of UK postcode districts); and
- Proportionality, such that no group or area plan should be more adversely impacted than any other (hard to do as announcements made on rolling programme - but split should be 50/50 urban / rural).

3.3 Local factors

- Availability of parking and public transport (to and from post office);
- Local demographics (age/disability/car ownership/income); and
- Impact on local economies.

3.4 Once plans are published, there is a six week period during which the public and the Council can respond to these proposals. As part of this process we have already put the proposals on the Council web-site. Experience from the previous consultation exercise would suggest that account is taken of the volume and number of representations made regarding each post office. It is therefore important that where local people feel strongly about any closure plans, they make their feelings known to Post Office Ltd. However, Members should be aware that generally, if a post office is retained, an alternate post office branch is nominated for closure.

4. CURRENT SITUATION

4.1 Prior to the plan being announced, Postwatch estimated that, if there was an even distribution of closures across the UK, 17.5% of post offices would close in every area. That would equate to approximately 5 post offices in the constituency of Falkirk and 3 in Falkirk East. As Members will recall, 7 post offices were closed in the Falkirk constituency, while only one post office is identified for closure in this round.

4.2 The Post Office Ltd has provided Branch Access Reports on the post office proposed for closure and the post offices that they anticipate local residents would use if this post office is closed. This access report is attached as Appendix 1.

4.3 The following paragraphs note some of the points the Council will make when presenting the case for the retention for Grangepans post office.

Grangepans

4.4 Grangepans post office is situated within Bo'ness. The post office is open 38 hours per week and is within a small convenience store. Post Office Ltd has suggested that there are two alternative post offices, the first post office is 0.7 miles away in Bo'ness Town Centre and the second is 0.9 miles away in Newtown in Bo'ness. Post Office Ltd has provided information on the bus services from the bus stop 110 yards from Grangepans post office to Bo'ness post office. A half hourly bus service runs between these two post offices this has been confirmed by the Transport Planning Unit. There are plans to develop and enhance Bo'ness town centre over the next few years and the population of Bo'ness is expected to increase significantly.

4.5 According to the 2006 estimates of population, there are 9,250 people living within 1 mile of Grangepans post office. Of these 16.3% are aged above 65 years. This compares to the Falkirk Council and the Scottish average of 15.8% and 16.4% respectively. 18.6 % of those living within a one mile radius of Grangepans post office are claiming State Pension, this compares to 18.3% of the population of Falkirk Council and the Scottish average of 19%.

4.6 The table below contains information from the census on the percentage of the population living within one mile of Grangepans post office with poor health. It is assumed that these individuals would find it more difficult to travel even short distances to access services.

Table 4: Long term illness and general health – 2001 Census

Post Office	Household population 2001 Census	With a limiting long term illness*		General health poor	
		No	%	No	%
Grangepans	8,344	1,757	21.1%	857	10.3%
Falkirk	143,457	29,380	20.5%	14,642	10.2%
Scotland	4,976,005	978,376	19.7%	492,283	9.9%

Source: 2001 Census, General Register Office for Scotland, Crown Copyright

* includes problems due to age

4.7 The one mile radius catchment of the Grangepans post office consists of sixteen datazones or part datazones, one of which is in the worst 15% in Scotland. Of the datazones within one mile of the Grangepans post office, access to a post office is above the Falkirk average (2.1 minutes) and the Scottish average (2.2 minutes) in three datazones. Public transport travel time to a Post Office is also above the Falkirk average (6.7 minutes) in four datazones and the Scottish average (8.2 minutes) in two datazones. Closing the Grangepans post office will undoubtedly make these access measures significantly worse. An analysis carried out by the Council shows that there are currently 135 households within the Falkirk Council area outwith a 3 mile radius of Grangepans post office and it would be expected that Grangepans would be the first choice post office. If Grangepans were to close, an additional 101 households will now be outwith a 3 mile radius of a Post Office.

5. WAY FORWARD

5.1 The Council recognises the important social function that post offices provide. In our communities, the post office can also be the main village or local shop. These post offices are used by older people, people with young children and those with mobility problems, for a whole variety of transactions, not just economic, but social.

5.2 The 6 week consultation process began on 19 August 2008. At the time of writing, analysis on each of the post offices has only just begun. Officers are continuing to develop a case for retention for Grangepans to supplement the information contained in section 3. This will be presented to Post Office Ltd by 23 September 2008, the closing date for submissions.

- 5.3 Council Officers have written to Community Council in Bo'ness and Blackness alerting them to the potential closure, with information about how they can respond to these.

6. RECOMMENDATION

It is recommended that Members:

- 6.1 **Ask that Officers put together a case for the retention of the Grangepans Post Office and submit this to Post Office Ltd by 23 September 2008.**

.....
CHIEF EXECUTIVE

Date: 26 August 2008

Ref: ABH0908LG

Contact Name: Fiona Campbell

LIST OF BACKGROUND PAPERS

1. Department of Trade and Industry – The Post Office Network – Government Response to public consultation – May 2007
2. Department of Trade and Industry – the Post Office Network – Consultation Document – December 2006.
3. Postwatch – Invitation to Post Office Closures Seminar – May 2007

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506004 and ask for

FALKIRK COUNCIL

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 SEPTEMBER 2008 at 10.30 a.m.

PR58. REFERRALS FROM COMMUNITY HEALTH AND SAFETY COMMITTEE – 19 AUGUST 2008

With reference to Minute of Meeting of the Community Health and Safety Committee held on 19 August 2008 (Paragraph CH15, CH17 and CH18 refer), there was submitted Report (circulated) dated 1 September 2008 by the Director of Development Services listing those Reports considered by the Community Health and Safety Committee at its meeting on 19 August 2008 and referred to Committee, namely:-

- Residential On-Street Parking Places for People with a Disability (CH15)
- Food Service Plan 2008-09 (CH18)
- Civic Government (Scotland) Act 1982, Late Hours Catering & Street Traders Policy and Conditions (CH17)

(c) Residential On-Street Parking Places for People with a Disability

Councillor Gow, seconded by Depute Provost Black moved the recommendations in the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna moved the recommendations in the Report and:-

- (1) that to ensure that no group of vulnerable applicants is omitted from the scheme or seriously disadvantaged, committee agrees that applicants not in receipt of the Higher rate of Mobility Component of DLA at the higher level will be assessed by a physiotherapist; and
- (2) all applicants with garages not located at their houses will be assessed by a physiotherapist.

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

Accordingly, **RESOLVED** in terms of the Amendment, namely that:-

- (1) applicants not in receipt of the Mobility Component of DLA at the higher level, will be assessed by a physiotherapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level;
- (2) applications relating to disabled children under the age of 3 will require assessment by a paediatric therapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level;
- (3) all applicants with garages not located at their houses will be assessed by a physiotherapist.

AGENDA ITEM

FALKIRK COUNCIL

**Subject: REFERRALS FROM COMMUNITY HEALTH & SAFETY COMMITTEE
– 19th August 2008**
Meeting: POLICY & RESOURCES COMMITTEE
Date: 9th September, 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

1 INTRODUCTION

- 1.1 The Community Health and Safety Committee met on 19th August, 2008 and, after discussion, agreed to refer the following reports to Policy & Resources Committee for approval. Motions and amendments are noted where appropriate.

- **RESIDENTIAL ON-STREET PARKING PLACES FOR PEOPLE WITH A DISABILITY**

With reference to Minute of Meeting of the Policy and Resources Committee held on 13 September 2005 (Paragraph PR72 refers), there was submitted Report (circulated) dated 31 July 2008 by the Director of Development Services (a) detailing the Council's current policy in relation to residential on-street parking places for people with a disability, and (b) attaching as Appendix 1, "Residential On Street Parking for Disabled People" – A Consultation Document, and (c) attaching as Appendix 2, Discussion Document for Disabled Bay Provision.

Councillor C MacDonald, seconded by Councillor McLuckie moved the recommendations as contained within the Report.

By way of an amendment Councillor J Constable, seconded by Councillor Meiklejohn moved that recommendation 4.3 of the Report be altered to read as follows:-

"agree to recommend to Policy and Resources Committee that all applicants not in receipt of the Mobility Component of DLA at the higher level will be assessed by a physiotherapist."

And that an additional recommendation be added, namely:-

"All applicants with garages not located at their houses will be assessed by a physiotherapist".

On a division, 6 members voted for the Motion and 5 for the amendment.

Accordingly, **AGREED** to:-

- (1) the continued provision of enforceable residential parking bays;
- (2) the continued use of the criteria set out in paragraph 2.7 of the Report, as amended by paragraphs (3) and (4) listed below and that they be used in the assessment of this provision;
- (3) recommend to Policy and Resources Policy Committee, that only those applicants over the age of 65, not in receipt of the Mobility Component of DLA at the higher level, will be assessed by a physiotherapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level; and
- (4) recommend to Policy and Resources Policy Committee, that applications relating to disabled children under the age of 3 will require assessment by a paediatric therapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level.

NOTED that a future report will come to members following the passage of The Disabled Persons' Parking (Scotland) Bill through the Scottish Parliament.

- **FOOD SERVICE PLAN 2008-09**
- **CIVIC GOVERNMENT (SCOTLAND) ACT 1982, LATE HOURS CATERING & STREET TRADERS POLICY & CONDITIONS**

2. RECOMMENDATIONS

Members are invited to:

- 2.1 Approve the referrals from Community Health & Safety Committee as set out above.

.....
Acting Head of Roads and Design

Date: 1st September, 2008

FALKIRK COUNCIL

Subject: RESIDENTIAL ON-STREET PARKING PLACES FOR PEOPLE WITH A DISABILITY
Meeting: COMMUNITY HEALTH & SAFETY COMMITTEE
Date: 19 August 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report reviews the current policy and seeks approval to amend the criteria for the provision of on street parking bays for people with a disability.

2. BACKGROUND

- 2.1 People with a disability can apply to the Council for a blue badge under the Blue Badge Scheme. The scheme is a national arrangement of parking concessions for people with severe walking difficulties who travel either as drivers or passengers of a motor vehicle. The scheme also applies to registered blind people and people with very severe upper limb disabilities who regularly drive a vehicle but cannot turn a steering wheel by hand.
- 2.2 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a Traffic Regulation Order, for people with a disability who are in receipt of a Blue Badge, meet the Council's criteria and, due to parking congestion, have difficulty parking near their homes.
- 2.3 There are approximately 7500 Blue Badge holders in the Falkirk Council Area. Falkirk Council receive 150 or so disabled parking bay applications each year, at least half of which meet current criteria and require the promotion of a Traffic Regulation Order.
- 2.4 In order to provide disabled parking spaces on the road, Falkirk Council, as Roads Authority, employs powers conferred on it under Sections 32(1) and 35(1) of the Road Traffic Regulation Act 1984. The Roads (Scotland) Act 1984 defines a road as any thoroughfare over which there is public right of passage. Occasionally, applications for disabled bays are received for locations that do not meet the above definition. Under these circumstances the Roads Authority cannot provide disabled spaces and will direct the applicant to either Housing Services within the Council, a housing agency or a sheltered housing operator - whoever manages the proposed location and can provide and enforce a disabled bay using whatever powers they have over the location.
- 2.5 The Disability Discrimination Act 2005 does not require Local Authorities to specifically provide residential parking bays for people with a disability. The act places a general duty on public authorities to actively look at ways of ensuring disabled people are treated equally and one of Falkirk Council's main goals is to reduce disadvantage and inequality in all its forms. On-street disabled persons' parking places helps to address these concerns.

- 2.6 From a sample of other Scottish Councils, it appears that most provide disabled bay markings. Approximately, half of these Councils make their bays enforceable by the promotion of a Traffic Regulation Order while the remainder use advisory markings only.
- 2.7 Falkirk Council's current policy governing the provision of on-street parking spaces for disabled people was ratified by Central Regional Council and dates back to 1991. The criteria currently used to determine applications are:
- The applicant must be resident at the address where the marking is to be provided.
 - The vehicle must normally be kept at this address.
 - The applicant must be in receipt of the Mobility Component of Disability Living Allowance (DLA) at the higher rate or be eligible for it except on the grounds of age.
 - There must be a persistent difficulty in parking at the location.
 - Applications must be subject to road safety criteria, in terms of ensuring any disabled persons' parking bay does not, for instance, restrict visibility at a junction or be placed in such a manner as to cause congestion or obstruction.
 - The Policy and Resource Committee meeting of September 2005 added a further criterion to be assessed during the application process. This additional step required all applicants to be assessed by a physiotherapist.
- 2.8 In addition, Members, at the September 2005 Committee meeting, also tasked officers with reviewing the current policy and reporting the findings back. During the initial review of the policy in 2006, Jackie Baillie MSP consulted throughout Scotland on disabled parking places with a view to introducing a Bill to the Scottish Parliament. It was felt prudent to delay the review of the Council's policy until the Bill was introduced to Parliament and report to members at that time.
- 2.9 The Bill has taken longer to be introduced to Parliament than anticipated. On 2 June 2008, Jackie Baillie MSP introduced a Members Bill to the Scottish Parliament entitled 'The Disabled Persons' Parking (Scotland) Bill'. The aim of the Bill is to make disabled persons' parking places legally enforceable, preventing the misuse of such parking places by those not entitled to use them. In its current form, the Bill would make all disabled persons' parking places legally enforceable. All disabled bays maintained by Development Services, both on street and off, are covered by a Traffic Regulation Order and are therefore already legally enforceable. The Bill would also place a duty on local authorities, who have made Traffic Regulation Orders in respect of disabled parking places, to keep the provision of those parking bays under continual review. In addition, it also makes reference to the local authority enforcement of disabled spaces in private car parks such as retail parks and supermarket car parks.
- 2.10 The Bill is currently at the first of three stages with no formal timescale available for completing all the stages. The first stage is due to be completed by November 2008 and, if the Bill follows similar timescales for other Bills, completion could be Spring 2009.

- 2.11 It is recognised that, following completion of the Bill's progress through the Scottish Parliament, significant changes may be required by the Council in the way it manages disabled persons' parking spaces. However, there are two specific issues which can usefully be addressed now. These are:
- The requirement to assess the level of disability of all applicants by a physiotherapist.
 - The way that the level of disability is assessed for children.
- 2.12 Currently, all applicants for a disabled bay must be assessed by a physiotherapist to determine their levels of disability as part of the application procedure. The current assessment is intended to determine whether the applicant would be eligible for the Mobility Component of DLA at the higher rate. However, in order to obtain a blue badge, some applicants have already demonstrated that they are in receipt of the Mobility Component of DLA at the higher rate. These applicants for Disabled Persons' Bays therefore need not be referred to the physiotherapist since they can show that they already receive the Mobility Component of DLA at the higher rate. It is therefore proposed that only those applicants who hold a Blue Badge but are not in receipt of DLA at the higher rate because of their age (over 65) be assessed by a physiotherapist.
- 2.13 There are problems assessing children by mainstream physiotherapists. Consequently, it is proposed that only child applicants who hold a Blue Badge but are not in receipt of DLA at the higher rate because of their age (under 3) be assessed by a paediatric therapist.

3 CONCLUSIONS

- 3.1 In light of Falkirk Council's goals and the success that this policy has had in enhancing the circumstances of disabled people it is concluded that Falkirk Council continue to provide help for disabled people in the form of enforceable residential disabled parking bays.
- 3.2 The Disabled Persons' Parking (Scotland) Bill, in its current form, will have implications for the Council in the provision and/or enforcement of disabled persons' parking spaces, both on-street and off-street. The Bill may change the way the Council is required to manage disabled persons parking and a further report will come to this Committee following the passage of the Bill through Parliament.
- 3.3 In the meantime, recognising that future changes may be required as a consequence of the Bill, it is concluded that Falkirk Council continues to provide disabled persons' parking bays to holders of a Blue Badge subject to the criteria generally as paragraph 2.7 with changes to the physiotherapist assessment requirement as follows:
- Applicants not eligible for DLA at the higher rate on grounds of age to be assessed by a physiotherapist or paediatric therapist, as applicable, depending on their age.

4. RECOMMENDATIONS

Members are asked to;

- 4.1 agree the continued provision of enforceable residential parking bays;
- 4.2 agree the continued use of the criteria set out in paragraph 2.7, as amended by 4.3 and 4.4, be used in the assessment of this provision;
- 4.3 agree and recommend to Policy and Resources Policy Committee, that only those applicants over the age of 65, not in receipt of the Mobility Component of DLA at the higher level, will be assessed by a physiotherapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level;
- 4.4 agree and recommend to Policy and Resources Policy Committee, that applications relating to disabled children under the age of 3 will require assessment by a paediatric therapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level;
- 4.5 note that a future report will come to members following the passage of The Disabled Persons' Parking (Scotland) Bill through the Scottish Parliament.

.....
Director of Development Services

Date: 12th August, 2008

Contact Officer: *Russell Steedman* *Tel: 4830*

EXTRACT OF MINUTE of MEETING of the POLICY & RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 SEPTEMBER 2008 at 10.30 a.m.

PR59. REFERRALS FROM EDUCATION AND LEISURE COMMITTEE – 26 AUGUST 2008

With reference to Minute of Meeting of the Education and Leisure Committee held on 26 August 2008 (Paragraph EL19 and EL20 refer), there was submitted Report (circulated) dated 2 September 2008 by the Director of Education Services listing those Reports considered by the Education and Leisure Committee at its meeting on 26 August 2008 and referred to Committee, namely:-

- Report back on the Consultation Regarding the Proposed Rezoning of RC Primary School Catchments to Accommodate the New School in Stenhousemuir
- Response to Scottish Government Consultation – “Safeguarding Our Rural Schools and Improving School Consultation Procedures – Proposal for Changes to Legislation”
- (b) Response to Scottish Government Consultation – “Safeguarding Our Rural Schools and Improving School Consultation Procedures – Proposal for Changes to Legislation”

Councillor Gow, seconded by Depute Provost Black, moved the recommendations in the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna, moved the recommendations in the Report and that the following is included in the Council's response:-

- (1) that Committee believes that shared head teachers in rural schools represent the thin end of the wedge and calls on the Scottish Government to bring forward additional protections for rural schools where local authorities have gone down this route.

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

Accordingly, **RESOLVED** in terms of the Amendment, namely:-

- (1) agree the response as outlined in paragraph 2.1 and detailed in Appendix 2 of the Report and to include the following paragraph in the Council's response:

“Council believes that shared head teachers in rural schools represent the thin end of the wedge and calls on the Scottish Government to bring forward additional protections for rural schools where local authorities have gone down this route.”

FALKIRK COUNCIL

**Subject: REFERRALS FROM EDUCATION AND LEISURE COMMITTEE -
26 AUGUST 2008**
Meeting: POLICY AND RESOURCES COMMITTEE
Date: 9 September 2008
Author: DIRECTOR OF EDUCATION

1. INTRODUCTION

1.1 The following reports were presented to the Education and Leisure Committee on 26 August 2008 and it was agreed that these reports would be referred on to Policy and Resources Committee for approval.

- Response to Scottish Government - 'Safeguarding Our Rural Schools and Improving School Consultation Procedures' - Proposal for Changes to Legislation.
- Report Back on the Consultation Regarding the Proposed Rezoning of RC Primary School Catchments to Accommodate the New School in Stenhousemuir.

1.2 After consideration of the attached reports, Education and Leisure agreed the recommendations contained in the reports and to refer the reports to Policy and Resources Committee for approval.

2. RECOMMENDATION

2.1 The Policy and Resources Committee endorses the recommendations as outlined in the attached reports and as approved by Education and Leisure Committee on 26 August 2008.

.....
Director of Education

Date: 2 September 2008

Contact Officer: Julia Swan, Director of Education, ext 6680

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

**Subject: RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION –
'SAFEGUARDING OUR RURAL SCHOOLS AND IMPROVING SCHOOL
CONSULTATION PROCEDURES - PROPOSALS FOR CHANGES TO
LEGISLATION'**

Meeting: EDUCATION AND LEISURE COMMITTEE

Date: 26 August 2008

Author: DIRECTOR OF EDUCATION

1. INTRODUCTION

- 1.1 The current legislative framework governing how local authorities must handle school closure proposals is set out in both primary legislation (The Education (Scotland) Act 1980) and secondary legislation (the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981). This is supported by Ministerial Guidance on school closure proposals which was last published in 2004.
- 1.2 The Scottish Government are currently consulting on proposals to update and consolidate this legislative framework, and the proposal document is attached as Appendix 1.
- 1.3 These proposals focus on school closures, particularly in rural areas, but it should be noted that the legislation to be updated also includes that relating to rezoning a school's catchment area, provision of a new school, changing the site of a school and all other kinds of proposal detailed in the 1981 Regulations.
- 1.4 The consultation period ends on 19 September 2008. Members are asked to consider the proposed detailed response from Falkirk Council which is attached as Appendix 2.

2. SUMMARY OF CONSULTATION RESPONSE

- 2.1 The consolidation and update of the legislative framework is welcomed and this is reflected in our proposed response. We do however present a number of suggestions and concerns, the main ones being:
 - that, whilst safeguarding of rural schools is very important, a revised approach to school closures should also encompass schools that are not classified as rural;
 - with regard to the proposal that there will be a requirement for local authorities to prepare an Educational Benefits Statement when proposing a school closure, we suggest that this should not be considered in isolation, but set within the context of a Strategic Business Case that also considers the community, financial and resourcing issues;
 - that HMIE should consider the Educational Benefits Statement as part of this Strategic Business Case;
 - that the proposed approach to consulting on school closures and other matters will lead to a consultation period that will become too lengthy;

- that if referral of school closures to Ministers on the basis of high occupancy (80% or above) is to continue, then clear guidance is required on the calculation of school capacity.

2.2 Details of how the Scottish Government's eight categories of urban/rural classification apply to Falkirk Council's primary school are attached at Appendix 3.

3. RECOMMENDATIONS

3.1 With regard to the consultation on Scottish Government proposals to update legislation relating to school consultation procedures, Education and Leisure Committee are asked to:

- (i) agree the response outlined in paragraph 2.1 and detailed in Appendix 2; and
- (ii) agree to refer to Policy and Resources Committee for approval prior to submission.

.....
Director of Education

Date:

Contact Officer: Gary Greenhorn, ext 6683.

LIST OF BACKGROUND PAPERS

NIL

SAFEGUARDING OUR RURAL SCHOOLS AND IMPROVING SCHOOL CONSULTATION PROCEDURES

PROPOSALS FOR CHANGES TO LEGISLATION

A Consultation Response From Falkirk Council

Falkirk Council welcome the Scottish Government's proposal to update and consolidate the primary and secondary legislation and supporting guidance framework relating to proposed school closures, rezonings and other major changes affecting schools.

Whilst we agree that it is important to highlight the importance of rural schools as a community asset, we do feel that the consultation document over-emphasises this and the broader framework proposed for preparing the case for and consulting on school closures should also apply to schools in the non-rural setting. We also feel that separately dealing with Educational Benefits and Community Impact would miss the opportunity to legislate in a way that ensures local authorities prepare an overall Strategic Business Case for any proposed closure that also encompasses financial and resourcing implications.

We also have some concerns that the proposed framework unnecessarily extends the timescales required for a consultation on school closures and other matters. Such consultations create anxiety amongst parents in particular, and it is important that they are resolved as quickly as possible, ensuring that all stakeholders can be fully consulted.

The outcome required from new legislation is an effective process for consultation that does not take too long, balanced against the need for a full and open consultation.

Our response to the specific questions asked in this consultation are as follows:

RURAL SCHOOL CLOSURES (SECTION 3)

Q1: Do you support the proposal to require local authorities to have regard to certain matters before they can respond to consultation on the closure of a rural school?

- Yes, it makes sense to legislate for a consistent and transparent approach to school closures. However, why focus this approach at rural schools only when there are lots of closures and mergers within the non-rural setting affecting many stakeholders?

Q2: Do you agree with the four matters we propose requiring that authorities should have regard to before proposing a rural school closure? These are:

- ***Alternatives to a closure of the school***
 - ***Likely overall impact of the school's closure on the communities which it serves***
 - ***Likely impact of closure specifically on the community's subsequent use of the school's building and grounds***
 - ***Likely impact that new travel to school patterns would have on pupils and other school users and the environment***
- We agree that the 4 criteria suggested are relevant, however, we feel that they would also be important considerations in the proposed closure of a non-rural school.

- The assessment of impact on the community would be very difficult to gauge, and even with the results of the consultation this could be very subjective. As it would be impossible for any Authority to fully answer this question at this early stage it should not be incumbent on them to do so.

Q3: Do you agree that it is not appropriate to set up a rural schools fund?

- Yes we agree that it would not be appropriate.

Q4: Do you agree with the proposed definition of “rural schools”?

- Yes. This definition successfully classifies the Falkirk Council schools currently considered “rural”.

AN EDUCATIONAL BENEFIT STATEMENT (SECTION 4)

Q5: Do you support requiring local authorities to publish a statement setting out the educational benefit of the school closure proposal?

- Yes. However, this is one element of the overall business case for any proposed closure rather than a completely separate matter.
- We feel that the prescribed elements for a school closure proposal should include an Educational Benefit Statement and the four criteria specified in Section 3, together with the financial and resourcing reasons for proposing closure.
- Together, these six elements would form a Strategic Business Case that encompasses and considers all important issues.

Q6: Do you agree that it should be left to the authority as to how it sets out an educational benefit statement?

- We feel that there should be an agreed template for an overall Strategic Business Case for any school closure. The educational benefits element should be one of the 6 integral parts of this.
- It should be up to each local authority to complete each of these 6 elements, but, given the radical changes being proposed, an example or guidance on what local authorities should include or exclude in such a business case would be welcomed to ensure a consistent approach across Scotland based on best practice.
- HMIE are in an ideal position to provide advice on addressing the educational benefits of a school closure.

TIGHTENING THE REGULATIONS FOR ALL SCHOOL CONSULTATIONS (SECTION 4)

Q7: Do you agree that HMIE’s views should be sought in all cases?

- No. It makes sense that HMIE scrutinise the educational benefits of any proposed school closure during the consultation process and they should be asked to comment within the context of the overall Strategic Business Case.
- However, HMIE would add little value to other statutory consultations on issues such as rezoning, so their involvement across the board would be unnecessary.
- The suggestion in paragraph 63 implies that local authorities should provide HMIE with an interim report showing the feedback from the consultation, to enable HMIE to respond. We feel that this is completely unnecessary as HMIE should be consulted on the Strategic Business Case. We also feel that this would add unnecessary time delays to the whole process (see also response to Question 8 below).

***Q8: Do you support the proposed changes to the way consultations should be conducted?
These are:***

- ***Introducing a requirement that a consultation paper should be published containing certain information;***
 - At Falkirk Council we already do this and report this fully to Council.
 - Any new regulations should align “certain information” with the considerations specified in Section 3 and Section 4, which we have earlier suggested is encompassed within an overall Strategic Business Case.
- ***Establishing a mechanism for addressing allegations of factual inaccuracies in a consultation paper;***
 - This would ensure transparency, but legislation should be carefully worded to exclude matters of subjective, financial or statistical interpretation.
 - It should only be the material facts that fall into this mechanism.
- ***Extending the list of people who must be consulted;***
 - Other local authorities should only be consulted where a cross-border agreement exists to accommodate pupils from their area at an affected school.
 - There should be no statutory obligation to consult staff on the reasons for a proposed closure. It should only be the parties affected by Education delivery. Staff would be consulted by management as part of the normal internal processes for these matters.
- ***Updating the way consultations are publicised;***
 - There should be no obligation to publicise the consultation in areas other than the school catchment. Some school rolls include pupils from a range of areas on placing requests and they should not define the area for publicising a consultation.
 - For example, if an school proposed for closure or rezoning had a pupil who lived in Fife, we should not be obliged to publicise the consultation in the Fife press.
- ***Updating how people respond to a consultation;***
 - The proposed approach is consistent with our current consultation process.
- ***Extending the minimum consultation period to 6 weeks of term time;***
 - We feel that 4 weeks is sufficient but agree that no consultation should take place during the summer holidays.
 - Consultations on school closures create anxiety amongst parents and it is important that they are resolved as quickly as possible.
 - We feel that extending the consultation period to 6 weeks, particularly excluding all school breaks, would result in a process that takes too long.

- ***Introducing a requirement that the authority publish a consultation report, 28 days before the final decision is taken.***

- We do not agree with this. We feel that it will introduce a further delay in the decision making process when combined with committee cycles, extending the period between the consultation starting and a decision being made to at least 10 weeks, and probably 4 to 6 months in practice when combined with a council's decision making structures.
- For school closures and major catchment reviews this can be planned for, but for smaller matters such a lengthy consultation process may lead to operational problems.

Q9: Do you agree that Ministers should take a power to issue “statutory guidance” to which authorities would have to have regard?

- Yes. Clear and binding guidance would be useful in establishing procedures and ensuring a consistent approach nationally.
- Non-statutory guidance is open to interpretation and omission. This will inevitably create doubt, confusion and inconsistency. (ie. guidance on calculation of school capacity)

A REFERRAL SYSTEM (SECTION 5)

Q10: Are you content with the present system of referral of closure cases to Ministers?

- No. Our main concern with the current system is that referral on the basis of occupancy levels relies on a definition of school capacity that is different for every authority. A more standardised approach would be preferable if occupancy levels continue to trigger referral to Ministers. As there is no national standard for calculating school capacity, this would need to be urgently addressed to reinforce this referral method.
- The distance criteria would not apply to Falkirk schools, so other, more rural authorities are in a better position to comment here.

Q11: If not, what changes would you wish to see made, and why?

- If the 80% rule is still to apply, then clear guidance on the calculation of a school's capacity and occupancy should be given to ensure a standard of approach by all authorities.

Q12: Do you agree with the proposal to place the responsibility on authorities to satisfy themselves regarding the provision of denominational education?

- Yes.

If so, do you agree with the proposal to continue to allow referral to Ministers if the church or denominational body has an objection?

- Yes, but we feel that such objections should only be made when the church/denominational body has an issue with the consultation process itself. (The consultation process itself should allow the view of churches/denominational bodies and other interested parties/organisations to be fully considered and appraised if it has been properly conducted.)

Q13: Do you agree with our proposal that in future only school closure cases should be referable to Ministers?

- Yes.

Falkirk Schools - Scottish Government Urban/Rural Classification

Large Urban Areas - Settlements of over 125,000 people.
None
Other Urban Areas - Settlements of 10,000 to 125,000 people.
Antonine, Bainsford, Bantaskin, Beancross, Bo'ness Public, Bonnybridge, Bowhouse, Carmuir, Carron, Carronshore, Comely Park, Deanburn, Denny, Dunipace, Easter Carmuir, Grange, Head of Muir, Kinnaird, Kinneil, Ladeside, Langlees, Larbert Village, Laurieston, Maddiston, Moray, Nethermains, Sacred Heart, St Andrew's, St Francis Xavier's, St Joseph's, St Margaret's, St Mary's, St Patrick's, Stenhousemuir, Victoria, Wallacestone, Westquarter
Accessible Small Towns - Settlements of between 3,000 and 10,000 people and within 30 minutes drive of a settlement of 10,000 or more.
Bankier, Hallglen
Remote Small Towns - Settlements of between 3,000 and 10,000 people and with a drive time of between 30 and 60 minutes to a settlement of 10,000 or more
None
Very Remote Small Towns - Settlements of between 3,000 and 10,000 people and with a drive time of over 60 minutes to a settlement of 10,000 or more.
None
Accessible Rural - Settlements of fewer than 3,000 people and within 30 minutes drive of a settlement of 10,000 or more.
Airth, Avonbridge, Blackness, Bothkennar, California, Drumbowie, Limerigg, Shieldhill, Slamannan, Whitecross
Remote Rural - Settlements of fewer than 3,000 people and with a drive time of between 30 and 60 minutes to a settlement of 10,000 or more.
None
Very Remote Rural - Settlements of fewer than 3,000 people and with a drive time of over 60 minutes to a settlement of 10,000 or more.
None

FALKIRK COUNCIL

Subject: MEMBERSHIP OF THE IMPROVEMENT SERVICE
Meeting: FALKIRK COUNCIL
Date: 8 OCTOBER 2008
Author: ACTING DIRECTOR OF LAW & ADMINISTRATION

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Council of (i) an invitation by the Improvement Service to all Scottish Councils to become members of the organisation, and (ii) to ask Members to consider this invitation.

2. PURPOSE OF THE IMPROVEMENT SERVICE

- 2.1 The Improvement Service was set up to support improvement in the efficiency, quality and accountability of public services in Scotland through the provision of advice and consultancy, project management and support for learning and sharing of knowledge. It is governed by a Board and established as a partnership between COSLA and SOLACE and is a company limited by guarantee.
- 2.2 It aims to support continuous improvement by building on the expertise within local authorities and working in partnership with stakeholders in the public, private and voluntary sectors. It also provides advice and support in best value, efficient government and performance management, elected members' development, knowledge management, capacity building and management development, partnership and joint working, shared services and the Customer First programme.
- 2.3 The core objectives of the Improvement Service are to:-
- Promote a learning culture and support collaborative working across local authorities and their partners;
 - Build capacity within local government to improve the skills of officers and elected members;
 - Promote good practice across Scottish local government;
 - Promote the use of knowledge management within local authorities to support sharing and learning, e-governance and business re-design; and
 - Identify good practice and learning from outside Scotland and other areas of the public, private and voluntary sector to share with Scottish local government

3. INVITATION OF MEMBERSHIP

- 3.1 At the COSLA Convention in June 2008, at the request of the Improvement Service Board, it was agreed that all Councils be invited, and encouraged, to become members of the Improvement Service.
- 3.2 Previously, Local Government membership of the Improvement Service has been restricted to COSLA and SOLACE. The Board has altered the membership arrangements of the company to allow all individual Councils to become members.
- 3.3 There is no cost or liability associated with becoming a member, and membership would allow Councils to:-
- Approve the membership of the Improvement Service Board
 - Attend Annual General Meetings and call Extraordinary General Meetings
 - Input to the Business Plan of the Improvement Service

4. RECOMMENDATION

It is recommended that Council considers whether to become a member of the Improvement Service.

.....
Acting Director of Law & Administration

Date: 25 August 2008

Contact Officer: Andrew Rose, Committee Officer, Tel. 01324 501277

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

Subject: PROGRAMME OF MEETINGS - 2009
Meeting: FALKIRK COUNCIL
Date: 8 OCTOBER 2008
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. INTRODUCTION

- 1.1 At its meeting on 3 October 2007, Falkirk Council approved the current Programme of Meetings up to December 2008. The purpose of this report is to present the attached Programme of Meetings for 2009 for approval.
- 1.2 When considering the programme of meetings, Members should also note that there may be a requirement to call special meetings in addition to those shown in the appendix.

2. RECOMMENDATION

- 2.1 Council is asked to consider the proposed Programme of Meetings for 2009 as detailed in the Appendix to this Report and to note that Special meetings may be called if necessary.

.....
Acting Director of Law and Administration Services

Date: 22 September 2008

Contact Officer: Brian Pirie, Ext. 6110

LIST OF BACKGROUND PAPERS

Nil.

FALKIRK COUNCIL - PROGRAMME OF MEETINGS- 2009**JANUARY TO DECEMBER 2009 – ALL MEETINGS COMMENCE AT 10.30 AM UNLESS OTHERWISE STATED**

TIME	COMMITTEE	CYCLE 3	CYCLE 4	CYCLE 5	CYCLE 1	CYCLE 2
10.30 am	Policy & Resources Committee	Tues 13 January	Tues 10 March	Tues 5 May	Tues 11 Aug	Tues 20 Oct
9.30 am	Civic Licensing	Wed 14 January	Wed 11 March	Wed 6 May	Wed 12 Aug	Wed 21 Oct
9.30 am	Community Health & Safety Committee	Tues 20 January	Tues 17 March	Tues 12 May	Tues 18 Aug	Tues 27 Oct
9.30 am	Education and Leisure Committee	Tues 27 January	Tues 24 March	Tues 19 May	Tues 25 Aug	Tues 3 Nov
9.30 am	Regulatory Committee	Wed 28 January	Wed 25 March	Wed 20 May	Wed 26 Aug	Wed 4 Nov
9.30 am	Housing and Social Services Committee	Tues 3 February	Tues 31 March	Tues 26 May	Tues 1 Sept	Tues 10 Nov
9.30 am	Joint Consultative Committee	Wed 4 February	Wed 1 April	Wed 27 May	Wed 2 Sept	Wed 11 Nov
10.30 am	Policy & Resources Committee	Tues 10 February * Wed 11 February	Tues 7 April	Tues 2 June	Tues 8 Sept	Tues 17 Nov
9.30 am	Civic Licensing	Thurs 12 February	Wed 8 April	Wed 3 June	Wed 9 Sept	Wed 18 Nov
9.30 am	Environment & Heritage Committee	Tues 17 February	Tues 14 April	Tues 9 June	Tues 15 Sept	Tues 24 Nov
10.30 am	Investment	Thurs 19 February		Thurs 11 June	Thurs 17 Sept	Thurs 26 Nov
9.30 am	Economic Development Committee	Tues 24 February	Tues 21 April	Tues 16 June	Tues 22 Sept	Tues 1 Dec
9.30 am	Regulatory Committee	Wed 25 February	Wed 22 April	Wed 17 June	Wed 23 Sept	Wed 2 Dec
10.30 am	Falkirk Council	Wed 4 March	Wed 29 April	Wed 24 June	Wed 7 Oct	Wed 9 Dec

Public Holidays: 1st & 2nd January, 10th and 13th April, 4 May, 7th September and 25th and 26th December 2009*** Special Budget meetings of the Policy and Resources Committee and Falkirk Council to be confirmed Wednesday 11 February 2009**

FALKIRK COUNCIL

Subject: AMENDMENT TO SCHEME OF DELEGATION
Meeting: FALKIRK COUNCIL
Date: 8 OCTOBER 2008
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to submit a revised Scheme of Delegation in line with the decisions agreed by Council in June 2008 and the Housing and Social Services Committee in September 2008.

2. BACKGROUND

- 2.1 At the meeting of Falkirk Council on 25 June 2008, Members agreed the following:

“Standing Orders to be revised to allow Scrutiny Committees to respond directly to consultation papers etc within their remit to take decisions on issues that do not change or materially alter Council policy or involve additional resources or changes to the establishment.”

- 2.2 On 2 September 2008 the Housing and Social Services Committee, on consideration of a report prepared by the Director of Corporate and Neighbourhood Services on “The Registration of Private Landlords”, approved the recommendation that “decisions other than the refusal of applications for registration and revocation of any such registration which will be reserved to the Civic Licensing Committee, will be taken by officers.” The Committee agreed that this decision be referred to Council for approval in respect of the amendments to the Council’s Scheme of Delegation, to reflect the delegation of decision making power.

3. SCHEME OF DELEGATION

- 3.1 There are three additions required to the Scheme of Delegation which are:

- **Policy & Resources Committee;** revise paragraph 9 – insert text to read: “which materially alter existing Council policy or involve additional resources or changes to the establishment” (Appendix 1)
- **Powers of Scrutiny Committees** – insert new paragraphs to become paragraphs 2 and 3, namely:-

Paragraph 2 - The Scrutiny Committees will authorise appropriate responses to consultation documents submitted to the Council in accordance with the remit of each Scrutiny Committee.

Paragraph 3 - Scrutiny Committees will decide upon any matter within their remit providing that the decision does not change or materially alter any Council policy, or involve additional resources, or changes to the establishment. (Appendix 2)

- **Civic Licensing Committee** – revise paragraph 1 by inserting the text highlighted below and insert new paragraph 3, namely:-

Paragraph 1 - To discharge the Council's regulatory and enforcement functions, in accordance with Council policy with the exception of those matters delegated to the Director of Development Services and listed in paragraph 2 and to the Director of Corporate and Neighbourhood Services as listed in paragraph 3 hereunder and so far as not delegated to any other Committee or officer which relate (but not exclusively) to:

- (i) the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board), including licences and permits in respect of cinemas and theatres, betting, gaming and lotteries, taxis, charitable collections, animal boarding establishments, riding establishments, second-hand dealers, boat hirers, places of public entertainment and the registration of landlords.

Paragraph 3- The Director of Corporate and Neighbourhood Services is authorised to exercise all decisions relating to the registration of private landlords except for the refusal of applications for registration and the revocation of registration which will be reserved to the Civic Licensing Committee. (Appendix 3)

4. RECOMMENDATION

- 4.1 **Members are asked to agree the revisions to the Scheme of Delegation as detailed in this report.**

.....

Acting Director of Law and Administration Services

Date: 25 September 2008

Contact Officer: Andrew Rose, Committee Officer, ext 1277.

LIST OF BACKGROUND PAPERS

NIL

SCHEME OF DELEGATION TO COMMITTEES

POLICY AND RESOURCES COMMITTEE

Terms of Reference

1. To be the Council's main instrument of policy, to give strategic policy direction in relation to all the Council's functions and to have overall responsibility for implementing agreed policies and strategies.
2. To initiate debate and analysis on substantial policy issues which relate to the Council's functions or have a significant impact on the Council area or its residents.
3. To determine such substantial policy issues after debate and analysis by other Council Committees.
4. To decide other policies and strategies to meet the Council's overall objectives.
5. To set the overall policy framework for other Committees, to refer reports and issues for consideration to those Committees and to receive reports from them.
6. To determine all matters relating to capital and revenue financing and borrowing and to recommend to Council an overall financial strategy, the annual revenue and capital budgets and the rate and Council tax to be levied.
7. To ensure that the organisational, administrative and management procedures of the Council are such as to make the most efficient contribution to achieving the Council's objectives and to keep these procedures under review in the light of changing circumstances.
8. To review the effectiveness of the Council's work and policies and the standard and level of services provided.
9. To consider any new policies or changes in policy which materially alter existing Council policy or involve additional resources or changes to the establishment suggested by any other Committee and the effect of these on the policy plans and resources of the Council.
10. To be responsible for all matters relating to employees of the Council and their terms and conditions of employment and terms of service.
11. To monitor budget performance.
12. To set strategies for partnership and influence outside the Council.
13. To deal with service delivery and the discharge of all Council functions.

Scrutiny Committee Powers

3. The Scrutiny Committees will authorise appropriate responses to consultation documents submitted to the Council in accordance with the remit of each Scrutiny Committee.
4. Scrutiny Committees will decide upon any matter within their remit providing that the decision does not change or materially alter any Council policy, or involve additional resources, or changes to the establishment.
5. The Scrutiny Committees will develop policy proposals referred to them by the Policy and Resources Committee or by Council, within their own terms of reference. The Scrutiny Committees will:-
 - (i) Receive policy proposals from the Policy and Resources Committee;
 - (ii) Identify the main issues to be addressed;
 - (iii) Identify the primary means by which they should be addressed;
 - (iv) Identify the appropriate financial implications;
 - (v) Report back to the Policy and Resources Committee;
 - (vi) Propose policy objectives to the Policy and Resources Committee;
 - (vii) Review, monitor and make determinations on specific policy and service delivery issues referred to it by the Policy and Resources Committee;
 - (viii) Investigate, monitor, oversee and comment on how Council services are delivered and any other matters where the Council has powers or duties or which affect the Council area or its residents and which have been referred to it by Policy and Resources Committee.
6. As part of this process, the Committees may undertake public consultation to influence the development of the policy proposals. They will have the power to agree appropriate mechanisms for this process, such as holding public meetings, setting up focus groups or panels, or inviting persons with particular expertise in areas being considered by Committee to address the Committee or to take part in meetings.
7. The Scrutiny Committees:-
 - (a) Where a Scrutiny Committee has been granted decision making powers in respect of any item of business and is exercising these powers (i.e., where the committee is not reporting back to Policy and Resources Committee or Council) and where there is a vote (with the exception of those votes on procedural motions defined in Standing Order 24.1) and where at least one quarter of those members present and voting dissent against the decision, the decision will be referred to either a special meeting of the Council or the next scheduled meeting of the Council if, within three working days of the committee meeting, at least one quarter of those present and voting and who dissented intimate in writing to the Director of Law and Administration the desire to follow such a route. If,

after three working days have elapsed there is no such intimation then the matter will be considered to have been settled by the Committee.

- (i) will receive policy development proposals or policy issues within their terms of reference from the Policy and Resources Committee;
- (ii) will consider the proposals or issues and report on them to the Policy and Resources Committee within the timescale set by Policy and Resources;
- (iii) will have those decision making powers specifically delegated to them by Council or by Policy and Resources Committee;
- (iv) will have power to regulate their own proceedings.

8. In considering the proposal or issue, the Scrutiny Committee:-

- (i) will identify the main issues to be addressed, the primary means by which they should be addressed and any financial implications;
- (ii) may work in partnership with outside bodies in the public, voluntary and private sectors;
- (iii) may establish working groups, and joint working groups with outside bodies, and consider their reports; and
- (iv) may consult the public or sections of the public, and establish mechanisms for this purpose.

9. In reporting on the proposal or issue, the Committee should comment on it and may propose amendments.

10. No member of the Policy and Resources Committee may be a standing Member of a Scrutiny Committee.

11. The Scrutiny Committees may not establish Sub-Committees of the Council nor delegate decisions to officers of the Council, unless authorised by Council or the Policy and Resources Committee.

12. Without prejudice to any other power, to the extent that any of the respective areas of remit of the Scrutiny Committees cover any of the client functions of the Council's Direct Labour/Service Organisations, each of the Scrutiny Committees so involved will be responsible directly to Council for monitoring and reviewing the performance of the Direct Labour/Service Organisations within the respective terms of reference of the Committees.

CIVIC LICENSING COMMITTEE

Terms of Reference

1. To discharge the Council's regulatory and enforcement functions, in accordance with Council policy with the exception of those matters delegated to the Director of Development Services and listed in paragraph 2 and to the Director of Corporate and Neighbourhood Services as listed in paragraph 3 hereunder and so far as not delegated to any other Committee or officer which relate (but not exclusively) to:
 - (i) the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board), including licences and permits in respect of cinemas and theatres, betting, gaming and lotteries, taxis, charitable collections, animal boarding establishments, riding establishments, second-hand dealers and boat hirers, places of public entertainment and the registration of landlords.
 - (ii) the functions of the Council under the Safety of Sports Grounds Act 1975.
2. The Director of Development Services is authorised to determine the following licensing matters:
 - (i) to grant taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, on advice from the Chief Constable that there are no current and where there are no objections; provided that applications for second or subsequent licences for the same applicant will be referred to the Civic Licensing Committee;
 - (ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, if there are no new convictions since the Civic Licensing Committee's last consideration of the matter (whether in connection with a grant, renewal or default report);
 - (iii) to grant licences for second-hand dealers, window cleaners and street traders, on advice from the Chief Constable that there are no current convictions, and no objections; provided that applications for second or subsequent licences for the same applicant will be referred to the Civic Licensing Committee;
 - (iv) to renew licences for second hand dealers, window cleaners, street traders, market operators and late hours caterers, if there are no new convictions or adverse information received since the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
 - (v) to grant and renew boat hirers, public entertainment, indoor sports entertainment and houses in multiple occupation licences, subject to no objections;
 - (vi) to grant and renew permits for amusements with prizes machines in premises other than hotel and public houses, where they are outwith the class of premises

specified in the Council's resolution and there are no objections or adverse comments received;

- (vii) to grant or renew permits to install all-cash amusements with prizes machines in amusement arcades where there are no objections or adverse comments received;
- (viii) to grant and renew licences for pet animals, dangerous wild animals, game dealers, venison dealers, riding establishments, animal boarding establishments, breeding of dogs, methylated/surgical spirits and film exhibitions subject to no objections or adverse comments being received from the Chief Constable, Firemaster or Head of Environmental and Consumer Protection;
- (ix) to determine applications to licence caravan sites where there are no objections or adverse comments received;
- (xi) to determine applications for permission to hold public processions
- (xii) to determine applications for approval of premises under the Marriage (Scotland) Act 2002 and any associated Regulations; and
- (x) to approve applications for the registration of society lotteries in accordance with the Lotteries and Amusements Act 1976 where there are no current convictions and no objections.

3) The Director of Corporate and Neighbourhood Services is authorised to exercise all decisions relating to the registration of Private Landlords except for the refusal of applications for registration and the revocation of registration which will be reserved to the Civic Licensing Committee.

Provided that if, for any reason, the Director of Development Services or the Director of Corporate and Neighbourhood Services considers it inappropriate to determine an application under delegated powers, the application will be referred for determination to the Civic Licensing Committee.

FALKIRK COUNCIL

**Subject: APPOINTMENTS TO EXTERNAL BODIES: COSLA
COMMUNITY SAFETY EXECUTIVE GROUP AND BID
MANAGEMENT GROUP**
Meeting: FALKIRK COUNCIL
Date: 8 OCTOBER 2008
**Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION
SERVICES**

1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members of:

(a) the establishment of COSLA's Community Safety Executive Group and to invite Council to nominate a Member to the Group and

(b) a request to nominate a representative to join the BID (Business Improvement District) Management Group

2. COSLA COMMUNITY SAFETY EXECUTIVE GROUP

2.1 COSLA indicated during the summer its intention to establish a new Executive Group to deal with matters relating to community safety. In particular, COSLA intended to establish a mechanism which would integrate the policy development and lobbying activity of the core of local government with Police, Fire and Criminal Justice authorities. It identified a number of issues such as police/fire pension shortfalls and commutations which could have a financial impact on both local and police/fire authorities. The intention is to establish a forum with a strong cohesive voice to address such issues.

2.2 Since the summer matters have progressed rapidly. It was felt by COSLA that there were a significant number of current issues in the Executive's work area which demand a single cohesive local government voice if services, resources or both were to be protected and as such there was an urgency in setting up the Group. It was proposed by COSLA that the most practical means of establishing the Group was to set it up quickly as a Pilot and to monitor its progress, making any changes as necessary and then establishing it constitutionally when this work was completed.

2.4 To that end the first meeting of the Pilot Group was called recently. The proposed membership is as follows:

Members

- Chair and COSLA Spokesperson (Councillor Barbara Grant – East Renfrewshire Council)
- 1 COSLA Spokesperson

- 2 COSLA Vice-Presidents
- 4 Fire Conveners
- 4 Police Conveners
- 4 Community Justice Conveners
- 20 Members from remaining local authorities
- COSLA President (Ex-officio)

Advisers

- 1 Representative from SOLACE
- 2 Representatives from the Association of Chief Police Officers in Scotland (ACPOS)
- 2 Representatives from the Chief Fire Officers Association (CFOA)
- 2 Criminal Justice Chief Officers (CJCO)

3. BUSINESS IMPROVEMENT DISTRICT (BID)

- 3.1 Members will recall the establishment of a BID in Falkirk following the successful ballot announced in May. A BID is a business led initiative within a defined geographical area where businesses work together to invest collectively in local improvements to their business environments. All businesses within the Falkirk BID area will pay a 1% levy on the rateable value of their premises as detailed in the BID Business Plan.
- 3.2 A nomination is now sought from the Council to join the BID Management Group. There are 12 places on the Group with 5 going to the retail sector, 3 to leisure/hospitality interests, 2 to office/financial and one place each to Falkirk Council and Central Scotland Police. The function of the Group is to play a leading role in delivering the BID objectives over the next three years

4. RECOMMENDATIONS

- 4.1 To invite Council to nominate a representative to sit on the CoSLA Community Safety Executive Group.
- 4.2 To invite Council to nominate a representative to sit on the BID Management Group.

.....
Acting Director of Law and Administration Services

Date: 30 September 2008

Contact Officer: Brian Pirie, Ext. 01324 506110

LIST OF BACKGROUND PAPERS

Nil

FALKIRK COUNCIL

Subject: RESIGNATION OF COUNCILLORS FROM COMMITTEES
Meeting: FALKIRK COUNCIL
Date: 8 OCTOBER 2008
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION

1. INTRODUCTION

- 1.1 The purpose of this Report is to advise Council of the following resignations of Members from Committees of the Council.

2. POLICY AND RESOURCES COMMITTEE

- 2.1 Councillor Nimmo has intimated his resignation from the Policy and Resources Committee of which he was Depute Convener.
- 2.2 The Policy and Resources Committee comprises 8 Members and the current membership, including the vacancy, is listed below:-

Provost Reid
Depute Provost Black
Councillor Alexander
Councillor Gow (Convener)
Councillor Jackson
Councillor Kenna
Councillor Spears
Vacancy

3. ECONOMIC DEVELOPMENT COMMITTEE/REGULATORY COMMITTEE

- 3.1 Councillor Fry has intimated his resignation from both the Economic Development Committee and the Regulatory Committee of which he was Depute Convener.
- 3.2 Both Committees comprise 12 Members, and the memberships are noted below, including the vacancy.

Economic Development Committee

Councillor W Buchanan
Councillor S Carleschi
Councillor T Coleman
Councillor G Goldie
Councillor G Hughes
Councillor J Lemetti (Depute Convener)
Councillor J McLuckie
Councillor A MacDonald
Councillor C Martin (Convener)
Councillor M Oliver
Councillor J Patrick
Vacancy

Regulatory Committee

Councillor W Buchanan (Convener)
Councillor S Carleschi
Councillor H Constable
Councillor J Constable
Councillor J Lemetti
Councillor A MacDonald
Councillor A McNeill
Councillor A Mahoney
Councillor C Martin
Councillor M Nicol
Councillor M Oliver
Vacancy

4. EDUCATION AND LEISURE/INVESTMENT COMMITTEE

- 4.1 Councillor C Martin has intimated his resignation from the post of Depute Convener on both the Education and Leisure Committee and the Investment Committee. If Councillor Martin remains as a member of the Committees, albeit not as Depute Convener, the latter post on each of the committees will fall to be filled from the existing members thereof.
- 4.2 The Education and Leisure Committee comprises 12 Elected Members (this Committee also includes other co-opted representatives) and the Investment Committee consists of 6 Members. Membership of each is listed below.

Education and Leisure Committee

Councillor J Blackwood
Councillor S Carleschi
Councillor T Coleman
Councillor G Hughes
Councillor J Lemetti
Councillor A MacDonald
Councillor J McNally
Councillor A McNeill
Councillor C Martin/Vacancy
Councillor C R Martin
Councillor J Patrick
Councillor A Waddell (Convener)

Investment Committee

Depute Provost Black
Councillor T Coleman
Councillor A MacDonald
Councillor A McNeill
Councillor C Martin/Vacancy
Councillor J Patrick (Convener)

5. SUMMARY

- 5.1 In accordance with the decision of Council at the Statutory Meeting in May 2007 relating to the appointment of Members to Committees, which accepted the general principles of political proportionality as set out in Section 15 of the Local Government and Housing

Act 1989, the Member vacancies set out above are available to be filled by Members from the Labour Group.

6. RECOMMENDATIONS

- 6.1 It is recommended that Council notes the resignations as detailed above and considers the appointment of Members to the vacant positions on committees, and appointments to the vacant posts of Depute Convener.**

.....
Acting Director of Law and Administration

Date: 30 September 2008

Contact Officer: Derek Kelly, Tel: 01324 506128

LIST OF BACKGROUND PAPERS

1. Letters of resignation.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506128 and ask for Derek Kelly.

AGENDA ITEM

FALKIRK COUNCIL

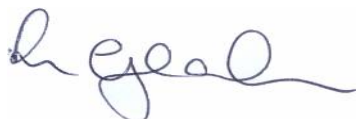
Subject: EXECUTION OF DEEDS
Meeting: FALKIRK COUNCIL
Date: 8 October 2008
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. INTRODUCTION

- 1.1 The Deeds shown in the Appendix to this Report have been signed and sealed on behalf of the Council by the Acting Director of Law and Administration Services.

2. RECOMMENDATION

- 2.1 That Council notes the signing and sealing by the Acting Director of Law and Administration Services of the Deeds listed in the Appendix.



.....
Acting Director of Law and Administration Services

Date: 22 September 2008

Contact Officer: Brian Pirie (Tel: 01324 506110)

LIST OF BACKGROUND PAPERS

NIL

DEED of DISCHARGE AND GRANT OF SERVITUDE by FALKIRK COUNCIL in f

J Shaw and R Shaw

DEED of RESTRICTION between FALKIRK COUNCIL and

Stewart Homes (Scotland) Limited

DEED of SERVITUDE by FALKIRK COUNCIL in favour of

Penders Lane Residents Garage Association

DISCHARGE by FALKIRK COUNCIL in favour of

The Late Charles James Peace

H Stewart

M C Rennie

I Ferrie and M Ferrie

L McIlear and J McIlear

DISCHARGE of OBLIGATION UNDER S50 AGREEMENT by FALKIRK COUNCIL

F E Crozier and J Crozier

DISPOSITION by FALKIRK COUNCIL in favour of:-

T N Balmain

R Galloway

H Rutherford

A Dickson

R Farzana and F Farzana

C Aitken

KI McFadyen and G McFadyen

LI Robertson and SJ Robertson

S A Ferguson

W Carson

T C Laffey and C Laffey

I A Swales

D Paterson and J C Paterson

R Easton and A Easton

E Anderson

S Bell and L McKie

P Forsyth and H Forsyth

J M Welsh

K McRae and H McRae

L M A Shanks

Fiona Jane Liddell

A M Brown

A S Daly

M Ruiz-Beltran

F McMenaman

F Kennedy and A C Kennedy

A A S Robertson

M M O'H Brown
W W Milner and S W Milne
J Robertson
L Kerr
K McIntyre
G K Miller & P K Miller
E Millar and A Millar
F A Miller
A Sutherland and G A Sutherland
I McCreath
J M Rutherford and M R W Rutherford
M Whielaw and R Meldrum
T H D McArthur
C Cook
C J Clarkin and C Clarkin
M I W Cooper
A S Polson
A Henderson & M Henderson
G Clark and H Clark
R Brown
The Scottish Ministers
J Anderson
J L Blackhall and C A Blackhall
A L Bertolini
J G Sharp and A B Sharp
G Napier
R Storrar
K McCormick and H McCormick
D A Charleston
W Griffin
Alexander Maxwell
H W Robertson
A Queen
J Hunter
C S Penn and L H Penn
I RM Welsh and J Welsh
B Desmond and D Desmond
J Brown

EXCAMBION between FALKIRK COUNCIL and

SP Distribution Limited

FORFEITURE PROTECTION AGREEMENT BETWEEN FALKIRK COUNCIL AND

South Stand Development Company Limited

South Stand Development Company Limited

LEASE between FALKIRK COUNCIL and

Scottish Historic Buildings Trust
Central Scotland Joint Police Board
Quik Response Fire and Safety Co Ltd
The Scottish Ministers
Robert Fraser
Invercoast Limited
The Trustees for Shieldhill Flute Band

MINUTE of AGREEMENT between FALKIRK COUNCIL and:-

L Rowland & Co (Retail) Ltd
Superdrug Stores plc
Man Leung Lee

SCA Packaging Ltd
SCA Packaging Ltd
Indesit Company UK Limited
Mr D Duncan, Mr W Easton, Mr R Stoddart and Mr Alan Kemp
P F Wong

Rydens LLP
Rydens LLP

MINUTE of LEASE between FALKIRK COUNCIL and

SP Distribution Ltd

SP Distribution Ltd
SP Distribution Ltd
SP Distribution Ltd

MINUTE of TERMINATION of LEASE between FALKIRK COUNCIL and

Barnardos
Quik Response (Fire and Safety) Company Limited
Martin Retail Group Limited

MINUTE of VARIATION between FALKIRK COUNCIL and

Carr/Gomm Scotland Ltd

Margo Archibald and Justine Lee Archibald
I Thomson and S S Thomson
Falkirk Community Stadium Limited

NOVATION AGREEMENT OF ENERGY COSTS

Class 98 Ltd

RENT REVIEW MEMORANDUM between FALKIRK COUNCIL and

The Council of the Borough of South Tyneside

ROAD ORDERS

The Falkirk Council (On Street Parking for Disabled Persons)(No:474) Order 2008

The Falkirk Council (On Street Parking for Disabled Persons)(No:478) Order 2008

The Falkirk Council (On Street Parking for Disabled Persons)(No:479) Order 2008

The Falkirk Council (On Street Parking for Disabled Persons)(No:480) Order 2008

The Falkirk Council (On Street Parking for Disabled Persons)(Revocation No:44) C

TEMPORARY PROHIBITION OF TRAFFIC ORDERS

The Falkirk Council, Glasgow Rd, Camelon (Temporary Prohibition of Parking)

The Falkirk Council, Bo'ness Childrens Fair Festival (Temporary Prohibition of Traf

The Falkirk Council, Bo'ness Fair 2008, (Temporary Prohibition of Traffic)

The Falkirk Council, Antonshill Roundabout (Temporary Prohibition of Traffic)

The Falkirk Council, Lomond Dr, Langlees (Temporary Prohibition of Traffic)

The Falkirk Council, Haugh St, Bainsford (Temporary Prohibition of Traffic)

The Falkirk Council, Halls of Airth Rd, Airth (Temporary Prohibition of Traffic)

The Falkirk Council, Merchiston Ave, Falkirk (Temporary Prohibition of Traffic)

The Falkirk Council, Webster Ave, Carronshore (Temporary Prohibition of Traffic)

The Falkirk Council, Land at Wood Street, Grangemouth (Stopping of Footpaths)

favour of

34 & 36 Millar Place, High Bonnybridge

Milnquarter Farm, Roman Road, Bonnybridge

Area of Land at Penders Lane

8D Market Street, Bo'ness, West Lothian

6 Jackson Avenue, Grangemouth

6 Balfour Crescent, Larbert

7 Linmill Road, Avonbridge, Falkirk

12 Park Lane, Bo'ness

L in favour of

Woodneuk, Castlecary

4 Grahamsdyke Crescent, Bonnybridge

22 Gauze Place, Bo'ness

39 Elizabeth Crescent, Falkirk

29 Newtown Street, Bo'ness

82 Wholequarter Avenue, Redding

27 Calder Place, Falkirk

16 Bruart Avenue, Stenhousemuir

30 Glenbervie Drive, Larbert

4 Carrick Place, Falkirk

7 Park Avenue, Dennyloanhead

3 Moy Court, Grangemouth

131 Main Street, Shieldhill

95 Mavisbank Avenue, Shieldhill

5 Glasgow Road, Dennyloanhead

118 Haugh Street, Falkirk

3 Forgie Crescent, Maddiston

13 Broomage Crescent, Larbert

19 Hayfield Terrace, Dennyloanhead

166 Bowhouse Road, Grangemouth

19 Forth Avenue, Larbert

31 Union Road, Grangemouth

43 Marchlands Avenue, Bo'ness

35 Thornbridge Road, Falkirk

36 Castlevue Terrace, Haggs

318 Stirling Street, Dunipace

26 Norwood Avenue, Bonnybridge

83 Langton Road, Westquarter

11 Watling Street, Falkirk
6 Affric Drive, Falkirk
39 Suilven Heights, Laurieston
59 Portal Road, Grangemouth
45 Castlehill, Bo'ness
15 Wilson Avenue, Polmont
6 Hawthorn Drive, Dunipace
10 Fountainpark Crescent, Bo'ness
20 Elmbank Street, Grangemouth
27 Castlevue Terrace, Haggs
1 Lumley Court, Grangemouth
13 Redbrae Avenue, Bo'ness
46 Westquarter Avenue, Westquarter
20 Roman Road, Bonnybridge
16 Glenfuir Street, Falkirk
142 Corentin Court, Falkirk
18 Kinnaird Drive, Stenhousemuir
12 Rashiehill Road, Slamannan
19 Hillhead Avenue, Banknock
187 Carmuir Avenue, Falkirk
Land at Seaforth Road, Langlees
56 Stark Avenue, Falkirk
12 Kilbrennan Drive, Falkirk
153 Randyford Street, Falkirk
46 Elphinstone Crescent, Airth
7 Kelly Drive, Denny
53 Mavisbank Avenue, Shieldhill, Falkirk
49 Sunnyside Street, Falkirk
152 Muirhall Road, Larbert
7 Thornton Avenue, Bonnybridge
41 Orchard Street, Grangemouth
8 Dower Crescent, Bo'ness
35 Murray Crescent, Maddiston
17 Cairneymount Avenue, Maddiston
11 Gowanlea Drive, Slamannan
1 Bank Street, Grangemouth
56 Forgie Crescent, Maddiston, Falkirk
33 Pine Grove, Westquarter

Land at Woodburn Avenue, Redding

D

South Stand, Falkirk Stadium
South Stand, Falkirk Stadium

The Hippodrome, Hope Street, Bo'ness
32 Brodie Street, Bainsford, Falkirk
29 Castle Road, Falkirk
Joint Accomodation Centre, Gauze Road, Bo'ness
121 Stirling Street, Denny
Unit 2, Hallglen Shopping Centre, Falkirk
0.59 acres at Westend Park, Shieldhill

16 Charlotte Dundas Court, Grangemouth
6 York Arcade, Grangemouth
4 Weir Street, Falkirk

Blocks 7B, C & D West Mains Industrial Estate, Grangemouth
7A West Mains Industrial Estate, Grangemouth
Unit 1d, West Mains Industrial Estate, Grangemouth
Middlemass Court in Grahams Road, Falkirk
1 Glebe Street, Falkirk

Planning Appeal - 7 Arnothill, Falkirk
Planning Inquiry - 44 Northfield Road, Dunipace

Substation at New Grangemouth High School, Grangemouth

Substation at New Denny High School, Herbertshire Street, Denny
Substation at New St Mungo's High School, Falkirk
Substation at Falkirk High School, Blinkbonny Road, Falkirk

Rossvail School, Glasgow Road, Camelon, Falkirk
3 Castle Drive, Bankside Industrial Estate, Falkirk
4 Fleming Court, Denny

3.22 The Forum, Callendar Busines Park, Callendar Road, Falkirk
65 & 67 La Porte Precinct, Grangemouth
Yonderhaugh Farm, Bothkennar
Subjects at Westfield, Falkirk

Basement, Ground, 1st & 2nd Floors, 23-25 High Street, Falkirk

Order 2008

fic)

FALKIRK COUNCIL

**Subject: CONTRACT FOR THE PROVISION OF DRY RECYCLATE
SEGREGATION AND RESALE SERVICE**
Meeting: FALKIRK COUNCIL
Date: 8 October 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Falkirk Council, as lead Authority for the purchasing consortium of Falkirk and Clackmannanshire Councils invited eight tenders for the provision of a dry recycle segregation service for the two Council areas.
- 1.2 The report provides Members with information on the tenders, the evaluation exercise and officers' recommendations in respect of the award of the contract.

2. CONTRACT DETAILS

- 2.1 Previous reports to the Environment and Heritage Committee have outlined the obligations upon the Council to meet the targets set out in the National Waste Plan and Area Waste Plan in addition to the requirement to stay within annual Landfill Allowances, which are determined by the Scottish Government.
- 2.2 The Council were required to tender for a facility to process the Council's blue bin material; this is to replace the existing arrangement that ends in October 2008 but can be extended for a short time until 10th November. The tender focused upon the immediate need for processing of all co-mingled dry recycle collected through the Council's current blue bin collection. The tender also allowed for tenderers to state any additional materials that could be accepted within the blue bin currently available to households. The proposed contract period is from 10th November 2008 to 9th November 2013 with the option of two, one year extensions.
- 2.3 As stated in paragraph 1.1 above Falkirk is acting as the lead authority in partnership with Clackmannanshire Council, however, due to variance in locations and the impact this has on price for the respective authorities, each Council will enter into separate contracts.

3. TENDERS RECEIVED

- 3.1 Seven tenders were received by the due date of Thursday 21st August 2008, and opened in accordance with Standing order 12 relating to contracts.
- 3.2 Seven contractors priced for provision of the service. The checked tendered prices ranged from -£192,500 to £220,000 yearly. The initial contract term is five years and therefore corresponds to a total value of -£962,500. If the contract is extended for a further two years the total value will be -£1,347,500, all assuming the best tender is accepted.

4. TENDER EVALUATION

- 4.1 Following evaluation of all tenders, the lowest tender received from Re-Gen Waste Ltd offered the best overall solution in terms of quality and price to the Council

From the detailed costs mentioned above the total amount payable to the Council will incorporate all costs associated with the processing of all co-mingled dry recycle material collected by the authority, resulting in a total income to the Council of £962,500 based on the initial five year contract term.

- 4.2 As a result of the tender exercise the Council are now in position to expand the amount of materials collected within the blue bin. In the coming months all households will be issued with information regarding the expansion of the accepted materials.

This will assist in improving our waste diversion performance.

5. IMPLICATIONS

Financial

- 5.1 There are no financial implications other than those already mentioned within the body of the report

Legal

- 5.2 There are no legal implications other than those already mentioned in the body of the report.

Policy

- 5.3 The acceptance of a tender including the expansion of the materials accepted within the blue bin is in line with the objectives of the Forth Valley Area Waste Plan and the Strategic Outline Case submitted to the Scottish Government.

Personnel

- 5.4 The current provider may wish to make an application via TUPE for a transfer of undertakings of any staff employed solely for the operation of this service contract. This will be a matter between the current provider and the new one.

6. RECOMMENDATIONS

It is recommended that Members:

- 6.1 In respect of Falkirk Council only and in accordance with Standing Order 6.2(iv), approve the acceptance of the tender submitted by Re-Gen Waste Ltd for the payment of £962,500, for the five years of the contract 10th November 2008 to 9th November 2013 with an option to further extend this contract by a further two one year extensions.
- 6.2 Note the positive impact increasing the material accepted within the blue bin will have in achieving future waste diversion targets.

.....
DIRECTOR OF DEVELOPMENT SERVICES

1st October 2008

Ref: DSWs1-4

Contact Name: Robin Baird Ext 0437

LIST OF BACKGROUND PAPERS

1 * Tender documents and tender evaluation matrix

* item not for publication on the grounds that it involves the disclosure of exempt information as defined in, paragraph 10 of part 1 of Schedule 7A of the Local Government (Scotland) Act 1973