

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 22 SEPTEMBER 2008 at 10.30 AM.

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

CONVENER: Provost Reid

APOLOGIES: Councillors Meiklejohn and Nimmo.

ATTENDING: Chief Executive; Directors of Community Services, of Development Services, of Finance Services and Acting Director of Law and Administration Services; Heads of Economic Development and of Accountancy and Democratic Services Manager.

DECLARATIONS OF INTEREST:

In terms of Standing Order 14.2, and paragraphs 5.14 and 5.15 of the Councillors' Code of Conduct, Provost Reid; Councillors Alexander, Jackson, Lemetti, C MacDonald, C Martin, C R Martin and Patrick each declared a non-financial interest in relation to the item of business (ref FC8 – Falkirk Community Stadium) on the basis of their regular attendance at matches involving Falkirk Football Club and further declared that, in terms of Paragraphs 5.17 and 5.18 of the said Code of Conduct, they had concluded that no member of the public acting reasonably would consider that they might be influenced by their respective interests in their roles as Councillors. Each Member, therefore, participated in the discussion and decision.

FC60. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 6,8,9 & 12 of Part 1 of Schedule 7A of the said Act.

FC61. FALKIRK COMMUNITY STADIUM LTD – STRATEGIC REVIEW

There was submitted Report (circulated) dated 16 September 2008 by the Chief Executive advising Members of the outcome of a strategic review by Falkirk Community Stadium Ltd (FCSL) of its operations. The report set out the key findings of the review together with a proposed response by Falkirk Council.

Broadly, the review had concluded that, the company should be reorganised in a commercially attractive and tax efficient manner. It was therefore proposed to split

FCSL into (initially) three companies with the assets and activities allocated to Falkirk Council and Falkirk Football and Athletic Club (FFAC).

Councillor Gow, seconded by Councillor C MacDonald moved the recommendations in the Report.

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

1. Council re-affirms the strategic objectives of the stadium development as outlined in section 2.3 of the report, including the commitment to complete the stadium development
2. Council agrees the restructuring of the current Joint Venture Company into three separate companies as outlined in section 7.1 of the Council report, as the first stage of the re-invigoration of the partnership between Falkirk Council and Falkirk Football Club that has delivered so much so far.
3. Council believes that this can best be achieved with the following mission statement and actions:-
 - i. The establishment of an all party and dual partner Working Group to take forward the development of the stadium company with, in principle, Henry Boot as the preferred developer, subject to compliance with the Council's statutory obligations
 - ii. The original clause contained in the joint venture agreement between Falkirk Council and FCSL offered the option of the remaining 29 acres should this be required to achieve the strategic objectives of the project. Council believes, in principle, that although FCSL is being dismantled the principle of using the whole 70 acre site for the achievement of the strategic objectives, including the completion of the stadium itself, is one Falkirk Council wishes to endorse.
 - iii. Objectives of the restructuring proposals are to recognise the respective investments made by the joint venture partners and the repayment of outstanding debt to Falkirk Council. However, if there is any surplus profits from the development of the 70 acre site it would be the Council's intention to reinvest it in the strategic objective, including the completion of the stadium.
 - iv. That Falkirk Council will become fully engaged in the partnership to achieve all strategic objectives including the construction of the East Stand.
 - v. These actions and conditions may alter in the future on the basis of agreement between both partners.
4. Officers will report back progress on the objectives above to Council on a regular basis.

Following discussion there was an adjournment to consider the terms of the Motion and Amendment. Council thereafter re-assembled with all Members present, per the sederunt.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 30 Members present, with Members voting as undernoted:-

For the Motion (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Oliver, Spears and Thomson.

Accordingly, **RESOLVED** in terms of the Motion, namely to:-

1. approve the restructuring of Falkirk Community Stadium Limited (FCSL) to form three new companies and the subsequent transfer of assets to Falkirk Council and Falkirk Football and Athletic Club (FFAC) as set out in the Report;
2. to agree the apportionment of assets as detailed in the Report, and
3. to agree the programme of action set out in the Report.