

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 JUNE 2013 at 9.30 AM.

COUNCILLORS:

David Alexander	Linda Gow	Rosie Murray
David Balfour	Gordon Hughes	Malcolm Nicol
Stephen Bird	Steven Jackson	Alan Nimmo
Allyson Black	Charles MacDonald	Martin Oliver
Jim Blackwood	Brian McCabe	Baillie Joan Paterson
Baillie William Buchanan	John McLuckie	Depute Provost John
Steven Carleschi	John McNally	Patrick
Colin Chalmers	Adrian Mahoney	Provost Pat Reid
Thomas Coleman	Craig Martin	Ann Ritchie
Dennis Goldie	Dr Craig R Martin	Robert Spears
Gerald Goldie	Cecil Meiklejohn	Sandy Turner

OFFICERS:

Rhona Geisler, Director of Development Services	John Paterson, Head of Operational Services
Tracy Gillespie, Human Resources Manager	Mary Pitcaithly, Chief Executive
Rose Mary Glackin, Chief Governance Officer	Brian Pirie, Democratic Services Manager
Colin Moodie, Depute Chief Governance Officer	

FC9. SEDERUNT

The sederunt was taken by way of a roll call.

FC10. DECLARATIONS OF INTEREST

Councillor Meiklejohn declared a non financial interest in item FC22 as a non executive director of the Care Inspectorate but did not consider that this required her to recuse herself from consideration of the item having regard to the objective text in the Code of Conduct.

FC11. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** the minute of the meeting held on 24 April 2013;
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 1 2013/2014, and

- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1 2013/2014.

FC12 ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Provost Reid varied 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.

FC13. QUESTIONS

The questions put to the Leader of the Council and portfolio holders and their answers are recorded as appendix 1.

FC14. SCRUTINY COMMITTEE ON 13 JUNE 2013

Council considered a report by the Chief Governance Officer referring a recommendation by the Scrutiny Committee that a pilot scrutiny panel be established.

In terms of Council's new decision making structure, an annual scrutiny plan would be developed by the Scrutiny Committee for approval by Council. A member workshop had considered areas for scrutiny on 16 May and, a consensus had emerged over the merit of establishing a pilot scrutiny panel in advance of the annual plan being submitted to Council. The Scrutiny Committee had agreed with this proposal and that a review of Citizens Advice Bureaux would be a suitable topic for the pilot and recommended accordingly to Council.

Councillor C Martin, seconded by Councillor Nicol, moved that Council:-

- 1) agrees to establish a pilot scrutiny panel to review Citizens Advice Bureaux, and
- 2) appoints Provost Reid and Councillors McLuckie and Murray to the panel and seeks nominations from the opposition for the 2 remaining places; the panel to be convened by the Provost.

Councillor Meiklejohn, seconded by Councillor Alexander, moved the following amendment in substitution for the motion;

- 1) that the Scrutiny Committee will look at the decisions made by both Council and the Executive to make up the annual Scrutiny Plan;
- 2) that a suitable subject area from the scrutiny plan will be selected as a pilot to assist in determining a process of scrutiny, and
- 3) a short term scrutiny panel will be set up to take forward the pilot.

Councillor McCabe gave notice of a further amendment.

Council adjourned at 11.20am to allow members to consider the motion and amendment and reconvened at 11.40am with all members present as per the sederunt.

Councillor Meiklejohn, with consent of the Provost, and Councillor Alexander as her seconder, revised the text of her amendment by deleting parts (2) and (3) and deleting also the word “annual” from part (1).

On a division 17 members voted for the motion and 15 voted for the amendment. The motion was duly carried.

Councillor McCabe, seconded by Councillor Spears, moved in substitution for the motion that “a pilot scrutiny panel is established to review the workings of Development Services in its entirety and that the Scrutiny Committee be instructed to determine the composition of its first Scrutiny Panel rather than referring the matter to Council.”

On a division, 17 members voted for the motion and 7 voted for the amendment, with 8 members abstaining.

Decision

Council agreed to:-

- 1) establish a pilot Scrutiny Panel to review Citizens Advice Bureaux;**
- 2) appoint Provost Reid, Councillors McLuckie and Murray and 2 members of the Opposition (names to be confirmed to the Chief Governance Officer) to the Panel, and**
- 3) appoint the Provost as convener of the pilot panel.**

FC15 DECISION MAKING STRUCTURES

Prior to consideration of this item Councillor Meiklejohn circulated to all members a letter dated 21 June 2013 from Derek McKay, Minister for Local Government and Planning in regard to proportionality on local authority committees.

Council adjourned at 12.15pm to allow members of the Administration to consider the terms of the letter and for lunch and reconvened at 1.20pm with all members present as per the sederunt. The Provost then indicated that items FC 16, and 17 would be considered before the report on Decision Making Structures.

FC16. EXECUTION OF DEEDS

Council considered a report by the Chief Governance Officer detailing those deeds that has been signed by her since the last meeting.

Decision

Council noted the report.

FC17. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS

Council considered a report by the Chief Governance Officer on the delegation of powers to determine urgent issues during the summer recess.

It was noted that the reference to the Policy and Resources Committee in paragraph 2.1 of the report should have been to the Executive.

Decision

Council agreed that Chief Officers be given delegated powers, in consultation with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener, to determine urgent items of business during the summer recess (from 26 June 2013 to 6 August 2013) and to report the decisions thereon to the Executive on 6 August, provided that any such decision:-

- 1) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;**
- 2) does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;**
- 3) does not involve an increase in the permanent establishment of the particular Service, and**
- 4) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.**

FC18. DECISION MAKING STRUCTURES (CONTINUED)

Council now considered the follow up report by the Chief Executive on decision making structures (see item FC 15 earlier).

On 19 March 2013, Council had agreed a new decision making structure and, on 24 April 2013, had agreed a partial scheme of delegation, introduced roles and remits for portfolio holders and agreed transitional arrangements for the period through to this meeting.

Council was now asked to continue consideration of the Standing Orders relating to meetings (deferred from the April meeting) and to determine the remainder of the Scheme of Delegation. Revised contract standing orders and financial regulations were also presented. In addition, the report recommended a more streamlined approach to dealing with consultation documents and reported on the Scrutiny Committee's proposal to establishing a Standing Scrutiny Panel on performance.

Councillor Martin, seconded by Councillor Dennis Goldie moved that, with effect from the close of the meeting

1. the Scheme of Delegation to Committees is approved with the following amendments:
 - (a) the square brackets are removed from the final entry in the matters reserved to Council as they appear on page 71 of the agenda and that entry is now amended to read "any issue with significant impact on the Council area which the Provost, having consulted with the Leader and the Leader of the Opposition considers is suitable for debate at Council."
 - (b) the square brackets are removed from the word "exclusive" in paragraph 2(2) on page 72;
2. the Standing Orders Relating to Meetings are approved with the following amendments:
 - (a) to reflect the inclusion of these terms in the Scheme of Delegation, the Definitions section (starting on page 31 of the agenda) shall be extended to include the following:
 - (i) "Opposition" shall mean those councillors who are not members of the Administration,
 - (ii) "Leader of the Opposition" shall mean the Leader of the largest Opposition group on the Council;
 - (b) the period of notice for meetings of the Council (and its committees) shall be extended from 3 clear days to 5 clear days. This will have a knock on effect on the deadlines for submission of questions and for motions. Those deadlines will consequently also be extended by 2 clear days and Standing Orders 30.2 and 33.1 (on pages 55 and 57 respectively of the agenda) will be changed accordingly;

- (c) Standing Order 20 dealing with advance notice of motions and amendments (on pages 47 and 48 of the agenda) shall be delete in its entirety. This will have a knock on effect on Standing Order 31.1 (on page 56 of the agenda) which shall also be delete. Standing Order 31.2 will, however, be extended to require any person proposing to submit an amendment to the budget to have lodged details of that amendment with the Chief Finance Officer by noon on the second last day before the meeting takes place to enable him/her to consider the financial implications thereof;
 - (d) the time allowed for speeches as set out in Standing Order 22.2 (on page 49 of the agenda) will be increased from 6 minutes for the mover of the motion or amendment to 8 minutes and from 3 minutes to 4 minutes for any other speaker. Any person seconding a motion or amendment may also do so formally while reserving his/her entitlement to speak on the matter to a later stage in the debate. It is recognised that these time limits will be extended during the Council’s budget meeting and otherwise with consent of the Provost;
 - (e) Standing Order 32.1(1) (on page 56 of the agenda) will be amended to read, “special circumstances exist which, in the opinion of the Provost, having consulted with the Leader and the Leader of the Opposition, requires an exception to be made to the general rule”.
3. the Contract Standing Orders and Financial Regulations set out in appendices 4 and 5 respectively are approved.
 4. a standing Scrutiny Panel should be established to take forward that part of the remit previously carried out by the Best Value Forum with respect to the monitoring of Services’ performance.
 5. the procedure for dealing with consultation requests set out in paragraph 6.4 of the report is adopted.

Council then adjourned at 1.30pm, to allow members of the opposition the opportunity to consider the terms of the motion and reconvened at 2.00pm with all members present.

Councillor Meiklejohn, seconded by Councillor Jackson, moved in substitution for the motion that Council approves the:-

1. Standing Orders relating to Meetings subject to the alterations set out in Appendix 2(1) to the minute
2. Scheme of Delegation to Committees subject to the alterations set out in Appendix 2(2) to the minute
3. Scheme of Delegation to Officers subject to the alterations set out in Appendix 2(3) to the minute; and
4. Contract Standing Orders and Financial Regulations as set out in the report.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 32 members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Decision

The motion was agreed.

Councillor Coleman left the meeting after this item of business.

FC19. TREASURY MANAGEMENT ANNUAL REVIEW 2012/13

Council considered a report by the Chief Finance Officer presenting a treasury management review of activities together with the actual prudential and treasury indicators for 2012/13.

Council was required, to produce an annual treasury management review. The review for 2012/13 set out:-

- an economic and interest rate review
- the borrowing strategy 2012/13 outcome
- the investment strategy
- the treasury management prudential indicators

Decision

Council noted the Treasury Management Annual Review for 2012/13.

FC20. ANNUAL ACCOUNTS 2012/13

Council considered a report by the Chief Finance Officer on the Annual Accounts 2012/13.

In terms of the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, members were required to receive formal submission of the unaudited annual accounts. The unaudited accounts for 2012/13 would be presented to the Controller of Audit by the statutory deadline of 30 June and made available on the Council's website from 2 July for public inspection until 22 July. It was anticipated that the audit process would be completed by 30 September.

Decision

Council approved the submission of the unaudited annual accounts 2012/13 to the Controller of Audit by the statutory deadline of 30 June.

FC21. MOTIONS

(1) Denny War Memorial

Council considered the following motion by Councillor McNally seconded by Councillor Oliver:-

Following the unsubstantiated claim that the final decision had been made on the resiting of the Denny replica War Memorial plaques, consideration must be given to the community over the temporary/final resting place of THEIR memorial.

Council instructs officers to carry out an options appraisal on all the alternative site locations identified for the replica War Memorial including those put forward by the community.

Following which the community will be involved in the evaluation of those sites and, in making the final decision over the location, Council will agree to abide by the decision of this community involvement process.

By way of an amendment, Councillor D Goldie, seconded by Councillor Blackwood, moved the following in substitution for the motion:-

Council agrees to:-

- 1) support the position of the War Memorial Group in regard to the War Memorial plaques;
- 2) move the War Memorial Plaques to Broompark Cemetery for a temporary period of 3 years during which consultations will be held on the location of a permanent site, and
- 3) abide by the preferences of the people of Denny as identified through the consultation process.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (14) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

For the amendment (17) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

Decision

Council agreed the terms of the amendment.

(2) Broadcasting of All Principal Council Meetings

Council considered the following motion by Councillor McCabe seconded by Councillor Spears:-

There has recently been an increase in questioning on the veracity of the Council minutes and allegations regarding the conduct or behaviour of members within the Council chambers. External organisations are having to rely on the recollection of Members and officers alike, of activities which may have been sometime in the distant past.

Council recognises the desire for full accountability & transparency over all Council Business and instruct officers to prepare costs to provide an internet streaming package for all principal council meetings. The package will also have the facility to archive all ‘streamed’ Council meetings for availability to reference at a later date. Archive access will be freely available to all from the Council’s website.

The Chief Executive to report back at the next Full Council Meeting identifying service providers and proposed funding sources, with a view to immediate implementation.

The Leader of the Council indicated that the Administration would be prepared to accept the terms of the motion subject to the deletion of the preamble in the first paragraph. This was accepted by Councillors McCabe and Spears as mover and seconder of the motion.

Decision

Council agreed:-

- 1) **to recognise the desire for full accountability and transparency over all Council business;**
- 2) **to instruct officers to prepare costs to provide an internet streaming package for all principal council meetings. The package to also include the facility to archive all ‘streamed’ Council meetings for availability to reference at a later date and that archive access will be freely available to all from the Council’s website; and**

- 3) **that the Chief Executive will report back to the next full Council meeting identifying service providers and proposed funding sources, with a view to immediate implementation.**

(3) Housing Repairs

Council considered the following motion by Councillor McCabe seconded by Councillor Spears:-

There has been a recognisable increase in the level of unsatisfactory workmanship to council housing assets, leading to increased officer activity & expense, and additional rework by council/sub-contractors.

Council seeks a full appraisal of current methods of sub-contracting housing repairs & refurbishments to externally engaged contractors. This appraisal will include information on the level of expertise & qualifications of current nominated contractors, as well as council operatives tasked with overseeing the repair works to the housing portfolio.

The Provost determined that, although no amendment had been put forward there was no general agreement with regard to the motion. In accordance with standing Order 19.10, the matter was accordingly put to the vote.

On a division, 14 members voted for the motion and 17 voted against.

Decision

The motion was not agreed.

(4) Payday Loans

Council considered the following motion by Councillor Spears seconded by Councillor McCabe:-

An article in this week's Falkirk Herald claimed there has been a doubling in the number of people making use of Payday Loan facilities. While disappointing in itself, it is the fact that average monthly income of clients of such companies was £1268 while their average debt was £1665! This is an unsustainable inequity.

Council to consider the introduction of Credit Union account facilities for all secondary school pupils about to leave full time education. (Glasgow City Council is/has introduced such a facility. Contact could be made with Glasgow to learn from their 'best practice' model.)

By way of an amendment, Councillor Nimmo, seconded by Councillor C Martin moved in substitution for the motion that:-

Council seeks clarification and further information in relation to school Credit Union facilities currently within our schools and for officers to report back at the earliest opportunity.

Councillors Spears, with the consent of the Provost, and of Councillor McCabe as his seconder, agreed to incorporate the amendment as an addendum to the motion. The adjusted motion was now as follows:-

Council agrees:-

- (1) to consider the introduction of Credit Union account facilities for all secondary school pupils about to leave full time education;
- (2) to seek clarification and further information in relation to school Credit Union facilities currently within our schools, and
- (3) that officers would report back at the earliest opportunity.

Following discussion Councillor Spears, again with the consent of the Provost and Councillor McCabe, agreed to further adjust the motion at (2) to read “seek clarification and further information in relation to school Credit Union facilities currently within our schools and from Glasgow City Council on its Credit Union.”

Decision

Council agreed:-

- 1) to consider the introduction of credit union account facilities for all secondary school pupils about to leave full time education;**
- 2) to seek clarification and further information in relation to school Credit Union facilities currently within our schools and from Glasgow City Council on its Credit Union, and**
- 3) that officers would report back at the earliest opportunity.**

FC22. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER

Council considered a report by the Director of Social Work in her capacity as Chief Social Work Officer.

Council had agreed a policy statement in 2009 on the role of the Chief Social Work officer. The policy set out a requirement for the Chief Social Work Officer to report annually on all of the statutory, governance and leadership functions of the role.

The 2012/13 annual report focussed on:-

- governance arrangements
- promotion of values and standards
- leadership
- future challenges

Decision

Council noted the report and agreed to:-

- 1) **acknowledge the commitment, skills and experience of staff in continuing to deliver high quality social work services for the benefit of Falkirk citizens, and**
- 2) **request that the Chief Social Work Officer bring forward further reports on an annual basis.**

FC23. CEMETERY PROVISION

Council considered a report by the Director of Corporate and Neighbourhood Services on the capacity of the Council's cemeteries.

The Council currently operates 9 active cemeteries which carry out approximately 820 burials and 1950 cremations annually. Of these, 6 will reach the end of their available capacity within 10 years. It was recommended that Council adopt a 'no advance lair sales' policy for those cemeteries with 10 or fewer years remaining capacity in order to extend the lifespan of these active cemeteries and to allow Council to develop new cemeteries and extend current cemetery provision.

Councillor Dr C R Martin, seconded by Councillor C Martin, moved that Council:-

- 1) agrees to the temporary cessation of advance lair purchases, at all sites where demand causes the cemetery to have fewer than 10 years remaining capacity (at the prevailing rate of advance lair purchases;
- 2) recognises the limited remaining capacity of currently active cemeteries and the intent to search for, secure and develop suitable sites which may take up to 10 years depending on location and circumstances, and
- 3) refers the longer term approach to the provision of cemetery spaces to the Executive to set up a policy development panel to look into this issue and all other policies covering the Council's cemeteries and crematoria.

Decision

Council agreed the motion.

FC24. ADDITIONAL CAPITAL GRANT FUNDING FOR 2012/13 AND 2013/14

Council considered a report by the Chief Finance Officer advising of additional capital funding for shovel ready projects for 2012/13 and 2013/14.

The Scottish Government had allocated an additional £34,000 and £1.136m in capital funding for 2012/13 and 2013/14 respectively. This was for 'shovel ready' projects not already funded in agreed capital programmes for 2012/13 and 2013/14. Councils wishing to make bids to the fund were required to submit high level detail of planned expenditure no later than 30 June 2013. The 2012/13 allocation was utilised for roads projects. Proposals for the 2013/14 allocation were presented.

Decision

Council approved the following list of the projects for the additional 2013/14 capital funding;

Project	Cost £'000
Falkirk High Station Additional Car Park	415
Enhancements, upgrades and infrastructure works to various parks	209
Forth & Clyde Union Canal Towpaths	150
Grange Primary School Atrium	150
Helix Playpark Contribution	150
Dundas Day Centre – Roof Replacement	85
85 Grahams Road – Office Space – Social Work	9
TOTAL	1,168

FC25. ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT

Council considered a report by the Chief Governance Officer on a review by the Standards Commission of a complaint against Baillie Buchannan.

Council was required to consider the findings from the Standards Commissioner following a hearing on 17 April 2013. The findings were appended to the report.

Decision

Council noted the report.

FC26. FALKIRK COMMUNITY TRUST – DIRECTOR APPOINTMENTS

Council considered a report by the Chief Executive on appointments to the Board of Falkirk Community Trust.

In terms of the Trust's Articles of Association, Council has the right to appoint 5 members as Directors of the Board of the Trust. Each Director is appointed for 2 years and can be reappointed for further (no more than 2) terms of up to 2 years.

Provost Reid and Councillor Nicol had been appointed at the start of July 2011. Councillor Gow had been appointed in October 2011.

The remaining two appointees, Councillor D Goldie and Baillie Paterson were appointed in June 2012 and had 12 months to run of their appointments. The options available to Council in regard to the appointments of Provost Reid, Councillor Gow and Councillor Nicol were set out.

Decision

Council agreed to:-

- 1) appoint Provost Reid, Councillor Gow and Councillor Nicol as Directors of the Board of the Falkirk Community Trust for a further 2 year period upon completion of their current appointments, and**
- 2) authorise the Chief Executive to provide written notice to the Trust of its decision.**

FC27. APPOINTMENTS TO COMMITTEES AND OTHER BODIES

Council considered two reports by the Chief Governance Officer on appointments to Committees and other bodies.

Vacancies had arisen for the position of Depute Leader of the Council and on various Committees, statutory bodies and outside organisations. Nominations were sought for the various positions.

Decision

Council appointed Baillie Paterson as Depute Leader of the Council and made the following appointments:-

Elected Member	Appointed to
Councillor Nimmo	Planning Committee
Councillor Dr C R Martin	Pensions Committee
Labour group to confirm	Civic Licensing Committee
Labour group to confirm	Licensing Board
Councillor Blackwood	Fife and Forth Valley Community Justice Authority
Councillor Alexander	Central Scotland Valuation Joint Board (substitute member)
Councillor Black	Falkirk, Stirling, Clackmannanshire and West Lothian Area Support Team
Councillor Blackwood	Falkirk and District Community Safety Panel

No appointment made	East of Scotland European Consortium
No appointment made	Cornton Vale Over 21s Visiting Committee
No appointment made	SEStran

Councillor McCabe left the meeting at this point.

FC28. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A to the said Act.

FC29. ARNOTDALE HOUSE, DOLLAR PARK

Council considered a report by the Director of Corporate and Neighbourhood Services setting out a proposal to refurbish Arnotdale House and enter into a lease agreement, in terms set out in the report, together with the financial implications.

Decision

Council agreed to continue consideration of this item to a later meeting.

FC30. REFUSE COLLECTION SERVICES

Council considered a report by the Director of Corporate and Neighbourhood Services, Chief Finance Officer and Chief Governance Officer on the Council's refuse collection services.

Council had previously agreed, in March 2012, the introduction of a 6 month pilot arrangement for refuse collection services and, following review, had extended the pilot (with amended working arrangements) in December 2012. An assessment of the current service provision was provided together with an analysis of the options available in regard to service provision.

Proposals to change the brown bins collection in the winter months were also set out.

Council adjourned at 5.20pm to allow members of the opposition to consider the terms of the report and reconvened at 5.30pm with all members present with the exception of Councillors Coleman and McCabe.

Decision

Council noted the improvement there has been in the operational and financial performance of the refuse collection service under the Improvement Plan.

Council agreed:-

- 1) to abandon the current procurement process due to the improvements which had been made to date by the in-house team;
- 2) that a collective agreement is required to be put in place, removing the contracted overtime model of delivery;
- 3) to delegate authority to the Director of Corporate and Neighbourhood Services to seek a collective agreement with the Trades Unions by 30 September 2013 which reflects issues set out in paragraph 5.8 of the report;
- 4) the proposed arrangements for brown bin service as set out in the report; and
- 5) to request a further report on progress with the new arrangements.

FALKIRK COUNCIL

QUESTIONS UNDER STANDING ORDER 33

Standing Order 33 (of the transitional Standing Orders relating to meetings) enables Councillors to put questions to the Leader of the Council or the relevant portfolio holder on matters transacted at a meeting of the Executive or the Education Executive during the preceding cycle. The table below details the questions asked and answered at the meeting.

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
1	EXECUTIVE – 18 June 2013 REF: EX23	FINANCIAL POSITION 2012/13 – PROVISIONAL OUTTURN What discussion have you and your resources portfolio holder had with the Chief Finance Officer concerning the creation of a cap on the burgeoning under spend of this council's budget and to institute a viring of unallocated under spends to services where they can be most practically employed? Councillor Tom Coleman	The Leader confirmed that he holds regular meetings with the Chief Finance Officer, and that services already have power to vire budgets up to £350,000.	What steps will you now take to provide better financial modelling?	The Leader responded that alternative budget setting options were being looked at – for example priority based budgeting.
2	EXECUTIVE – 18 June 2013 REF: EX23	FINANCIAL POSITION 2012/13 –PROVISIONAL OUTTURN Is the Council Leader satisfied at the explanation of the Development Services overspend when it has been	The Leader responded that he was satisfied with the explanation.		

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
		<p>identified that the replacement bus service has been provided for and funded from reserves?</p> <p>Councillor Robert Spears</p>			
3	<p>EXECUTIVE – 18 June 2013</p> <p>REF: EX19</p>	<p>FORTH VALLEY INTEGRATED CARERS' STRATEGY</p> <p>Paragraph 4.1 makes reference to the Equality and Poverty Impact Assessment arrangements for the Forth Valley Integrated Carers Strategy.</p> <p>Given that as a result of the Welfare reforms many carers now have to pay the current Council Administration Care Charges, despite massive underspends in the Social Care budget, can the portfolio holder advise of the outcome of the Equality and Poverty Impact Assessment on these charges?</p> <p>Councillor Cecil Meiklejohn</p>	<p>The portfolio holder for Health and Social Care confirmed that the outcome of the Equality and Poverty Impact Assessment would be reported to the Executive. She also stated that the charges did not apply to carers.</p>	<p>Can the portfolio holder advise how the strategy mitigates the impact to ensure carers are not worse off?</p>	<p>The portfolio holder confirmed the terms of her earlier answer.</p>
4	<p>EXECUTIVE – 18 June 2013</p> <p>REF: EX19</p>	<p>FORTH VALLEY INTEGRATED CARERS' STRATEGY</p> <p>Falkirk Council pays one of the lowest rates for Kinship Care</p>	<p>The portfolio holder for Health and Social Care confirmed that there were no current plans and that the flat rate had increased in 2011 to £40 per week.</p>	<p>Is there an impact assessment? There is still disparity.</p>	<p>The portfolio holder stated that it was not possible to pick two areas from the Social Work budget in this way.</p>

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
		<p>Allowance in Scotland, and we have a policy of placing children with family members where even possible. Can the portfolio holder advise me if there are any plans to utilise some of the £1m underspend in Social Work's budget to remedy that situation, considering that there was a national recommendation to pay Kinship Carers at the same rate as foster carers.</p> <p>Councillor Cecil Meiklejohn</p>			
5	<p>EXECUTIVE – 7 May 2013</p> <p>REF: EX5(b)</p>	<p>ZERO WASTE STRATEGY 2012-2022</p> <p>To note the Council's Zero Waste Strategy for 2012-2022 and ask when the portfolio holder will next meet with Directors to bring forward policy initiatives to support this.</p> <p>Councillor Stephen Bird</p>	<p>The portfolio holder for the Environment confirmed that he had discussed this a week ago with the Director and that he speaks with Mr. Baird (Waste Strategy Co-Ordinator) regularly.</p>	<p>With reference to paragraph 94 of the strategy, will the portfolio holder meet with businesses such as Redeem, and bring back proposals for engaging with local businesses in achieving the strategy's outcomes by the end of the year?</p>	<p>The portfolio holder confirmed that he would get the details from Councillor Bird contact the business referred to. He would keep Councillor Bird advised.</p>
6	<p>EXECUTIVE – 18 June 2013</p> <p>REF: EX34</p>	<p>CLOSURE OF AVONDALE ADVANCED WASTE TREATMENT FACILITY</p> <p>To ask the Environment Portfolio holder what Policy initiatives are planned to meet the likely 4% drop in recycling figures for the current year.</p>	<p>The portfolio holder for the Environment confirmed that the Council had secured £113,000 funding in March this year and would continue to seek additional funding. He also stressed the need to recycle and promote recycling.</p>	<p>What contacts do the Council have with local food retailers to make sure food is not wasted when it is near its sell by date?</p>	<p>The portfolio holder indicated that he was in favour of working with local businesses to reduce food wastage and would raise it with the Director.</p>

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
		Councillor Stephen Bird			
7	EXECUTIVE – 18 June 2013 REF: EX22	INSPIRING ACTIVE LIVES – A CULTURE AND SPORT STRATEGY FOR FALKIRK 2013-2023 When does the portfolio holder see the Policy Development Panel being up and running? Councillor Brian McCabe	The portfolio holder for Culture and Leisure confirmed that the Chief Executive had written to members in August seeking nominations and that officer support was in place.	Membership should reflect the political balance of the Council?	The portfolio holder responded that the membership reflects the fact that the Administration has a majority on Council. He also indicated that he was seeking input from all members and would be happy to meet to discuss the review in detail.
8	EXECUTIVE – 18 June 2013 REF: EX22	INSPIRING ACTIVE LIVES – A CLUTURE AND SPORT STRATEGY FOR FALKIRK 2013-2023 Given the importance of this ten year strategy document on inspiring ACTIVE LIVES, by the Community Trust, can the portfolio holder confirm that the Trust as a policy advisor to the Council shares the council's single outcome agreements and the strategy will meet the council's objectives within the corporate plan including full and equal participation by all stakeholders?	The portfolio holder for Culture and Leisure stated that the Trust had confirmed that it does meet the outcome objectives. He indicated that the task of the Panel was to ensure the strategy was a good fit with the Single Outcome Agreement.	Can the portfolio holder provide a start date for 3G pitches?	The portfolio holder indicated that options were being considered and that matters would move forward in due course. He confirmed that he would keep Councillor McNally informed of progress.

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
		Councillor John McNally			
9	EXECUTIVE – 18 June 2013 REF: EX23	FINANCIAL POSITION 2012/2013- PROVISIONAL OUTTURN Following the implementation of a buy back policy for ex council properties can the portfolio holder advise what progress has been made? Councillor Steven Carleschi	The portfolio holder for Housing confirmed that the Scheme had been successful to date.	Can the portfolio holder confirm if offers had been pulled and if so, was this being addressed?	The portfolio holder indicated that he would provide the information out with the public meeting and that offers were only made after a property is advertised.
10	EXECUTIVE – 18 June 2013 REF: EX23	FINANCIAL POSITION 2012/2013- PROVISIONAL OUTTURN Can the portfolio holder advise if the criteria for Housing Incentive Scheme to encourage downsizing has been effective to date? How many applications have been approved? Councillor Steven Carleschi	The portfolio holder for Housing confirmed that the scheme, which was optional, had been successful and that 8 applications had been approved since its introduction.	We need a real review of the allocations policy.	The portfolio holder responded that the allocations policy followed on from the largest consultation carried out by Falkirk Council.
11	EXECUTIVE – 18 June 2013 REF: EX30	ACCESS FOR DISABLED PEOPLE: DENNY TOWN CENTRE Does the portfolio holder believe that the built environment should	The portfolio holder for Economic Development indicated that he agreed.	Would the portfolio holder be willing to attend a public meeting in Denny?	The portfolio holder stated that he would be willing to attend a meeting in Denny on the issue, and emphasised his commitment to the

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
		enable free movement and not discriminate against elderly, infirm and disabled? Councillor Martin Oliver			regeneration of Denny Town Centre.
12	EDUCATION EXECUTIVE – 28 May 2013 REF: EE8	OPPORTUNITIES FOR ALL In terms of the Council's policy of the implementation of GIRFEC can the portfolio holder please advise: a) If he has recently met with representatives of Skills Scotland? b) What themes were discussed? Councillor Gordon Hughes	The portfolio holder for Education confirmed that no meetings had been arranged.	What procedures are in place in regard to the IT Sector such as working with Skills Scotland?	The portfolio holder confirmed that he would supply the information to Councillor Hughes.
13	EXECUTIVE – 18 June 2013 REF: EX32	ACCEPTANCE OF TENDERS £350,000 IN VALUE CONTRACT FOR NEW BUILD HOUSING AT WINDSOR ROAD, FALKIRK (FAL-6961) To ask the Portfolio holder for Housing when he last met with the Council's Building Design Manager to discuss the works taking place at Windsor Road, Summerford? Councillor Colin Chalmers	The portfolio holder for Housing stated that he had not met officers regarding the developments, and that he was satisfied that officers were carrying out satisfactorily professional roles.	What progress has there been re the planning gain?	The portfolio holder stated that the issues were covered in the planning application.
14	EXECUTIVE – 18 June 2013	FINANCIAL POSITION 2012/2013- PROVISIONAL	The portfolio holder for Housing responded that the	Works can take up to a year to conclude – what will the	The portfolio holder for Health and Social Care

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
	REF: EX23	<p>OUTTURN</p> <p>The fitting of aids and adaptations appears to be outwith the normal PI's for the contracted department which often means that disabled applicants generally have longer to wait for such as showers than able bodied tenants waiting for scheduled repairs.</p> <p>Does the portfolio holder have any plans to rectify this?</p> <p>Councillor David Alexander</p>	average timescale for completing work for a level access shower was 39 days and this was within the target set. He added that an occupational assessment was required before any work on aids and adaptations would begin.	portfolio holder bring forward to alleviate this, and to identify priority cases?	confirmed that an additional 5 occupational health therapists had been appointed, and that they were working through approximately 400 assessments; of which 292 had been completed. She also stated that the remainder would be completed by the end of July.
15	EXECUTIVE – 18 June 2013 REF: EX24	<p>ACTUARIAL VALUATION OF THE INSURANCE FUND AND UPDATE ON MUNICIPAL MUTUAL INSURANCE</p> <p>The triennial valuation of the insurance fund has recently been completed. What is the rationale behind the allocation of monies to this fund in the light of the consultant's conclusions?</p> <p>Councillor Tom Coleman</p>	The portfolio holder for Resources responded that the Council had taken a prudent stance given the potential for future liabilities.	Given that MMI stopped underwriting 20 years ago and the fund has continued to grow, when is it estimated the liabilities will disappear?	The portfolio holder responded that he was happy to accept the recommendation of the CFO that prudence should prevail.
16	EXECUTIVE – 18 June 2013 REF:	<p>DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: DELIVERY OF THE DENNY EASTERN ACCESS</p>	The portfolio holder for Economic Development answered in the negative.	There is an immediate need to move on Denny Cross – will the portfolio holder authorise the immediate	The portfolio holder stated that the funding for the project would come from the developers and that it

ORDER QUESTION TAKEN	COMMITTEE / MINUTE REFERENCE	TITLE OF REPORT/ QUESTION (name of Member)	ANSWER	SUPPLEMENTARY QUESTION	ANSWER
	EX20	<p>ROAD</p> <p>The new SPG on DEAR delivery is flawed. Does the PORTFOLIO HOLDER have any alternative 'vision' to put forward to Council?</p> <p>Councillor Brian McCabe</p>		construction of DEAR?	was his intention to promote Denny.
17	EXECUTIVE – 18 June 2013 REF: EX29	<p>TAX INCREMENTAL FINANCING (TIF) INITIATIVE</p> <p>Can the portfolio holder explain the inclusion of Glenbervie within the TIF proposal?</p> <p>Councillor Robert Spears</p>	The portfolio holder for Economic Development confirmed that since the completion of the road works the marketability of the area had increased, but required investment. Early investment via TIF will require to be the subject of a business case.	What does this include?	The portfolio holder confirmed that he would respond in writing.
18	EXECUTIVE – 18 June 2013 REF: EX17	<p>RENT ARREARS DUE TO SIZE CRITERIA BENEFIT</p> <p>It's been recognised that there will be a loss of half a million pounds to the HRA caused by the 1 year non-eviction stance on the bedroom tax. Can the portfolio holder advise what happens after this initial one year period?</p> <p>Councillor Robert Spears</p>	The portfolio holder for Housing stated that after a year there were 403 cases of rent arrears due to welfare reform of bedroom tax. He indicated that he intended to write to the Cabinet Secretary for Finance and local MSPs seeking their support for the proposal that the Scottish Government utilises budget underspends to mitigate the impact of the bedroom tax.	How does the portfolio holder intend to collect the bedroom tax and will he also write to David Cameron and George Osborne and the two local MPs?	The portfolio holder indicated that he would have no difficulty in writing to anyone and that the service would continue to work closely with tenants in respect of arrears.

APPENDIX 2

(1) Standing Orders Relating to Meetings Amendment

Standing Order	Action
8.1 Line 3	Delete “three” replace with “five”
8.4 Line 6	Delete “three” replace with “five”
13.1 Line 1	Delete “one quarter of the membership” replace with “there should be 50%+1 giving the majority of members”
15.3 Line 2	Delete “any question of accuracy must be raised by amendment to the Provost’s motion and voted on without discussion.” Replace with “No notice of motion will be required, however, the member would require to say why they consider the minute is accurate”
16.2 Line 1	Add “Primary”
16.2 Line 2	Switch (i) and (ii)
17.6	Delete “All Councillors must comply with rulings from the Provost in the conduct of business of the Council. This includes rulings on the proper and timely conduct of meetings, the acceptability of language used and the fairness and sufficiency of debate. Councillors present at the meeting share responsibility for the proper and expeditious discharge of business” Replace with; “The Chair shall ensure that there is fair and responsible debate; and shall ensure that the views and opinions of all those entitled to participate, including the advice of officers are allowed to be expressed, and that these contribute to the outcome of the meeting. The Chair shall ensure the proper and timely conduct of the meeting, expediting business on the agenda and reaching a sufficiency of debate where appropriate”.
19.1 Line 5	Delete “with the consent of the Provost and...”

19.1 Line 6	Delete “but, not in doing so, shall not interrupt any councillor then speaking but shall rise only when the previous speaker has conclude his or her speech.”
20.2 Line 2	Delete “Except where the Leader or Portfolio Holder gives notice of a motion other than the recommendations”
20.4	Delete 20.4
21.3 Line 1	Delete “Should a councillor wish” replace with “Any councillor has the right to...”
21.3 Line 3	Delete “the consent of the provost should be sought to do so whenever the motion has been moved and seconded.”
22.2 Line 1	Delete “six” replace with “ten”.
22.2 Line 3	Delete “three” replace with “five”.
22.2 Line	Add “Except with discretion of the Provost and at Budget meetings or strategic items such as the local plan”
25.1 Line 5	Delete “discussion” replace with “agenda item discussion”
27.2 (i) Line 6	Delete “the original motion will lapse and the Council will proceed on to next business.” Replace with “the meeting should then proceed to the next business without further discussion.”
30.1 Line 1	Delete “Every notice of motion must be in writing, and signed by the councillor giving the notice and countersigned by one other councillor” replace with “Every member has the right to submit a motion to full council. Any notice of motion must be in writing, and signed by the councillor giving the notice.”
30.2 Line 2	Add “calendar”
30.6 Line 3	Add “calendar”
30.6 Line 6	Add “calendar”
31.1 (i)	Add “along with associated papers”
31.1 (ii)	Delete 31.1 (ii)
32.1	Delete 32.1
32.2	Delete 32.2
33.1 Line 6	Delete “Written notice of the question(s) must be given to the Chief Governance Officer not later than 12

	noon at least five clear days”
33.3 Line 4	Delete “An answer may take the form of” replace with “this will take the form of an oral answer given at Council”
33.5 Line 5	Delete “Where the reply cannot conveniently be given orally, a written answer will be provided and circulated at the next Council meeting”
33.7	Delete 33.7
35.2 (ii) Line 9	Delete “fall from agenda” replace with “go to a further meeting of Council.”
37.1 Line 1	Delete “concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the council” replace with “shall be final having given an explanation of the specific running order.”
38.1 Row 2, Column 3	Delete “4” replace with “7”
38.1 Row 3, Column 3	Delete “4” replace with “7”
38.1 Row 4, Column 3	Delete “4” replace with “6”
38.1 Row 5, Column 3	Delete “4” replace with “7”
38.1 Row 7 Column 3	Delete “4” replace with “6”
38.1 Row 9 Column 3	Delete “3” replace with “5”
38.1 Row 11 Column 3	Delete “3” replace with “4”
38.1 Row 12, Column 3	Delete “4” replace with “7”
38.1 Row 13, Column 3	Delete “3” replace with “50%+1”
38.1 Row 14, Column 3	Delete “3” replace with “50%+1”
38.1 Row 15, Column 3	Delete “3” replace with “50%+1”
38.1 Row 16, Column 3	Delete “3” replace with “50%+1”

(2) Scheme of Delegation to Committees Amendment

Section 1; Council

Standing Order	Action
1(1)	Add new bullet point; “deal with notices of motions brought forward by members”
1(1)	Add new bullet point; “hold the Executive and Scrutiny Committees to account”
1(4) point 8	Delete “[Any issue with significant impact on the Council area which the Provost considers is suitable for debate at Council]” replace with “[Any issue with the significant impact on the Council area which the Provost or one quarter of the council membership considers is suitable for debate at Council]”

Section 2; The Executive

Standing Order	Action
2(1) Line 3	Add “to meet the terms of the 1989 Act on proportionality.”
2(2) Line 1	Delete “will have the [exclusive] power to take all decisions on behalf of the Council other than those;” replace with “will not have exclusive power, but make decisions concurrently with that of Council. Any division within the Executive Committee can be referred to full council where this is supported by 25% of the committee appointed proportionately”
2(5) Line 2	Add “to meet the requirement of proportionality”
3(2) Line 1	Delete “exclusive power to take any decision on behalf of the council in the discharge of its functions as education authority except those reserved to council or delegate to a Chief Officer” replace with “concurrent power with Council to take any decision.”
4(1)	Delete “The Scrutiny Committee will consist of ten members with six drawn from the Administration and four members not drawn from the administration (subject to proviso that no member of the Executive may be a member of the Scrutiny Committee)” replace with “The Scrutiny Committee is the counter balance to the Executive’s decision making process; therefore to maintain the integrity of the decisions made by the Executive and will demonstrate openness and transparency. The members of the Scrutiny Committee will be drawn on the basis of the 1989 Act enshrining proportionality at its heart”.
4(1)	Delete “The Convener and Depute Convener of the committee will be such members of the committee appointed as such by the committee.” Replace with “The Depute Convener

	of the committee will be appointed by the members of the committee.”
4(2) Line 7	Delete “The Scrutiny Committee will have no decision-making power but will make such recommendations as it considers appropriate to the Executive.”
4(2) Line 8	Add “The Scrutiny Committee will be able to call in items, including from the Executive, decisions that it feels requires some in-depth interrogation to ensure that it is delivering under the SOA and corporate plan.”
4(3) Line 4	Delete “A Scrutiny Panel will consist of a member or members drawn from the Administration and a member or members not drawn from the Administration.” Replace with “A Scrutiny Panel will be politically proportional.”
4(3) Line 8	Delete “No decision making power and will not be a sub-committee of the Scrutiny Committee” replace with “the power to hold the Executive Committee to account and matters that refer to the Council.”
4(4) (3)	Delete “any performance reports in respect of the Local Police Plan or Local Fire and Rescue Plan;” replace with “any matter the committee deems appropriate for the good of governance of the Council.”

(3) Scheme of Delegation to Officers Amendments

Standing Order	Action
62. 5 (iii)	Add “this will not include making any changes to the remuneration of any member(s) of staff without the agreement of the Council.”
62. 6 (viii)	Add “leaders of opposition groups”
62. 10 (i)	Add “the leaders of opposition groups”