

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with large antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "A NE FOR A".

Agenda Item 3(a)

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held remotely on Wednesday 23 June 2021 at 10.00 a.m.

Councillors:

David Aitchison	Niall Coleman	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
Fiona Collie	Adanna McCue	Robert Spears

Officers:

Karen Algie, Head of People, Technology & Transformation
 Patricia Cassidy, Chief Officer – Falkirk Health & Social Care Partnership
 Douglas Duff, Acting Director of Development Services
 Jack Frawley, Team Leader - Committee Services
 Sara Lacey, Head of Social Work Children's Services
 Kenneth Lawrie, Chief Executive
 Iain Henderson, Legal Services Manager
 Lesley Malkin, Project Manager
 Colin Moodie, Chief Governance Officer
 Robert Naylor, Director of Children's Services
 Brian Pirie, Democratic Services Manager
 Stuart Ritchie, Director of Corporate & Housing Services
 Bryan Smail, Chief Finance Officer
 Amanda Templeman, Capital & Treasury Manager

Also

Attending:

Maureen Campbell, Chief Executive, Falkirk Community Trust
 Brian Robertson, Group Commander, Scottish Fire and Rescue Service

In accordance with section 43 of the Local Government in Scotland Act 2003 the Provost had directed that the meeting would be conducted by video to allow remote attendance by elected members.

In accordance with section 50A of the Local Government (Scotland) Act 1973 the public were excluded from this meeting as it was likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

FC11. Sederunt

The sederunt was taken by way of a roll call. There were no apologies.

FC12. Declarations of Interest

Councillor Spears declared a non-financial interest in item FC13 as he had formerly been employed in the fossil fuel sector and was a member of an associated pension fund but stated that he did consider that this required him to recuse himself from consideration of the item having given regard to the Objective Test in the Code of Conduct.

There were no further declarations at this point.

FC13. Order of Business

In terms of Standing Order 14.2 the Provost advised of a change to the order of business. The following items have been recorded in the order they were considered at the meeting.

FC14. Motions

Two motions had been submitted which referred to matters within the remit of the Executive. The Provost advised that in accordance with Standing Order 31.1 he had determined that agenda items 13(a) and (b) stood referred to the Executive.

The matters set out in the motions fell within the remit of the Executive. The Provost ruled that having consulted with Group Leaders he considered that neither motion had sufficient impact on the Council area to be suitable for debate at Council.

FC15. Minutes and Information Bulletin

- (a) Minute of Meeting of Falkirk Council held on 18 May 2021 - agreed as a correct record;
- (b) Volume of Minutes – Volume 5 2020/21 - noted, and
- (c) Information Bulletin – Volume 5 2020/21 - noted.

FC16. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 18 May 2021 was provided. Items 539 – Council HQ

and Arts Centre; 544 – Falkirk Community Trust – Future Options, and 556 – Council Service Structure were the subject of reports on the agenda and accordingly fell from the action log.

Decision

Council noted the rolling action log.

FC17. Fire and Rescue Local Plan

Council considered a report by the Chief Executive which presented the Scottish Fire and Rescue Service's Fire and Rescue Plan for the Falkirk Council area for 2021 for approval.

The Local Fire and Rescue plan must be submitted to the relevant Local Authority for approval and reviewed every 3 years. The current Fire and Rescue plan for the Falkirk Council area for 2018 had been approved by Council on 7 March 2018. Performance in delivering the Plan was monitored by the Scrutiny Committee (External).

The Plan was the mechanism through which the aims of the Scottish Government's Fire and Rescue Framework 2016-19, the SFRS's Strategic Plan 2019-22 and the Falkirk Community Planning Partnership's (CPP) Strategic Outcomes and Local Delivery Plan (SOLD) 2016-2020, were delivered locally to meet the agreed needs of the communities in the Falkirk Council area. The proposed Plan, was appended to the report and set out the Scottish Fire and Rescue Service's priorities for the Falkirk area over the coming year. These were:-

- local risk management and preparedness
- domestic fire safety
- deliberate fire setting
- unintentional harm and injury
- non domestic fire safety
- false alarms (including unwanted fire alarm signs)

The priorities noted in the draft Plan were set within the context of the transformation that the Service sought to undertake over the coming years. This reflected the changing context within which the Service was working. It gave a firm commitment to working in partnership with the Council and other community planning partners to deliver on local needs and aspirations. The draft Plan had been developed following a light touch review of the current Plan. The main changes proposed in the Plan were:-

- introduction to reflect change of Local Senior Officer (LSO) and organisational updates;
- national context updated to reflect updated SFRS Strategic Plan;
- local context section amended with latest population figures and localities map added;

- local priorities – remained the same, however Unintentional Harm now incorporated Road Safety; and
- Contact Us section amended to reflect change of LSO.

Decision

Council approved the Scottish Fire and Rescue Service's Fire and Rescue Plan for the Falkirk Council area for 2021.

FC18. 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 part of the following item of business on the ground that they would involve the likely disclosure of exempt information as defined in paragraphs 6 and 9 of Part 1 of Schedule 7A to the said Act during discussion of appendices 2 and 5 to the report.

FC19. Council Headquarters & Arts Centre Update: Town Centre Site Search

A deputation request had been received from Margaret Foy on behalf of the Healthy High Street Group to be heard in relation to this item.

Council agreed to hear the deputation.

The deputation then addressed Council following which Members asked questions of the deputation.

Council adjourned at 12noon for a comfort break and reconvened at 12.10pm with all members present as per the sederunt.

Council then considered a report by the Acting Director of Development Services which provided an update on the progress with work on the Council's civic headquarters (HQ) and arts centre project in relation to the options to confirm a suitable town centre site.

The search for a suitable town centre site for the HQ and arts centre project had involved a number of strands:-

- Town Centre workshop with landowners & developers
- Assessment of external funding
- Site assessment including a regeneration appraisal, technical site examination, valuations of the various interests
- Financial appraisal
- Overall site appraisal and scoring

A workshop involving the Council and developer/land owning interests in Falkirk town centre had taken place on 10 December 2020 with six sessions hosted by the Council and attended by a cross party mix of Councillors. The

sessions had enabled developers/landowners to convey their concerns over the trading performance of the town centre, the issues this caused for them and to display proposals for redevelopment options involving their interests in the town centre. The main comments raised were:-

- Falkirk was well placed to attract footfall in the context of Scotland's central belt
- The town centre had too much retail floorspace
- Covid-19 had exacerbated the decline of retailing in town centres and it was unlikely to recover in the same way
- Residential and other non-retail uses must be sought for the town centre
- A significant number of town centre sites needed to progress reuse opportunities, potentially via a comprehensive regeneration masterplan
- The town centre had limited prospects of attracting major investors and banks to enable its regeneration
- Council investment in the HQ and arts centre facility would inspire confidence in the town centre
- There was developer interest in pursuing a successful scheme if the Council proceeded
- There was a requirement to act now to identify a town centre site for the HQ and arts centre facility.

In the course of preparing the project business case, engagement with Scotland's Towns Partnership and independent economic/arts consultants had highlighted that the location of the new facility was critical to gaining maximum impact and benefit for the town centre. Centrally located offices and cultural facilities located alongside other activities e.g. food and drink outlets, patrons would stay longer and spend more, with consequent regeneration benefits.

Based on the previous owners' notifications of interest, an in-depth review of the potential town centre sites had been undertaken by the project team. At the outset, two sites had been discounted as unsuitable:-

- Bank St - too small to meet the requirements, and
- Falkirk Grahamston/Melville St – complexity of access and site construction issues due to proximity to railway.

This left the following sites to be fully tested as part of the exercise:-

- Bus Station/Meadow Street site
- Callendar Square
- M&S/Howgate
- Cockburn Street/High Street site
- Municipal Buildings site

It became apparent that the former Marks & Spencer's unit was under offer and unlikely to be available, and that a Howgate only solution was

constrained due to its limited High Street frontage. In light of this, full assessment of the M&S/Howgate option had not been progressed. Initial discussions with cost consultants suggested that all sites would be roughly equivalent for the new build elements. A further review of construction inflation was being undertaken recognising the movement on materials etc prices caused by Covid-19.

In summary, the site assessment review concluded that all four sites could accommodate the Council's requirements. Callander Square and the Municipal Building sites were the largest and offered the most development potential. The High Street/Cockburn St and Bus Station/Meadow St sites could accommodate the Council's current requirements but offered limited scope for expansion space if requirements altered.

In October 2020, discussions commenced with site owners to understand their interest in their sites being acquired/utilised by the Council to facilitate the HQ and arts centre project. Discussions also focussed on their detailed ownerships, tenancy positions and value aspirations. In addition, detailed commercial information had been gathered and assessed concerning the existing uses, lease information provided, site assembly issues and owners aspirations of value for their sites. The District Valuer's (DV) office was appointed to work with the project team to provide advice on site values, potential site assembly and compensation costs.

A site appraisal process was undertaken and ranked each site based on:-

- the impact that it would have for town centre regeneration
- whether it could accommodate the Council's space requirements
- the complexity of site assembly
- probable cost, risks and timescales.

This had allowed a recommendation on the preferred site to be pursued. The preferred site was the Cockburn St/High St site.

Due to the complexity of the various ownership and lease interests for the town centre sites, it was likely that the Council would require to promote a Compulsory Purchase Order (CPO) to ensure that vacant possession could be timeously secured across all property interests for any of the sites. The Council would endeavour to secure control of the preferred site through negotiations with the current owners and occupants before any determination was made on whether a CPO would be required. This negotiated process would continue in tandem with the CPO process with a view to securing a voluntary agreement with all parties. A CPO also had the advantage of ensuring that there were no gaps in title or restrictions to the Council's use of the site.

To move forward with due diligence on the preferred site required the Council to have more active discussions with all owners, in advance of potentially promoting any CPO. The timescales for the initial phase of the project were:-

- June-Sept 2021 – diligence and active discussions with all owners
- June-July – appoint legal advisers
- Aug/Sep/Oct – appoint Hub East Central and secure project design team
- Sept – report back to Council on owner discussions and formally promote CPO
- Nov-May 2022 – Stage 1 Design - Ready for Planning submission

Town centre regeneration was a key focus of the work underway to establish the 'Investment Zone' initiative for the Falkirk area. The UK and Scottish Governments had allocated £90m towards delivery of the scheme and the submission proposed included an indicative allocation of £6m toward delivery of the arts centre facility as a contributor to the regeneration of the town centre and a means to attract increased tourist footfall.

The Scottish Government recently committed to establishing a £140m Place Based Investment Programme linking and aligning previous place-based funding initiatives including the Town Centre Capital Fund. In May 2021 Falkirk was allocated £1.391m to be committed by March 2022. This represented the first year grant allocation of Place-Based Investment Programme funds from an indicative five year funding programme to advance place-based investment. It was proposed that the Place Based Investment Programme fund 2021/22 was allocated to support delivery of the HQ and Arts centre and that they be used directly to advance the acquisition of third party interests required to secure the preferred HQ and Arts Centre site and deliver town centre regeneration outputs.

Council adjourned at 1.20pm for lunch and reconvened at 2.05pm with all members present as per the sederunt.

Council went into private session at 2.05pm in order to discuss the exempt information contained in appendices 2 and 5 to the report and resumed the public session at 3.15pm.

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

- (1) notes the progress of work on the Council's HQ & arts centre project, including the work undertaken to confirm a suitable site to locate the project;
- (2) notes the information supplied in the Appendices to this report on the site options for the project including the District Valuer's advice on site values;
- (3) agrees to the selection of the High St/Cockburn St site as the Council's preferred site;

- (4) agrees that further discussions be undertaken with all affected owners at the High St/Cockburn St site as part of a preparatory acquisition strategy;
- (5) agrees in principle to the use of compulsory purchase order (CPO) powers to assemble the site as a means to conduct further discussions with the site owners and that, should CPO prove necessary, a formal request will be forthcoming to the Council's September meeting, and
- (6) agrees that the Scottish Government Place Based Investment funds of £1.39m, allocated to the Council for expenditure in 2021-22, be directed towards the acquisition of site interests at High St/Cockburn St site and other preparatory works to enable delivery of the project.

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

- (1) to pursue delivery of its HQ and Arts Centre project through provision of: -
 - (a) its HQ offices at the Municipal Buildings site, Falkirk, and
 - (b) an arts and civic centre, library and advice hub facility on the site at High St/Cockburn St. The entrance to the Art Centre will be directly across from the parish church, and to instruct the Acting Director of Development Services to prepare design options and establish costs for delivery of these projects and report these to the Council's September meeting.
- (2) that further preliminary discussions be undertaken with all affected owners at the High St/Cockburn St site as part of a preparatory acquisition strategy for delivery of the arts and civic facility subject to no binding agreements being made in advance of the September meeting;
- (3) in principle to the use of compulsory purchase order (CPO) powers to assemble the site as a means to conduct further discussions with the site owners for delivery of this project and that, should CPO prove necessary, a formal request will be forthcoming to the September meeting;
- (4) that the Scottish Government Place Based Investment funds of £1.39m, allocated to the Council for expenditure in 2021-22, be directed towards the acquisition of site interests at High St/Cockburn St site and other preparatory works to enable delivery of the project;
- (5) to recognise the need for investment to be made across the Council area to support successful place-making and that a programme be designed for future allocation of place based investment funding across the Council area for approval at a future Executive meeting;

- (6) that information on parking provision for the HQ office and the Art Centre sites including the potential to use existing provision such as the Howgate is provided to the September meeting, and
- (7) that a report summarising the outcomes of the above actions be prepared for the Council at its meeting in September giving recommendations on the arrangements for delivery of the HQ and arts centre project.

Council adjourned at 3.40pm to allow members to consider the terms of the motion and amendment and reconvened at 4.20pm with all members present as per the sederunt.

Council then adjourned at 5.25pm to allow the Labour Group to consider an alteration to the amendment and reconvened at 6.30pm with all members present as per the sederunt with the exception of Councillor Goldie.

Councillor Bissett, as the mover of the amendment, with the consent of the Provost substituted clauses (1) and (7) of his amendment with the following:-

- (1) to pursue delivery of its HQ and Arts Centre project through provision of either:-

Option A

- (a) its HQ offices at the Municipal Buildings site, Falkirk, and
- (b) an arts and civic centre, library and advice hub facility on the site at High St/Cockburn St. The entrance to the Art Centre will be directly across from the parish church.

or Option B

the provision of the HQ and Art Centre together on the High Street/Cockburn Street site as set out in the report.

and to instruct the Acting Director of Development Services to prepare design options and establish costs for delivery of these projects and report these to the Council's September meeting.

- (7) that a report summarising the outcomes of the above actions be prepared for the Council at its meeting in September allowing the Council to reach a final decision on which Option is pursued when full financial information is available to it.

In terms of Standing order 22.1, the vote was taken by roll call, there being 29 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 (16) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Flynn, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo, Patrick and Reid.

Decision

Council agreed:-

- (1) to pursue delivery of its HQ and Arts Centre project through provision of either:-**

Option A -

- (a) its HQ offices at the Municipal Buildings site, Falkirk, and**
- (b) an arts and civic centre, library and advice hub facility on the site at High St/Cockburn St. The entrance to the Art Centre will be directly across from the parish church.**

or Option B -

the provision of the HQ and Art Centre together on the High Street/Cockburn Street site as set out in the report.

and to instruct the Acting Director of Development Services to prepare design options and establish costs for delivery of these projects and report these to the Council's September meeting;

- (2) that further preliminary discussions be undertaken with all affected owners at the High St/Cockburn St site as part of a preparatory acquisition strategy for delivery of the arts and civic facility subject to no binding agreements being made in advance of the September meeting;**
- (3) in principle to the use of compulsory purchase order (CPO) powers to assemble the site as a means to conduct further discussions with the site owners for delivery of this project and that, should CPO prove necessary, a formal request will be forthcoming to the September meeting;**
- (4) that the Scottish Government Place Based Investment funds of £1.39m, allocated to the Council for expenditure in 2021-22, be directed towards the acquisition of site interests at High St/Cockburn St site and other preparatory works to enable delivery of the project;**
- (5) to recognise the need for investment to be made across the Council area to support successful place-making and that a programme be designed for future allocation of place based**

investment funding across the Council area for approval at a future Executive meeting;

- (6) that information on parking provision for the HQ office and the Art Centre sites including the potential to use existing provision such as the Howgate was provided to the September meeting, and**
- (7) that a report summarising the outcomes of the above actions be prepared for the Council at its meeting in September allowing the Council to reach a final decision on which Option is pursued when full financial information is available to it.**

The Provost noted that it was after the 5pm closure time set out in Standing Orders. Council then adjourned at 6.50pm and noted that the remaining items of business would be continued to a reconvened meeting to be held on 24 June 2021 at 2pm.

Council reconvened at 2pm on Thursday 24 June 2021.

FC20. Sederunt

The sederunt was taken by way of roll call. Apologies were intimated on behalf of Councillors Aitchison, Coombes and Kerr.

FC21. Declarations of Interest

There were no declarations at this point.

FC22. Council Headquarters and Arts Centre Update – Municipal Buildings Decommissioning

Council considered a report by the Acting Director of Development Services which provided an update on the progress of work relating to the Council's civic headquarters and arts centre project in relation to the Municipal Buildings decommissioning.

Council had earlier agreed (ref FC19) to pursue delivery of its HQ and Arts Centre through either:-

Option A -

- (a) its HQ offices at the Municipal Buildings site, Falkirk, and
- (b) an arts and civic centre, library and advice hub facility on the site at High St/Cockburn St. The entrance to the Art Centre will be directly across from the parish church.

or Option B -

the provision of the HQ and Art Centre together on the High Street/Cockburn Street site as set out in the report.

As staff relocated to the Foundry, the Municipal Buildings was being decommissioned. Staff were clearing out work areas for relocation. There was merit in continuing to operate the Town Hall until the replacement arts facility was operational, as this sustained the patronage and support. In addition, it may take up to a year to fully move the data centre in its entirety. The Municipal Building and Town Hall had shared mechanical and electrical (M&E) services such as distribution board, boilers, alarms, etc. so a partial demolition option was proposed.

Due diligence work had been undertaken on the property titles relating to the sites involved. Counsel's opinion had confirmed that the Municipal Buildings and Town Hall site were held on the Common Good Account of the former Burgh of Falkirk. Statutory processes therefore needed to be followed under the Local Government (Scotland) Act 1973 ("the 1973 Act") and the Community Empowerment (Scotland) Act 2015 ("the 2015 Act") when considering their demolition, sale or disposal by any other means. The 2015 Act formalises a process of consultation with the community and the Council must have regard to any representations made before finalising a decision to dispose of them. This included any proposals for partial demolition.

It was proposed that a Common Good consultation with the public and community bodies was carried out from end June for a period of 8 weeks and that this be advertised in the local press, social media and notices placed in prominent locations in the vicinity of the site. In light of the earlier decision the consultation would be in regard to both options. Responses to the consultation would be collated and a further report brought to Council in September.

With the Committee Suite also being decommissioned it had been decided that the Council would utilise the Studio Space (Lesser Town Hall) at the Town Hall, for Council meetings, with Forth Valley College or use of High School facilities acting as a back-up. Arrangements had also been made for Members to relocate their offices to Abbotsford House, where there was a public facing reception. Senior management would operate from touch down bases at Abbotsford House, the Foundry and later the Stadium when it became operational.

Negotiations had recommenced with NHS Forth Valley (NHSFV) in relation to the Westbank Clinic. NHSFV were agreeable to either demolishing the Clinic, at their cost, or to working with the Council to assist in its redevelopment.

Council adjourned at 2.30pm to allow consideration of the motion and reconvened at 2.45pm with all members present as per the sederunt.

Decision

Council:-

- (1) noted the intended timescales for the decommissioning of the Municipal Buildings;**
- (2) agreed to consult on the proposed demolition and as alternative options the subsequent sale of either:-**
 - (i) the entire site if the new HQ/Arts Centre is sited wholly on the High Street site, and**
 - (ii) the part of the site not needed for the HQ and associated facilities if the HQ and Arts Centre are split between the High Street and the current site;**
- (3) noted the operational arrangements being progressed to designate a registered Council address, undertake Council meetings, and establish bases for Members and management;**
- (4) noted the ongoing discussions with NHS Forth Valley re the Westbank Clinic, and**
- (5) requested that consideration is given at the appropriate time for a small contribution to be made to the Falkirk Common Good Fund from the net income from the Municipal Buildings land disposal.**

Councillor Grant joined the meeting during consideration of the previous item.

Councillor Garner left the meeting during consideration of the following item.

Councillors Binnie, Coleman, Flynn and Spears each declared a non-financial interest in item FC22 as Directors of Falkirk Community Trust, Councillor Bouse declared a non-financial interest in item FC22 as an incoming Director of Falkirk Community Trust, but they did not consider that this required them to recuse themselves from consideration of the item, having regard to the specific exclusions contained in the Code of Conduct.

Councillor Patrick declared the financial interest of a family member in item FC22 as an employee of Falkirk Community Trust but stated that he did not consider that this required him to recuse himself from consideration of the item, as the interest was so remote that it could not reasonably be taken to fall within the objective test.

FC23. Falkirk Community Trust – Project Plan and Service Structure

In January and March 2021 Council had asked for a project plan to bring the Trust back in house. Council considered a report by the Chief Executive which presented the detailed project plan for the work to transfer the

services currently provided by Falkirk Community Trust (the Trust) to the Council. The report updated on progress of the project and information on key areas of work including, the consultation on the integration of Trust services to the Council structure and the charity/company law considerations around winding up of the Trust.

There would be significant, non-recurring, work involved in transferring the Trust services to the Council. Progress had been made and a Project Management Group comprising the Chief Executives of both the Council and the Trust, the Trust's General Manager, the Head of People, Technology and Transformation, the Chief Finance Officer, the Chief Governance Officer and the News & New Media Team Leader had been established. Seven Task Groups with detailed remits had also been established. Their memberships comprised key officers of the Council, key Trust staff and Trade Union representatives. The Task Groups fell within three main thematic areas being:-

People Theme

- Organisational Design Task Group
- TUPE Task Group
- Support Services Task Group

Finance Theme

- Finance Task Group

Governance Theme

- Data, ICT, Records and Licences Task Group
- Contracts and Grants Task Group
- Property and Assets Task Group

Section 16 of the Charities and Trustee Investment (Scotland) Act 2005 ("the 2005 Act") required a charity to apply to OSCR (the Scottish Charity Regulator) for consent to wind up. With a transfer target date of 1 April 2022, an application to wind up must be made to OSCR no later than Friday 18 February 2022. The decision of the Council to wind up the Trust was treated by the Trust as an event that would have a significant impact on the Trust. The Trust had, accordingly, had initial engagement with OSCR under OSCR's Notifiable Events Regime. One of OSCR's concerns was and would be ensuring that any residual charity assets continued to be used for charitable purposes. The Trust was currently preparing an extensive equipment list including valuations. Once the equipment list was finalised and the extent of residual charity assets known, the Council and the Trust would draft the application for consent to wind up and lodge that with OSCR.

Within 28 days of lodging the application for consent, OSCR would:-

- Approve the application, with or without conditions;
- Refuse to grant consent, or
- Direct the Trust not to take the action for a period of more than 6 months specified in the direction.

The Trust's Articles of Association required that there be two Councillor directors in the quorum for a proposal to be voted upon. There may be decisions in the transfer process that could potentially lead to a conflict situation for Councillor directors. Accordingly, it would be prudent to seek to amend the Articles to provide that, if circumstances gave rise to a conflict of interest between the Trust and the Council, then the requirement that not less than two Councillor directors were present should not apply.

Consultation had taken place with the Trust on how the functions of the Trust would be integrated into the Council Service structure. The Trust Board had considered the option presented by the Council and the response from the Trust Board was attached as an appendix to the report. The Trust Board were of the view that all Trust functions should be retained together and integrated into one single service of the Council.

It remained the Council's view that it would not be appropriate to 'bolt' the Trust on to one of the existing services in its entirety. All Services of the Council were undergoing a significant period of transformational change, in particular Place Services. To align all Trust functions collectively to any one Service would potentially impact on the ability to deliver such change. There was insufficient capacity within any one Service to both focus on the changes they required to implement and provide the dynamic and effective leadership of the full range of Trust functions to ensure their successful integration.

If the Trust functions were to be aligned across different Services, the Trust had concerns about libraries being disaggregated from culture. The Trust had also suggested the move of libraries to Corporate & Housing Services may result in libraries becoming 'outposts for a range of support services to the detriment of their primary purpose'. The Council was very clear that the primary purpose of libraries must be retained. It was considered, however, that greater use could be made of library facilities, to the benefit of communities.

The Leader of the Council led the Council in recognising the impending departure of Maureen Campbell as the Chief Executive of Falkirk Community Trust and thanked her for her many years of excellent service.

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

- (1) notes the terms of the detailed project plan at appendix 1 to the report;
- (2) authorises the Chief Executive to prepare and execute resolutions under the Council's reserve power as sole member and take all necessary administrative steps required to transfer the services provided by the Trust to the Council, and
- (3) agrees the proposed position of Trust functions within the Council service structure as noted in paragraphs 4.17 – 4.30 of the report.

Council adjourned at 3.35pm and reconvened at 3.55pm with all members present as per the sederunt.

As an amendment, Councillor Bissett, seconded by Councillor Blackwood, moved the terms of the motion subject to an amendment to clause (3) to read as follows:-

- (3) agrees the proposed position of Trust functions within the Council service structure as noted in paragraphs 4.17 – 4.30 of the report with the exception of the proposal to place libraries in Corporate and Housing Services. These should instead be retained alongside other cultural services in the Place directorate.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 26 members present with voting as undernoted:-

For the motion (18) – Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Flynn, Grant, Harris, Hughes, McCue, Meiklejohn, Munro, Murtagh, Nicol, Patrick and Spears.

For the amendment (8) – Provost Buchanan; and Councillors Bissett, Black, Blackwood, Goldie, McLuckie, Nimmo and Reid.

Decision

Council agreed the motion.

Councillor Garner left the meeting during consideration of the previous item.

Council adjourned at 4.35pm for a short comfort break and reconvened at 4.45pm with all members present as per the sederunt with the exception of Councillor Garner.

FC24. Delegation of Powers to Determine Urgent Issues During the Summer Recess

Council considered a report by the Director of Corporate and Housing Services which invited Council to agree that authority was delegated to its Chief Officers to deal with urgent business, which would normally be determined by Council or committee, during the summer recess. Updates were also provided on a proposed Standing Order Review and future meeting arrangements.

Recess powers allowed urgent business, normally determined by Council or committee to be dealt with by Chief Officers in consultation with the Leader of the Council and the Leaders of the main opposition groups or the relevant portfolio holder or, as appropriate, the relevant Committee Convener or Depute Convener. In taking decisions under the auspices of the authority,

Chief Officers were required to consult as widely as necessary and, in any event, with the Chief Governance Officer on whether the proposed decision fell within the scope of the recess powers.

The Council was in the final year of its five year term. This was one driver for a review of the Standing Orders in advance of the new Council taking office, other drivers included: the revised Councillors' Code of Conduct; any lessons learned from the period of remote meetings, and the outcomes of the Cost of Planning review.

Council had previously agreed to move to a 'blended' model (i.e. a mix of physical and remote attendance) for its meetings at the appropriate stage in the easing of national lockdown restrictions. Although it was the intention of the Scottish Government to move local authority areas to the level 0 protection it was likely that physical distancing measures would remain in place in and this would restrict the number of participants who could physically attend a meeting. Given the current uncertainty, meetings would continue to take place remotely and a report would be submitted to the Council in September on future meeting arrangements.

Decision

Council:-

- (1) delegated powers to Chief Officers, in consultation with the Leader of the Council and Leaders of the main opposition groups, or the relevant portfolio holder or, as appropriate, the relevant committee convener or depute convener, to determine urgent items of business during the summer recess (from 23 June 2021 to 24 August 2021) and to report the decisions taken to the first meeting of the Executive thereafter, provided that any such decision:-**
 - (i) was required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;**
 - (ii) did not involve expenditure of Council monies outwith the approved Revenue and Capital Programme;**
 - (iii) did not involve an increase in the permanent establishment of the particular Service, and**
 - (iv) involved no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision;**
- (2) noted that the outcome of a review of Standing Orders will be reported to Council in December 2021 and agreed that a short-term working group of officers and group leaders (or their nominee) be set up to take forward the review of Standing Orders, and**

- (3) noted that a report on future meeting arrangements will be submitted to Council in September 2021, and**
- (4) agreed to delegate authority to the Appointments Committee to determine the form in which meetings for the recruitment and appointment of a Director of Place will be conducted, taking account of the public health guidance at the time.**

Councillor Grant left the meeting during consideration of the previous item.

FC25. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services which provided details of those deeds which had been signed and sealed on behalf of the Council.

Decision

Council noted the signing and sealing of the Deeds listed in the appendix to the report.

FC26. Motion – Community Wealth Building

Council had agreed at its meeting of 18 May 2021 to continue consideration of the following motion to this meeting.

Councillor Bissett, seconded by Councillor Black, moved that Council:-

- (1) notes that Community Wealth Building (CWB) is a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people. CWB aims to ensure that the economic system builds wealth and prosperity for everyone. Rooted in the European Social Democratic tradition, in which the state works to protect public values and achieve good outcomes for citizens. CWB is a response to the contemporary challenges of austerity, financialisation and automation. It seeks to provide resilience where there is risk and local economic security where there is uncertainty;**
- (2) notes that ultimately, community wealth building is about working in partnership with communities and businesses to build a strong local economy which encourages fair work, encourages local spend and uses the land and property we own for the common good. It relies on the power of anchor institutions such as Councils, the NHS and Universities/colleges to support the local economy;**

- (3) notes that there are a number of pilot projects across Scotland exploring the potential for CWB as an approach to delivering inclusive growth. While a number of projects currently underway within Falkirk Council are in themselves Community Wealth Building initiatives the Council has yet to consider how to embed CWB at the strategic level, for example within its Economic Strategy, and
- (4) Council therefore requests that a report is presented to a future meeting detailing the potential benefits of CWB, setting out how this approach can be embedded within the Council's key economic development initiatives and the scope for establishing a Community Wealth Building Commission for Falkirk.

As an amendment, in substitution for the motion, Councillor Meiklejohn, seconded by Councillor Collie, moved that Council:-

- (1) recognises that the principles of Community Wealth Building are embedded in the core of the council's policies and are actively being demonstrated particularly in the work of our Health and Social Care Partnership, Communities Team and our Economic Development plans, including our recovery plans;
- (2) recognises the work of our partners, such as the NHS and 3rd Sector who are also working to the principles of CWB and will continue to work collaboratively with them to develop it further;
- (3) Furthermore, acknowledges that much of the work and functions of a CWB Commission are currently being carried out through our Communities Team and in collaboration with our 3rd Sector and Community Planning Partners, and
- (4) notes that as Community Wealth Building is much broader than just Council Services and to establish whether or not there is a requirement to set up a formal governance structure in the form of a CWB Commission for Falkirk, Council refers this to the Community Planning Partnership to consider and provide their recommendations.

Council adjourned at 5.25pm to allow members to consider the terms of the amendment and reconvened at 5.35pm with all members present as per the sederunt with the exception of Councillors Garner and Grant.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 25 members present with voting as undernoted:-

For the motion (8) – Provost Buchanan; and Councillors Bissett, Black, Blackwood, Goldie, McLuckie, Nimmo and Reid.

For the amendment (16) – Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Flynn, Harris, Hughes, McCue, Meiklejohn, Munro, Murtagh, Nicol, Patrick and Spears.

Decision

Council agreed the amendment.

FC27. 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 11 and 12 of Part 1 of Schedule 7A to the said Act.

FC28. Equal Pay Update

Council considered a report by the Director of Corporate and Housing Services which provided an update on negotiations relative to “second wave” equal pay claims, previous reports were submitted to meetings on 24 August 2015, 17 February, 22 June, 19 December 2016, 6 December 2017 and 5 December 2018.

Decision

Council noted the:-

- (1) progress of the settlement of claims for the different representatives and individuals, and**
- (2) job evaluation project continued and progress on the pay structure review.**