

(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.