

FALKIRK COUNCIL

Minute of statutory meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 24 May 2017 at 9.30 a.m.

<u>Councillors:</u>	David Aitchison	Fiona Collie	John McLuckie
	David Alexander	Joan Coombes	Cecil Meiklejohn
	David Balfour	Jim Flynn	Lynn Munro
	Lorna Binnie	Paul Garner	Laura Murtagh
	Robert Bissett	Dennis Goldie	Malcolm Nicol
	Allyson Black	David Grant	Alan Nimmo
	Jim Blackwood	Nigel Harris	John Patrick
	Gary Bouse	Gordon Hughes	Pat Reid
	Billy Buchanan	James Kerr	Ann Ritchie
	Tom Coleman	Adanna McCue	Robert Spears

<u>Officers:</u>	Karen Algie, Head of HR and Business Transformation
	Fiona Campbell, Head of Policy, Technology and Improvement
	Patricia Cassidy, Chief Officer, Health & Social Care Partnership
	Jack Frawley, Committee Services Officer
	Rhona Geisler, Director of Development Services
	Robert McMaster, Head of Design, Roads and Transport
	Colin Moodie, 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

FC1. Chair

In accordance with section 4(4) of the Local Government etc. (Scotland) Act 1994, Mary Pitcaithly, Returning Officer, presided at the meeting until the election of the Provost.

FC2. Sederunt

The sederunt was taken by way of a roll call.

FC3. Minute Silence

Council observed a minute's silence in memory of the victims of the terrorist attack on Manchester on 22 May 2017.

FC4. Declarations of Interest

No declarations were made.

FC5. Election of Falkirk Councillors

Council considered a report by the Chief Executive which advised of those councillors who had been elected to Falkirk Council following the Local Government Election on 4 May 2017 and of the political composition of the Council. The composition of the Council was:-

Scottish National Party – 12

Scottish Labour Party – 9

Scottish Conservative and Unionist Party – 7

Independent – 2.

Decision

Council noted the results of the Local Government Election held on 4 May 2017 and the political composition of the Council.

FC6. Appointment of Provost and Leader of the Council

Council considered a report by the Director of Corporate and Housing Services which invited Council to appoint a Provost and a Leader of the Council. Further, the report invited Council to consider making appointments to the positions of Deputy Provost and Baillie.

The Local Government etc. (Scotland) Act 1994 requires that each Council elects a convener from among its councillors at its first meeting following an ordinary election. In Falkirk the convener of the Council has traditionally been known as the Provost.

(a) Appointment of the Provost

The Returning Officer sought nominations for the post of Provost.

Councillor Meiklejohn nominated Councillor Coleman.

Councillor Nicol nominated Councillor Patrick.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For Councillor Coleman (13) – Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh, Ritchie and Spears.

For Councillor Patrick (8) – Councillors Buchanan, Flynn, Grant, Harris, Kerr, Munro, Nicol and Patrick.

Abstentions (9) – Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, McLuckie, Nimmo and Reid.

Councillor Coleman was elected Provost of Falkirk Council.
Provost Coleman assumed the chair.

(b) Appointment of the Depute Provost

The Provost sought nominations for the post of Depute Provost.

Councillor Meiklejohn then nominated Councillor Ritchie.

Councillor Nicol nominated Councillor Munro.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For Councillor Ritchie (13) – Provost Coleman; Councillors Alexander, Balfour, Binnie, Bouse, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh, Ritchie and Spears.

For Councillor Munro (8) – Councillors Buchanan, Flynn, Grant, Harris, Kerr, Munro, Nicol and Patrick.

Abstentions (9) – Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, McLuckie, Nimmo and Reid.

Councillor Ritchie was elected Depute Provost of Falkirk Council.

(c) Appointment of Leader of the Council

The Provost sought nominations for the post of Leader of the Council.

Councillor Garner nominated Councillor Meiklejohn.

Councillor Flynn nominated Councillor Nicol.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For Councillor Meiklejohn (13) – Provost Coleman; Depute Provost Ritchie; Councillors Alexander, Balfour, Binnie, Bouse, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For Councillor Nicol (8) – Councillors Buchanan, Flynn, Grant, Harris, Kerr, Munro, Nicol and Patrick.

Abstentions (9) – Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, McLuckie, Nimmo and Reid.

Councillor Meiklejohn was elected Leader of Falkirk Council.

(d) Appointment of Baillies

The Provost sought nominations for the post of Baillie. There were no nominations.

Decision

Council:-

- (1) appointed Councillor Tom Coleman as Provost and continued remuneration for the position to later in the meeting;**
- (2) appointed Councillor Ann Ritchie as Depute Provost and continued consideration of remuneration for the position to later in the meeting;**
- (3) appointed Councillor Cecil Meiklejohn as Leader of the Council, noting that remuneration for this position was set at £33,857 p.a., and**
- (4) agreed not to make any appointment to the position of Baillie.**

Having appointed the Leader of the Council, Council then adjourned at 9.55a.m. to allow the Administration and Opposition groups to meet prior to consideration of the remaining items. Council reconvened at 10.20am with all members present as per the sederunt.

FC7. Standing Orders

Council considered a report by the Director of Corporate and Housing Services presenting, as an appendix, the Council's Standing Orders for approval.

The Standing Orders are comprised of two documents: the Standing Orders in Relation to Meetings, and the Scheme of Delegation to Committees and Officers. These documents regulate the process of decision making within the Council and set out the composition of its committees. The current Standing Orders had been approved by Council on 29 March 2017 (ref FC 91).

Councillor Meiklejohn, seconded by Councillor Garner, moved that Council agrees that:-

- (1) the Executive and Education Executive be reduced from 12 to 10 elected members with a better representation of 6 administration and 4 opposition;
- (2) portfolio remits are realigned to match Service areas and create a portfolio that covers across service areas for Performance, Improvement and Best Value;
- (3) a further report be provided on the remit for each of the realigned portfolio areas which will be brought back to Council;

Portfolios

Convener (Leader of the Council) including resources
Economic and Development Services (including FCT)
Corporate and Housing Services
Children's Services (including Criminal Justice)
Performance, Improvement and Best Value
Health and Social Care

- (4) the Joint Consultative Committee's Terms of Reference are reviewed in consultation with the Trade Unions, and
- (5) Baillies are removed, as their role currently adds no real value to the Council.

In the absence of general agreement the motion was put to the vote, for or against, in terms of Standing Order 20.11.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (13) – Provost Coleman; Depute Provost Ritchie; Councillors Alexander, Balfour, Binnie, Bouse, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

Against the motion (17) – Councillors Aitchison, Bissett, Black, Blackwood, Buchanan, Coombes, Flynn, Goldie, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo, Patrick and Reid.

Decision

The motion was not carried.

FC8. Membership of Committees, Boards and Significant Statutory Bodies

Council considered a report by the Director of Corporate and Housing Services setting out the Council's current decision making structure and seeking nominations to the committees, boards and significant statutory bodies.

Council agreed to an adjournment at 10.35am and reconvened at 12.20pm with all members present as per the sederunt.

Councillor Meiklejohn moved that Council agrees:-

(1) the following portfolio holder appointments:-

Culture, Leisure & Tourism – Councillor Spears
Economic Development – Provost Coleman
Education – Councillor McCue
Environment – Councillor Garner
Health & Social Care – Councillor Collie
Housing – Councillor Hughes
Public Protection – Councillor Alexander
Resources – Councillor Bouse

(2) to apply the principle of political proportionality to committees with minor alterations set out below:-

Number of Councillors to be appointed	Allocation
12 – e.g. Planning	SNP – 5 Labour – 4 Conservative – 3
10 – e.g. Civic Licensing, Joint Consultative and Licensing Board	SNP – 4 Labour – 3 Conservative – 2 Independent – 1
8 – e.g. Appeals and Central Scotland Valuation Joint Board	SNP – 3 Labour – 2 Conservative – 2 Independent – 1
6 – e.g. Audit and Pensions	SNP – 2 Labour – 2 Conservative – 1 Independent – 1

6 – e.g. Appointments	SNP – 3 Labour – 2 Conservative – 1
5 – e.g. Falkirk Community Trust	SNP – 2 Labour – 1 Conservative – 1 Independent – 1
3 – e.g. Integration Joint Board	SNP – 2 Labour – 1

There was general agreement on the proportionality on committees and other bodies, with vacancies to be filled by slate, and on the appointment of portfolio holders.

Committees

The following SNP Group appointments to committees, and nominations for conveners (where applicable), were made:-

Committee	Members	Convener
Executive	Leader of the Council and all portfolio holders.	Councillor Meiklejohn
Scrutiny Committee	Depute Provost Ritchie; Councillors Balfour, Binnie and Murtagh.	Appointed by the committee
Scrutiny Committee (External)	Depute Provost Ritchie; Councillors Balfour, Binnie and Murtagh.	Appointed by the committee
Appeals	Councillors Alexander, Bouse and Collie.	Councillor Bouse
Appointments	Councillors Alexander, Garner and Meiklejohn.	Councillor Meiklejohn
Audit	Provost Coleman and Councillor Meiklejohn.	Lay convener
Civic Licensing	Depute Provost Ritchie; Councillors Binnie, Balfour and Hughes.	Councillor Hughes
Joint Consultative	Councillors Balfour, Binnie, Meiklejohn and Murtagh.	Councillor Binnie

Pensions	Provost Coleman and Councillor McCue.	Provost Coleman
Planning	Councillors Alexander, Bouse, Hughes, McCue and Murtagh.	Councillor Alexander

Council noted the appointments to committees. There were no other nominations for the convenerships noted above and those nominated were duly appointed.

Boards

The following SNP Group appointments to boards were made:-

Body	Members
Central Scotland Valuation Joint Board	Councillors Alexander, Balfour and Binnie.
Falkirk Community Trust	Councillors Binnie and Meiklejohn.
Integration Joint Board	Councillors Meiklejohn and Collie.
Licensing Board	Depute Provost Ritchie; Councillors Balfour, Binnie and Hughes.

Councillor Goldie then indicated that Councillor Black would take the place on the Integration Joint Board falling to be filled by the Labour Group.

Council noted the appointments to the boards.

Councillor Goldie also nominated Councillor Black as vice-chairperson of the Integration Joint Board. There was general agreement on this point.

Significant Statutory Bodies

The following SNP Group nominations to significant statutory bodies were made:-

Body	Members
SEStran	Councillors Collie and Murtagh.
Area Support Team	Councillor Murtagh.
Scotland Excel	Councillor Bouse.
Forth Valley Health Board	Councillor Spears.

Forth Valley Health Board

Councillor Goldie nominated Councillor Black as the Council's nomination to Forth Valley Health Board.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For Councillor Spears (13) – Provost Coleman; Depute Provost Ritchie; Councillors Alexander, Balfour, Binnie, Bouse, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For Councillor Black (17) – Councillors Aitchison, Bissett, Black, Blackwood, Buchanan, Coombes, Flynn, Goldie, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo, Patrick and Reid.

Councillor Black was nominated to Forth Valley Health Board, subject to approval by the Scottish Ministers.

No other alternative nominations to the significant statutory bodies were made.

Independent Places

In regard to places allocated to the Independent members on committees and other bodies there had been no consensus reached between Councillors Buchanan and Spears on their allocation. The matter would be continued to allow for discussion between the members and mutual agreement. If there was no agreement Council would allocate the places at the next meeting.

Council then considered outstanding issues arising from the report. Councillor Meiklejohn proposed that Council:-

- (1) continues the appointment of the staff representatives on the Education Executive until new members can be appointed;
- (2) continues the appointment of Pastor Michael Rollo on the Education Executive for a further term;
- (3) agrees that Roseann Davidson continue as convener of the Audit Committee until such time as a new convener is appointed, and
- (4) agrees that the relevant group leaders appoint substitutes to the Integration Joint Board.

Decision

Council agreed:-

(1) to appoint the following portfolio holders:-

Culture, Leisure & Tourism – Councillor Spears
Economic Development – Provost Coleman
Education – Councillor McCue
Environment – Councillor Garner
Health & Social Care – Councillor Collie
Housing – Councillor Hughes
Public Protection – Councillor Alexander
Resources – Councillor Bouse

(2) to apply the principle of political proportionality to its committees and boards with minor alterations set out below:-

Number of Councillors to be appointed	Allocation
12 – e.g. Planning	SNP – 5 Labour – 4 Conservative – 3
10 – e.g. Civic Licensing, Joint Consultative and Licensing Board	SNP – 4 Labour – 3 Conservative – 2 Independent – 1
8 – e.g. Appeals and Central Scotland Valuation Joint Board	SNP – 3 Labour – 2 Conservative – 2 Independent – 1
6 – e.g. Audit and Pensions	SNP – 2 Labour – 2 Conservative – 1 Independent – 1
6 – e.g. Appointments	SNP – 3 Labour – 2 Conservative – 1
5 – e.g. Falkirk Community Trust	SNP – 2 Labour – 1 Conservative – 1 Independent – 1

3 – e.g. Integration Joint Board	SNP – 2 Labour – 1
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(3) to note the appointment of members to the following committees and to appoint conveners as follows:-

Committee	Members	Convener
Executive	Leader of the Council and all portfolio holders.	Councillor Meiklejohn
Scrutiny Committee	Depute Provost Ritchie; Councillors Balfour, Binnie and Murtagh.	Appointed by the committee
Scrutiny Committee (External)	Depute Provost Ritchie; Councillors Balfour, Binnie and Murtagh.	Appointed by the committee
Appeals	Councillors Alexander, Bouse and Collie.	Councillor Bouse
Appointments	Councillors Alexander, Garner and Meiklejohn.	Councillor Meiklejohn
Audit	Provost Coleman and Councillor Meiklejohn.	Lay convener
Civic Licensing	Depute Provost Ritchie; Councillors Binnie, Balfour and Hughes.	Councillor Hughes
Joint Consultative	Councillors Balfour, Binnie, Meiklejohn and Murtagh.	Councillor Binnie
Pensions	Provost Coleman and Councillor McCue.	Provost Coleman
Planning	Councillors Alexander, Bouse, Hughes, McCue and Murtagh.	Councillor Alexander

- (4) to note the appointment of members to boards as follows:-

Body	Members
Central Scotland Valuation Joint Board	Councillors Alexander, Balfour and Binnie.
Falkirk Community Trust	Councillors Binnie and Meiklejohn.
Integration Joint Board	Councillors Black, Collie and Meiklejohn.
Licensing Board	Depute Provost Ritchie; Councillors Balfour, Binnie and Hughes.

- (5) to appoint Councillor Black as vice-chairperson of the Integration Joint Board;
- (6) to appoint members to the following significant statutory bodies:-

Body	Members
SEStran	Councillors Collie and Murtagh.
Area Support Team	Councillor Murtagh.
Scotland Excel	Councillor Bouse.
Forth Valley Health Board	Councillor Black.

- (7) that the remaining vacancies on committees and other bodies based upon the agreed proportionality would be filled by slate after the meeting. For those committees and other bodies where an independent member receives a place the appointment may be made by agreement by the Independent members or, failing this, by Council on 28 June 2017;
- (8) to continue the appointment of the staff representatives on the Education Executive until new members can be appointed;
- (9) to continue the appointment of Pastor Michael Rollo on the Education Executive for a further term;
- (10) that Roseann Davidson continue as convener of the Audit Committee until such time as a new convener is appointed, and
- (11) that the relevant group leaders appoint substitutes to the Integration Joint Board.

FC9. The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007

Council considered a report by the Director of Corporate and Housing Services providing information on payments to councillors where the level of remuneration lay within the discretion of the Council.

The remuneration paid to the Leader of the Council and the basic rate for all councillors was set in accordance with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. As a Band B authority in terms of the regulations, Council could appoint up to 14 senior councillors. The maximum amount the civic head or a senior councillor can be paid is £25,392 (75% of the Leader's salary). Further, the total amount allocated to senior councillor payments could not exceed £296,238.

Councillor Meiklejohn, seconded by Councillor Garner, moved that Council:-

- (1) notes that the level of remuneration paid to Councillors was £16,927 p.a. and the Council leader was £33,857 p.a. in accordance with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007;
- (2) agrees that the Provost is remunerated at £23,179 p.a, and
- (3) agrees that there would be 10 senior Councillors remunerated at either level 1 or level 2 as set out in the table below:-

Senior Councillor (Level 1)	Senior Councillor (Level 2)
£22,689p.a.	£19,020p.a.
Depute Provost	Leader of the main Opposition Group
Education Portfolio Holder	Convener of the Joint Consultative Committee
Environment Portfolio Holder	
Health & Social Care Portfolio Holder	
Housing Portfolio Holder	
Culture, Leisure & Tourism Portfolio	
Public Protection Portfolio Holder	
Resources Portfolio Holder	

Decision

Council:-

- (1) **noted that the level of remuneration paid to Councillors is £16,927 p.a. and the Council leader is £33,857 p.a. in accordance with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007;**

- (2) agreed that the Provost be remunerated to £23,179, and
- (3) agreed that there would be 10 senior Councillors remunerated at either level 1 or level 2 as set out in the table above.

FC10. Appointment to External Organisations

Council considered a report by the Director of Corporate and Housing Services providing information on those external bodies which had requested elected member representation.

Council had previously made appointments to the following organisations and was invited to consider appointments to each:-

- COSLA;
- Scottish Enterprise East Regional Advisory Board;
- Falkirk District Arts and Civic Council;
- Falkirk District Twinning Association;
- Stirlingshire Educational Trust;
- University of Stirling Conference;
- Veterans Champion; and
- Scottish Parliament Cross Party Group on Poland

Councillor Meiklejohn proposed the following appointments:-

Organisation	Appointments
COSLA Leaders Group	Councillor Meiklejohn
COSLA Convention	Councillors Alexander and Meiklejohn. Subject to political proportionality (2 SNP, 1 Lab and 1 Con) with nominations to be made by the Labour and Conservative Groups.
Falkirk & District Arts and Civic Council	Provost Coleman (honorary President)
Falkirk District Twinning Association	Provost Coleman (ex-officio)
Stirlingshire Educational Trust	Provost Coleman + 6 (on the basis of political proportionality - 3 SNP, 2 Lab and 2 Con - with nominations to be made by the Groups.
University of Stirling Conference	Provost Coleman (ex-officio)
Veterans Champion	Councillor Spears

COSLA Convention places

There was general agreement on the political proportionality proposed. Councillor Nicol advised that the place allocated to the Conservative Group would be taken by Councillor Patrick. Councillor Goldie advised that he would take the place allocated to the Labour Group.

Veterans Champion

Councillor Nicol nominated Councillor Patrick as the Veterans Champion.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For Councillor Spears (13) – Provost Coleman; Depute Provost Ritchie; Councillors Alexander, Balfour, Binnie, Bouse, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For Councillor Patrick (8) – Councillors Buchanan, Flynn, Grant, Harris, Kerr, Munro, Nicol and Patrick.

Abstentions (9) – Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Goldie, McLuckie, Nimmo and Reid.

Councillor Spears was appointed Veterans Champion.

Decision

Council agreed:-

(1) to make the following appointments:-

Organisation	Appointments
COSLA Leaders Group	Councillor Meiklejohn
COSLA Convention	Councillors Alexander, Goldie, Meiklejohn and Nicol.
Falkirk & District Arts and Civic Council	Provost Coleman (honorary President)
Falkirk District Twinning	Provost Coleman (ex-officio)
Stirlingshire Educational Trust	Provost Coleman + 6 (on the basis of political proportionality - 3 SNP, 2 Lab and 2 Con - with nominations to be made by the Groups.
University of Stirling Conference	Provost Coleman (ex-officio)
Veterans Champion	Councillor Spears

- (2) to continue consideration of the remaining appointments to the next meeting.

FC11. Programme of Meetings - June to December 2017

Council considered a report by the Director of Corporate and Housing Services which provided, as an appendix, a proposed programme of meetings for the period June to December 2017.

Decision

Council:-

- (1) approved the programme of meetings for June to December 2017, and
- (2) noted that special meetings of Council or its committees may be called as necessary.

FC12. Designation of Statutory Officers

Council considered a report by the Director of Corporate and Housing Services inviting appointment of Chief Officers to various statutory officer and proper officer roles, set out in the appendix to the report.

Council was required to appoint a Head of Paid Service. This officer has overall responsibility for ensuring that the Council's paid service is organised in a manner to allow the proper discharge of the Council's functions. The role had historically been carried out by the Council's Chief Executive.

Council was also required to appoint a Monitoring Officer, Chief Finance Officer, Chief Social Work Officer, Returning Officer, and Electoral Registration Officer. Appropriate Chief Officers had been matched against these positions and were set out in the appendix to the report for consideration.

Decision

Council agreed to designate the Chief Officers identified in the appendix to the report as the statutory or proper officer for the purposes there described.