

**FALKIRK COUNCIL**

**Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 29 March 2017 at 9.55 a.m.**

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

<b><u>Officers:</u></b>	Karen Algie, Head of Human Resources & Business Transformation
	Patricia Cassidy, Chief Officer, Health & Social Care Integration
	Rhona Geisler, Director of Development Services
	Rose Mary Glackin, Chief Governance Officer
	Iain Henderson, Legal Services Manager
	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

**FC81. Sederunt**

The sederunt was taken by way of a roll call. An apology was intimated on behalf of Councillor Gerry Goldie.

**FC82. Declarations of Interest**

No declarations were made at this point.

**FC83. Minutes and Information Bulletin**

- (a) **Meeting of Falkirk Council held on 7 December 2016 - agreed as a correct record.**

- (b) **Special meeting of Falkirk Council held on 19 December 2016 agreed as a correct record;**
- (c) **Special meeting of Falkirk Council held on 22 February 2017 agreed as a correct record;**
- (d) **Volume of Minutes Volume 4 2016/2017 - noted.**
- (e) **Information Bulletin Volume 4 2016/2017- noted.**

#### **FC84. 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.

#### **FC85. Rolling Action Log**

The rolling action log showing progress on outstanding actions from previous meetings was presented.

Following a request by Councillor C Martin, Provost Reid agreed that an update on item 44 Equal Pay, would be given at the end of the meeting.

#### **Decision**

**The rolling action log was noted.**

#### **FC86. Referral from Scrutiny Committee – 2 February 2017 Scrutiny Plan – Fly tipping**

Council considered a report by the Director of Corporate and Housing Services presenting a recommendation that the next Scrutiny Plan includes fly tipping and associated areas.

The Scrutiny Committee has considered a report on the impact of special uplift charges on contaminated bins and housing estate management at its meeting on 2 February 2017 (ref SC33) and had agreed to refer the topic to Council for consideration of inclusion of fly tipping and associated issues in the Scrutiny Plan.

## **Decision**

**Council agreed to include fly tipping and associated issues in the Scrutiny Plan.**

Councillor Murray joined the meeting during consideration of the previous item of business.

### **FC87. Treasury Management Strategy 2017/18**

Council considered a report by the Director of Corporate and Housing Services presenting the Treasury Management Annual Review for 2017/18.

The Review had previously been considered by the Executive on 21 March 2017 (ref EX24) and had been referred to Council for consideration.

## **Decision**

**Council agreed:-**

- (1) the Borrowing Strategy for 2017/18 as set out in section 4.2 of the report;**
- (2) the Investment Strategy for 2017/18 and approves the list of “Permitted Investments” as set out in section 4.3 of the report, and**
- (3) the Treasury Indicators as set out in section 4.5 of the report.**

### **FC88. Strategic Property Review – Update from Working Group**

Council considered a report by the Director of Development Services presenting an update from the Strategic Property Review Working Group.

Council had established on 19 December 2016 (FC85) a working group to consider the outcomes arising from the Strategic Property Review and had requested that the group meet as soon as possible to discuss alternative town centre options for the Council headquarters project and asked that the group report back.

The Group, which comprised Councillor D Goldie as convener and Councillors C Martin, Garner and McCabe, met on 7 February 2017 and was briefed on approaches made to the Council from private developers interested in proposing options for a new headquarters.

## **Decision**

**Council noted the report.**

#### **FC89. Children and Young People (Scotland) Act 2014 – Integrated Children’s Services Plan**

Council considered a report by the Director of Children’s Services presenting the Integrated Children’s Services Plan for approval.

Part 3 of the Children and Young People (Scotland) Act 2014 set out a legal framework for children’s services planning including its scope and aims. The Act places a duty on the Council and Health Board to prepare a 3 year plan for the period April 2017 – 2020.

The aim of the Plan, a draft of which had been previously agreed by the Community Planning Leadership Board, is that children’s services in the area are provided in the way which:-

- (i) best safeguards, supports and promotes the wellbeing of children in the area concerned,
- (ii) ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising,
- (iii) is most integrated from the point of view of recipients, and
- (iv) constitutes the best use of available resources.

#### **Decision**

**Council approved the Integrated Children’s Services Plan and its submission to the Scottish Government.**

#### **FC90. Review of Byelaws**

Council considered a report by the Director of Corporate and Housing Services proposing amendments of the Byelaws prohibiting the consumption of alcohol in public places.

The current Byelaws prohibit ‘any person who consumes alcohol in a designated place’. However it is not clear if this includes a person who is holding a container of alcohol but not drinking from it. For the Police to enforce the Byelaw it has to be argued that from the circumstances it is reasonable to infer that alcohol has been consumed.

A review of the offences contained in other Local Authorities’ Byelaws was undertaken to determine if clearer wording could be used. From this four options emerged. These were provided in an appendix to the report together with Scottish Government comment on each of the four, option 2 was recommended. This is:-

‘any person who consumes alcohol in a designated place or is found to be in possession of an open container containing alcohol in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale’.

Police Scotland considered option 2 the most practicable of the 4 options presented.

It was recommended that the scope, extent and geographical area (Falkirk Town Centre and 12 other towns and villages in the area) remain unchanged.

It was noted that if Council agreed to adjust the Byelaw, further consultation would be required with Police Scotland, the Procurator Fiscal and the Scottish Government. Any minor comments would simply be incorporated. However, should there be substantial comment a report would be submitted to Council. The finalised proposals would then be advertised within one month. If there were objections the Scottish Government could hold an enquiry. If there were none, the Director of Corporate and Housing Services would introduce the Byelaws and arrange for confirmation and the date on which they come into effect to be advertised.

## **Decision**

### **Council agreed to:-**

- (1) amend the wording of the Byelaws and alter the offence to say “any person who consumes alcohol in a designated place or is found to be in possession of an open container containing alcohol in a designated place shall be guilty of an offence....” As set out in the draft new Byelaws at appendix 1 of the report;**
- (2) retain broadly the same scope, extent and geographical area covered by the existing Byelaws, namely all the towns and villages in the Falkirk Council area, including the town of Falkirk, with some minor amendments and deletion of small rural areas previously included;**
- (3) instruct the Director of Corporate and Housing Services to: consult with Police Scotland, the Procurator Fiscal and the Scottish Government; incorporate such minor amendments as may be suggested from the consultation; and thereafter to advertise the intention to introduce new Byelaws and revoke the current Byelaws;**
- (4) if there are no objections received, instruct the Director of Corporate and Housing Services thereafter to apply to the Scottish Ministers for confirmation of the new Byelaws; and to revoke the current Byelaws on the same date as the new Byelaws commence; and**

- (5) note that the new Byelaws and supporting new maps would be publicised on the Council website.**

#### **FC91. Standing Orders**

Council considered a report by the Director of Corporate and Housing Services presenting revised Standing Orders for approval.

The Council's Standing Orders, and in particular the Scheme of Delegation, had been revised to reflect the requirements of the Community Empowerment (Scotland) Act 2015 in regard to decision making on Asset Transfer requests, review of Asset Transfer requests, review of Asset Transfer decisions and decisions on Participation Requests. The Standing Orders had also been amended to clarify the role of the Chief Officer of the Integration Joint Board.

In regard to Asset Transfer requests, it was proposed that a Community Empowerment Review Committee (CERC) was established to review, on request, decisions taken by the Executive. It was further proposed that the CERC would comprise the Provost, Depute Provost and three members who are not on the Executive. While focussed on Asset Transfer the scope of the CERC's remit could extend to reviews of other decisions made by the Council, for example participation requests, should the Act require it.

**Council agreed:-**

- (1) to establish a Community Empowerment Review Committee, and**
- (2) the revisions to Standing Orders set out in the appendix to the report.**

#### **FC92. Arrangements for Carrying Out Council Functions March - May 2017**

Council considered a report by the Director of Corporate and Housing Services proposing arrangements to allow Council to carry out its functions from the conclusion of today's meeting until its first meeting after the Local Government elections.

It was proposed that Council delegates authority to deal with business in the period following today's meeting when no formal meetings had been scheduled and for the period immediately after the election when, in addition, the offices of Leader of the Council, portfolio holder and Convener would be vacant. The terms of the proposed delegation were set out.

The report set out a provisional timetable for meetings of the key decision making bodies in May and June. These would be subject to approval at the statutory meeting of Council which would be held within 21 days of the election.

A general induction programme for new members was detailed. The initial introductory sessions would focus on practical issues and would be supplemented by specific sessions on Council services. A report to the statutory meeting of Council will set out proposals for training for members of various committees.

Councillor C Martin, seconded by Councillor Nicol, moved that Council:-

- (1) delegates powers to Chief Officers, in consultation, where applicable, with the Leader of the Council and/ or the relevant portfolio holder or, as appropriate, the relevant Committee Convener, to determine urgent items of business from now until the statutory meeting of Council and to report the decisions thereon to the first meeting of the Executive thereafter, provided that any such decision:-
  - (a) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
  - (b) does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
  - (c) does not involve an increase in the permanent establishment of the particular Service; and
  - (d) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision
- (2) an addition to the programme of meetings adds a meeting of the Planning Committee (On-Site) and Planning Committee on 3 April 2017, should they be necessary; and
- (3) notes the provisional programme of meetings from 4 May to 30 June 2017.

As an amendment Councillor Coleman, seconded by Councillor Garner, moved that Council substitutes the following wording contained in clause (1) of the motion 'the Leader of the Council and/or the relevant portfolio holder' with 'the Leader of the Council, and Leader of the Opposition and/or the relevant portfolio holder and shadow portfolio holder'.

Council then adjourned at 10.45 am to allow members of the Administration to consider the terms of the amendment and returned at 10.55 am with all members present as per the sederunt.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (18) – Provost Reid, Depute Provost Patrick; Baillies Buchanan and Coombes; Councillors Black, Blackwood, D Goldie, Gow, Jackson, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Spears.

For the amendment (12) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Garner, Hughes, Meiklejohn, Oliver, Ritchie and Turner.

Abstention (1) – Councillor McCabe.

### **Decision**

**Council agreed the motion.**

## **FC93. 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 of the deeds listed in the appendix to the report.**

## **FC94. Closing Remarks**

The Provost noted that this was the final meeting of the current Council and invited the Group Leaders to make closing remarks. Councillors C Martin and Meiklejohn paid tribute to members of their respective groups who were not standing for re-election and thanked all members for their contributions to the Council and their respective communities since 2012.

Both also remarked that John Angell, Head of Planning and Transportation and Rose Mary Glackin, Chief Governance Officer, would be leaving the Council in May and March respectively and thanked them for their support, professional guidance and dedication over many years' service to Falkirk Council. Councillor Nicol echoed the remarks and thanked Ms Glackin for her support as Clerk to the Licensing Board.

Councillor Garner declared a financial interest in items FC97 and FC98 as a family member was a claimant and left the meeting at this point.

**FC96. Exclusion of Public**

**Council agreed, in terms of s.50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting for the following item of business on the ground that they would involve the likely disclosure of exempt information as defined in paragraphs 8, 9, 11 & 12 of Part 1 of Schedule 7A to the said Act.**

**FC97. Minute**

Extract of minute of special meeting of Falkirk Council held on 22 December 2016 agreed as a correct record.

**FC98. Equal Pay – Update**

In accordance with the request for an update on Equal Pay which was made earlier in the meeting (item FC85 rolling action log), the Director of Corporate and Housing Services summarised the current position of discussions with the Trade Unions in regard to Equal Pay.

**Decision**

**Council noted the update.**