

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 DECEMBER 2014 at 10.00 A.M.

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
Dennis Goldie	Dr Craig R Martin	Robert Spears
Gerry Goldie	Cecil Meiklejohn	Sandy Turner
Linda Gow	Rosie Murray	

OFFICERS:

Karen Algie, Head of Human Resources and Customer First
Margaret Anderson, Director of Social Work Services
John Angell, Head of Planning and Transportation
Fiona Campbell, Head of Policy, Technology and Improvement
Elaine Costello, Integration Support Manager
Rose Mary Glackin, Chief Governance Officer
Gary Greenhorn, Joint Acting Director of Education Services
Colin Moodie, Depute Chief Governance Officer
Anne Pearson, Joint Acting Director of Education Services
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Bryan Smail, Chief Finance Officer

ALSO

ATTENDING: Roseann Davidson, convener, Audit Committee

FC52. PROVOST'S REMARKS

Provost Reid, on behalf of the Council, expressed his condolences to Councillor Meiklejohn on the passing of her husband, Jamie. Councillor Meiklejohn thanked members and officers for their support.

FC53. SEDERUNT

An apology was intimated on behalf of Councillor Coleman.

FC54. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

FC55. MINUTES AND INFORMATION BULLETIN

(a) Meeting of Falkirk Council held on 8 October 2014.

Decision

The minute of the meeting held on 8 October 2014 was agreed as a correct record.

(b) Special Meeting of Falkirk Council held on 12 November 2014.

Decision

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

(c) Volume of Minutes – Volume 3 2014/2015.

Decision

The Volume of Minutes – Volume 3 2014/15 was noted.

(d) Information Bulletin – Volume 3 2014/2015.

Decision

The Information Bulletin – Volume 3 2014/2015 was noted.

FC56. QUESTIONS

In terms of Standing Order 32.1, written questions may be submitted to the Leader of the Council and/or 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.

FC57. AUDIT COMMITTEE ANNUAL REPORT 2013/14

Council considered a report by the Chief Governance Officer presenting the annual report by the convener of the Audit Committee.

In terms of the Scheme of Delegation, the convener of the Audit Committee is required each year to present a report to Council on the work of the committee. The convener's report, for 2013/14, was approved by the committee on 22 September 2014 (ref AC25) and was before Council for consideration.

The convener of the Audit Committee, Roseann Davidson, provided an overview of her report.

Decision

Council noted the report by the convener of the Audit Committee on the work of the committee during 2013/14.

FC58. EXECUTIVE RECOMMENDATIONS: APPOINTMENT OF ELECTED MEMBERS TO OUTSIDE ORGANISATIONS - SCRUTINY PANEL REVIEW

Council considered a report by the Chief Governance Officer presenting the recommendations of the Executive in regard to a scrutiny panel review.

The Executive, on 2 December 2014 (ref EX83), considered the recommendations of the Scrutiny Committee in regard to the appointment of elected members to outside organisations. In agreeing the recommendations, the Executive also agreed to recommend to Council that there should be reporting back to Council on those organisations to which Council appoints representatives and that this should be done by the inclusion of each organisation's minutes in the Volume of Minutes issued as part of the papers for scheduled meetings of Council.

The report set out the recommendations before Council and invited Council to consider whether they would apply to current appointments.

Councillor C Martin, seconded by Councillor Nimmo, moved that:-

- (1) Council thanks the scrutiny panel for its work;
- (2) the following principles be adopted by Council in regard to the appointment of elected members to outside organisations (excluding those statutory and significant bodies set out in paragraph 2.1 of the report) -
 - (i) where there is strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;
 - (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and
 - (iii) where the organisation does not operate at a strategic level and is not funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.

- (3) when appointments are made, training should be available – by the organisation and/or Council to ensure that the elected members are fully able to undertake the role of Council representative.
- (4) reporting back to Council should take place and should be done through the inclusion of outside organisations' minutes in the Volume of Minutes;
- (5) Council agrees the panel's recommendations in respect of each of the current appointments, as set out in appendix 5 of the report to the Executive; and
- (6) officers work with the individual organisations to determine when it is appropriate to implement these changes.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion, with part (4) substituted with the following:-

- (4) Council recognises that those appointed to outside bodies by virtue of their elected member status have a responsibility to keep Council advised of their involvement and therefore agrees that, in order that those members are able to be held to account, they will provide an annual report which will be published along with attendance record within the information bulletin.

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

Decision

Council agreed the motion.

FC59. TREASURY MANAGEMENT INTERIM REVIEW 2014 - 15

Council considered a report by the Chief Finance Officer presenting, as part of the Treasury Management Code of Practice requirements, a mid year review of the Treasury Management function of the Council.

The report was previously considered by the Executive on 2 December 2014 (ref EX90) and referred to Council for consideration.

Councillor C Martin, seconded by Councillor Nicol, moved the recommendations as set out in the report.

As an amendment, Councillor Oliver, seconded by Councillor McNally, moved that:-

Council states that the capital budget currently has a significant under spend of c.£12m in its long term borrowing requirements. Council also notes that they have been in an under borrowed position with regards to its borrowing strategy for a considerable time.

As interest rates are presently at a historical all time low, Council instructs officers to come back with a report with a view to funding the much needed Denny Eastern Access Road (DEAR) which will bring significant investment to the west of the Council area.

After a discussion, Council adjourned at 11.45 a.m. for 10 minutes to allow members of the Opposition to discuss information which had been raised during the debate and reconvened at 11.55 a.m. with all members present as per the sederunt.

Councillor Oliver then, with the consent of the Provost, and Councillor McNally, as his seconder, adjusted the terms of his amendment, to include the following:-

The report to include costs, risks and timescales and that it is prepared after the adoption of the Local Plan and to include any options from officers.

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

Decision

Council noted the progress of the Treasury Management Strategy for 2014/15.

FC60. PENSION FUND – GOVERNANCE ARRANGEMENTS

Council considered a report by the Chief Finance Officer presenting the recommendations of the Pensions Committee in regard to the pension fund governance arrangements.

The Pensions Committee and Pensions Panel considered, on 11 December 2014 (Ref PE35), proposals to restructure the pension fund governance arrangements in light of current reform of pensions and, in particular, as a consequence of the Public Service Pensions Act 2013.

The report set out the committee's recommendations.

Decision

Council agreed that:-

- (1) the Pensions Panel be discontinued from 1 April 2015;**
- (2) the Pensions Committee should continue to operate as at present (i.e. with 6 elected members from Falkirk Council and 3 co-opted members representing employer, trade unions and pensioners;**
- (3) in the event that the legislation remains as presently drafted, there should be a Pensions Board of 8 members consisting of 4 employer and 4 trade union representatives or, in the event that the legislation permits non trade union member representation, there should be a Pensions**

Board of 10 members with 5 employer representatives, 4 trade union representatives and 1 non trade union member representative; and

- (4) the allocation of Board seats to employers and trade unions should be as set out in appendix 2 to the report.**

FC61. APPOINTMENTS – COSLA and SEStran

Council considered a report by the Chief Governance Officer requesting that it considers appointing members to a Convention of Scottish Local Authorities (COSLA) sub group and to the South East Scotland Transport Partnership (SEStran) board.

COSLA Community Justice sub group

The COSLA Community Well Being Executive Group established in 2014, a sub group to act as a sounding board in regard to the redesign of the community justice system. Each local authority was invited to nominate a representative to the group. Councillor Blackwood, as the relevant portfolio holder, had attended the first meeting of the sub group on 15 December 2014, pending a formal decision by Council.

Councillor C Martin, seconded by Councillor D Goldie, nominated Councillor Blackwood.

Councillor Meiklejohn, seconded by Councillor Jackson, nominated Councillor Alexander.

On a division, 17 members voted for Councillor Blackwood and 14 voted for Councillor Alexander.

Decision

Council appointed Councillor Blackwood to the COSLA Criminal Justice sub group.

SEStran

SEStran covers 8 Local Authority areas, including the Falkirk Council area. Its main task is to produce a regional transport strategy for South East Scotland. The Council has two places on the partnership board and may also nominate two substitute members.

Following the resignations, in 2013, of Councillor D Goldie (as a substantive member) and Baillie Buchanan (as a substitute member), both vacancies have remained unfilled, pending the outcome of scrutiny panel review of appointments of members to outside organisations. With the panel's recommendations considered earlier in the meeting, Council was now invited to appoint to the two vacant positions.

Decision

Council appointed Councillor Bird to the SEStran partnership board and Provost Reid as a substitute to the board.

FC62. 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.

FC63. MOTIONS

The Provost stated that the 3 motions before Council relate to matters within the remit of the Executive but, having consulted with the Council Leader and the Leader of the Opposition, in accordance with Standing Order 31.1, he was of the opinion that special circumstances exist requiring an exception to that general rule and consequently they were dealt with at this meeting.

(i) Disabled Parking

Councillor Turner, seconded by Depute Provost Patrick, moved that:-

We as a nation have recently marked the outbreak of the First World War, which became known also as The War to end all Wars.

We hold services and lay wreaths in commemoration of those who made the ultimate sacrifice and it is right that we do this, however, we cannot, indeed must not forget those who return, often bearing the scars, both mental and physical. We owe a moral duty to our Armed Forces veterans who have been disabled as a result of their service.

In recognition of which, this Council waives from this date, the £20 charge which would otherwise be incurred by a bonafide military veteran, based on the current criteria, i.e. in receipt of a compensation award under the Armed Forces Compensation Scheme (AFCS), or in receipt of War Pensioners Mobility Supplement, when applying for a disabled persons parking permit (Blue Badge Scheme).

Decision

Council agreed the motion.

(ii) Financial Transaction Tax

Councillor C Martin, seconded by Councillor Murray, moved that:-

Council notes as a result of government's cuts programme since 2010 and the impact of those cuts upon ordinary people that an alternative is required on the driven attack on public services – namely the introduction of a levy of a Financial Transaction Tax (FTT) on speculative activities - otherwise known as the Robin Hood Tax.

Falkirk Council therefore calls upon government(s) to enact the FTT and use the revenues from this measure to reverse the ongoing cuts in revenue grants to our Council.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved the following in substitution for the motion:-

Council notes that the taxation policies of both Labour and their Conservative allies encourage aggressive tax avoidance by big business and the super-rich making the UK the 4th most unequal society in the developed world.

Council believes that the full range of financial powers over taxation and welfare promised within “the Vow” be honoured and so agrees to write to Chancellor George Osborne asking him to enact and devolve the FTT, thus enabling the Scottish Parliament to collect the revenue and distribute it to local government where it can be used to the greatest benefit to those who are most disadvantaged.

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 (15) – Provost Reid; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray and Nimmo.

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

Abstained (2) – Depute Provost Patrick and Councillor Nicol.

Decision

Council agreed the motion.

(iii) Provision of Defibrillators

Councillor Alexander declared a non financial interest in this item as a non executive director of the Scottish Ambulance Service 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.

Councillor Alexander, seconded by Councillor D Goldie, moved that:-

Quick and ready access to defibrillators has been proven to save lives. Falkirk Council therefore supports the partnership between the Scottish Government, British Heart Foundation and The Scottish Ambulance Service to seek new opportunities to not only extend the number of Defibrillators available in public places but also to map the locations of existing and new equipment and promote that knowledge.

Council therefore agrees to bring forward a report on how Falkirk Council can participate in this campaign with specific requests on how we can:-

- identify high risk buildings and places;
- increase the number of pieces of equipment; and
- assist with the mapping process.

Decision

Council agreed the motion.