

STIRLING COUNCIL

MINUTES OF MEETING of the **EXECUTIVE** held in **THE COUNCIL CHAMBERS, VIEWFORTH, STIRLING**, on **TUESDAY 19 SEPTEMBER 2006** at **10.00 am**

Present:

Councillor Corrie McCHORD (in the Chair)

Councillor Margaret BRISLEY
Councillor Tom COLL

Councillor John HENDRY
Councillor Gillie THOMSON

Also Present:

Councillor Ann Dickson

In Attendance:

Brian Devlin, Director of Regeneration Services
Janice Hewitt, Director of Community Services
Caroline Moore, Corporate Policy and Planning Manager, Corporate Services
Margaret Murray, Committee Officer, Corporate Services
Mick Stewart, Head of Planning and Regulation, Environment Services
Bill Pritchard, Head of Organisational Development and Improvement, Corporate Services
Alison Scambler, Planning Officer, Environment Services
Dave Thorogood, Planning Officer, Environment Services
Keith Yates, Chief Executive
Bob Jack, Director of Corporate Services (Clerk)

Apologies:

An apology for absence was submitted on behalf of Councillor Colin Finlay.

EX21 DECLARATIONS OF INTEREST

There were no declarations of interest.

EX22 URGENT BUSINESS

No items of urgent business were brought forward.

EX23 MINUTES

Decision

The Executive approved the Minutes of Meeting of 29 August 2006 as a correct record of the proceedings.

EX24 LOCAL PLAN FIRST ALTERATION: FINTRY MODIFICATION

On 11 May 2006 the Environment Committee approved a Finalised Draft Modification to the Countryside Policy Boundary at Fintry. The Modification was needed to rectify drafting errors, and to enable Alteration 1A to the Plan to be adopted, thereby restoring up to date Local Plan coverage for the Council area.

A report by the Interim Director of Environment Services summarised the objections and representations made during the deposit period and sought endorsement of proposed responses to them. The responses would form the basis of the Council's case during the anticipated Public Inquiry/Hearing.

There was only one substantive objection to the Finalised Modification, which was from the owner of land adjacent to Dunmore Gardens. While Planning Authorities were advised to try to negotiate over objections in order to avoid the necessity for an Inquiry, it was not considered that there was any compromise position in this instance, as the Council had recently refused an application to erect two houses on the land. An Inquiry or Hearing was therefore unavoidable. There were two technical objections to the published Modification illustrative plans. These were considered likely to be amenable to negotiation.

Two representations sought further changes to the Boundary outwith the two locations that were included in the Council's proposals. It was considered that in terms of the Council's intentions and previous decisions on this matter, these were invalid objections and need not be considered further at this time.

Further detailed changes to village boundaries can be made at any time following Adoption of the Local Plan if it is considered necessary, although ideally such changes would be made as part of a complete review or replacement of the Plan.

There had been 33 representations of support for the proposed Modification in respect of correcting the Boundary at Dunmore Gardens and 22 representations supporting the proposed correction at Kippen Road.

January 2007 was likely to be the earliest date feasible for a Hearing or Inquiry as lengthy lead-in procedures were involved to enable evidence to be prepared and documents exchanged.

Decision

The Executive agreed:

- (1) that the valid objection submitted was not amenable to negotiation or compromise and should be contested before a Reporter in accordance with the officer response summarised in paragraph 4.2(a) and detailed in Appendix 1 to the submitted report;
- (2) that in light of this objection having been submitted, officers arrange, in consultation with Scottish Executive Inquiry Reporters Unit, a Public Inquiry/Hearing at an appropriate place and time, with the preference being for a Hearing;

- (3) that the Council does not accept as valid, objections relative to parts of the Countryside Policy Boundary not subject to the proposed Modification, for the reasons summarised in paragraph 4.3 and set out in Appendix 1 to the submitted report.

(Reference – Para EV175 of the Environment Committee Minutes of 11 May 2006; Report by Interim Director of Environment Services, dated 11 September 2006, submitted.)

EX25 STIRLING COUNCIL LOCAL PLAN SECOND ALTERATION – NOTICE OF INTENTION TO ADOPT LOCAL PLAN

At the Environment Committee meeting on 15 June 2006 the Reporter's recommendations, as set out in the report of the Local Plan Inquiry, were accepted. The Committee also approved a number of consequent modifications to the Plan.

The period for objection to these modifications ended on 11 August 2006. Appendix 1 to the submitted report detailed the objections received from the Cala/Wimpey and the Bellway, Hallam, Taylor Woodrow consortiums. The objections were not considered to raise any additional or new issues that had not already been fully considered through the Local Plan Process and Inquiry.

It was recommended that the Council proceed to advertise its notice of intention to adopt the Alteration. A copy of the Plan, in the form it was proposed to be adopted, had been displayed in the Members' Lounge. Following the press advert, there would be a 28-day period whereby the Scottish Ministers could exercise their right to call in the Plan or to require some additional modifications to be made. Failing this, the Local Plan could be adopted and would be printed as part of the Development Plan. A notice of adoption would then be issued from the date the Plan would become effective. Community Councils and parties who had not withdrawn their objections would be notified at both stages of the process and Community Councils would receive copies of the Plan once it had been published.

The alteration to the Local Plan was on a single issue that related to the proposed East Stirling new village. It was reported that there would be no significant impact on a European site.

At this stage, if any person wished to question the legal validity of the Plan they could make an application to the Court of Session. The Bellway, Hallam, Taylor Woodrow Consortium had indicated in writing that they were minded to lodge such a challenge.

Initial meetings with the Walker Group had been held with a view towards an outline planning application and accompanying masterplan being submitted. Appendix 2 to the submitted report sets out some additional guidelines to inform this process and to clarify the Council's expectations in this respect.

The importance of establishing a steering group was highlighted and it was proposed that Councillor Tom Coll be put forward as the Elected Member representation on the steering group.

In response to a question on the grounds for legal challenge, it was confirmed that this would remain unclear until and if such a challenge was lodged after the date of adoption. Only the legal validity of the Plan could be challenged rather than its technical or planning merit. Experience from elsewhere indicated that this could hold up the process by up to a year.

Decision

The Executive agreed:

- (1) that the Council proceeds with the statutory process towards formal adoption of the Local Plan, by issuing a notice of intention to adopt the Local Plan and notifying Scottish Ministers;
- (2) that based on the information contained within paragraphs 4.8 and 4.9 of the submitted report, the provisions of the Plan were not likely to have a significant effect on any European site;
- (3) to approve Appendix 2 to the submitted report to supplement the policies of the Local Plan and published design guidance, in order to:
 - a) establish a steering group of relevant Council services and external agencies, including one Elected Member;
 - b) set out an agreed process towards approval of the masterplan to ensure that the Council's policy requirements are secured;
 - c) clarify the Council's priorities and the key considerations against which the masterplan and outline planning application will be assessed;
- (4) to appoint Councillor Tom Coll as the Elected Member representative on the steering group;
- (5) that whilst delivery of the New Village would be developer led, there were resource implications for the Council as a key stakeholder and regulatory authority in terms of staff resources, capital and future revenue budgets, as highlighted in paragraph 6.1 to the submitted report.

(Reference – Para EV182 of the Environment Committee Minutes of 15 June 2006; Report by Interim Director of Environment Services, dated 12 September 2006, submitted.)

EX26 LOCAL COMMUNITY DEVELOPMENT FUND AWARDS

A report by the Director of Community Services offered recommendations on the second round of awards to be made from the current year's allocation in respect of applications received by the closing date of 30 June 2006, as detailed in Table 1:

Table 1

	£
LCDF Budget 2006/07	£250,000
Allocated to date	£72,400
Balance	£177,600
Recommendations	£52,500
New Balance	£125,100

There were four rounds scheduled in the current financial year, with each round capped at £62,500. This enabled the Council to manage the Fund throughout the year to avoid projects being disadvantaged by applying late in the financial year. In cases where this meant that projects could not be fully funded, the Funding Officer would offer support to help groups attract other sources of funding. If there was an increase in interest in the scheme then the quarterly capping of the fund could be reviewed.

Table 2, attached as an appendix to the submitted report, set out the specific recommendation for the current round of applications along with a summary and brief comment on projects.

The Executive was also advised that responsibility for management of the Local Community Development Fund and the Funding Officer post would transfer from the Planning and Resources Team to the Communities Team within Community Services.

In response to points of clarification, the Director of Community Services confirmed that the scheme would be advertised in the Council's next edition of Focus, which would be circulated to each household in the area. Community Councils and Area Community Planning Forums/Networks were also made aware of the scheme. A review of grants to the voluntary sector was being undertaken and the transfer of the Funding Officer post would provide an improved point of reference for communities. The Funding Officer would offer support and encourage groups to explore appropriate funding sources.

Decision

The Executive agreed:

- (1) to note the transfer of responsibility of the Local Community Development Fund and the Funding Officer post to the Communities Team, Community Services;
- (2) to approve the recommendations for funding set out in Table 2 to the submitted report, which also provided a summary of projects and brief comment.

(Reference – Report by Director of Community Services, dated 7 September 2006, submitted.)

The Panel resolved that under Section 50A (4) of the Local Government (Scotland) Act 1973, 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 Paragraph 13, 13, 13 and 13 respectively of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

EX27 FORTH VALLEY GIS – SHARED SERVICES – COMPANY FORMATION AND BUSINESS PLAN 2007-2010

Over the last 10 years, Forth Valley GIS had successfully delivered a range of value added GIS services to the partner Councils of Clackmannanshire, Falkirk and Stirling Councils. Operating under a unique and innovative business model, the unit was jointly funded by the three Councils and by revenue generated from the delivery of GIS services to a wide range of external public-sector customers in Scotland.

The overall goal for Forth Valley GIS was “to maximise the potential of geographic information to innovate and support the cost effective delivery of public sector services” It was recognised that there were a range of primary benefits from the approach.

The five year Joint Framework Agreement (JFA) currently provided the basis from which the provision of corporate GIS services were delivered to the three partner Councils and to external customers. The JFA had been extended to 31 March 2007 to allow continuity of service while completing the Business Plan development and formation of a new partnership vehicle to provide GIS services over the next 3-5 years.

Over the last year a Project Board had been working with external consultants to develop the future Business Plan. Consultations were held with the partner Councils, FVGIS, existing external customers and prospective new customers. The main conclusions presented in the first draft Business Plan were outlined in paragraph 2.4 to the submitted report.

Further work had since progressed to ensure that the proposed business model and financial forecasts were robust and that the associated Human Resource, Procurement and Legal issues were fully considered. Additional market analysis work and revised financial forecasting strongly confirmed and provided greater robustness to the business case for the proposed Company model to deliver future GIS services. The revised financial projections and recommended Option were outlined in paragraphs 2.5 and 4.31 to the report.

There was one area of potential concern in the formation of a Company model, which had far wider implications and an ever-increasing relevance at a time when Councils were being encouraged to work jointly and to establish shared service delivery models as part of the Government’s efficiency agenda. Both the Convention of Scottish Local Authorities and the Association for Public Sector Excellence had provided a view on direct assignation of local government services. The Project Board had considered the advice to date and had also considered the alternative options.

The Project Board had decided to recommend formation of a company and assignment of GIS services for a fixed period of 3 years, with optional extension, subject to formal review at the end of the fixed period. In addition, through the development of the company structure, appointment of board members, definition of accountabilities and company articles, appropriate management controls would be established.

The target date in which to establish the company was the end of March 2007, when the current JFA expired. The draft implementation timetable attached as Appendix 2 to the report would be dependent on the factors outlined in the report. The workload would involve the need for support staff in Human Resources, Finance, Legal and Information Technology as well as the need for specialist advice in setting up the company.

In conclusion, it was intimated that the current model was not sustainable in the long term. Although the Management Team of each of the three partner Councils had considered the proposals, a Committee decision had still to be taken by Clackmannanshire and Falkirk Councils.

Decision

The Executive agreed:

- (1) to approve the recommendation to establish a company for the future provision of GI services to the partner Councils of Clackmannanshire, Falkirk and Stirling;
- (2) to the early commissioning of external legal and actuarial advice to assist with the preparatory work on company governance;
- (3) to commit the necessary time for Council support service staff in HR, Legal, Finance and IT to work together on the implementation activities leading to company establishment by 31 March 2007;
- (4) to delegate the necessary decision-making powers to officers to ensure timely progress with the implementation work.

(Reference – Report by Forth Valley GIS Joint Management Group, dated 12 September 2006, submitted.)

The Convenor declared the meeting closed at 10.30 am