

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 8 OCTOBER 2008 at 10.30 AM.

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Fry, Goldie, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Oliver, Patrick, Spears, Thomson and Waddell.

CONVENER: Provost Reid

APOLOGIES: Councillors Gow and Nimmo.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Education Services, of Finance Services and of Social Work Services; Acting Law and Administration Services; Heads of Educational Support and Policy and Performance Review; Legal Services Manager (C Moodie); Childcare Provision Co-ordinator and Senior Committee Services Officer (D Kelly).

DECLARATION OF INTEREST: Councillor Buchanan declared a non-financial interest in respect of Agenda Item 12, Execution of Deeds, on the basis that he was related by marriage to two parties referred to in the appendix to the report and advised that he would take no part in the consideration of that item of business.

FC63. MINUTES

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 25 June 2008;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 22 August 2008;
- (c) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 1 September 2008;
- (d) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 22 September 2008;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 3 2008/2009; and
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 3 2008/2009.

Councillor Fry left the meeting after consideration of this item.

FC64. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Provost Reid varied the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

**FC65. REFERRAL FROM EDUCATION AND LEISURE COMMITTEE –
26 AUGUST 2008 - EARLY YEARS DEVELOPMENT**

There was submitted (circulated) (a) Report from Director of Education Services; (b) Extract of Minute of Meeting of the Education and Leisure Committee held on 26 August 2008; and (c) Report by the Director of Education Services submitted to the said meeting.

Councillor Waddell, seconded by Councillor Blackwood moved:-

- (1) the proposals as set out in section 6 of the report submitted to the Education and Leisure Committee on 26 August 2008; and,
- (2) to note the developing national context.

as approved by the Education and Leisure Committee at the meeting held on 26 August 2008.

By way of an amendment Councillor Coleman, seconded by Councillor Thomson moved the following:-

That Woodburn Day Nursery and Queen Street Nursery be retained at their current sites.

That Glenfair Nursery School and Camelon Children's Centre be retained at their current sites.

That Grangemouth Day Nursery and Inchyra Nursery School be retained at their current sites and that there be no amalgamation of the nurseries until a new nursery at Beancross Primary School is opened.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 29 Members present, with Members voting as undernoted:-

For the Motion (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, 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:-**

- (3) the proposals as set out in section 6 of the report submitted to the Education and Leisure Committee on 26 August 2008; and,
- (4) to note the developing national context.

FC66. CONTRACT FOR THE PROVISION OF DRY RECYCLATE SEGREGATION AND RESALE SERVICE

There was submitted Report (circulated) dated 1 October 2008 by the Director of Development Services (a) advising that Falkirk Council as lead authority for the purchasing consortium of Falkirk and Clackmannanshire Councils had invited eight tenders for the provision of dry recyclate segregation service for the two Council areas; and (b) providing details on the tenders received, the evaluation exercise and officers' recommendations in respect of the award of the contract.

Councillor Mahoney, seconded by Councillor C R Martin, moved the recommendations in the report.

Following discussion and in terms of Standing Order 25.2(ii), Depute Provost Black, seconded by Councillor C Martin, moved that "the question now be put".

On a division 15 Members voted for the Motion and 14 against. The original motion was thereafter put to the vote with 15 members voting for it and 14 against.

Accordingly, **AGREED** to, in respect of Falkirk Council only and in accordance with Standing Order 6.2(iv), approve acceptance of the tender submitted by Re-Gen Waste Limited for the payment of £962,500 for the five years of the contract 10 November 2008 to 9 November 2013 with an option to further extend this contract by a further two one year extensions.

NOTED the positive impact that increasing the material accepted within the blue bin would have in achieving future waste diversion targets.

FC67. RESIGNATION OF COUNCILLORS FROM COMMITTEES

There was submitted Report (circulated) dated 30 September 2008 by the Acting Director of Law and Administration (a) advising of the undernoted resignations of Members from Committees of the Council, and (b) seeking appointments to the vacant positions.

Resignations

Councillor Nimmo from the Policy and Resources Committee, of which he was Depute Convener.

Councillor Fry from both the Regulatory Committee, of which he was Depute Convener, and from the Economic Development Committee.

Councillor C Martin as Depute Convener of both the Education and Leisure Committee and the Investment Committee, although continuing to remain a member of both.

AGREED to appoint:-

Councillor Fry as Depute Convener of the Policy and Resources Committee.

Councillor Nicol as Depute Convener of the Regulatory Committee.

Councillor Blackwood as Depute Convener of the Education and Leisure Committee.

Depute Provost Black as Depute Convener of the Investment Committee.

Councillor Nimmo as a member of the Economic Development Committee.

Councillor McLuckie as a member of the Regulatory Committee.

FC68. EXECUTION OF DEEDS

With reference to his earlier Declaration of Interest, Councillor Buchanan left the meeting at this point.

There was submitted Report (circulated) dated 22 September 2008 by the Acting Director of Law and Administration advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

NOTED the signing and sealing by the Acting Director of Law and Administration Services of the Deeds as detailed in the Appendix to the Report.

Councillor Buchanan left the meeting for the duration of the foregoing item of business.

FC69. EXCLUSION OF PUBLIC

Councillor Alexander, seconded by Councillor Coleman, moved that the following item – Lease of Premises: Office 1, Wholeflats, Grangemouth be taken in public.

By way of an amendment Councillor C Martin, seconded by Councillor C MacDonald, moved that the item be taken in private.

On a division, 14 Members voted for the motion and 15 for the amendment.

Accordingly, **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 they would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A of the said Act.

In terms of Standing Order 31.1 it was agreed to continue the meeting beyond the 3 hour limit, following a short adjournment for lunch. The meeting adjourned at 1.30 pm and re-convened at 2.10 pm with all Members present per the sederunt with the exception of Councillor Fry, who left the meeting after consideration of Agenda Item 1.

FC70. LEASE OF PREMISES: OFFICE 1, WHOLEFLATS, GRANGEMOUTH

There was submitted Report (circulated) dated 1 October 2008 by the Director of Community Services seeking approval to lease Office 1 at Wholeflats, Grangemouth to Oran Ltd.

Councillor C Martin, seconded by Councillor Lemetti moved the recommendations in the Report.

By way of an amendment, Councillor Alexander, seconded by Councillor A MacDonald, moved, in addition to the recommendation in the Report, that,
 “ Council believes that the farce of the relocation of Oran has damaged the image of Falkirk Council and compromised the “My Future’s in Falkirk” economic development strategy.

The indecision and incompetence of the current Labour/Tory Administration is highlighted by the following timetable,

12 August at the Policy and Resources Committee where the leader of Falkirk Council, Councillor Gow, welcomes the report bringing Oran to the Falkirk Community Stadium then refuses to vote for that report.

22 August at the special full council where the terms of the Policy and Resources report were moved yet speeches made by at least one Labour member indicated opposition to the report although that member then voted for the report.

8 October, the previous decision is overturned.

Council requires both decisive leadership and consistency if it is to continue the progress made under the previous SNP/Independent Administration.

This has not been demonstrated by the current leader of the Council nor the Convener of Economic Development in this matter.

Council therefore believes that the current Labour/Tory Administration have demonstrated that they are incapable of strategic decision making and therefore has no confidence in their ability to perform their economic development remit.”

On a division, 15 Members voted for the Motion and 14 for the Amendment.

Accordingly, **AGREED**

- (1) to authorise conclusion of the lease of Office 1 at Wholeflats, Grangemouth between Oran Limited and the Council in satisfactory terms;

- (2) to the application of £185,000 from the General Services Capital Programme (Business Property Reinvestment Fund) for additional works which would be repaid by Oran Limited over the terms of the lease; and
- (3) to authorise the Director of Development Services to instruct the fit-out phase of the works with an additional cost to the contract of £250,000.

FC71. SUBSTANCE MISUSE

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors J Constable, Hughes and Meiklejohn.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Community Health and Safety Committee held on 19 August 2008; and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the said meeting.

Councillor C MacDonald, seconded by Councillor McLuckie, moved the recommendations as approved by the Community Health and Safety Committee meeting at its meeting on 19 August 2008.

By way of an amendment, Councillor Meiklejohn seconded by Councillor Thomson moved:-

"Committee notes the significant benefits in areas such as West Lothian and Stenhousemuir in reducing alcohol fuelled anti social behaviour by restricting off sales for those under 21 and 25 respectively.

Committee also notes the outcome of the results of the consultation exercise undertaken by Michael Matheson MSP where 82% of those consulted from across the district want to see the age at which you can purchase alcohol from off sales raised from 18 to 21.

Officers are therefore instructed to open up a dialog with the licensing authority on how a scheme to limit off sales in Falkirk District could be implemented and report back to the next Community Health and Safety Committee meeting".

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 29 Members present, with Members voting as undernoted:-

For the Motion (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, 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** that in addition to noting the contents of the Report submitted to the Community Health and Safety Committee at its meeting on 19 August 2008, a further report be submitted to a future meeting of the Community Health and Safety Committee outlining achievements and progress made in dealing with opportunities and

challenges which resulted from the developing local and national strategies for tackling alcohol, drugs and tobacco.

FC72. POST OFFICE LTD – NETWORK CHANGE PROGRAMME

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillor Gow and Depute Provost Black.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 9 September 2008; and (b) Report by the Chief Executive submitted to the said meeting.

Councillor J Constable, seconded by Councillor Alexander, moved that:-

- (1) Officers put together a case for the retention of the Grangepans Post Office and submit it to Post Office Ltd; and
- (2) Officers relay to the UK Labour Government the Council's opinion that we have no confidence in their ability or desire to maintain the Post Office Network as a service throughout the country; and
- (3) A new line Council relays to the MP for Linlithgow & East Falkirk, Michael Connarty, our anger at his voting record on Post Office closures and calls on Mr Connarty to apologise to the people of Bo'ness for his failure to oppose London Government policy on Post Office closures of which the important Grangepans Post Office is one of those under threat.

By way of an amendment, Councillor C Martin, seconded by Depute Provost Black moved acceptance of the recommendations as contained in the report to the Policy and Resources Committee held on 9 September 2008, namely that officers put together a case for the retention of the Grangepans Post Office and submit it to Post Office Ltd.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 29 Members present, with Members voting as undernoted:-

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

For the Amendment (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Patrick and Waddell.

Accordingly, **AGREED** that officers put together a case for the retention of the Grangepans Post Office and submit it to Post Office Ltd.

FC73. RESIDENTIAL ON-STREET PARKING PLACES FOR PEOPLE WITH A DISABILITY

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillor Gow and Depute Provost Black.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 9 September 2008; (b) Report by the Director of Development Services submitted to the said meeting; and (c) Report by the Director of Development Services submitted to the meeting of Community Health and Safety Committee held on 19 August 2008.

Councillor J Constable, seconded by Councillor Meiklejohn moved that:-

- (1) Council notes the views of officers that the SNP amendment moved at Committee recognised an anomaly within the existing procedures and therefore accepts that in order to meet the terms of the Council's Equal Equality Policy this anomaly should be resolved forthwith;
- (2) applicants not in receipt of the Mobility Component of DLA at the higher level, will be assessed by a physiotherapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level;
- (3) applications relating to disabled children under the age of 3 will require assessment by a paediatric therapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level; and
- (4) all applicants with garages not located at their houses will be assessed by a physiotherapist.

By way of an amendment Councillor C MacDonald, seconded by Councillor McLuckie moved the recommendations contained in the Report approved by the Community Health and Safety Committee at its meeting on 19 August 2008.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 29 Members present, with Members voting as undernoted:-

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

For the Amendment (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Patrick and Waddell.

Accordingly, **AGREED:-**

- (1) to the continued provision of enforceable residential parking bays;
- (2) to the continued use of the criteria set out in paragraph 2.7 of the Report submitted to the Community Health and Safety Committee on 19 August 2008, as amended by paragraphs (3) and (4) listed below and that they be used in the assessment of this provision;
- (3) that only those applicants over the age of 65, not in receipt of the Mobility Component of DLA at the higher level, will be assessed by a physiotherapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level; and
- (4) that applications relating to disabled children under the age of 3 will require assessment by a paediatric therapist. The assessment determines whether the applicant has a disability which is comparable with that required to qualify for the Mobility Component of DLA at the higher level.

NOTED that a future report will come to members following the passage of The Disabled Persons' Parking (Scotland) Bill through the Scottish Parliament.

In terms of Standing Order 31.2 and with the meeting having continued beyond 5pm, the Provost advised that the remaining reports on the agenda would be dealt with in accordance with Standing Order 31.2.2 and that there would be no discussion on the individual items.

Councillor Alexander, seconded by Councillor Coleman moved that the meeting be extended for full consideration on the remainder of the business.

By way of an amendment, Councillor C Martin, seconded by Councillor C MacDonald moved application of Standing Order 31.2.2.

On a division, 14 Members voted for the Motion and 15 for the Amendment.

Accordingly, **RESOLVED** that the remaining reports on the agenda would be dealt with in accordance with Standing Order 31.2.2 and that there would be no discussion on the individual items.

Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson left the meeting at this point.

FC74. RESPONSE TO SCOTTISH GOVERNMENT - 'SAFEGUARDING OUR RURAL SCHOOLS AND IMPROVING SCHOOL CONSULTATION PROCEDURES – PROPOSAL FOR CHANGES TO LEGISLATION'

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillor Gow and Depute Provost Black.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 9 September 2008; (b) Report by the Director of Education Services submitted to the said meeting; and (c) Report by the Director of Education Services submitted to the meeting of the Education and Leisure Committee held on 26 August 2008.

AGREED that the response outlined in paragraph 2.1 and appendix 2 of the Report submitted to the Education and Leisure Committee held on 26 August 2008 and that it be submitted to the Scottish Government.

FC75. MEMBERSHIP OF THE IMPROVEMENT SERVICE

There was submitted Report (circulated) dated 25 August 2008 by the Acting Director of Law and Administration advising of an invitation by the Improvement Service to all Scottish Councils to become members of the organisation.

AGREED that Falkirk Council become a Member of the Improvement Service.

FC76. PROGRAMME OF MEETINGS - 2009

There was submitted Report (circulated) dated 22 September by the Acting Director of Law and Administration Services detailing a proposed programme of meetings for the period January to December 2009.

AGREED to approve the programme of meetings as detailed within the appendix to the Report and to note that special meetings may be called if necessary.

FC77. AMENDMENT TO THE SCHEME OF DELEGATION

There was submitted Report (circulated) dated 25 September 2008 by the Acting Director of Law and Administration Services advising Members of a revised Scheme of Delegation in line with the decisions agreed by Council in June 2008 and the Housing and Social Services Committee in September 2008.

AGREED the revisions to the Scheme of Delegation as detailed in the Report.

FC78. APPOINTMENT TO EXTERNAL BODIES: COSLA COMMUNITY SAFETY EXECUTIVE GROUP AND BID MANAGEMENT GROUP

There was submitted Report (circulated) dated 30 September 2008 by the Acting Director of Law and Administration Services advising of (a) the establishment of the CoSLA Community Safety Executive Group and inviting Council to nominate a Member to the Group; and (b) a request to nominate a representative to join the BID (Business Improvement District) Management Group.

AGREED:-

- (1) to nominate Councillor C MacDonald to sit on the CoSLA Community Safety Executive Group with Councillor McLuckie as the substitute Member; and
- (2) to nominate the convener of the Economic Development Committee, ex officio to sit on the BID Management Group, with the Depute Convener of the said Committee as the substitute Member, those positions currently being occupied by councillors C Martin and Lemetti respectively.