



Agenda Item 3

Minutes

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 9 May 2018 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
	Provost William Buchanan	James Kerr	Depute Provost Ann Ritchie
	Niall Coleman	Adanna McCue	Robert Spears

Officers: Jack Frawley, Committee Services Officer
Rhona Geisler, Director of Development Services
Sara Lacey, Head of Social Work Children's Services
Joe McElholm, Head of Social Work Adult Services
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Mary Pitcaithly, Chief Executive
Brian Pirie, Democratic Services Manager
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer

FC4. Minute's Silence

The Provost led the Council in a minute's silence in memory of former Councillor Reverend John Jenkinson.

FC5. Sederunt

The sederunt was taken by way of a roll call.

FC6. Declarations of Interest

Councillor Black, as a member of the steering group of the Friends of Charlotte Dundas, and Councillor Spears, as a member of the Friends of Charlotte Dundas, each declared a non-financial interest in agenda item 10(c) (ref FC13) but stated that they considered that this did not require them to recuse themselves from consideration of the item having regard to the objective test in the Code of Conduct.

FC7. Minutes and Information Bulletin

- (a) Minute of Meeting of Falkirk Council held on 7 March 2018 – agreed as a correct record.
- (b) Minute of Special Meeting of Falkirk Council held on 5 April 2018 – agreed as a correct record.
- (c) Volume of Minutes – Volume 4 2017/18 - noted, and
- (d) Information Bulletin – Volume 4 2017/18 - noted.

FC8. Questions

No questions were submitted.

FC9. Rolling Action Log

The rolling action log showing progress on outstanding actions from previous meetings was presented. Item 419 – Referral from Executive – 10 April 2018 – Treasury Management Strategy 2018/19 was the subject of a report on the agenda and accordingly fell from the action log.

Decision

Council noted the rolling action log.

FC10. Referral from Executive – 10 April 2018 Treasury Management Strategy 2018/19

Council considered a report by the Director of Corporate and Housing Services fulfilling the requirement in the Code of Practice for Treasury Management that an annual strategy be submitted to Council for approval. The strategy had been considered by the Executive at its meeting on 10 April 2018 (ref EX6) and provided information on expected treasury activities for 2018/19.

The strategy set out:-

- the economic and interest rate outlook;
- debt outstanding at 1 April 2018;
- the short and longer term borrowing requirements for 2018/19;
- borrowing and investment strategies;
- treasury indicators and treasury management advisers;

- migration of banking services from Clydesdale Bank to the Royal Bank of Scotland which commenced in January 2018, and
- elected member and officer training.

Decision

Council:-

- (1) agreed to adopt the Borrowing Strategy for 2018/19 as set out in section 4.2 of the appendix to the report;**
- (2) agreed to adopt the Investment Strategy for 2018/19 and approved the list of “Permitted Investments” as set out in section 4.3 of the appendix to the report;**
- (3) approved the Treasury Indicators as set out in section 4.5 of the appendix to the report;**
- (4) noted the Council’s new banking contract with the Royal Bank of Scotland, and**
- (5) agreed to write to:-**
 - the Royal Bank of Scotland expressing concern at the closure of local branches and the export of jobs to India and the wage rates paid there;**
 - other major banks which had closed, or planned to close, branches in the Falkirk area expressing concern, and**
 - the relevant Secretary of State expressing concern regarding local bank branch closures.**

FC11. Decision Making Structure

Council considered a report by the Chief Executive setting out the implications of the decision taken on 6 April 2018 to change the political composition of the Executive and Education Executive and that the convenership of both bodies is no longer ex officio the Leader of the Council. Some further changes which were required to be made in light of that decision were recommended following discussion with the Group Leaders.

One practical difficulty arising from the decision of Council was that the number of portfolio holders was fixed as the Leader of the Council plus eight. The Administration were allocated 5 places on the Executives. It was open to Council to agree a more flexible approach with the decision regarding the number of portfolio holders and the division of responsibilities to sit with the Leader of the Council. It was recommended that Council determine whether any portfolio holder not appointed to an Executive could attend and speak during an item within their remit.

Following discussion with Group Leaders the Chief Executive proposed that Council considered allowing different memberships for the Executive and Education Executive. Council was also asked to consider expanding the remit of the Education Executive to include all functions within the scope of Children's Services and determine whether the non-elected voting members should have voting powers over any non-education functions.

As Council had agreed to politically balance the Executives it was proposed that Council should also apply political proportionality to the Scrutiny Committees. Council agreed to appoint a Labour member as convener of the Executives at its April meeting, one approach Council was asked to consider was that the convenerships of the Scrutiny Committees be allocated on the basis of one for each of the remaining groups i.e Conservative and SNP.

Councillor Meiklejohn, seconded by Councillor Garner, moved, in recognition of the impact of Council's decision taken on 5 April 2018, that Council:-

- (1) agrees that the Leader of the Council has flexibility on the number of portfolio holders that can be appointed and their remit, accepting that all the responsibilities currently covered will need to be covered within the remits, determined by the Leader and that these will be advised in writing to the Chief Governance Officer and reported to Council;
- (2) agrees that the Executive and Education Executive can have different memberships;
- (3) agrees that the membership of Executive/Education Executive will be augmented to include, for that item, any portfolio holder who is not a substantive member of the Executive/Education Executive but has a report on the agenda enabling them to move and vote on that particular item;
- (4) agrees that members of the Executive/Education Executive can serve on a scrutiny panel where the subject matter is not within the remit of the Executive which that member serves on, including any portfolio holder who is not a member of the Executive(s);
- (5) agrees to extend the remit of the Education Executive to include non Education functions within the remit of Children's Services;
- (6) recognises that all elected members should have the ability to participate and influence the decisions of the Council. In the interests of fairness and equity of opportunity the scrutiny committee should be proportional based on the membership of the council and not solely on political groupings. Accordingly, the political balance of the Scrutiny committees should be 3 SNP, 2 Labour, 2 Conservative and 1 Independent. In addition the Council should establish a general principle that where there is more than one independent member and

places are allocated to independents that these should be shared equitably;

- (7) recognises that removing the Leader of the Council as convenor of the Executive/Education Executive has changed the role of Convenor to that of a practical role in facilitating the meeting, the SNP as the largest group should hold Convenorships of both Scrutiny Committees;
- (8) agrees that should there be any changes in the make up of the administration whereby its membership is made up of two (or more) groups forming an alliance, it would not be appropriate for a majority administration to chair a Scrutiny Committee and have a majority on the Scrutiny Committees and in the event of such an Administration forming agrees that the arrangements for Scrutiny Committees be revisited by Council;
- (9) agrees that the business meeting held prior to Full Council membership should be amended to recognise that there are 3 main political groups and should include Group Leaders or their substitutes;
- (10) agrees that all changes should be adopted as of the next Executive meeting with membership of Executive and Education Executive and any changes to the Scrutiny Committees being advised by close of business on Monday 14th May;
- (11) agrees, in recognition that with the introduction of the Integration Joint Board which deals with aspects of Social Care which were previously reported to the Executive, that there is limited information now shared with elected members, with the exception of those who are on the IJB or members of scrutiny, which mainly scrutinises performance. Council therefore agrees as standard that the Chief Officer be asked to provide council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service, and
- (12) requests that the Chief Governance officer make necessary amendments to the Standing Orders.

Council adjourned at 10.45am to allow members of the Opposition to consider the terms of the motion and reconvened at 11.30am with all members present as per the sederunt.

Councillor Goldie, seconded by Councillor Nimmo, moved an amendment in substitution for the motion that Council agrees:-

- (1) to change the arrangements for portfolio holders to allow flexibility on the number that can be appointed and their remits. Decision making on the number of portfolio holders and their remits will sit with the Leader of the Council with the proviso that all responsibilities currently falling within the remit of portfolio holders requires to be covered irrespective

of the number appointed. It would also be a matter for the Leader of the Council to determine which portfolio holder was a member of the Executives. The decision of the Leader of the Council would require to be intimated to the Chief Governance Officer and thereafter reported to Council for noting;

- (2) that members appointed to the Executive and Education Executive may be different if groups so determine;
- (3) that where a portfolio holder is not appointed to the Executive or the Education Executive, they may attend a meeting of that body where the meeting is considering an item of business within their portfolio and speak at that item but not vote;
- (4) to relax the bar on members of an Executive serving on a scrutiny panel where the subject matter is not within the remit of the Executive on which that member serves and on portfolio holders so serving where the subject matter does not fall within their remit;
- (5) to extend the remit of the Education Executive to include the non-education functions within the remit of Children's Services;
- (6) that voting powers for the non Councillor members of the Education Executive are limited to education functions only;
- (7) to politically balance the scrutiny committees as follows:-

SNP	– 3
Labour	– 3
Conservative	– 2
- (8) to remove the requirement that the convenership of both Scrutiny Committees is held by the largest Opposition Group and, in place of that requirement agrees that, as the convenership of the Executives is held by a member of the Labour Group, the convenership of the two Scrutiny Committees are allocated to members of the SNP and Conservative Groups respectively;
- (9) that any decision to pursue recommendations 4.7 and 4.9 be subject to an explicit commitment that Council would review this in the event that a majority Administration is formed;
- (10) to extend the membership of the business meeting held prior to Council to include the Leaders (or their substitute) of each of the main groups;
- (11) that the changes adopted will have effect from this meeting, and
- (12) to request that the Chief Governance Officer makes the necessary amendments to the Standing Orders of the Council to give effect to the decisions made to be reported to the June meeting of Council.

Council adjourned at 11.40am to allow members to attend the funeral of former Councillor Reverend John Jenkinson. Council reconvened at 2.05pm with all members present as per the sederunt.

Following discussion, Councillor Meiklejohn as the mover of the motion, with the consent of Councillor Garner as her seconder and the Provost, adjusted the terms of her motion to include clause six from the amendment, namely:-

“that Council agrees that voting powers for the non Councillor members of the Education Executive are limited to education functions only”.

Having heard from the Leader of the Council, Councillor Goldie as the mover of the amendment, with the consent of Councillor Nimmo as his seconder and the Provost, adjusted the terms of his amendment to include clause eleven from the motion, namely:-

“Council agrees, in recognition that with the introduction of the Integration Joint Board which deals with aspects of Social Care which were previously reported to the Executive, that there is limited information now shared with elected members, with the exception of those who are on the IJB or members of scrutiny, which mainly scrutinises performance. Council therefore agrees as standard that the Chief Officer be asked to provide council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service”.

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

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

Decision

Council agreed:-

- (1) to change the arrangements for portfolio holders to allow flexibility on the number that can be appointed and their remits. Decision making on the number of portfolio holders and their remits would sit with the Leader of the Council with the proviso that all responsibilities currently falling within the remit of portfolio holders required to be covered irrespective of the number appointed. It would also be a matter for the Leader of the**

Council to determine which portfolio holder was a member of the Executives. The decision of the Leader of the Council would require to be intimated to the Chief Governance Officer and thereafter reported to Council for noting;

- (2) that members appointed to the Executive and Education Executive may be different if groups so determine;**
- (3) that where a portfolio holder is not appointed to the Executive or the Education Executive, they may attend a meeting of that body where the meeting is considering an item of business within their portfolio and speak at that item but not vote;**
- (4) to relax the bar on members of an Executive serving on a scrutiny panel where the subject matter is not within the remit of the Executive on which that member serves and on portfolio holders so serving where the subject matter does not fall within their remit;**
- (5) to extend the remit of the Education Executive to include the non-education functions within the remit of Children's Services;**
- (6) that voting powers for the non Councillor members of the Education Executive are limited to education functions only;**
- (7) to politically balance the scrutiny committees as follows:-**

SNP	– 3
Labour	– 3
Conservative	– 2
- (8) to remove the requirement that the convenership of both Scrutiny Committees is held by the largest Opposition Group and, in place of that requirement agreed that, as the convenership of the Executives was held by a member of the Labour Group, the convenership of the two Scrutiny Committees were allocated to members of the SNP and Conservative Groups respectively;**
- (9) that any decision to pursue recommendations 4.7 and 4.9 in the report were subject to an explicit commitment that Council would review this in the event that a majority Administration is formed;**
- (10) to extend the membership of the business meeting held prior to Council to include the Leaders (or their substitute) of each of the main groups;**

- (11) that the changes adopted would have effect from this meeting;**
- (12) to request that the Chief Governance Officer makes the necessary amendments to the Standing Orders of the Council to give effect to the decisions made to be reported to the June meeting of Council, and**
- (13) that in recognition that with the introduction of the Integration Joint Board which dealt with aspects of Social Care which were previously reported to the Executive that there was limited information now shared with elected members, with the exception of those who were on the IJB or members of scrutiny, which mainly scrutinised performance. Council therefore agreed as standard that the Chief Officer provide Council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service.**

FC12. Appointments

Council considered a report by the Director of Corporate and Housing Services inviting: the creation of an appointments panel to appoint a convener of the Audit Committee; appointment of a second member to the Local Negotiating Committee for Teachers (LNCT); the appointment of the Information Governance Manager as the Data Protection Officer for the purpose of the General Data Protection Regulation (GDPR), and the appointment of a depute convener of the Pensions Committee.

The Audit Committee is convened by a co-opted independent member. Roseann Davidson was appointed in 2010 and reappointed in both 2012 and 2017. At its statutory meeting Council noted that Ms Davidson intended to serve for a further twelve months. It was recommended that an appointments panel, comprising an elected member from each party, was established to undertake the recruitment, selection and appointment of a successor. The successful candidate would be appointed until the next Local Government elections in May 2022. To ensure the convenership retained its independence it was recommended that any convener was limited to serve a maximum of two terms, with a term constituting the lifetime of a Council.

The LNCT is the Falkirk level negotiating group for teachers terms and conditions. The management side had two places for Councillors. One of the places was held by the Education Portfolio Holder, and Council was invited to make an appointment to the vacant position.

In terms of the GDPR Council was required to designate a Data Protection Officer (DPO) which was a statutory office established by the Data

Protection Act. It was recommended that the Information Governance Manager was designated as the Council's DPO.

Councillor Patrick had intimated his resignation as the deputy convener of the Pensions Committee on 8 March 2018. Council was invited to appoint a successor.

There was general agreement on the establishment of an Appointments Panel, a two term limit for the Audit Committee convener and that the Information Governance Manager was designated the DPO. There were no nominations to the position of Pensions Committee deputy convener.

Nominations were sought for the vacancy on the LNCT.

Councillor Meiklejohn nominated Councillor Bouse.

Councillor Goldie nominated Councillor Nimmo.

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

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 Bouse (14) – Deputy Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Grant, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For Councillor Nimmo (16) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Flynn, Goldie, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo, Patrick and Reid.

Decision

Council agreed:-

- (1) to establish an Appointments Panel to appoint a convener of the Audit Committee comprising one member from each political group;**
- (2) that the Audit Committee convener may serve a maximum of two terms;**
- (3) to appoint Councillor Nimmo to the Local Negotiating Committee for Teachers, and**
- (4) to appoint the Information Governance Manager as the Data Protection Officer for the purpose of the General Data Protection Regulation.**

FC12. 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 noted the signing of the deeds listed in the appendix to the report.

FC13. Motions

Four motions had been submitted. Agenda item 10(a) referred to matters reserved to Council. Agenda items 10(b), (c) and (d) referred to matters within the remit of the Executive. The Provost advised that in accordance with Standing Order 31.1 he determined that item 10(c) was suitable for debate at Council while agenda items 10 (b) *Family Cap* and (d) *Single Use Plastics* stood referred to the Executive.

- (a) Council considered the following motion by Councillor Alexander, seconded by Councillor Meiklejohn, that:-

Council recognises the importance of representation on outside bodies such as COSLA and believes that where decisions are taken that impact on Falkirk Council Services the local authority should be represented.

Each member selected to represent Falkirk Council has a responsibility to act in the best interests of the Council and the people we represent.

Council therefore agrees to the following:-

- (1) On topical issues or matters of major policy of funding determined or influenced by an external body the Council through the Chief Executive will receive a report of the board content as soon as possible but no later than 5 working days from the item being discussed. External boards such as the IJB where senior officers/officers sit will be exempt;
- (2) In addition to the above, single members appointed to an external body on behalf of Falkirk Council will produce an annual report giving a summary of their activities including their attendance record. Where more than one member is involved these members will agree amongst themselves who shall report back;
- (3) Where a member misses three consecutive meetings that member will either step aside voluntarily or a report will be submitted to Council and that member may be removed;

- (4) Request that the Chief Executive oversee the inclusion of these reports within the appropriate Council agendas; and
- (5) As the four COSLA boards were established to include the spokespersons from each authority with only Falkirk noncompliant Council therefore agrees that when an elected delegate is unable to attend the relevant portfolio holder will replace that member as a substitute.

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

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

Decision

The motion was not carried.

- (c) Council considered the following motion by Councillor Coleman, seconded by Councillor Binnie, that:-

The Council expresses its concern that Scottish Canals are closing bridges because repairs are needed which they say they cannot afford, and reducing operating times, and so gradually closing the Lowland Canals. The Council also expresses concern at the loss of the purpose of the Millennium Link restoration - which was to bring the canals back to life from City to City and Sea to Sea.

The Council notes that Scottish Canal's total grant and earned income has been rising, but the amount being spent on maintaining the canals has fallen, and is concerned that once boats stop moving through the canal, it will once again be full of weed and become a festering eyesore to the detriment of the many new housing and commercial developments that have been attracted to its banks.

The Council supports the campaign by canal based voluntary groups to keep the canals alive and asks all those who funded the Millennium Link, including this Council and the Scottish Government, to urge the

Board of Scottish Canals to meet their statutory obligations to keep the canals maintained and open for use.

As an amendment, Councillor Black, seconded by Councillor Blackwood, moved that:-

Council values the work of volunteers and organisations all along our canal waterway. We appreciate the work that is ongoing to regenerate and promote businesses in that area.

Council thanks Scottish Canals for the long way it has come in 6 years to establish and grow its business profile within difficult financial constraints alongside an asset base that requires a lot of maintenance work.

Council asks the Scottish Government to look at the core funding given to Scottish Canals and adjust accordingly, so that those bridges can be effectively repaired and the canal network can be fully utilised by boats again. In addition funding is required to put in a drop lock at Bonnybridge and other areas of concern, so that communities are not inconvenienced, as they can be at times.

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

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

Decision

Council agreed the amendment.