

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 14 MAY 2014 at 9.30 A.M.

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	Sandy Turner
Gerry Goldie	Cecil Meiklejohn	

OFFICERS:

Margaret Anderson, Director of Social Work Services
 John Angell, Head of Planning and Transportation
 Fiona Campbell, Head of Policy, Technology and Improvement
 Nigel Fletcher, Joint Acting Director of Education Services
 Rhona Geisler, Director of Development Services
 Rose Mary Glackin, Chief Governance Officer
 Gary Greenhorn, Joint Acting Director of Education Services
 Colin Moodie, Depute Chief Governance Officer
 Brian Pirie, Democratic Services Manager
 Mary Pitcaithly, Chief Executive
 Stuart Ritchie, Director of Corporate and Neighbourhood Services
 Bryan Smail, Chief Finance Officer

ALSO

ATTENDING:

Joe Andrews, Group Manager, Scottish Fire and Rescue Service
 Gary Laing, Local Senior Officer, Scottish Fire and Rescue Service

FC1. SEDERUNT

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

FC2. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

Councillor McCabe left the meeting during this item.

FC3. PROVOST'S REMARKS

The Provost stated that the meeting was being recorded. This was in accordance with Council's decision of 11 December 2013 (item FC67) to consider options for the audio recording of its meetings and the subsequent decision of Group Leaders to engage an external provider to make a recording for evaluation purposes.

Provost Reid commented on the recent launch of the Kelpies and thanked the officers, partners, communities and elected members who had contributed to the project from inception to final launch. He said that the Kelpies were a globally recognised landmark and were an achievement of which the area should be proud.

FC4. MINUTES AND INFORMATION BULLETIN

(a) Meeting of Falkirk Council held on 12 March 2014.

Decision

The minute of the meeting held on 12 March 2014 was agreed as a correct record.

(b) Volume of Minutes – Volume 5 2013/2014.

Decision

The Volume of Minutes – Volume 5 2013/14 was noted.

(c) Information Bulletin – Volume 5 2013/2014.

Decision

The Information Bulletin – Volume 5 2013/2014 was noted.

FC5. QUESTIONS

In terms of Standing Order 32.1, written questions may be submitted to the Leader of the Council and/or the portfolio holders on any matters relating to business transacted at any meeting of the Executive or Education Executive since the last volume of minutes was published.

No questions had been submitted.

FC6. TREASURY MANAGEMENT STRATEGY 2014/15

Council considered a report by the Chief Finance Officer presenting, as part of the Treasury Management Code of Practice requirements, an annual report on the Treasury Management function of the Council. The report had been previously considered by the Executive on 18 March 2014 (ref EX139) and had been referred to Council for consideration.

Decision

Council agreed:-

- (1) the Borrowing Strategy for 2014/15 as set out in section 5 of the report;**
- (2) the Investment Strategy for 2014/15 and the list of “Permitted Investments” as set out in section 6 of the report; and**
- (3) the Treasury Indicators as set out in section 7 of the report.**

FC7. HEALTH AND SOCIAL CARE INTEGRATION

Council considered a report by the Chief Executive on the integration of health and social care services recommending that the Executive adopt a Body Corporate governance model for the integrated service.

The Public Bodies (Joint Working) (Scotland) Act 2014 came into effect on 1 April 2014. The Act set out a requirement for Local Authorities and Health Boards to establish local partnerships to deliver local outcomes more effectively. The Act removed Community Health Partnerships from statute and set out the basis to create an integration authority for each Council area which will be the joint and equal responsibility of Health Boards and Local Authorities.

Four key principles underpin the reform:-

- To allow nationally agreed outcomes to apply across adult health and social care provision;
- Health Boards and local authorities will be jointly and equally accountable for the delivery of those outcomes;
- Integrated resources (budgets and employees) will apply across the spectrum of adult health and social care provision; and
- To encourage strong clinical and professional leadership, and the engagement of the third and independent sectors, in the commissioning of adult health and social care services.

The report summarised the key drivers for reform, and the work undertaken to prepare for the transition to an integrated delivery model. Guidance from the Scottish Government set out the two integration models available:-

- Lead Agency: either the Health Board or the Local Authority takes full strategic and operational accountability for all functions within the scope of integration; or
- Body Corporate: delegation by Health Board or Local Authority of all functions within the scope of integration, to a new entity governed by a Joint Board accountable for overseeing the provision of functions.

The report provided an appraisal of both options and recommended the Body Corporate model for the Falkirk Council area. NHS Forth Valley had recently indicated a preference, in principle, for this delivery model.

The integration process and timetable leading to full integration by 1 April 2015 were set out. The governance would be undertaken by an Integration Joint Board which would appoint a Chief Officer and, potentially, a Senior Finance Officer.

In this model, staff and services will not necessarily transfer to the body, but would be accountable to, and be managed by, the Body Corporate. The Scottish Government had allocated funding to each Health Board to support the transition. The funding available to the Falkirk Council area was estimated to be £170,000, and was yet to be allocated. It was proposed that, in anticipation of the funding being allocated, a project manager is appointed to support the transition.

The integration of health and social care services will impact not only on the delivery of adult health and social care services, but on the Council as a whole, in particular the remaining social work services and the role of the Chief Social Work Officer.

Councillor Gow, seconded by Councillor Murray, moved that Council agrees:-

- (1) to note the provisions and requirements of the Public Bodies (Joint Working) (Scotland) Bill;
- (2) that any model and partnership arrangements requires to be based on the Falkirk Council area;
- (3) to note the scope of services to be included in the integrated arrangements;
- (4) in principle that Officers work with the Health Board to develop a Scheme of Integration based on the Body Corporate model;
- (5) to note the work plan, timescales and work streams which will require to be established and the proposals for the transitional integration funding and oversight of the transition;
- (6) that posts required to take forward integration are filled as a matter of urgency;
- (7) to note the need to develop a Strategic Delivery Plan and engagement arrangements;

- (8) that a draft Scheme of Integration is presented to Council for approval in October 2014, and
- (9) that a report on the impact of these changes on the remaining Council services is presented in early course.

Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion with the following in substitution for paragraphs (5) and (6):-

- (i) in principle that officers work with the Health Board to develop a Scheme of Integration based on the Body Corporate model and provide a progress report to elected members at every full Council;
- (ii) that officers carry out the necessary work to establish a shadow Integration Board as a matter of urgency in order that membership can be appointed at the June meeting of full Council at the latest and a draft work plan prepared for the Board;
- (iii) that a letter of apology along with a request for an urgent meeting to be sent to the Minister in order to discuss Falkirk Transition Plan and the funding; and
- (iv) to note the work plan timescales and work streams which will require to be established and the proposals for the transitional integrated funding which will be further clarified to members following the outcome of discussions with the Minister. Oversight of the transition will be passed to the Shadow Board once it has been constituted.

Council then adjourned at 11.00 am to allow officers to investigate a statement, made by Councillor Meiklejohn in moving her amendment, that the Minister for Public Health, Michael Matheson MSP, had advised that no bid had been received from the Council.

Council reconvened at 11.55 am with all members present as per the sederunt, with the exception of Councillor McCabe, who had earlier left the meeting, and Councillor Chalmers who joined the meeting at a later point in the debate.

The Director of Social Work Services advised that she had received an assurance from a senior civil servant at the Scottish Government that the Falkirk partnership bid had been received and that funding would be allocated to it.

Councillor Meiklejohn, with the consent of the Provost, and Councillor Jackson, as her seconder, adjusted the terms of her amendment by deleting paragraph (iii).

In terms of Standing Order 22.4(i), a vote was taken by roll call, there being 30 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 (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McNally, Meiklejohn, Oliver, Ritchie and Turner.

Decision

Council agreed the motion.

FC8. REGULATION OF DISPLAY OF MATERIAL IN RELATION TO SCOTLAND'S REFERENDUM 2014

Council considered a report by the Director of Development Services advising that the current guidelines in relation to the display of election posters and other election material on Council property do not make specific reference to referenda, and requesting that Council adopt a position in regard to the display of referenda material on its property.

Decision

Council agreed:-

- (1) that materials associated with the referendum on Scottish Independence, and for future referenda, are to be treated in the same way as election material; and**
- (2) to instruct officers to revise the guidelines accordingly.**

Councillor Alexander declared a non-financial interest in item FC9 as the Fire Brigades Union had contributed to his election fund in 2008 and 2012, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

FC9. SCOTTISH FIRE AND RESCUE SERVICE LOCAL PLAN 2014-2017

Council considered a report by the Chief Executive presenting the draft Local Fire and Rescue Plan for the Falkirk Council area for 2014-2017 for approval.

The Police and Fire Reform (Scotland) Act 2012 requires that the Scottish Fire and Rescue Service prepares, for approval, a Local Fire and Rescue Plan for each Local Authority area.

The plan sets out the national framework within which local plans sit, together with the key objectives for the Falkirk Council area. Details were given of the consultation exercise which informed the development of the draft plan together with an evaluation of the responses.

Decision

Council agreed:-

- (1) to note the feedback on key issues outlined at appendix 2 of the report, following the consultation exercise on the draft plan; and**

- (2) the Local Fire and Rescue Plan for the Falkirk Council area, as set out in appendix 1 of the report.

FC10. ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

Council considered a report by the Chief Governance Officer presenting the Standards Commission's findings following a hearing to consider a complaint against Councillor Spears.

Council was required, in terms of Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, to consider the findings of the Standards Commission following a hearing. The Act requires that findings are considered within 3 months of receipt.

In recognition of Councillor Spears' absence from the meeting, Councillor C Martin, seconded by Councillor D Goldie, moved that Council:-

- (1) continues consideration of the findings to another meeting, to allow Councillor Spears to be present, for the following reasons:-
 - (i) in the interest of natural justice;
 - (ii) to permit Councillor Spears to answer any questions from members; and
 - (iii) to provide an opportunity for Councillor Spears to give a response to the chamber; and
- (2) that an extension be sought from the Standards Commission to the requirement to consider the findings within 3 months of receipt, which failing a special meeting is called.

Decision

Council agreed the motion.

FC11. APPOINTMENT TO COMMITTEE

Council considered a report by the Chief Governance Officer advising that Councillor Black had resigned from the Audit Committee and inviting Council to appoint a successor.

Decision

Council appointed Councillor Murray to the Audit Committee.

FC12. EXECUTION OF DEEDS

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

Decision

Council noted the report.

FC13. MOTIONS

(a) Denny Eastern Access Road (DEAR) INF14

(b) Audit Scotland

(c) Employee Conditions

With no proposers for motions (a) – (c) as set out on the agenda, they were in terms of Standing Order 29.9, considered as dropped.

(d) Community Charter

Notice of the following motion had been intimated by Councillor Carleschi:-

“Council commends the Community Charter drawn up by local residents to establish the Cultural Heritage of Larbert, Stenhousemuir and Torwood and to declare their rights and responsibilities for its improvement and protection.

Council acknowledges this Charter is the first of its kind in the UK and offers a great opportunity for our citizens to shape the community in which they live. The aims of the charter clearly reflect the key themes of the Council’s corporate plan.

16 out of 32 Falkirk Councillors have already signed the Charter representing the majority of the political groups on the Council. As signatories to the Community Charter, those councillors support its broad aims, most particularly, the right of local communities to express their views on matters affecting their environment.

All councillors recognise that we will need to take decisions on individual planning applications. All councillors are aware that each application needs to be judged on its own merits and determined in accordance with planning legislation. No councillor need consider themselves bound by any statement in the Charter which may suggest otherwise and, in particular, by the positions expressed in the Charter on coal bed methane extraction or the precautionary principle.

Council therefore agrees to endorse the community charter.”

With the consent of the Provost, Councillor Carleschi, seconded by Councillor Bird, moved the terms of the motion with paragraphs (1), (4) and (5) substituted with the following:-

Paragraph (1);

“Council notes the Community Charter drawn up by local residents to establish the Cultural Heritage of Larbert, Stenhousemuir and Torwood and to declare their rights and responsibilities for its improvement and protection.”

Paragraph (4);

“All Councillors recognise that we will need to take decisions on individual planning applications and other regulatory matters. All councillors are aware that each application needs to be judged on its own merits and determined in accordance with planning or the relevant legislation. No councillor need consider themselves bound by any statement in the Charter which may suggest otherwise and, in particular, by the positions expressed in the Charter on coal bed methane extraction or the precautionary principle.”

Paragraph (5);

“Council congratulates the local community for their work in producing the Charter, endorses the principle that communities should have the right to express their view on matters which affect their environment and invites the remaining members of the Council to sign the Charter.”

Council then adjourned at 3.45 pm to allow members of the Administration to consider the terms of the adjusted motion and reconvened at 3.55 pm with members present as per the sederunt, with the exception of Councillor McCabe, who had earlier left the meeting.

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

“Council notes the Community Charter drawn up by local residents to establish the cultural heritage of the Larbert, Stenhousemuir and Torwood area and to declare their rights and responsibilities for its improvement and protection.

Council acknowledges the importance of communities taking an interest and involvement in their environment and recognises the benefits that active citizenship brings.

Council is aware that individual members have signed up to the Community Charter and expects that, in doing so, they will have reflected on how that may impact on their particular decision making roles as councillors, having regard to the Code of Conduct, particularly when dealing with planning or other regulatory matters.

While acknowledging the entitlement of individual councillors to be advocates for and within their communities, Council recognises the statutory role it holds as a planning and regulatory authority and the requirement to perform that role in accordance with law and properly adopted policy. The motion acknowledges that some statements in the charter may impact on that role. As this could impact on the integrity of the decision making process or the involvement of individual members in it, Council agrees:-

- (1) that it would not be appropriate to invite or encourage members to sign the Charter, and
- (2) that the continued involvement of communities in development of the Council's formal planning policy is valued and should be encouraged."

In terms of Standing Order 22.4(i), a vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McNally, Meiklejohn, Oliver, Ritchie 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 amendment.

(e) Provision of 3G Pitches

Notice of the following motion had been intimated by Councillor McNally:

"It has been noted that there has been an allocation contained within Falkirk Council's budget for the provision of a 3G pitch since 2007. This has been carried forward year on year as the project has not been progressed. The project was initially to be taken forward by Falkirk Council Leisure and Community Services. This was prior to the creation of Falkirk Community Trust to which the responsibility then passed to, for development and delivery.

Council notes that to date there has been very little progress made on this project and no timetable for delivery has been brought forward. This is despite assurances from the Chief Executive that an update report would be forthcoming either towards the end of 2013 or to a meeting of full Council early in 2014.

Council therefore acknowledges that as a result of this significantly protracted process there are communities who have been disadvantaged and now instructs officers to bring forward a detailed report to the June 2014 meeting of full Council which demonstrates a method of progressing the project with a timeline for delivery."

The Provost stated that the motion referred to matters within the remit of the Executive and, having consulted with the Leader of the Council and the Leader of the Opposition in accordance with Standing Order 31.1, he was not of the opinion that special circumstances existed requiring an exception to be made to that general rule. Consequently the motion would stand referred to the Executive.

Councillor C Martin gave an assurance that he would endeavour to ensure that a report on the provision of 3G pitches was submitted to a special meeting of the Executive, to be held before the recess.

Decision

The motion was referred to the Executive.