

DRAFT**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 5 MARCH 2008 at 10.30 AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Nimmo, Oliver, Patrick, Spears and Thomson .

APOLOGY: Councillor Waddell

CONVENER: Provost Reid

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Commercial Services, of Development Services, of Education Services, of Finance Services and of Housing and Social Work Services; Acting Director of Law and Administration Services; Head of Educational Support and Democratic Services Manager (I Tough).

OPENING REMARKS

Prior to commencement of the formal business of the meeting, Councillor Gow made reference to the Early Day Motion submitted to the UK Parliament by Gordon Banks, MP for Ochil and South Perthshire calling for looped blind cords to be banned. Councillor Gow requested that all Members support the campaign and referred to the recent fatality in Menstrie, Clackmannanshire caused by a looped blind cord.

In response to a question from Councillor Alexander regarding recent press articles commenting on the Falkirk Council Licensing Board, Provost Reid **AGREED** that officers would provide information on this matter at an appropriate time during the meeting.

FC62. URGENT ITEM – REVIEW OF SERVICE AND COMMITTEE STRUCTURES WORKING GROUP

Provost Reid advised that, in terms of Standing Order 9.1, he had **AGREED** to accept an urgent item relating to the Membership of the Working Group established to review Service and Committee Structures having regard to the special circumstances, viz, the timescale for the Working Group to report back to Council. This item would be considered prior to the Notices of Motion.

FC63. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 5 December 2007;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 13 February 2008;

- (c) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2007/2008 ; and
- (d) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2007/2008.

FC64. QUESTIONS

Question 1 by Councillor D Alexander

Page 19 FC59b

Can the Leader of the Council advise Members what action she has taken to raise the issue of the Council's support for the installation of sprinklers at the new acute hospital in particular what action she has taken to raise this onto an agenda of a meeting of the NHS Forth Valley Board?

Response by Provost Reid

Standing Order 29.1 states:-

Any Councillor may put a question relevant to the business of the Council:-

- (i) to the Provost as to matters of fact relating to an Agenda item, or
- (ii) to the Director of Law and Administration as to a point of law or procedure,

This question does not relate to a matter of fact on this agenda that I am in a position to respond to. If information is sought from Councillor Gow, the questioner should contact her direct. The decision of Council on this matter was reported publicly and would have been noted by the NHS Board accordingly.

Question 2 by Councillor D Alexander

Page 30 FC63

As part of the budget considerations the Labour/Conservative coalition rejected the section of the SNP alternative budget that was cost neutral in terms of the extension of Residents Parking Permits into Council car parks at Meeks Road and Kemper Avenue.

As this has been accepted as cost neutral will the Convener of Environment and Heritage agree to look at this proposal as a policy initiative?

Response by Provost Reid

This will be considered along with other proposals as part of the overall car parking review following SESTRAN's report on decriminalisation.

Question 3 by Councillor Meiklejohn

Page 14 FC51

Can Members be informed of the duties undertaken by the Champion of Health, Safety & Care since his appointment three months ago?

Response by Provost Reid

Since being appointed Health, Safety and Care Champion, Councillor Nimmo has:-

- Attended awareness raising sessions on risk management, contingency planning, health and safety management and corporate homicide
- Attended the launch of the Council's Health, Safety and Care Strategy
- Held regular discussions on absence management and promoting health at work
- Held discussions on health, safety and care progress to date
- Held discussions on the outcomes of the Council's Employee Survey and how the issues arising from this are being taken forward

Question 4 by Councillor J McNally

Page 8 FC42a

A question was raised under the above item as to whether or not the letter to the Justice Secretary Kenny McAskill that had been the subject of a division within the Council had been sent. The answer to that question despite the urgency of the issue was that the letter had not been sent because the Convener was awaiting input from Central Scotland Police.

Can the Convener of Housing and Social Work outline in a written response which part of the letter to the justice secretary issued on 4 February, five months after the original committee meeting was the subject of that input from Central Scotland Police?

Response by Provost Reid

Yes and he will do this in a separate response to Councillor McNally out-with the meeting.

Question 5 by Councillor J McNally

Page 14 FC52

Can Members be advised if the letter to the Scottish Government referred to in this item has been issued as opposition Members have not been issued with a copy as agreed?

Response by Provost Reid

The decision of Council involved no timescale for issuing the letter. Clarification was required on the budget settlement for local authorities and the associated consideration of expenditure at a local level following determination of the Council's budget before the letter could be finalised. These points having now been clarified, a letter will be issued.

Question 6 by Councillor A MacDonald

Volume of Council and Committee Minutes – Volume 4 2007/08
EL65 – LOCAL IMPROVEMENT PRIORITIES 2008-11

Given that one of Education Services' Service Management priorities is the development of a Gaelic Strategy, can the Director advise the Council what progress has been made to date?

Response by Provost Reid

The council is required to have a formal Gaelic strategy in place by 2009 (which will be reported to committee in due course). Whilst this development is in progress, the Education Service has been actively engaged in increasing its capacity to extend pupils' access to learning in the medium of Gaelic. This includes:

- A lead officer who represents the Service at the national meetings.
- Contributing to the planning and delivery of a national conference 'Gaelic Learners in Primary Schools' on 9 June. Falkirk teachers will be funded to attend this conference.
- Four primary teachers have been trained in Gaelic and one is undergoing training. All of these teachers are teaching Gaelic either in their current class or as an after school activity.
- The Gaelic trained teachers are supported by a network which also involves them visiting Gaelic schools in other authorities.
- The Service has had early and exploratory discussions about the setting up of a Gaelic nursery with CNSA (Comhairle Nan Sgoietean Araich). At present, the Service does not have the staffing capacity to carry out this development work due to staff absence and other priorities, but it is intended to be looked at again in the coming academic year.
- A wide range of Gaelic music opportunities have been offered to children and young people across all age ranges, including access to traditional instruments.

The Service is intending to offer additional teachers the opportunity to train in Gaelic and to enable the existing trained teachers to offer Gaelic education in a structured progressive way. Our main aim is to increase the number of trained teachers to extend the capacity of schools to offer Gaelic.

Question 7 by Councillor T Coleman

Page 301 PR83

Council approved a review of structures on December 5th and this was subject to the report above that went to Committee on 15 January.

With the final recommendations of the Working Group due to go before Council at its next meeting why has no action been taken by the Administration in the intervening eight weeks to call a meeting of the group or even publish their membership of the Working Group?

Response by Provost Reid

The Working Group has not yet met as the priority during this period has been to set the Council's budget.

In addition, agreement has not been reached among the Conservative Group, the Independent Group and Councillor Spears as to who will take up the place available to them on the Working Group in terms of political proportionality.

The urgent item that I have accepted for inclusion on today's agenda will resolve this latter point. The Working Group will begin to meet once its membership is established. It is anticipated that the Chief Executive will report to Council on the outcome of the process not later than the meeting of Council in June 2008 as previously advised to members of the Policy and Resources Committee.

Question 8 by Councillor L Kenna

Page 303 PR87 Single Persons Discount Review

Can the Director of Finance outline any progress made in this matter, and in particular early indications of figures and how they relate to the report predictions?

Response by Provost Reid

The Single Persons Discount Review was approved by Policy & Resources Committee on 15 January 2008. The review is presently scheduled to commence around the beginning of the next financial year 2008/09 and consequently there are no indicative figures presently available to compare with the estimates outlined in the Report considered at the Policy and Resources Committee. The information requested will be provided once it is available.

FC65. TENANTS' SATISFACTION SURVEY REPORT/ WAITING LIST SURVEY REPORT

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Coleman, MacDonald and Meiklejohn.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Housing and Social Services Committee held on 5 February 2008, and (b) Report by Director of Corporate and Commercial Services submitted to the meeting of the Housing and Social Services Committee held on 5 February 2008.

Councillor Goldie, seconded by Councillor McNeill moved the recommendations as contained within the Report.

By way of an Amendment, Councillor Coleman, seconded by Councillor Meiklejohn moved that an additional recommendation be inserted, namely “that the methodology used in future surveys be agreed in consultation with the Convener of the Committee”.

On a division, 17 Members voted for the Motion and 14 voted for the Amendment.

Accordingly, **RESOLVED** in terms of the Motion, namely that Council note the findings of the Tenants’ Satisfaction Survey.

FC66. REFORMING AND REVITALISING: REPORT OF THE REVIEW OF COMMUNITY PENALTIES

In terms of the Council’s Scheme of Delegation, this item had been called into Council by Councillors Alexander and Jackson.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 February 2008, and (b) Report by Director of Housing and Social Work Services submitted to the meeting of Community Health and Safety Committee held on 22 January 2008.

Councillor Gow, seconded by Councillor C MacDonald moved the recommendations as contained within the Report.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Oliver moved that bullet point three of the recommendations detailed in the report is removed, namely:-

- Request that the Director of Housing and Social Work Services write to the Cabinet Secretary for Justice and to the Convener of the Community Justice Authority outlining the potential resource implications for local authorities arising from the proposals and seeking confirmation that these will be taken into account by both the Government and Community Justice Authority

And for this to be replaced by the following recommendation:-

A further detailed report populated with appropriate financial and statistical information which is evidence based be taken to the Policy and Resources Committee for decision.

On a division, 17 Members voted for the Motion and 14 voted for the Amendment.

Accordingly, **RESOLVED** in terms of the motion, namely to:-

1. Note the contents of the Report;
2. Request that the Director of Housing and Social Work Services keep the Community Health and Safety Committee informed of developments arising from the Report, and
3. Request that the Director of Housing and Social Work Services write to the Cabinet Secretary for Justice and to the Convener of the Community Justice Authority outlining the potential resource implications for local authorities arising from the proposals and seeking confirmation that these will be taken into account by both the Government and Community Justice Authority.

FC67. COMMUNITIES SCOTLAND INSPECTION OF FALKIRK COUNCIL HOUSING SERVICES

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Alexander and Jackson.

There was submitted (circulated) (a) Extract of Minute of Special Meeting of the Policy and Resources Committee held on 25 February 2008, and (b) Report by the Chief Executive submitted to the special meeting of the Policy and Resources Committee held on 25 February 2008.

Councillor Gow, seconded by Councillor C MacDonald, moved that:-

1. the final pre-publication inspection report issued by Communities Scotland be noted;
2. the findings detailed in the inspection report be accepted, allowing the report to be published formally by Communities Scotland, and
3. the improvement plan prepared in response to the inspection be submitted to the meeting of the Housing and Social Services Committee on 1 April 2008 with the Committee thereafter continuing to monitor implementation on a regular basis.

By way of an Amendment, Councillor Alexander, seconded by Councillor McNally, moved that these recommendations be accepted, but that an additional recommendation be added, namely that an all party member officer working group be established to take forward development of the improvement plan.

On a division, 17 Members voted for the Motion and 14 voted for the Amendment.

Accordingly, **RESOLVED** in terms of the Motion.

FC68. REFERRAL FROM ENVIRONMENT AND HERITAGE COMMITTEE – 19 FEBRUARY 2008 – FAIRTRADE RESOLUTION

With reference to Minute of Meeting of the Environment and Heritage Committee held on 19 February 2008 (Paragraph EH23 refers), there was submitted Report (circulated)

by Director of Development Services submitted to the meeting of the Environment and Heritage Committee held on 19 February 2008.

AGREED (a) to appoint Provost Reid as the Council's representative on the Fairtrade Steering Group; (b) to approve the Fairtrade Resolution, and (c) resolve to support the Fairtrade campaign as follows:-

- (1) promote awareness of Fairtrade issues and opportunities for supporting Fairtrade across the Falkirk Council area. That the Council will concentrate on making Council employees, the public, and local businesses aware of the Council's policy on Fairtrade;
- (2) use Fairtrade goods, when catering for Council meetings and functions wherever possible;
- (3) use Fairtrade goods at all other opportunities, including office catering, vending machines and public outlets, wherever possible;
- (4) support the Falkirk Fairtrade Working Group in its work towards attaining Fairtrade status for the Falkirk Council area and appoint a Council representative to the Fairtrade Steering Group; and
- (5) that regular reports by the Director of Development Services will be submitted to the Environment and Heritage Committee on progress of this Fairtrade resolution.

FC69. CORPORATE PLAN 2008-2011

With reference to Minute of Meeting of Falkirk Council held on 5 December 2007 (Paragraph FC55 refers), there was submitted Report (circulated) dated 20 February 2008 by the Chief Executive enclosing the finalised Corporate Plan 2008-2011 for approval and advising of progress with developing the final version of the monitoring framework as set out in the Single Outcome Agreement in conjunction with the Council's community planning partners.

Councillor Gow, seconded by Councillor C MacDonald moved that:-

- (i) the Corporate Plan be approved, and
- (iii) the draft Single Outcome Agreement is presented to the April meeting of the Policy and Resources Committee for approval and subsequent negotiation with the Scottish Government.

By way of an Amendment, Councillor Alexander, seconded by Councillor Coleman moved the following revisions to the Corporate Plan:-

Page 78 Table Three Bullet Point 1 – Replace with,

Upgrade our town centres and commercial centres of smaller centres of population.

Page 82 – First bullet point – Add new bullet point – Report to members by way of a report to committee in all cases if consideration is being given to reducing the funding to any voluntary organisation.

Page 83 6th bullet point – Replace with – Lead in the process of developing new affordable rented housing including the development of a programme of new council houses along the lines of other local authorities such as West Lothian Council who are ahead of us.

Page 86 Add new bullet point two

- Take proper cognisance of the strategic planning process, including Local, Structure and Development Plans

Conclusion – Add - Bring forward six monthly reports on the implementation of the Corporate Plan to full Council.

During the course of the debate and in terms of Standing Order 25.2, Councillor Gow, seconded by Councillor C MacDonald moved that “the question be now put”. The Provost having ruled that, in his opinion, the matter had been discussed sufficiently after one more Member was heard, the Council proceeded to a simple vote.

16 Members voted for the Motion that “the question be now put” and 14 Members voted against the Motion. Accordingly, the mover of the original motion was invited to sum up before the original motion was put to the vote.

On a division, 17 Members voted for the Motion and 13 voted for the Amendment. Accordingly, **RESOLVED** in terms of the Motion.

FC70. TIMETABLE OF MEETINGS

There was submitted Report (circulated) dated 19 February 2008 by Acting Director of Law and Administration Services enclosing reports considered by the Education and Leisure and Regulatory Committees at their meetings held on 29 January and 30 January 2008 respectively on a proposal to adjust the start time for future meetings.

Councillor Alexander, seconded by Councillor Coleman moved that the start times of meetings be referred to the Working Group on Council Services and Committee Structures as part of its wider deliberations.

By way of an Amendment, Councillor C Martin, seconded by Councillor Buchanan moved that future meetings of the Education and Leisure Committee and Regulatory Committee commence at 9.30 am.

On a division 14 Members voted for the Motion and 17 voted for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment.

The meeting adjourned at 1.20 pm for lunch and reconvened at 2.00 pm. On re-convening, Provost Reid moved and Councillor Gow seconded that in terms of Standing

Order 31.1 the meeting continue beyond the 3 hour limit until 4.00 pm and, in terms of Standing Order 31.3 (i) the Provost advised that any remaining items would be continued until the next ordinary meeting of Council.

By way of an Amendment, Councillor Alexander, seconded by Councillor Spears moved that any remaining items of business be continued to a Special Meeting of Council.

In terms of Standing Order 21.4(i) a vote was taken by roll call, there being 31 Members present, with Members voting as undernoted:-

For the Motion (17) – Provost Reid, Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo and Patrick.

For the Amendment (14) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **RESOLVED** in terms of the Motion.

FC71. APPOINTMENT OF MEMBERS TO OUTSIDE BODIES: ALL OF SCOTLAND GROUP 2014 AND FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

There was submitted Report (circulated) dated 27 February 2008 by the Acting Director of Law and Administration Services advising (a) that CoSLA has invited the nomination of an elected member to be appointed to the All of Scotland 2014 Group, and (b) that Councillor Nicol has resigned from the Fife and Forth Valley Community Justice Authority.

AGREED that Councillor CR Martin be appointed to the All of Scotland 2014 Group.

In relation to the Fife and Forth Valley CJA, Councillor Nicol, seconded by Councillor Patrick nominated Councillor Buchanan.

Councillor Alexander, seconded by Councillor Coleman nominated Councillor Spears.

17 members voted for Councillor Buchanan and 14 voted for Councillor Spears.

Accordingly, **AGREED** that Councillor Buchanan be appointed to the Fife and Forth Valley CJA.

FC72. FIRST PERIODICAL REVIEW OF CONSTITUENCIES FOR THE SCOTTISH PARLIAMENT

With reference to Minute of Meeting of Falkirk Council held on 5 December 2007 (Paragraph FC54 refers), there was submitted Report (circulated) dated 21 February 2008 by the Chief Executive advising of the Boundary Commission for Scotland's proposals

for revised Scottish Parliamentary constituency boundaries and setting out a proposed response to the consultation thereon.

AGREED:-

- (i) to authorise officers to respond to the Commission on behalf of the Council, as follows:-
 - (a) that the names of the current constituencies i.e. Falkirk East and Falkirk West, be retained with the response emphasising the importance of the historical recognition of Falkirk as a burgh and the tradition of giving this prominence in the naming of constituencies; and
 - (b) that the boundary between the proposed East Falkirk and West Falkirk be amended as shown on the maps attached to the Report to match the boundaries of the multi-member wards which came into effect in May 2007, noting that only two electors would be affected by this proposed change, and
- (ii) that Members notify the Chief Executive of any additional comments on the proposals by 12 March 2008 for inclusion in the Council's submission.

FC73. STATEMENT REGARDING LICENSING BOARD

The Acting Director of Law and Administration Services provided Council with information in response to press articles regarding the Licensing Board. It was confirmed that the Licensing Board had adopted a Statement of Licensing Policy in November 2007 as required by legislation but had agreed, in response, to consultation responses to seek further views on the issue of trading hours.

NOTED.

FC74. REVIEW OF SERVICE AND COMMITTEE STRUCTURES – WORKING GROUP

There was submitted Report (tabled) by the Acting Director of Law and Administration Services dated 4 March 2008 on the membership of the Review of Service and Committee Structures Working Group and seeking the nomination of a member from the Conservative Group or Independent Group or Councillor Spears to take up the remaining place on the Working Group.

Councillor Nicol, seconded by Councillor Buchanan, nominated Councillor Patrick.

Councillor Alexander, seconded by Councillor Hughes, nominated Councillor Spears.

17 Members voted for Councillor Patrick and 14 voted for Councillor Spears.

Accordingly, **AGREED** that Councillor Patrick be appointed to the Review of Service and Committee Structures Working Group.

FC75. EXECUTION OF DEEDS

Councillor Kenna declared a non-financial interest in this item in respect of a financial interest in Disposition for 11 Hookney Terrace, Stoneywood.

There was submitted Report (circulated) dated 18 February 2008 by Acting Director of Law and Administration Services advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

AGREED to note the signing and sealing by the Acting Director of Law and Administration Services of the Deeds specified in the appendix attached to the Report.

FC76. NOTICES OF MOTION

(a) Bus Services

Councillor Hughes, seconded by Councillor McNally, moved that:-

Now that the precedent has been set in setting aside the criteria for sustainability of subsidised bus services brought in by the then Labour Administration in 1997, Council agrees to instruct Officers to bring forward a report listing all of the services cut in the subsequent eleven years.

This report should also give an explanation as to the reasons why these services were discontinued.

As the 1997 policy is no longer the sole criteria for the retention/re-introduction of previously discontinued bus service this would allow all communities equality of representation and treatment.

By way of an Amendment, Councillor Gow, seconded by Councillor C MacDonald moved that Council notes that the policy that officers are currently working to regarding the procurement of bus services was approved in 2006. Furthermore, Falkirk Council notes with disappointment the decision of the Scottish Government to cut the budget for the national concessionary fares scheme. Council also notes with disappointment the decision of the Scottish Government not to increase the level of fuel duty rebate of buses in Scotland in line with the recent rise in fuel duty. This Council therefore calls upon the Scottish Government to fund the £7.5m deficit in fuel duty compensation, in line with the rest of the UK, to protect local bus services in rural areas.

Following a short adjournment to consider the terms of the Amendment, Provost Reid ruled that it was not competent on the basis on the additional information provided regarding the fuel duty rebate.

Accordingly, **RESOLVED** in terms of the Motion.

(b) Affordable Housing

Councillor Meiklejohn, seconded by Councillor Thomson, moved that:-

Council believes that it is time to review the Council's existing strategy on the provision of affordable housing and agrees to co-operate with the Scottish Government's housing agenda.

However, Council believes that there should be a more immediate change to the levels of affordable housing proportions within private housing development due to what could be described as avoiding responsibility.

Council therefore agrees that all housing developments of ten properties or over must have an element of affordable housing contained within it.

Council therefore agrees to instruct Officers to bring forward a paper on the mechanism to ensure that private housing providers provide a higher percentage of affordable housing than is currently being delivered across Falkirk District.

By way of an Amendment, Councillor Gow, seconded by Councillor C MacDonald moved that Falkirk Council believes that all methods of delivering affordable housing should be explored. This Council believes that the correct method of delivering affordable housing within private development sites is by adhering to the proposed policies which have been consulted upon in the Finalised Draft Falkirk Council Local Plan. This is in accordance with Government advice note (PAN 74) that all affordable housing policies must be underpinned by an Affordable Housing Needs Assessment

On a division 17 Members voted for the Amendment and 14 voted for the Motion.

Accordingly, **RESOLVED** in terms of the Amendment.

(d) Civilian Heroes

Councillor Oliver, seconded by Councillor Gow proposed and Council **AGREED** that:-

Council notes the campaign for equal recognition for all civilian heroes of the Glasgow terror attack. The terrorist attack which took place at Glasgow Airport on Saturday 30 June 2007 resulted in four brave men tackling and subduing two determined suicide bombers.

Following this atrocity the UK Government have only recognised one civilian for his actions.

Council therefore agrees to write to the Prime Minister expressing our view that the three other civilians who placed their lives in jeopardy, Michael Kerr, Alex McIlveen and Stephen Clarkson, by tackling two determined terrorists should also be recognised for their heroic actions which saved the lives of many innocent victims.