

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 12 FEBRUARY 2014 at 9.30AM.

COUNCILLORS:

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

OFFICERS:

Karen Algie, Head of Human Resources
Margaret Anderson, Director of Social Work
Shona Barton, Committee Services Officer
Danny Cairney, Accountancy Services Manager
John Flannigan, Depute Chief Finance Officer
Nigel Fletcher, Acting Director of Education Services
Rhona Geisler, Director of Development Services
Kenny Gillespie, Property and Asset Manager
Linda Gilliland, Policy and Community Planning Team Leader
Gary Greenhorn, Acting Director of Education Services
Rose Mary Glackin, Chief Governance Officer
David McGhee, Head of Resources and Procurement
Colin Moodie, Depute Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Neighbourhood Services
Antonia Sobieraj, Committee Services Officer
Bryan Smail, Chief Finance Officer

ALSO Maureen Campbell, Chief Executive, Falkirk Community Trust
ATTENDING: Ian Scott, Chairman, Falkirk Community Trust

FC75. PROVOST'S REMARKS

Provost Reid paid tribute to former Councillor Simon Martin who had passed away recently. Council observed a minute's silence in memory of his contribution to the community of Falkirk.

FC76. SEDERUNT

The sederunt was taken by way of a roll call. An apology was intimated on behalf of Councillor Dennis Goldie.

FC77. DECLARATIONS OF INTEREST

Provost Reid, Baillie Joan Paterson and Councillors Gow and Nicol all declared a non-financial interest in item FC78 as Directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the item, having regard to the relevant specific exclusion contained in the Code of Conduct.

The Provost and Councillor Carleschi each declared a non-financial interest in item FC80 as members of the Dobbie Hall Trust but did not consider that this required them to recuse themselves from consideration of the item, having had regard to the objective test in the Code of Conduct.

FC78. FALKIRK COMMUNITY TRUST – BUSINESS PLAN

Council considered a report by the Chief Executive and the Chief Finance Officer (a) advising that the funding agreement between the Council and Falkirk Community Trust (FCT) required that the Trust submit annually a business plan for the following year for approval by the Council; (b) presenting the five year 2014/19 Business Plan and the 2014/15 Annual Action Plan; (c) highlighting guiding principles against which individual charges would be set by the Trust, and (d) summarising the proposed capital programme for 2014/15.

Councillor Mahoney, seconded by Baillie Paterson, moved that Council agrees:-

- (1) the Falkirk Community Trust Business Plan Strategy 2014-2019 and Annual Action Plan 2014-15;
- (2) a Service Payment of £13.161m to Falkirk Community Trust for 2014/15, and
- (3) the capital expenditure proposals for 2014/15 as outlined in paragraph 4.1 of the report.

By way of an amendment, Councillor McNally, seconded by Councillor Jackson, moved in substitution for the motion that Council agrees:-

- (1) “the Community Trust Business Plan Strategy 2014-19 and the Annual Action Plan 2014-15;
- (2) a service payment of £12,822,000 to Falkirk Community Trust for 2014/15;
- (3) that a price freeze for this year be implemented on all fees and charges; and
- (4) the capital expenditure proposals for 2014/15 as outlined at paragraph 4.1 of the report, and

- (5) to call for a best value review of the Trust to ensure it is meeting the terms of Council decision in 2011 to transfer the service outwith the local authority control”.

Council then adjourned at 10.15 am to allow members of the Administration to consider the terms of the proposed amendment and reconvened at 11.05 a.m. with members present as per the sederunt.

With the consent of the Provost, and Councillor Jackson as his seconder, Councillor McNally adjusted the terms of his amendment to the following:

“Council:-

- (1) notes the Community Trust Business Plan Strategy 2014-2019 and the Annual Action Plan 2014 -15;
- (2) agrees a service payment of £12,881,940 be made to Falkirk Community Trust for 2014/15;
- (3) agrees that a price freeze for this year be implemented on all fees and charges;
- (4) approves the capital expenditure proposals for 2014/15 as outlined at paragraph 4.1 of the report,
- (5) recognises under the terms of the contract that Falkirk Community Trust will require to come back with an amended business plan for consideration and
- (6) calls for a best value review of the Trust to ensure it is meeting the terms of the Council decision in 2011 to transfer the service outwith local authority control”.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 31 members present with voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr CR 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

Council agreed:-

- (1) the Falkirk Community Trust Business Plan Strategy 2014-2019 and Annual Action Plan 2014-15;
- (2) a Service Payment of £13.161m to Falkirk Community Trust for 2014/15, and

- (3) the capital expenditure proposals for 2014/15 as outlined in paragraph 4.1 of the report.

Council adjourned for lunch at 12.45 p.m. and reconvened at 1.30 p.m. with all members present as per the sederunt.

FC79. REVENUE BUDGET 2014/15

Council considered a report by the Chief Executive and the Chief Finance Officer (a) setting out the Administration's revenue budget proposals for 2014/15 which had been informed by the Council's priorities in the 2012-17 Corporate Plan and the Single Outcome Agreement, and (b) outlining the projected financial position for the subsequent 3 years as reflected in the Medium Term Financial Plan.

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

- (1) to accept the Draft Budget for 2014/15 as proposed in the report and appended to it;
- (2) to levy a Council Tax for 2014/15 as follows:-
 - (i) a Council Tax to be paid in respect of a chargeable dwelling in Council Tax Valuation Band D of £1,070, representing a nil increase;
 - (ii) a Council Tax to be paid in respect of a chargeable dwelling in each of the other Council Tax Valuations Bands in accordance with Section 74 (1) of the Local Government Act 1992 (as set out in paragraph 10.3 of the report);
- (3) replenish the earmarked Spend to Save Reserve by £1.5m as set out in para 5.7.5 of the report;
- (4) that any shortfall in savings proposals flowing from due Equality & Poverty Impact Assessment process, together with other necessary consultations, will be covered by reserves (as detailed at paras 5.7.7 & 6.2 of the report);
- (5) to delegate authority to the Chief Executive to issue a statutory notice to the Trade Unions in respect of the workforce implications of the budget proposals;
- (6) to note the actions being taken to assist with reductions in workforce spend, and to avoid compulsory redundancies as far as possible, as outlined at Section 6 of the report;
- (7) to note the development of the Business Transformation project and agree to such work progressing with updates being provided to the Executive at appropriate stages;
- (8) to change the savings criteria contained within the Severance Policy as detailed at Section 6 of the report;

- (9) to a further review of the Severance Policy to reduce the cost of the severance package with a report being submitted to the Executive on proposed changes, as detailed at Section 6 of the report;
- (10) to instruct Chief Officers to deliver Services within the specific budget allocation for each Service and authorise them to take such actions as may be required to give effect to the service delivery proposals outlined in section 6 of the report.

By way of an amendment, Councillor Meiklejohn seconded by Councillor Jackson, moved the following changes with regard to the draft budget referred to in paragraph (1) of the motion and the spend to save proposals referred to in paragraph (3) thereof:-

(1) “ Council agrees:-

- (i) to commit to the Revenue Budget resources the full figure of the 2013/14 projected underspend for the year (net of £1.5m recommended allocations of spend to save) **£700,000**

Total Savings £700k

(ii) to the following amendments to the Revenue Budget:-

- a. Social Work Budget – Freeze charges for essential services, scrap SW7 **£64,000**
- b. Scrap SW1 (income from non residential charging) **£101,000**
- c. Scrap SW13 (shift in external home care provision) **£37,000**
- d. Scrap SW22 (review of abuse services) **£68,000**
- e. Scrap SW6 (eligibility criteria and charging policy for transport) **£50,000**
- f. Corporate & Neighbourhood Budget, (CN12) increase burial and cremation fees by 2% **£117,000**
- g. Education budget – scrap ED29 (stop swimming lessons for P5 pupils) **£65,000**
- h. Scrap ED21 (align let prices with the trust) **£122,000**
- i. Scrap ED4 (full cost recovery of baby provision) **£29,000**
- j. Scrap ED15 (increase in child care fees by 5%) **£20,000**
- k. Economic Development budget – additional heading. The renewables industry presents an opportunity for the establishment of more social enterprises. Place in budget provision for a district wide audit to identify potential sites for small scale hydro schemes and carry out a scoping exercise to detail possibilities for community based social enterprises **£27,000**

Total additional spend £700,000

- (3) Council notes the existence of proposals for Spend to Save projects involving the Falkirk Leisure Trust. As responsibility for monitoring the Trust and approving their Business Plan lies with the full Council it is proposed that Council agrees in principle to adding £1.5m from reserves with a full follow up report, including proposals involving the Falkirk Leisure Trust to the March 2014 meeting of the full Council”.

Councillor Ritchie gave notice of a further amendment.

During discussion on this item, Councillor Ritchie declared a non-financial interest as a member of the Bo’ness Fair Committee but did not consider that this required her to recuse herself from consideration of the item, having had regard to the objective test in the Code of Conduct.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 31 members present and voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr CR 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.

The motion became the substantive motion against with the further amendment was made.

Councillor Turner, seconded by Carleschi, moved, in substitution for that part of the substantive motion that referred to Registration offices, that:-

“a review of the Registrars’ service is undertaken in recognition of the geographical realities of the distances and difficulties which would be involved for residents and this is paid for from reserves”.

Councillor McCabe gave notice of a further amendment.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 31 members present and voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr CR 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.

Councillor McCabe then moved his further amendment as follows:-

“Council deletes the proposed savings of £68,000 in regard to abuse services – in particular Open Secret, and that this cost is met from reserves (SW22)”.

The Provost ruled that the amendment was similar to that moved by Councillor Meiklejohn earlier at para 1 (ii) (d) of her amendment which had been voted upon. In terms of Standing Order 35.1 the proposed further amendment was not competent.

Decision

Council agreed:-

- (1) the draft Budget for 2014/15 as proposed in the report**
- (2) to levy a Council Tax for 2014/15 as follows:-**
 - a. a Council Tax to be paid in respect of a chargeable dwelling in Council Tax Valuation Band D of £1,070, representing a nil increase;**
 - b. a Council Tax to be paid in respect of a chargeable dwelling in each of the other Council Tax Valuations Bands in accordance with Section 74 (1) of the Local Government Act 1992 (as set out in paragraph 10.3 above);**
- (3) to replenish the earmarked Spend to Save Reserve by £1.5m as set out in para 5.7.5 of the report;**
- (4) that any shortfall in savings proposals flowing from due Equality & Poverty Impact Assessment process, together with other necessary consultations, would be covered by reserves (as set out in paras 5.7.7 & 6.2 of the report);**
- (5) to delegate authority to the Chief Executive to issue a statutory notice to the Trade Unions in respect of the workforce implications of the budget proposals;**
- (6) to note the actions being taken to assist with reductions in workforce spend, and to avoid compulsory redundancies as far as possible, as outlined at Section 6 of the report;**
- (7) to note the development of the Business Transformation project and agree to such work progressing with updates being provided to the Executive at appropriate stages;**
- (8) the change to the savings criteria contained within the Severance Policy as detailed at Section 6 of the report;**

- (9) a further review of the Severance Policy to reduce the cost of the severance package with a report being submitted to the Executive on proposed changes, as detailed at Section 6 of the report;
- (10) to instruct Chief Officers to deliver Services within the specific budget allocation for each Service and authorise them to take such actions as may be required to give effect to the service delivery proposals outlined in section 6 of this report.

FC80. THREE YEAR GENERAL CAPITAL PROGRAMME 2014/15 – 2016/17

Council considered a report by the Chief Finance Officer presenting the proposed capital investment programme for the financial years 2014-2017 on all areas of service delivery with the exception of Council Housing.

The report outlined proposals including ambitious investment plans of £81.8m over 3 years including the Tax Increment Financing (TIF) scheme. Investments were set around an estimated level of resources with consideration given to the effect on future resources of major projects that do not complete in the 3 year period and the ongoing need for investment in the Council's roads infrastructure, vehicles, IT, etc.

Councillor Craig Martin, seconded by Baillie Paterson, moved that Council approves the General Services Capital Programme and notes the Prudential Indicators.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Carleschi, moved the following addendum to the motion:-

- (1) "A commitment of £54,000 for identified external works for the Dobbie Hall, to be met by prudential borrowing and efficiency savings from future revenue budgets. Council develop an action plan in partnership with the Dobbie Hall Trust to commence in 2015/16 for the refurbishment when the council expects to receive increases in capital funding, and
- (2) A commitment to bring forward into 2014/15 the next phase of the Denny Eastern Access Road. This would be funded from prudential borrowing. The resultant revenue costs would be met from reserves until such times as savings proposals are put forward for future revenue budgets".

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 31 members present voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr CR 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

Council approved the General Services Capital Programme and noted the Prudential Indicators.

FC81. HOUSING REVENUE ACCOUNT & COUNCIL HOUSE RENTS 2014/15 – 2016/17

Council considered a report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer (a) presenting a draft Housing Revenue Account for the financial year 2014/15; (b) making recommendations on the level of council house and other rents for 2014/15, and (c) proposing indicative rent levels for the years 2015/16 to 2016/17.

Councillor G Goldie, seconded by Councillor MacDonald, moved that Council approves the draft Housing Revenue Account budget for 2014/15, with the following specific recommendations:-

- (1) a rent increase of 3.6% to be applied from 1st April 2014. The average fortnightly charge would therefore increase from £120.16 to £124.47, based on the 24 fortnightly periods with no rent being charged during the fortnightly periods commencing 30 June 2014 and 29 December 2014;
- (2) lock-up garage rentals to increase from an average of £5.52 per week to £5.72 per week;
- (3) garage site rentals to increase from £76 per annum to £77 per annum;
- (4) Castings Hostel rentals to increase from £142.65 per room per week to £147.78 per week (excluding fuel charges);
- (5) Homeless property rentals to increase from an average of £165.37 per week to £171.32 per week, and
- (6) to note the indicative budgets and rent increases for 2015/16 and 2016/17 as representing the best information available at this time.

By way of an amendment Councillor Carleschi, seconded by Councillor Meiklejohn, moved the following in substitution for the recommendations:-

“Council agrees an inflation only increase of 2% in rents with the balance, £750,000, from the recommended HRA budget being drawn from reserves and efficiency savings.

Adjust figures all the way down accordingly”.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 31 members present voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr CR 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

Council approved the draft Housing Revenue Account budget for 2014/15, with the following specific recommendations:-

- (1) a rent increase of 3.6% to be applied from 1st April 2014. The average fortnightly charge would therefore increase from £120.16 to £124.47, based on the 24 fortnightly periods with no rent being charged during the fortnightly periods commencing 30 June 2014 and 29 December 2014;**
- (2) lock-up garage rentals to increase from an average of £5.52 per week to £5.72 per week;**
- (3) garage site rentals to increase from £76 per annum to £77 per annum;**
- (4) Castings Hostel rentals to increase from £142.65 per room per week to £147.78 per week (excluding fuel charges);**
- (5) homeless property rentals to increase from an average of £165.37 per week to £171.32 per week, and**
- (6) to note the indicative budgets and rent increases for 2015/16 and 2016/17 as representing the best information available at this time.**

FC82. HOUSING INVESTMENT PROGRAMME 2014/15 – 2016/17

Council considered a report by the Director of Corporate and Neighbourhood Services presenting the proposed Housing Investment Programme for the financial years 2014 to 2017.

The report included the key documents of the new build programme for Council Housing and the Housing Investment Programme, detailed the resources available for 2014/15, and set out the Prudential Indicators used to demonstrate that the plans are affordable, prudent and sustainable.

Decision

Council approved the expenditure proposals outlined in the 2014/15 to 2016/17 Housing Investment Programme in appendix 1 of the report.

FC83. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (REMUNERATION) AMENDMENT REGULATIONS 2013

Council considered a report by the Chief Governance Officer (a) outlining the changes to the remuneration levels for members brought about by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2013, and (b) seeking a decision on those payments where the level lies within the discretion of Council.

The report outlined the Regulations as they apply to Councillors, the Council Leader, the Civic Head and Senior Councillors, noting that there was discretion available on the amounts of remuneration paid to the Civic Head and Senior Councillors.

Decision

Council agreed:-

- (1) to note the terms of the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2013;
- (2) to note the increase in the level of remuneration that will be paid to councillors and to the Council Leader in accordance with the said Regulations;
- (3) that the remuneration paid to the Civic Head will remain at the level set in 2007;
- (4) to apply a 1% increase in the level of remuneration paid to senior councillors for the period to 31 March 2014 and a further 1% from 1 April 2014, consistent with the increase in basic councillor remuneration, and
- (5) to note that the changes in remuneration will come into effect on 18 February 2014 and will be backdated to 1 April 2013.