

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 OCTOBER 2015 at 9.30 A.M.

COUNCILLORS:

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

OFFICERS:

Karen Algie, Head of HR & Business Transformation
Deirdrie Cilliers, Head of Social Work Adult Services
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Kathy McCarroll, Head of Social Work
Colin Moodie, Depute Chief Governance Officer
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer

FC41. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), the Provost varied the order of business from that detailed on the agenda for the meeting.. The following items are recorded in the order in which they were taken at the meeting.

FC42. SEDERUNT

The sederunt was taken by way of a roll call. No apologies were intimated.

FC43. DECLARATIONS OF INTEREST

Councillor Alexander declared a non-financial interest in item FC55 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.

FC44. MINUTES AND INFORMATION BULLETIN

- (a) Meeting of Falkirk Council held on 24 June 2015.**

Decision

The minute of the meeting held on 24 June 2015 was agreed as a correct record.

Councillors Gow and Hughes joined the meeting at this point.

- (b) Special Meeting of Falkirk Council held on 24 August 2015.**

Decision

The minute of the Special Meeting held on 24 August 2015 was agreed as a correct record.

- (c) Special Meeting of Falkirk Council held on 18 September 2015.**

Decision

The minute of the Special Meeting held on 18 September 2015 was agreed as a correct record.

- (d) Volume of Minutes – Volume 2 2015/2016.**

Decision

The Volume of Minutes – Volume 2 2015/2016 was noted.

- (e) Information Bulletin – Volume 2 2015/2016.**

Decision

The Information Bulletin – Volume 2 2015/2016 was noted.

FC45. QUESTIONS

In terms of Standing Order 32, 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 or to the Provost on civic and related matters.

No questions had been submitted.

FC46 LOCAL GOVERNMENT BY-ELECTION: WARD 3 – DENNY & BANKNOCK

Council considered a report by the Returning Officer advising of the outcome of the Ward 3 - Denny and Banknock by-election held on 13 August 2015.

The by-election had been held following the resignation of Councillor John McNally, who had been elected to parliament. Paul Garner, Scottish National Party, was elected to serve as local member for Ward 3 - Denny and Banknock.

Decision

Council noted the report.

FC47. REFERRAL FROM AUDIT COMMITTEE – ANNUAL ACCOUNTS 2014/15

Council considered a report by the Director of Corporate and Housing Services presenting the Audited Accounts for 2014/15.

The Unaudited Accounts for 2014/15 had been submitted to the Controller of Audit in June 2015 (ref FC29). The audited Annual Accounts for 2014/15, which were unqualified, had been approved by the Audit Committee on 21 September 2015 and referred to Council for consideration.

Decision

Council noted the Audited Annual Accounts for 2014/15.

FC48. FALKIRK COUNCIL BEST VALUE REPORT

Council considered a report by the Chief Executive setting out a proposed response to the Accounts Commission's findings in respect of the Best Value audit of Falkirk Council.

The Accounts Commission published its findings on 27 August 2015. Council was required to consider them within 3 months and to advise the Commission of its response.

Following a decision of Council on 18 September 2015 (ref FC40), the Provost, Leader of the Council and Leader of the Opposition met with officers to prepare a draft Improvement Plan in response to the issues raised in the audit report and the findings thereon. The plan was appended to the report for consideration.

Councillor C Martin, seconded by Baillie Paterson, moved that having considered the findings set out in the report by the Accounts Commission which was published on 27 August 2015, Council agrees:-

- (1) to note the recognition by the Commission that the Council provides generally good services;

- (2) to acknowledge the need to find savings of c. £46m over the next 3 years as set out in more detail in the report on the revenue fund framework which is also under consideration at this meeting;
- (3) to adopt the Improvement Plan, as appended to the report;
- (4) that the terms of reference for the Cross Party Budget Working Group will be determined by the Group at its first meeting, with the composition of the Group being as follows;
 - (i) Labour Group - 3 members
 - (ii) SNP Group - 3 members
 - (iii) Conservative Group - 1 member
 - (iv) Non-Aligned Independent Group - 1 member
 - (v) Independent - 1 member
- (5) to the Leaders of the Council and the Opposition providing political leadership on the Business Transformation Board;
- (6) that a report on progress with the actions set out in the Improvement Plan will be submitted to Council in March 2016; and
- (7) to note that the review of Standing Orders currently underway will be the subject of a report to Council in December 2015.

Council then adjourned at 10.00a.m to allow members of the Opposition to consider the terms of the motion and reconvened at 10.20a.m. with members present as per the sederunt.

Following discussion Councillor Martin, with the consent of the Provost and Baillie Paterson, as his seconder, amended clause (3) of his motion to read:-

- (3) to adopt the Improvement Plan, as appended to the report, and note that there will be further discussion among the Leader of the Council, the Leader of the Opposition and the Provost regarding its planned implementation.

At this stage, Council also noted that the word “could” where it appeared in the third last line of the paragraph 5.1 of the report should read “will”.

As an amendment, Councillor Spears, seconded by Councillor McCabe, moved the terms of the motion subject to the insertion of “ a representative of the Non- Aligned Independent Group between the words ‘Opposition’ and ‘and’ in clause (3).

On a division 30 members voted for the motion and 2 voted for the amendment, with voting as follows:-

For the motion (30):- Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Alexander, Balfour, Bird, Black, Blackwood, Carleschi, Chalmers, Coleman, Garner, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, McLuckie, Mahoney, Martin, C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Ritchie and Turner.

For the amendment (2):- Councillors McCabe and Spears.

Decision

Council agreed:-

- (1) to note the recognition by the Commission that the Council provides generally good services;**
- (2) to acknowledge the need to find savings of c. £46m over the next 3 years as set out in more detail in the report on the revenue fund framework which is also under consideration at this meeting;**
- (3) to adopt the Improvement Plan, as appended to the report, and note that there will be further discussion among the Leader of the Council, the Leader of the Opposition and the Provost regarding its planned implementation.**
- (4) that the terms of reference for the Cross Party Budget Working Group will be determined by the Group at its first meeting, with the composition of the Group being as follows;**
 - (i) Labour Group - 3 members**
 - (ii) SNP Group - 3 members**
 - (iii) Conservative Group - 1 member**
 - (iv) Non-Aligned Independent Group - 1 member**
 - (v) Independent - 1 member**
- (5) to the Leaders of the Council and the Opposition providing political leadership on the Business Transformation Board;**
- (6) that a report on progress with the actions set out in the Improvement Plan will be submitted to Council in March 2016; and**
- (7) to note that the review of Standing Orders currently underway will be the subject of a report to Council in December 2015.**

Councillor Oliver withdrew from the meeting following consideration of the previous item.

FC49. NEW ASN SECONDARY SCHOOL PROJECT

Council considered a report by the Director of Children's Services seeking approval to proceed to stage 2 for the delivery of a new purpose built ASN Secondary school to replace Carrongrange School.

The Education Executive agreed, on 16 December 2013 (ref EE29), that the new school would be built within the grounds of Moray Primary School, Grangemouth.

The 2015/18 Capital Programme provides £15.350m for the project, with £7.675m of the cost to be met from the Scottish Futures Trust as part of the Schools for the Future phase 3 programme. The stage 1 process for the design and site preliminary work has been carried out by Hubco. The stage 1 report which was appended set out:-

- a detailed pricing report;
- a technical design submission; and
- a programme for delivery

The stage 1 report identified revised project costing's of £17.568m. The increase was attributed to inflationary uplift to the project and a revised 'risk sum allowance'.

The maximum project cost to the Council, if approved, will be £8.784m (50% of the total cost) a potential increase of £1.109m to the budgeted provision.

Should Council approve the stage 1 report the project will proceed to stage 2 with financial close expected to be reached in February 2016 and construction commencing in March 2016. On approval payment for the stage 1 works (£78,501) will be made to Hubco.

Decision

Council agreed:-

- (1) to note the revised estimated costs and progress on design and planning for the new school;**
- (2) the Stage 1 Hubco report to enable the payment of Stage 1 costs of £78,501 and to allow the project to progress to Stage 2; and**
- (3) that officers submit a revised capital bid, as per the Stage 1 report, for consideration at the Council's February budget meeting of its 2016-2019 Capital Plan.**

FC50. GENERAL FUND REVENUE BUDGET FRAMEWORK 2016/17 & 2018/19

Council considered a report by the Chief Executive and Director of Corporate and Housing Services providing a background and context to the General Fund Revenue Budget for 2016/17 – 2018/19 together with proposed budget saving options for 2017/18.

Reduction of 0.9% in revenue support grant anticipated for 2016/17 and 2% in 2017/18. The Council's specific grant may not be known until January 2016, which is later than in previous years and may impact on the Council's budget setting date which is traditionally in mid February.

At 31 July 2015 net expenditure for 2015/16 was projected to be broadly in line with the approved budget, however within this there were significant overspends forecast in Social Work - Children's Services and Adult Services. A £2m contingency built into the budget to cover pressures in these services was proving insufficient.

The report set out Council's budget framework 2016/17 to 2017/18. A provisional budget for 2016/17 was set in February 2015 (ref FC69) and the findings agreed then were set out in an appendix to the report. The report also highlighted four savings areas where work is still required, these are:-

- replacement of teacher savings option - £1.7m
- workforce savings - £1.5m
- Service configuration/transformation - £2m
- agreed savings which have become problematic – not quantified

A budget gap of £15.2m is forecast for 2017/18 and the need to manage it effectively through early action was emphasised consequentially, authority was sought for officers to progress any necessary consultations and workstreams relating to the savings options identified by them.

The report set out proposals for engagement with stakeholders and for Equality and Poverty Impact Assessments with the outcomes fed into the budget process so that members are fully informed about the potential impact of any decision before final decisions are made in February 2016.

The report also highlighted the complex budget implications arising from the integration of adult health and social care in preparation for the new Integration Joint Board which will take responsibility for this area of work in April 2016.

The Best Value report, considered earlier in the meeting (item FC48), referred to a recommendation by the Accounts Commission that the Council should consider establishing a cross party budget working group. Council agreed on 18 September (ref FC40) to consider this and the agreed improvement plan sets out that such a group will be established.

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

- (1) to note the Revenue Budget Framework for 2016/17 – 2018/19, with the exception of SW7 relating to Torwoodhall which is removed from the list of options;
- (2) the replacement Children's Services savings set out at paragraph 5.2.5 of the report subject to the Council's EPIA process and any other necessary consultation, and
- (3) to note the progression of the Equality & Poverty Impact Assessments and approve the necessary consultations and workflows set out in the report to facilitate the preparation of a 2 year budget.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion with the following adjustments:-

The insertion of "subject to a report to the Budget Working Group" at the end of clause (1) and to amend clause (2) to read as follows:

- (2) to not agree the replacement Children's Services savings, as detailed at paragraph 5.2.5 of the report, at this stage pending further consideration by the Budget Working Group of the 2016/17 savings options.

On a division 18 members voted for the motion and 13 voted for the amendment with voting as follows:-

For the motion (18) – 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, Nimmo and Spears.

For the amendment (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, McCabe, Meiklejohn, Ritchie and Turner.

Decision

Council agreed the motion.

FC51. STANDING ORDERS

Council considered a report by the Director of Corporate and Housing Services presenting amendments to Standing Orders following the introduction of a revised Service structure.

Council agreed, on 24 June 2015 (ref FC26), revised Service and chief officer structures. A number of amendments were required to the Scheme of Delegation, Financial Regulations and Contract Standing orders as a consequence.

Decision

Council agreed the proposed changes to the Scheme of Delegation, Financial Regulations and Contract Standing Orders following the introduction of a new Service and Chief Officer structure in June 2015.

FC52. PROGRAMME OF MEETINGS 2016

Council considered a report by the Director of Corporate and Housing Services presenting a programme of meetings for 2016.

It had been the practice of Council, when agreeing its programme for the following year, to set the date of its budget setting meeting. However, it was understood that the Scottish Government would announce its budget settlement later than in previous years and, as a consequence, it was not possible to identify a date for the meeting at this stage. The date will be set by the Provost in accordance with Standing Orders.

The report summarised the key features of the draft programme highlighting variations from previous programmes.

Decision

Council agreed :-

- (1) the programme of meetings for 2016 as set out in the appendix to the report; and**
- (2) to note that special meetings of Council or its committees may be called as necessary.**

FC53. EXECUTION OF DEEDS

Council considered a report by the Director of Corporate and Housing Services detailing those deeds that had been signed and sealed on behalf of the Council since the last meeting.

Decision

Council agreed to note the signing and sealing of the deeds listed in the appendix to the report.

Council then adjourned for lunch at 1.10p.m and reconvened at 1.50p.m with members present as per the sedurent with the exception of Councillor Oliver.

FC54. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER

Council considered a report by the Head of Social Work presenting the 2014/15 annual report of the Chief Social Work Officer.

Council is required, in terms of the Social Work (Scotland) Act 1968, to appoint a Chief Social Work Officer (CSWO) who, among other things, is required to prepare an annual report on the statutory, governance and leadership functions of the role. The report for 2014/15 which was prepared by the CSWO for that period, Margaret Anderson, was presented as an appendix to the report and provided an overview of how the CSWO's statutory responsibilities had been fulfilled. It also referred to key challenges for the year ahead including the integration of adult health and social care services and the redesign of Community Justice.

Decision

Council agreed to:-

- (1) note the contents of the report, and**
- (2) acknowledge the commitment, skills and experience of staff in continuing to deliver high quality Social Work Services for the benefit of Falkirk citizens.**

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

FC55. PROVISION OF DEFIBRILLATORS IN THE FALKIRK COUNCIL AREA

Council considered a report by the Director of Corporate and Housing Services on the provision of defibrillators in the Falkirk Council area.

On 17 December 2014, Council requested (ref FC63), a report on the provision of defibrillators in the Falkirk Council area with a view to supporting the partnership work being undertaken among the British Heart Foundation, the Scottish Government and the Scottish Ambulance Service.

The report set out the current provision of defibrillators on Council and Falkirk Community Trust premises. Based on statistical information provided by the Scottish

Ambulance Service about the incidence of cardiac arrests and chest pain emergency calls received over the last 5 years across part of the Falkirk Council area, a further 14 premises had been identified as suitable locations for additional defibrillators it was nevertheless recognised that the data, which was collated by postcode, was still incomplete.

The resource and staff implications of extending the provision of defibrillators was set out. Should the Council purchase further equipment and work in partnership with the Scottish Ambulance Service, a memorandum of understanding would be entered into to agree standards of use and maintenance.

Councillor Blackwood, seconded by Councillor Alexander, moved that Council agrees to:-

- (1) note the contents of the report; and
- (2) ask officers to continue to work with the Scottish Ambulance Service to develop and sign the memorandum of understanding and, once agreed, arrange purchase and installation of suitable defibrillators as noted at section 4.4 of the report.

Following discussion, Councillor Blackwood, with the consent of the Provost and Councillor Alexander, as his seconder, agreed to adjust his motion to include:-

- (3) to request a report back to Council once further information is known on all postcodes covering the Council area, with recommendations on any further requirements for defibrillators.

Decision

Council agreed to:-

- (1) note the contents of the report;**
- (2) ask officers to continue to work with the Scottish Ambulance Service to develop and sign the memorandum of understanding and once agreed, arrange purchase and installation of suitable defibrillators as noted at section 4.4 of the report; and**
- (3) request a report once further information is known on all postcodes covering the Council area, with recommendations on any further requirements for defibrillators.**

FC56. AUDIO RECORDING OF COUNCIL MEETINGS

Council considered a report by the Director of Corporate and Housing Services requesting that the arrangements for audio recording Council meetings is formalised.

Council agreed, on 13 December 2013 (ref FC67), to the audio recording of its meetings. To date, 15 meetings have been recorded, each time by a local company, TapestryAV. It was now proposed that Council seek to formalise the arrangements for recording its meetings through 2016/17 (in order to accommodate plans for the new Council HQ) with any contracts being consistent with the requirements of Standing Orders.

Councillor C Martin, seconded by Councillor Meiklejohn, moved that Council agrees to:-

- (1) the audio recording of Council meetings for the period to 31 March 2017 in consequence of which the Director of Corporate and Housing Services will make the necessary arrangements consistent with the requirements of Contract Standing Orders; and
- (2) the posting of the audio recordings of the public parts of Council meetings on the Council's website.

As an amendment, Councillor McCabe moved that in addition, Council agrees to:-

- (3) consider the inclusion of audio/visual recording equipment in all Council chambers/committee rooms at the design stage of the new HQ.

Councillor Martin, with consent of the Provost, and Councillor Meiklejohn, as his seconder, agreed to adjust his motion to include the terms of the amendment.

Decision

Council agreed to:-

- (1) the audio recording of Council meetings for the period to 31 March 2017 in consequence of which the Director of Corporate and Housing Services will make the necessary arrangements consistent with the requirements of Contract Standing Orders;**
- (2) the posting of the audio recordings of the public parts of Council meetings on the Council's website; and**
- (3) consider the inclusion of audio/visual recording equipment in all Council chambers/committee rooms at the design stage of the new HQ.**

FC57. APPOINTMENTS TO COMMITTEES

Council considered a report by the Director of Corporate and Housing Services advising of vacancies on various committees and setting out a recommendation from the Scrutiny Committee in regard to mandatory training for members of the Executive and the Scrutiny and Audit Committees.

Council agreed on 24 June 2015 (ref FC 8) that vacancies on the Civic Licensing and Planning Committees and the Licensing Board, arising from the resignation of Councillor McNally, could be filled by agreement following Denny and Banknock by election.

Councillor Meiklejohn, having sought and obtained the necessary agreement, had nominated Councillor Garner to the vacant positions on the Civic Licensing and Planning Committees. Council was invited to confirm these appointments. No nominations had been made to the Licensing Board.

Additionally, Councillor Meiklejohn had intimated her resignation from the Planning and Joint Consultative Committees and Councillor Jackson had resigned from the Appeals Committee. Each of the vacancies fell to be filled by a member of the SNP

Group. There were also outstanding vacancies on the Licensing Board and Civic Licensing Committee that fell to the Labour Group.

The following nominations were made:-

Licensing Board	Councillor Meiklejohn
Licensing Board	Councillor Blackwood
Appeals Committee	Councillor Bird
Civic Licensing Committee	To be confirmed
Joint Consultative Committee	Councillor Garner
Planning Committee	Councillor Oliver

At its meeting on 29 September 2015, the Executive agreed a recommendation from the Scrutiny Committee that there should be mandatory training for all elected members on Treasury Management before they are eligible to serve on the Executive, Scrutiny or Audit Committees. For existing members, the training requirement would require to be completed it within the next 6 months. The recommendation was referred to Council because matters relating to appointments to committees are reserved.

Decision

Council agreed:-

- (1) to confirm the appointment of Councillor Garner to the Civic Licensing and Planning Committees;**
- (2) to appoint Councillors Blackwood and Meiklejohn to the Licensing Board; Councillor Bird to the Appeals Committee; Councillor Garner to the Joint Consultative Committee and Councillor Oliver to the Planning Committee; and**
- (3) that training on Treasury Management should be mandatory for all elected members before they are eligible to serve on the Executive, Scrutiny and Audit Committees with training for sitting members to be completed within the next six months.**

FC58. MOTION - COMMUNITY HALLS

In accordance with Standing Order 31.1, this motion stood referred to the Executive.

Decision

The motion was referred to the Executive.

FC59. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraphs 11&12 of Part 1 to Schedule 7A of the said Act.

FC60. MINUTE

The extract of the minute of the Special meeting held on 24 August 2015 was agreed.