

STIRLING COUNCIL

MINUTES of MEETING of the EXECUTIVE held in the COUNCIL CHAMBERS, VIEWFORTH, STIRLING on THURSDAY 26 MAY 2011 at 6.30 pm

Present:

Councillor Graham HOUSTON (in the Chair)

Councillor Neil BENNY (Substitute)
Councillor Margaret BRISLEY (Substitute) (EX399 and EX400)
Councillor Ian BROWN (Substitute) (EX 401 – EX408)
Councillor David GOSS (Substitute) (EX399, EX400 and EX401)
Councillor Graham LAMBIE
Councillor Alasdair MacPHERSON
Councillor Corrie McCHORD
Councillor Steven PATERSON
Councillor Jim THOMSON

In Attendance:

Barbara Allan, Service Manager, Communities & Culture
Tony Cain, Head of Housing
Deirdre Cilliers, Joint Head of Social Services
Liz Duncan, Acting Solicitor to the Council, Governance
Les Goodfellow, Head of Roads, Transport & Open Space
Bob Gil, Head of Assets, Property & Facilities Management
Janice Hewitt, Assistant Chief Executive (Care, Health & Wellbeing)
Bob Jack, Chief Executive
Lesley Malkin, Strategic Asset Manager, Assets, Property & Facilities Management
Rebecca Maxwell, Assistant Chief Executive, (Sustainability, Economy & Environment)
Leo McGrath, Service Manager, Social Care
Hazel McMorrow, Head of Governance
Katy Oliver, Communications & Marketing Team Leader, Chief Executive's Office
John Risk, Head of Improvement & Customer Service
Cath Sutherland, Strategic & Community Planning Team Leader, Chief Executive's Office
Kevin Robertson, Head of Planning, Regulation & Waste
Willie Watson, Head of Finance & Procurement
Jamie Wright, Roads Maintenance Manager, Roads, Transport & Open Space
Joyce Allen, Team Leader, Democratic Support, Governance (Clerk)

Apologies

Apologies for absence were intimated on behalf of Councillors Alistair Berrill, Scott Farmer and Graham Reed.

EX396 DECLARATIONS OF INTEREST

Councillors Jim Thomson and Graham Lambie declared an interest in respect of Item E13 – Making Forthbank Stadium Property Arrangements Sustainable for the Future and Stirling Albion Lease Issues; Councillor Thomson as a shareholder of Stirling Albion and Councillor Lambie as a Stirling Albion Trust Member. Councillors

Thomson and Lambie intimated their intention to leave the chamber during discussion of this item.

EX397 URGENT BUSINESS

There was no urgent business brought forward by the Chair in terms of Standing Order 31.

EX398 MINUTES – 21 APRIL 2011

The Executive agreed to approve the Minutes of the Meeting held on 21 April 2011 as a correct record of the proceedings, subject to the correction of the sederunt to show that Hazel McMorrow, Head of Governance was present at the meeting.

EX399 APPLICATION OF THE AFFORDABLE HOUSING PLANNING POLICY

The Council's Affordable Housing Planning Policy was developed in 2003 and approved as part of Local Plan Alteration 1A in 2007. A joint report by the Head of Planning, Regulation & Waste and Head of Housing proposed a number of changes to the way the existing affordable housing policy could be applied.

The Head of Housing explained that changes were required to enable the Council to respond to the changing economic climate, the difficulties faced by those in housing need, the challenges facing housing developers and reductions in Government subsidy for affordable housing. Members' briefings were held on 16/17 May, at which the principles contained within the report were presented and discussed with Elected Members.

It was noted that a review of the Council's Affordable Housing Planning Policy would be progressed as part of the Local Development Plan process later this year and was likely to consider changes to existing development thresholds and the calculation of affordable contributions.

The Housing Portfolio Holder asked if further information was available on the Scottish Government's self-build initiative. The Head of Housing indicated that he would be happy to prepare a briefing note for Members on this initiative.

Decision

The Executive agreed:-

1. to the following interpretation of the Council's Affordable Housing Planning Policy, and to officers negotiating on the following principles:
 - a. a minimum provision of 25% affordable housing would be applied to all housing developments across the Council area, where the necessary development thresholds were reached;
 - b. developers would be expected to provide a wide mix and range of housing types on sites and build more market housing which would meet the needs of smaller households, older people and lower income

households, thereby avoiding an overprovision of any particular house type;

- c. the Council would accept as 'affordable', lower cost market housing provided by developers that had a sale price (with or without subsidy) within the lower quartile of the previous year's sales in the Stirling Council area;
 - d. the Council's priorities for subsidised (that is funded in part or in full by the Council or the Scottish Government) affordable housing on-site were, in priority order:
 - 1. subsidised social rented housing;
 - 2. other initiatives which attract Scottish Government subsidy including New Supply Shared Equity housing and the National Housing Trust;
 - e. the Council's priorities for unsubsidised affordable housing on-site were, in priority order (as set out in Appendix 3 to the submitted report):
 - 1. unsubsidised social rented housing;
 - 2. unsubsidised shared equity housing;
 - 3. unsubsidised housing provided at mid market rents;
 - f. It was recognised that some sites might benefit from a mix of tenures and this would be encouraged;
 - g. the Council's other initiatives for securing unsubsidised affordable housing included:
 - 1. buying part exchange properties;
 - 2. buying properties in the second-hand market;
- 2. to support some limited land banking for the Council/Registered Social Landlords, particularly in rural areas, so that when funding could be secured, land was available;
 - 3. to additional flexibility in drafting the content of Section 75 Agreements with regard to setting time limits for payments to be made and the time in which they could be spent, and the locations in which to use affordable contributions.

(Reference: Joint Report by Head of Planning, Regulation & Waste and Head of Housing dated 17 May 2011, submitted.)

EX400 STIRLING LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 3

The Planning etc. (Scotland) Act 2006 requires local planning authorities to publish a Development Plan Scheme, which sets out the programme and timetable for preparing and publishing the Local Development Plan, including a Participation Statement. This Statement sets out the public involvement in the preparation of the

Plan, i.e. when, how and with whom consultation had and would take place. The Council on 22 April 2010 (Paragraph SC532 refers), approved the second Development Plan Scheme. Further, on 7 October 2010 (Paragraph SC609 refers), the Council approved an updated timetable to be incorporated within the Development Plan Scheme. This timetable now expected the Proposed Local Development Plan to be published in October 2011, with adoption of the Plan likely in June 2013, which was reflected in the Development Plan Scheme 3.

A report by the Head of Planning, Regulation & Waste sought approval for the publication of the Council's third Development Plan Scheme.

Decision

The Executive agreed:-

1. to approve the Development Plan Scheme 3, as attached at Appendix 1 to the submitted report, including the proposed timescale and Participation Statement.
2. to approve the submission of the Development Plan Scheme to Scottish Ministers.
3. to note the consultation and engagement in the preparation of the proposed Local Development Plan, including the work of the Local Development Plan Group.

(Reference: Report by Head of Planning, Regulation & Waste dated 16 May 2011, submitted.)

EX401 MID-TERM REVIEW OF STIRLING'S LOCAL TRANSPORT STRATEGY

Stirling Council's Local Transport Strategy adopted in 2006, provided a long-term vision to deliver a transport system, which supported Stirling's economic, social and environmental objectives up to 2020. A supporting delivery plan, the City Transport Strategy, was adopted in 2007, setting out how the Local Transport Strategy would be delivered in Stirling City.

A mid-term review of the Local Transport Strategy had been undertaken to determine whether it remained consistent with and supported local, regional and national objectives (in particular the Single Outcome Agreement, the Regional Transport Strategy and the Climate Change (Scotland) Act), and whether it was delivering its objectives. A report by the Head of Roads, Transport & Open Space included the Local Transport Strategy as Appendix 1.

The review concluded that the Local Transport Strategy showed consistency with overarching objectives, good progress against the majority of indicators and delivery of most projects suggested that the Local Transport Strategy and its delivery plan for the City, the City Transport Strategy, was successful and remained fit for purpose. The review did identify a number of issues within the Strategy that could be strengthened.

It was noted that the number of children arriving at school by car continued to increase while those walking to school continued to decrease. The Environment Portfolio Holder referred to the requirement for Public Private Partnership schools to

have a travel plan and suggested that work with schools should be undertaken to ensure that such travel plans were in place and maintained.

In response to a question on the accessibility of services, the Transport Planning and Access Team Leader confirmed that Stirling Area Access Forum was a consultee on all the Council's strategies and officers hoped to come back in the future with tangible evidence of accessibility.

Decision

The Executive agreed:-

1. to retain Stirling's current Local Transport Strategy as the framework for delivering transport improvements within Stirling;
2. to endorse the enhanced set of indicators used to assess the Local Transport Strategy;
3. to retain the City Transport Strategy as the framework for delivering the Local Transport Strategy in the City, but that the package of measures be reviewed to take account of the preferred growth option proposed in the Local Development Plan;
4. that a delivery plan for the rural area be presented alongside the reviewed City Transport Strategy package to enable future reviews to be aligned;
5. that an addendum be produced to strengthen the Local Transport Strategy response to threats, weaknesses and opportunities;
6. to adopt a review process to ensure the Local Transport Strategy remained best able to meet emerging challenges. Progress should be reported to inform the public as part of a wider programme to assess and address customer satisfaction;
7. that the conclusions from the review were now communicated to the Community Planning Partnership as part of the process of ongoing engagement in Local Transport Strategy review and improvement.

(Reference: Report by Head of Roads, Transport & Open Space dated 13 May 2011, submitted.)

EX402 REVIEW OF ACCESSIBLE TRANSPORT SERVICES PROVIDED BY DIAL-A-JOURNEY

Dial-a-Journey was established in 1986 with the primary purpose of delivering accessible transport services in partnership with the former Central Regional Council. Since 1996, Stirling, Falkirk and Clackmannanshire Councils had continued to fund service delivery. On 19 November 2009 (Paragraph GA140 refers), a report reviewing the service delivery arrangement between Stirling Council and the Order of Malta Dial-a-Journey (Dial-a-Journey) was presented to the Governance & Audit Committee to obtain guidance on whether the current arrangement met the Council's objectives and achieved "Best Value". One of the key recommendations of the Audit report was that the Service should consider whether it might be appropriate to undertake a fundamental review of the accessible transport services it needed to provide to meet the Council's transport objectives and policy commitments, including

a review of its accessible transport procurement options to help demonstrate the achievement of "Best Value". The Committee agreed to endorse the audit report and asked for a review of governance arrangements between the three local authorities (Clackmannanshire, Falkirk and Stirling) and Dial-a-Journey. A follow-up progress report was submitted to the Governance & Audit Committee on 22 June 2010 (Paragraph GA178 refers).

A report by the Head of Roads, Transport & Open Space provided a further update on progress and sought direction from Members on the future delivery of accessible transport services currently provided by Dial-a-Journey. It was noted that Dial-a-Journey had so far been unable to provide the Council with key financial and operational information required to properly evaluate service delivery. Members suggested that it would be helpful to place a time limit by which the required information should be submitted.

Decision

The Executive agreed:-

1. to instruct Officers to continue to work with Dial-a-Journey to review levels of service and develop systems and data required to clearly demonstrate that the Council was receiving best value from the current partnership working arrangements;
2. that if evidence of the systems and data required by the Council to demonstrate best value was not forthcoming by the Autumn, that Officers proceed to tender the works on the open market, noting that this might be on the basis of a joint procurement arrangement with Falkirk Council and Clackmannanshire Council.

(Reference: Report by Head of Roads, Transport & Open Space dated 9 May 2011, submitted.)

EX403 ROADS MAINTENANCE PROGRAMME 2011/12 AND INDICATIVE PROGRAMME FOR 2012/13

A report by the Head of Roads, Transport & Open Space set out the proposed road maintenance programme for 2011/12, including 108 identified schemes and an indicative programme of works for 2012/13. The roads maintenance investment for 2011/12 amounted to £7.471M. This included an additional one-off contribution from Scottish Government of £326K, to deal with frost damage to carriageways and footways. Appendix 1 to the submitted report illustrated the Council's maintenance expenditure over the past 14 years.

The Head of Roads, Transport & Open Space confirmed that the rationale for allocating additional roads maintenance investment, initially approved in April 2008, was to return the Council's local road network to the Scottish-average condition. As a result of the additional investment, the Road Condition Index (RCI) had stabilised and was beginning to show modest signs of improvement, as detailed in Appendix 2 to the submitted report. Stirling Council's Road Condition Index (RCI) was 43.8, placing the Council 20th out of 32 Councils.

Appendices 3, 4 and 5 to the submitted report contained the detailed lists of proposed; road maintenance resurfacing schemes; streetwork improvements and

budget allocations for routine activities for 2011/12. Appendix 6 also showed the indicative schemes for 2012/13.

Elected Members acknowledged the excellent work of officers in preparing the Roads Maintenance Programme. It was also noted that a Road Asset Management Plan for Stirling would be brought forward to a future meeting.

Decision

The Executive agreed:-

1. to approve the proposed road maintenance programme for 2011/12, as set out at Appendix 3 and 4 to the submitted report and the allocation for routine activities set out at Appendix 5 to the submitted report;
2. to receive a further report confirming the 2012/13 programme of works once future road maintenance budgets were confirmed and next year's Scottish Road Maintenance Condition Survey results were known;
3. to instruct officers to distribute the agreed road maintenance programme 2011/12 and the indicative programme for 2012/13 to Community Councils and other stakeholders and for display in Customer First, the One Stop Shop and Local Offices.

(Reference: Report by Head of Roads, Transport & Open Space dated 9 May 2011, submitted.)

EX404 LOW CARBON STIRLING CAMPAIGN - PROGRESS REPORT

In April 2010 the Executive (Paragraph EX311 refers), agreed that the Council, in partnership with Going Carbon Neutral Stirling, lead a public information and engagement campaign that focussed on sustainable development, carbon reduction and peak resources as a way of raising awareness, increasing understanding and encouraging action among Stirling's communities and businesses, and within Council and partner services and activities. A report by the Assistant Chief Executive (Sustainability, Economy & Environment) provided an update on the progress of the Low Carbon Stirling Campaign and outlined the plans for 2011/12.

The Low Carbon Stirling Campaign had developed a range of activities since June 2010, based on four themes: Energy; Food; Transport; Waste and consumption. The priority themes for year one were Energy and Food. Whilst a number of activities had been initiated and supported, the Low Carbon Steering Group recognised in December 2010 that further work was required to refresh and agree the rationale and key messages of the campaign, to enable realistic activities to be identified. The revised rationale of the campaign was "to encourage individuals, families, organisations and communities to support a low carbon and more sustainable future for Stirling. This includes making positive choices which improve health, cut down on waste, save money and help energy efficiency."

The refreshed rationale and objectives would form the basis of the communications strategy for the campaign, and a website was being developed for a launch in June 2011.

The Housing Portfolio Holder emphasised the importance of moving forward with contracts for renewable energy and, solar photovoltaics in particular, and sought a commitment from officers in respect of timescales. A copy of a powerpoint presentation on solar photovoltaics was tabled for the information of Members. The Assistant Chief Executive explained that the opportunity for income generation through micro-generation of renewable energy was fully recognised by officers and a tender for expert advice on the potential for renewable local energy generation in the Stirling Council Area would be advertised in the very near future. An initial report was expected in August with a fuller report due in September. She added that this work would complement the work already taking place in Housing and Waste.

The Housing Portfolio Holder also referred to accelerated/restricted procurement procedures, which had apparently been followed by other Councils in commissioning work on renewable energy generation. In response, the Head of Finance & Procurement explained that although the guidance from the Scottish Procurement Directorate indicated that such accelerated procedures could only be used in major projects in excess of £4M, he would be happy to look into the matter.

In response to a question on the Broomridge Food Festival, the Service Manager, Communities undertook to check whether the festival intended to use Fair-Trade produce.

Decision

The Executive agreed to note the progress of the Low Carbon Stirling Campaign to date, and the future plans as set out in the submitted report.

(Reference: Report by Assistant Chief Executive (Sustainability, Economy & Environment), undated, submitted.)

EX405 FURTHER REQUEST BY GARGUNNOCK COMMUNITY TRUST TO TRANSFER GARGUNNOCK COMMUNITY CENTRE AT LESS THAN BEST PRICE

At its meeting on 14 August 2008 (Paragraph EX121 refers), the Executive considered a report regarding a request by Gargunnoch Community Trust to acquire the Gargunnoch Community Centre at Less than Best Price and agreed in principle to the transfer, subject to Scottish Ministers consent, and the Trust securing its funding proposals for the £618K refurbishment and extension of the Community Centre.

In September 2010, the Community Trust wrote to the Council confirming that they wanted to pursue the legal transfer at an early date but advising that they had been unable to secure a major funder to allow the full refurbishment and build of the planned extension to the building at the time but that they were pursuing a revised, slightly smaller scheme.

A joint report by the Head of Assets, Property & Facilities Management and Head of Communities & Culture outlined the Trust's revised application, their current refurbishment proposals, their funding plans and officers' consideration of the proposal against the Less than Best Price procedure and previous decision. It was noted that officers continued to recommend that a Standard Security be utilised at the point of transfer to protect the Council, as custodian of the wider communities interest in the asset.

The Chair referred to further information that had been forwarded to Members from community representatives and suggested that the report be referred to the Council at its meeting scheduled to take place on 30 June 2011, to allow full consideration and clarification of the additional information submitted.

Decision

The Executive agreed to refer the report to the Council meeting on 30 June 2011 to allow full consideration and clarification of the additional information submitted in respect of the request by Gargunnock Community Trust to transfer Gargunnock Community Centre at less than best price.

(Reference: Joint Report by Head of Assets, Property & Facilities Management and Head of Communities & Culture dated 19 May 2011, submitted.)

EX406 KINSHIP CARE

The Looked After Children (Scotland) Regulations 2009 defined a formal kinship care arrangement as relating to “looked after” children where a Local Authority has approved a “person who is related to the child” or “who is known to the child, and with whom the child has a pre-existing relationship” as a suitable carer for the child.

On 14 November 2007 the Scottish Government and COSLA made a commitment through the Concordat, that kinship carers of Looked After Children would receive support including allowances, equivalent to that provided to foster carers by 2011. The Scottish Government subsequently published a document “Getting it Right for Every Child in Kinship and Foster Care” which outlined a long-term vision for foster carers and kinship carers.

A report by the Interim Head of Social Care presented a Kinship Care Policy detailed in Appendix 1, which set out the process of assessment for the kinship carer to be approved, support to a kinship carer and the financial allowance of the Kinship Carers Scheme. It was noted that practice in relation to kinship care allowances varied across Scotland and information gathered by the Association of Directors of Social Work (ADSW) had recognised the limited ability of Local Authorities to meet the requirements of the Concordat. The report recommended approval of a rate of payment to kinship carers of £50 per child per week.

Decision

The Executive agreed:-

1. to approve a Kinship Care Scheme for Stirling Council as set out in Appendix 1 to the submitted report;
2. to approve a rate of payment of £50 per child per week.

(Reference: Report by Interim Head of Social Care/Chief Social Work Officer dated 13 May 2011, submitted.)

The Executive resolved under Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 6, 9 and 10 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

Having previously declared an interest in the following item of business
Councillors Lambie and Thomson left the chamber.

EX407 MAKING FORTHBANK STADIUM PROPERTY ARRANGEMENTS SUSTAINABLE FOR THE FUTURE AND STIRLING ALBION LEASE ISSUES - UPDATE 3

As part of the ongoing review of property arrangements, a joint report by the Head of Assets, Property & Facilities Management and the Head of Communities & Culture outlined issues under discussion in an attempt to put Forthbank Stadium, which was now 18 years old, on a more sustainable financial footing for the future. These issues related to:-

- Outstanding/Backlog Condition Issues;
- Catering within the Stadium;
- The Stadium as a Conference Venue;
- Parking Difficulties at the Sports Village;
- Stirling Albion's lease

Decision

The Executive agreed:-

1. to note the issues/discussions that were ongoing with Active Stirling in an attempt to put the property arrangements for Forthbank Stadium on a more sustainable footing;
2. to a future report/business plan for the Stadium being presented to Council in the Autumn for their consideration;
3. in principle, to Forthbank Stadium being leased to Active Stirling as part of that business case process;
4. to terminate the Stirling Albion lease with immediate effect and accept that the Club would move to a Pay as you Play Agreement with Active Stirling – the final details of which were still to be agreed;
5. to note that this would create a budget pressure of £40,000 per annum which would require to be addressed during 2011/12;
6. to enter into a Partnership Agreement for the promotion of football in the Stirling Council area with Stirling Albion and Active Stirling, as outlined in Appendix 7 to the submitted report;

7. to continue to assist the Court action for Stirling Albion's rent arrears and to create a Work in Kind Agreement whereby the Club would carry out agreed and evaluated community activity and promotion of football on behalf of the Council and with Active Stirling to effectively reduce their debt over the forthcoming years, as outlined in Appendix 8 to the submitted report.

(Reference: Joint Report by Head of Assets, Property & Facilities Management and Head of Communities & Culture dated 18 May 2011, submitted and profit and loss information tabled at the meeting.)

Councillors Lambie and Thomson rejoined the meeting at this point.

EX408 AWARD OF CONTRACTS FOR PROVISION OF LOCAL BUS SERVICES C48, C59, C66 AND C67

A report by the Head of Roads, Transport & Open Space sought approval for the award of four contract lots for Local Bus Services on behalf of Stirling Council for the period from 3 October 2011 to 31 March 2013 inclusive. The services provided local bus journeys at times or in locations that were not catered for by commercial operators. In all cases, the contract lots were for direct replacement of services that were already operating, the contracts for which were due to expire on Saturday 1 October or Sunday 2 October 2011.

The Housing Portfolio Holder expressed concern that two of the bids recommended for acceptance would result in passengers being charged the same fare on Service C59, the Council's evening and Sunday supported services between Stirling and Callander as the commercial daytime Service 59.

Decision

The Executive agreed to approve the award of specified contract lots to First Scotland East Ltd and Wheelchair Accessible Vehicle Enterprise (WAVE) Ltd, as set out in Appendix 1 to the submitted report, for the provision of local bus services for the period from 3 October 2011 to 31 March 2013 inclusive.

(Reference: Report by Head of Roads, Transport & Open Space dated 9 May 2011, submitted.)

The Chair declared the meeting closed at 8.15 pm