

DRAFT**MINUTE of RECONVENED MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 26 MAY 2008 at 9.30 a.m.**

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, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Nimmo, Oliver, Patrick, Spears, Thomson and Waddell.

APOLOGY: Councillor C MacDonald.

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; and Senior Committee Services Officer (D Kelly).

FC15. POST OFFICE LTD NETWORK CHANGE PROGRAMME

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Chief Executive submitted to the meeting of the Policy and Resources Committee held on 8 April 2008.

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

By way of an amendment, Councillor Alexander, seconded by Councillor McNally moved the following amendment:-

That Council undertakes to write to both local New Labour MPs to express our anger at their betrayal of the people of Falkirk District for failing to support the motion calling for a halt to Post Office closures in the vote within the House of Commons on 19 March 2008. Council also notes previous unqualified support given to the Government's closure programme by both MPs.

In terms of Standing Order 21.4(1) a vote was taken by way of a roll call there being 31 Members present, with Members voting as undernoted:-

For the Motion (15) – Provost Reid, Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nimmo and Waddell.

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

Abstention (2) – Councillors Nicol and Patrick.

Accordingly **AGREED** to:-

- (1) note the approach taken by Essex County Council; and
- (2) that a further Report will be presented to Members on the issue with a note of the proposed response to be made to the Public Petitions Committee.

FC16. PROCUREMENT – SCOTLAND EXCEL

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Director of Corporate and Commercial Services submitted to the meeting of the Policy and Resources Committee held on 8 April 2008.

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

By way of an amendment Councillor Alexander, seconded by Councillor Hughes moved that Council notes the successes of Falkirk Council's existing procurement services, particularly the dramatic increase in contracts awarded to local providers and companies during the period from 2001. Council therefore resolves not to join Scotland Excel.

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

Accordingly, **AGREED** that Council acknowledges the key role that Scotland Excel will play in the development and improvement of Local Authority Procurement and the future financial benefits that will be realised from that participation. However, recognising the procurement work that the Council has undertaken both collaboratively and singularly, the Council will not realise immediate financial benefits from participation in Scotland Excel.

It is therefore agreed that the Council does not commit to joining in Year 1, but indicates its support for the principles and ethos of Scotland Excel. The Council shall however regularly appraise the business case for participation and determine the most appropriate time to participate.

FC17. NATIONAL AND REGIONAL FACILITIES STRATEGY

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Director of Community Services submitted to the meeting of the Policy and Resources Committee held on 8 April 2008.

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

By way of an amendment Councillor Alexander, seconded by Councillor Jackson, moved that Council agree to call for a meeting with all parties involved in the formulation of this project, namely, the SFA, sportscotland, the Scottish Government and a cross party group of Councillors to discuss the issues pertaining to this development contained within the Report and that officers prepare a further Report based on the outcomes of that meeting.

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

Accordingly **AGREED** not to proceed with the Indoor Football Academy and request officers to continue engagement with the SFA, sportscotland and local clubs with a view to developing a plan for a network of third generation synthetic pitches and upgraded grass pitches across the area together with detailed budget considerations and to report to the Education and Leisure Committee in due course.

FC18. REFERRALS FROM COMMUNITY HEALTH AND SAFETY COMMITTEE – 18 MARCH 2008 – LOCAL HEALTHCARE BILL – CONSULTATION PAPER

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Director of Corporate and Commercial Services submitted to the meeting of the Policy and Resources Committee held on 8 April 2008.

Councillor Gow, seconded by Councillor C Martin moved that the recommendations as detailed in the Report considered by the Community Health and Safety Committee meeting on 13 March 2008 be approved.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor J Constable moved that with respect to paragraph 3.7 of the Report (questions 16, 17 and 18 of the consultation document) relating to the role of elected Councillor on NHS Boards, the following statement be included:-

“Where this would amount to more than one Councillor representative that there should be political balance for the main parties from the local authority”.

In terms of Standing Order 21.4(i) a vote was taken by way of a 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, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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, namely to note the content of the Local Healthcare Bill consultation paper, and that the appendix to the Report be submitted to the Scottish Government as the Council’s response to the consultation.

FC19. REFERRALS FROM EDUCATION AND LEISURE COMMITTEE – 25 MARCH 2008 – CULTURAL CO-ORDINATORS

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Director of Education Services submitted to the meeting of the Policy and Resources Committee held on 8 April 2008.

Councillor Waddell, seconded by Councillor C Martin moved that the recommendations detailed in the Report considered by the Policy and Resources Committee at its meeting on 8 April 2008 be approved.

By way of an amendment Councillor Coleman, seconded by Councillor A MacDonald moved that:-

“Council recognises the importance of local culture and heritage to the young people of Falkirk and district. Council therefore rejects the proposed cuts in both numbers of Cultural Co-ordinators posts and overall hours worked in this field. Instead of cutting this service Council agrees to maintain the current staffing level, hours worked and funding commitments currently in place. Council also agrees to open discussions with the relevant staff members and their representatives to prepare a long term strategy for their employment with Falkirk Council, including becoming full time permanent employees in the fullness of time.”

At this point, Councillor MacDonald declared a non-financial interest in the item of business given his role as chair of the local MOD Committee. However, Councillor MacDonald did not consider that there was a conflict of interest between that position and his role as a councillor and accordingly participated in the discussion and vote.

During the course of debate the Chief Executive reminded members of the terms of the Councillor’s Code of Conduct insofar as it refers to matters which should not be raised in public.

Following further debate and in terms of Standing Order 25.2(ii) Councillor Gow, seconded by Councillor Nimmo moved the closure motion that “the question be now put”.

On a vote, 17 Members voted for the Motion and 13 Members against. The mover of the motion was accordingly entitled to exercise his right of reply before the vote was taken.

In terms of Standing Order 21.4(i) a vote was taken by way of a 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, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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:-**

- (1) to note the valuable work of this small team and the impact on the experiences and opportunities for the young people in our schools and establishments in Falkirk; and
- (2) to approve the establishment of one permanent Cultural Co-ordinator post and one part-time temporary post.

In terms of Standing Order 31.1 it was **AGREED** to continue the meeting beyond the 3 hour limit, following an adjournment for lunch and to close the meeting at 4 p.m.. The meeting adjourned at 12.45 p.m. and re-convened at 1.20 pm. with all Members present as per the sederunt.

**FC20. REFERRAL FROM HOUSING AND SOCIAL SERVICES COMMITTEE – 1
APRIL 2008
LOCAL HOUSING STRATEGY – DRAFT HOMELESSNESS STRATEGY
2008 – 13**

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 April 2008, and (b) Report by Director of Corporate and Commercial Services submitted to the meeting of the Housing and Social Services Committee held on 1 April 2008.

Councillor Goldie, seconded by Councillor McNeill moved that the recommendations detailed in the Report considered by the Policy and Resources Committee at its meeting on 8 April 2008 be approved.

By way of an amendment Councillor McNally, seconded by Councillor Meiklejohn moved that Council agree that a section be added to the Strategy calling on the UK Government to amend legislation governing the “Real Estate Investment Trust” to remove residential properties from its options; that Committee also requests that officers take the matter up separately with local MPs and appropriate Westminster Ministers and that the matter be referred to the Policy and Resources Committee.

In terms of Standing Order 24.1(i) a vote was taken by way of a 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, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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

Accordingly, **AGREED:-**

- (1) the draft Homeless Strategy 2008-13;
- (2) that a further Report on the matter, following consultation with Stakeholders be submitted to a future meeting of the Housing and Social Services Committee; and
- (3) that a section be added to the Strategy calling on the UK Government to review the legislation governing the “Real Estate Investment Trust” to remove residential properties from its options and that the Council also requests that officers take the matter up separately with local MPs and appropriate Westminster Ministers.

FC21. REFERRAL FROM ENVIRONMENT AND HERITAGE – 15 APRIL 2008 PROGRESS REPORT ON DEVELOPMENT FRAMEWORK FOR THE FORMER RSNH SITE, LARBERT

In terms of the Council’s Scheme of Delegation, this item had been called into Council by Councillors Coleman, J Constable and McNally.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Environment and Heritage Committee held on 15 April 2008, and (b) Report by Director of Development Services submitted to the meeting of the Environment and Heritage Committee held on 15 April 2008.

Councillor Mahoney, seconded by Councillor C R Martin, moved that the recommendation detailed in the Report considered by the Environment and Heritage Committee at its meeting on 15 April 2008 be approved.

By way of an amendment, Councillor Coleman, seconded by Councillor Carleschi moved that recommendation (2) of the officer’s Report be changed to read as follows:-

“awaits the submission of the formal master plan for the residual estate at RSNH to include Option 3 as the preferred community option and further that Council instructs officers to work with the Community Council and local Members towards developing Larbert House for affordable housing through the means of a community enterprise project.”

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

Accordingly, **RESOLVED:-**

- (1) to note the progress that has been made in implementing the RSNH Development Framework;
- (2) to await the submission of the formal master plan for the residual estate at RSNH and to instruct officers to ask NHS Forth Valley to consider Option 3 for an urban park and moreover to consider inclusion of an affordable housing element within the Larbert House development as part of the master plan; and
- (3) that arrangements are made for Members to visit the RSNH site.

FC22. TO SCOTTISH GOVERNMENT’S CLIMATE CHANGE BILL: CONSULTATION RESPONSE

There was submitted Report (circulated) dated 22 April 2008 by Director of Development Services (a) advising that the majority of the scientific community accept that carbon dioxide (CO₂) and other greenhouse gases are significant contributing factors to enhanced climate change, (b) referring to the UK Climate Change Bill introduced in November 2007 and aimed at setting CO₂ related targets in statute and setting a limit on the total amount that can be emitted by the UK over a five year period (carbon budgeting), (c) informing that the Scottish Government is working in partnership with the UK Government and the devolved administrations in Wales and Northern Ireland on the UK Climate Change Bill which will set a UK 60% reduction target for CO₂ emissions by 2050, (d) intimating that the Bill also seeks to establish an independent Committee to advise on the level of carbon budgets, create enabling powers and reporting requirements, (e) explaining that following the Scottish Parliament’s agreement in December 2007 to a Legislative Consent Motion, many of the provisions of the UK Bill, on enactment, will extend to Scotland, and (f) attaching as an appendix to the Report a suggested Council response to the consultation paper.

AGREED to approve the response to the Scottish Government’s Climate Change Bill as appended to the Report.

FC23. CONVENTION OF SCOTTISH LOCAL AUTHORITIES: MEMBERSHIP

There was submitted Report (circulated) dated 7 April 2008 by Acting Director of Administration Services advising of the recent consultation on proportionality undertaken by COSLA and the associated decision taken at the March meeting of the Convention.

Councillor Gow, seconded by Councillor Nimmo moved that the Council's membership of CoSLA should reflect political balance as far as possible. In that respect, the two major political groups should be represented as should the other members of Council. Accordingly, it was proposed that the Labour group would resign from one of their places to be replaced by Councillor Patrick.

Councillor Coleman, seconded by Councillor Alexander moved that to demonstrate diversity on COSLA, one of the Labour group Members resign and be replaced by Councillor Buchanan.

Councillor Buchanan declined the nomination.

Councillor Coleman, seconded by Councillor Alexander moved that to demonstrate diversity on COSLA, one of the Labour group members resign and be replaced by Councillor Waddell.

Councillor Waddell declined the nomination.

Councillor Alexander, seconded by Councillor Spears moved that one of the Labour group Members on COSLA resign and be replaced by Councillor Coleman.

Councillor Coleman gave intimation of a further amendment.

On a division 16 Members voted for the Motion, 14 for the Amendment and there was 1 Abstention.

AGREED that the substantive Motion be that one of the Labour Members on COSLA resign and be replaced by Councillor Patrick.

By way of an amendment, Councillor Coleman, seconded by Councillor Alexander moved that one of the Labour Members of COSLA resign and be replaced by Councillor Spears.

On a division, 16 Members voted for the Motion, 14 for the Amendment and there was 1 Abstention.

AGREED that one of the Labour group Members of COSLA resign and be replaced by Councillor Patrick.

FC24. FLAG FLYING AT MUNICIPAL BUILDINGS, FALKIRK

There was submitted Report (circulated) dated 17 April 2008 by Acting Director of Administration Services (a) referring to the re-instatement of the third flag-pole outside the Municipal Buildings, Falkirk, and (b) seeking guidance on whether the Union flag and/or the Saltire should be flown daily.

Councillor Gow, seconded by Councillor Nicol moved that the Union flag and the Saltire be flown on a daily basis outside the Municipal Buildings, Falkirk.

By way of an amendment, Councillor Alexander seconded by Councillor Coleman moved that the residents of the Falkirk Council area be consulted on the proposal with officers bringing forward a report on the methodology of consultation, to include the Council website, the Falkirk Council News, or a combination of both, or any other means necessary.

On a division, 18 Members voted for the Motion and 13 for the amendment.

Accordingly, **AGREED** that the Union flag and the Saltire be flown daily outside the Municipal Buildings, Falkirk.

FC25. NOTICES OF MOTION – CONTINUED FROM FALKIRK COUNCIL – 5 MARCH 2008**(c) Alcohol Misuse**

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

“Council welcomes the commitment of the Justice Secretary, Kenny MacAskill, to tackle the problems of alcohol misuse.

The ethos of drinking to get drunk is one of the main contributions to anti-social behaviour, crime and health issues within our communities.

Council agree to work with the Justice Secretary to tackle this growing problem by taking the lead locally by:

1. Arranging a local conference of stake holders including representatives of the drink industry, health, police and community groups to begin the process of developing a strategy for the changing of the public attitude.
2. Regular updates at Community Health & Safety of the development of the strategy and its implementation.
3. Instructs Officers to prepare a report for Community Health and Safety on how the policy direction above can be implemented.

By way of an amendment Councillor Nicol, seconded by Councillor Buchanan moved that –

“Council recognises the detrimental effect the misuse of alcohol has on Scottish Society.

It causes an additional strain on the NHS, the Police and other Public Services. It is a major factor behind much of the anti-social behaviour and the other crimes which blight our communities. It has a huge detrimental effect on the individual, their health, their finances and sadly their relationships with partners and children.

Having developed over generations this problem requires a multi agency approach to changing attitudes through education and enforcement.

In that regard –

- (a) Council calls upon the Scottish Government to bring forward as soon as possible, for consultation, their trailed proposals on limiting the ways alcohol can be promoted within supermarkets and off sales, the proposals on minimum pricing and on banning drink promotions and the proposed “polluter pays” levy a proposal which if enacted would make funds available to assist in education on the effects of alcohol misuse and in enforcement of legislation.
- (b) Council acknowledges the role of the recently formed Licensing Forum whose membership includes representatives of the Drinks Industry, the local Licensed Trade, Police, Forth Valley Health Board, as well as community bodies in the form of various Community Councils.

Council further instructs officers to bring forward a report on how the role of the Forums can be developed within the terms of the Licensing (Scotland) Act 2005.

- (c) Council welcomes the introduction of Test Purchasing across the whole of Scotland as an additional weapon in the fight against those who sell alcohol with no regard for the social consequences.

It applauds the work done by the Licensing Officers of Central Scotland Police and other officers involved in Licensee education and enforcement.

It looks forward to reports to Council from the Licensing Standards Officer when into his important role under the Licensing (Scotland) Act 2005.

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

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

FC26. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 16 April 2008 by Acting Director of 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.

FC27. CLOSE OF BUSINESS

In terms of Standing Order 31.1 Councillor Alexander, seconded by Councillor A MacDonald moved to continue the meeting to complete consideration of the outstanding business.

By way of an amendment, Councillor Gow, seconded by Councillor C Martin moved to close the meeting.

On a division, 13 Members voted for the Motion and 18 for the Amendment.

Accordingly, **RESOLVED** to close the meeting and to carry over the unfinished business to a future meeting.