

**FALKIRK COUNCIL**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 JUNE 2014 at 9.30 AM.**

<b><u>COUNCILLORS:</u></b>	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
	Gerry Goldie	Cecil Meiklejohn	Sandy Turner

**OFFICERS:**

Margaret Anderson, Director of Social Work Services  
John Angell, Head of Planning and Transportation  
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** Jim Cattnach, Divisional Business Assurance Officer Police Scotland  
**ATTENDING:** Superintendent Kevin Mcleod, Police Scotland  
Chief Inspector Mandy Patterson, Police Scotland

**FC14. PROVOST'S REMARKS**

Provost Reid expressed his thanks to those staff of Falkirk Council and Falkirk Community Trust who had organised the Falkirk leg of the Queen's Baton relay.

**FC15. SEDERUNT**

The sederunt was taken by way of a roll call.

**FC16. DECLARATIONS OF INTEREST**

No declarations were made.

## **FC17. MINUTES AND INFORMATION BULLETIN**

### **(a) Meeting of Falkirk Council held on 14 May 2014.**

#### **Decision**

The minute of the meeting held on 14 May 2014 was agreed as a correct record.

### **(b) Volume of Minutes – Volume 1 2014/2015.**

#### **Decision**

The Volume of Minutes – Volume 1 2014/15 was noted.

### **(c) Information Bulletin – Volume 1 2014/2015.**

#### **Decision**

The Information Bulletin – Volume 1 2014/2015 was noted.

## **FC18. 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.

## **FC19. POLICE SCOTLAND LOCAL PLAN 2014-2017**

Council considered a report by the Chief Executive presenting the draft Falkirk Local Policing Plan for 2014-2017. The Police and Fire Reform (Scotland) Act 2012 requires that Police Scotland prepares for approval, a local policing plan for each local authority area.

The plan set out the local policing priorities and objectives for Falkirk for the period 2014-2017. Details were given of the consultation exercises which informed the development of the plan including feedback from elected members on an earlier draft of the plan.

## **Decision**

### **Council agreed:-**

- (1) to note the feedback on key issues arising from the recent briefing for elected members, set out in paragraph 2.3 of the report; and**
- (2) the draft Falkirk Local Policing Plan for 2014-2017.**

## **FC20. TREASURY MANAGEMENT ANNUAL REVIEW 2013/14**

As required by regulations issued under the Local Government (Scotland) Act 2003, Council considered a report by the Chief Finance Officer presenting an annual review of treasury management activities together with prudential and treasury indicators for the period 2013/2014.

The report set out the outturn position of Council's borrowing and investment strategies together with the strategic aims for 2013-2014 and detailed the Council's actual exposure against the treasury management prudential indicators at 31 March 2014.

## **Decision**

**Council noted the content of the Annual Review 2013/14.**

Baillie Paterson and Councillor Blackwood left the meeting following the previous item.

## **FC21. ANNUAL ACCOUNTS 2013/14**

Council considered a report by the Chief Finance Officer advising that, in accordance with the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, Council is required to submit its unaudited annual accounts for the financial year to 31 March 2014 to the Controller of Audit by 30 June 2014.

## **Decision**

**Council approved the submission of the unaudited Annual Accounts to the Controller of Audit by the statutory deadline of 30 June 2014.**

Councillor Blackwood rejoined the meeting during consideration of the previous item.

## **FC22. FALKIRK COMMUNITY TRUST – DIRECTOR APPOINTMENTS**

Council considered a report by the Chief Executive requesting that Council appoints two elected members to the Board of Falkirk Community Trust to replace Baillie Paterson and Councillor D Goldie, whose two year appointments were due to end.

In terms of the Trust's Articles of Association, Council had the right to appoint five directors to its Board. Each appointment is for a two year period. Directors may be reappointed for two further two year periods.

Baillie Paterson and Councillor D Goldie were appointed to the Board in June 2012.

Councillor C Martin advised that the two vacant positions were available to the opposition but, if the offer wasn't accepted, Councillor D Goldie and Mahoney were nominated. Councillor Meiklejohn responded that the opposition's position had not changed.

### **Decision**

**Council agreed to reappoint Councillor D Goldie and to appoint Councillor Mahoney to the Board of Falkirk Community Trust and to authorise the Chief Executive to provide written notice to the Trust of the Council's decision.**

Baillie Paterson rejoined the meeting following the previous item.

## **FC23. 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.

The Provost invited Councillor Spears to address the chamber. Councillor Spears then made an unreserved apology to the Provost, all elected members and officers.

Councillor D Goldie, seconded by Baillie Paterson, moved that "for the duration of this Council, Councillor Spears be not invited to any civic event."

As an amendment, Councillor Coleman, seconded by Councillor Alexander, moved that, in addition "the same sanction be applied to other members similarly sanctioned in the past by the Standards Commission."

In terms of Standing Order 20.10, Provost Reid ruled that the amendment was not competent because it introduced new subject matter into the motion.

Councillor Alexander, seconded by Councillor Coleman, then moved an amendment that "Council applies the same sanction to Councillor Spears as was applied to Baillie Buchanan, i.e. that he is made a Baillie."

In terms of Standing Order 20.10, Provost Reid ruled that the amendment was not competent because it was not relevant to the motion.

Councillor Chalmers, seconded by Councillor Carleschi, then moved an amendment that “Council notes the report and takes no further action.”

In terms of Standing Order 22.4(i), 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**

**Council agreed the motion.**

### **FC24. 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.**

### **FC25. 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.

#### **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 2014 to 19 August 2014) and to report the decisions thereon to the Executive on 19 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 out with 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.

## **FC26. MOTIONS**

### **(a) Members Attendance at Conferences**

Councillor Alexander moved that:-

“Council notes that in order to attend a conference an elected member must receive the authority of the Executive through a report to that body.

However, no such requirement is necessary for a member to travel abroad on behalf of or as part of a delegation.

Council views this as an unnecessary inconsistency and agrees that in order to ensure maximum openness and transparency that Standing Orders be amended to replicate the requirements in place for attendance at conferences with trips abroad”.

#### **Decision**

**The motion was agreed.**

### **(b) Audit Scotland**

The motion was withdrawn by Councillor Spears. With no movers or seconders the motion was, in terms of Standing Order 29.9, considered as dropped.

#### **Decision**

**The motion was dropped.**

With regard to the remaining motions on the agenda, the Provost stated that they related to matters within the remit of the Executive and, having consulted with the Council Leader 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 following motions stood referred to the Executive:-

- (i) Bonnybridge Muga Park
- (ii) Denny Eastern Access Road

- (iii) Spend to Save at the New Carriden Cemetery
- (iv) Zero Hours Contracts

#### Bonnybridge Muga Park

Councillor Coleman, seconded by Councillor Alexander, moved the suspension of Standing Orders to allow Council to consider motion (i), by Baillie Buchanan, on Bonnybridge Muga Park.

The Provost advised that in terms of Standing Order 36.3, Council may suspend any Standing Orders (with the exception of Standing Orders 35 and 36) provided that:

- (i) either due notice has been given, or Council agrees that it is a case of urgency; and
- (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two thirds of the councillors present and voting at the meeting and an absolute majority of the whole Council.

In regard to Standing Order 36.3(i), due notice of the motion had not been given. The Provost therefore sought Council's view on whether the matter was urgent.

On a division, 15 members voted for the motion (that the matter is urgent) and 15 voted against, with 2 members abstaining from voting. There being an equality of votes the Provost exercised his casting vote for the motion.

Council then adjourned at 12 noon for a short recess and reconvened at 12.15 pm with all members present as per the sederunt.

The motion to suspend Standing Orders was then put to the vote.

On a division 18 members voted for the motion and 13 voted against, with 1 member abstaining. In accordance with Standing Order 36.3 (2) referred to above the motion fell.

#### Zero Hours Contracts

Councillor Alexander withdrew motion (iv) Zero Hours Contracts. With no movers or seconders, the motion was in terms of Standing Order 29.9, considered as dropped.

The Provost then gave notice of a potential urgent item of business and adjourned the meeting at 12.45p.m. to allow members to discuss matters relating to the potential item.

At 3.30pm with no further business coming forward the meeting was deemed to be closed.