

**AGENDA ITEM 1(a)**  
**DRAFT**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 APRIL 2010 at 9.30 AM.**

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

**CONVENER:** Provost Reid

**APOLOGIES:** Councillors Gow, McNally and Meiklejohn.

**ATTENDING:** Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Education Services, and of Finance Services; Acting Directors of Law and Administration Services and of Social Work Services; Head of Facilities Management; Service Manager (S Loudon); Legal Services Manager (C Moodie) and Democratic Services Manager.

**DECLARATIONS OF INTEREST:**

Councillor Mahoney declared a non-financial interest in Item FC5 as a member of Friends of Kinneil Management Committee and of Friends of Historic Scotland and as a Director of the Helix Trust but did not consider that this required him to recuse himself from consideration of the item, standing the terms of paragraph 5.18 of the Code of Conduct.

Councillor CR Martin declared a non financial interest in Item FC5 as a Director of the Helix Trust but did not consider that this required him to recuse himself from consideration of the item, standing the terms of paragraph 5.18 of the Code of Conduct.

Councillor Fry declared a financial interest in Item FC10 on the basis that he was employed by the Royal Bank of Scotland and consequently stated that he would take no part in the discussion and decision making process on this item.

**FC1. 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.

**FC2. MINUTE AND INFORMATION BULLETIN**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 3 March 2010;
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 1 2010/2011; and
- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1 2010/2011.

**FC3. QUESTION****Question by Councillor A MacDonald**

To ask the Provost to update Members on the current difficulties being experienced with the refuse collection service in Falkirk District, and to provide details to Full Council of the extra costs involved in employing private contractors to complete outstanding collections.

**Response by Provost Reid**

The issues facing the Council's refuse collection service were reported to the meeting of the Best Value Forum held on 19th February 2010. Included within the report were details of the estimated cost of engaging external contractors were this to be necessary.

Negotiations on new working arrangements continue with the trades unions. All crews are currently completing their beats with the number of reported missed bins falling from previous levels.

A backlog of missed bins was created over the Easter weekend. Private contractors were used to help clear the backlog of missed bins and minimise disruption to residents.

The cost of engaging the private contractor is anticipated to be in the region of £50k.

**FC4. FINANCIAL POSITION 2009/10**

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 9 March 2010; and (b) Report by the Director of Finance Services submitted to the said meeting presenting the latest update on the Council's financial position for the period April 2009 to January 2010.

Councillor C Martin, seconded by Councillor Nimmo moved the recommendations contained in the Report by the Director of Finance.

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

“Council agrees to establish an all party Budget Group who will be required to meet as many times as necessary to bring forward the annual budget report to Council. The Group will have the power to call on officers to appear before it to explain spending patterns and priorities as well as having the task of working to produce a balance based upon the most up to date information”.

Council then adjourned at 10.00 am to consider the terms of the amendment and reconvened at 10.10 am with all members present as per the sederunt.

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

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

For the Amendment (12) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie, Spears and Thomson.

Accordingly, **NOTED** the latest projection on the Council’s financial position for 2009/10 and the corrective actions being taken.

**AGREED** to:-

- (1) approve the transfer of £0.882M from the Repairs and Renewals Fund to finance expenditure associated with the development of the waste strategy;
- (2) approve that Capital Finance from Current Revenue (CFCR) of £0.33m be used to develop the waste strategy, and
- (3) reaffirm that Directors continue to take all reasonable measures during the remainder of the financial year to control expenditure.

Councillor Fry entered the meeting during consideration of the foregoing item of business.

#### **FC5. REFERRAL FROM LEISURE, TOURISM AND COMMUNITY COMMITTEE – 16 FEBRUARY 2010 - FALKIRK OPEN SPACE STRATEGY FINALISED DRAFT**

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 9 March 2010; and (b) Joint Report by the Directors of Development Services and of Community Services submitted to the said meeting referring the proposed Falkirk Open Space Strategy to Committee for approval.

Councillor C Martin, seconded by Councillor Fry, moved the recommendations as detailed in the Report to the Policy and Resources Committee of 9 March 2010.

By way of Amendment, Councillor A MacDonald, seconded by Councillor Alexander, moved:-

“that the recommendations within the Report be approved, with the exception of the reference to Kemfine Ltd site, which should continue to be classified as playing fields and public park”.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 28 Members present, with voting as undernoted :-

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

For the Amendment (11) – Councillor Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie and Spears.

Accordingly, **AGREED** to approve the Falkirk Open Space Strategy and modifications subject to the following amendments:-

- (1) The Council’s response to Hargest and Wallace’s request set out in Appendix 1 of the Report be amended to state that no change is proposed to the Open Space Strategy; and that
- (2) The proposed modification, “to reclassify the entirety of the land at Glensburgh Park as private grounds”, as set out in Appendix 2 would as a consequence be deleted.

Councillor Thomson withdrew from the meeting during consideration of the foregoing item of business and rejoined the meeting during consideration of the following item.

## **FC6. UPDATE REPORT ON MEASURES TO MANAGE FLOOD RISK**

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Environment and Community Safety Committee held on 16 March 2010; and (b) Report by the Director of Development Services submitted to the said meeting providing an update on the measures currently being progressed to manage flood risk within the Falkirk Council area.

Councillor C MacDonald, seconded by Councillor CR Martin, moved the recommendation as set out in the Report.

By way of an Amendment, Councillor Oliver, seconded by Councillor Ritchie, moved that, in addition:-

“Council agrees to set up an all party Working Group to drive forward the needs of the Falkirk Council area in regards to flood risk management.”

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

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

For the Amendment (12) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie, Spears and Thomson.

Accordingly, **NOTED** the measures currently being pursued by Falkirk Council to address flood risk within the Falkirk area.

Council then adjourned at 11.30 and reconvened at 11.45 am with all members present as per the sederunt, with the exception of Councillor Constable.

#### **FC7. REFERRAL FROM EDUCATION COMMITTEE – 23 MARCH 2010 - STRATEGIC REVIEW OF SECONDARY SCHOOL CAPACITY: OPTIONS FOR RESOLVING CAPACITY PRESSURES AT LARBERT HIGH SCHOOL**

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 6 April 2010; and (b) Report by the Director of Education Services submitted to the said meeting referring to an appraisal of the proposal to rezone the Airth Primary School catchment area from Larbert High School to Grangemouth High School against other rezoning options available together with options for increasing the capacity of Larbert High School to meet future demand.

Councillor C Martin, seconded by Councillor Fry, moved that:-

- (1) further use is made by Larbert High School of classrooms in Carrongrange School;
- (2) the proposal to rezone the Airth Primary School catchment area to Grangemouth High School should not proceed;
- (3) Council officers within the relevant disciplines, supplemented by external expertise as required, be instructed to carry out an initial feasibility study as outlined in the report; and
- (4) a Report detailing the outcomes of the initial feasibility study be brought back to a future meeting of the Education Committee.

By way of an Amendment, Councillor Coleman, seconded by Councillor Carleschi moved the terms of the motion, subject to the amendment of recommendation (1) to read:-

- (1) “further use is made by Larbert High School of classrooms in Carrongrange School, only after agreement with parents, teachers and representative groups in both schools once a full consultation exercise has been conducted”.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 28 Members present, with voting as undernoted :-

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

For the Amendment (11) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie, Spears and Thomson.

Accordingly, **AGREED** that:-

- (1) further use is made by Larbert High School of classrooms in Carrongrange School;
- (2) the proposal to rezone the Airth Primary School catchment area to Grangemouth High School should not proceed;
- (3) Council officers within the relevant disciplines, supplemented by external expertise as required, be instructed to carry out an initial feasibility study as outlined in the Report, and
- (4) a Report detailing the outcomes of the initial feasibility study be brought back to a future meeting of the Education Committee.

## **FC8. EXECUTION OF DEEDS**

There was submitted Report (circulated) dated 14 April 2010 by the Acting Director of Law and Administration Services 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.

Council adjourned at 12.35 pm for lunch and reconvened at 1.15 pm with all members present as per the sederunt, with the exception of Councillor Constable.

**FC9. REFERRAL FROM HOUSING AND SOCIAL CARE COMMITTEE – 30 MARCH 2010 – REVIEW OF EMERGENCY REPAIRS IN COUNCIL HOUSES**

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 6 April 2010; and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the said meeting referring policy options for a review of repair categories for the Housing Maintenance Service.

Councillor Blackwood, seconded by Councillor McNeill moved the recommendations as set out in the Report.

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

“As there is not enough evidence to be able to progress the Report to Policy and Resources Committee, that this item be continued to the next meeting of the Housing and Social Care Committee to allow more detailed evidence to support the recommendations to be made available.”

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 28 Members present, with voting as undernoted :-

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

For the Amendment (11) – Councillor Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie, Spears and Thomson.

Accordingly, **AGREED** to the:-

- (1) introduction of a 3 working day category of repairs to replace the 5 working day category as detailed in Paragraph 8.1 of the Report; and
- (2) changes proposed for the provision of the emergency repairs service and qualifying repairs within the Right to Repair legislation as detailed in Paragraphs 8.2 and 8.3 of the Report.

Councillor Constable re-entered the meeting following consideration of the foregoing item of business.

In accordance with his declaration of interest, Councillor Fry left the meeting at this point.

**FC10. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 9 MARCH 2010 – TREASURY MANAGEMENT STRATEGY 2010/11 – CONSIDERATION OF ETHICAL INVESTING**

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 9 March 2010; (b) Report by the Director of Finance submitted to the said meeting referring to the draft Treasury Management Strategy 2010/11; and (c) Report by the said Director dated 13 April 2010 in implementation of the request by the said Committee to consider the introduction of an ethical investment strategy.

Councillor C Martin, seconded by Councillor Nimmo, moved recommendations 1-7 as set out in the Report and additionally that:-

- (8) “Council remits to the Director of Finance to highlight, in future reports, any concerns that should be brought to the attention of members, e.g payment of excess bonuses.

By way of an Amendment, Councillor Alexander, seconded by Councillor Coleman moved the terms of the Motion but with an alternative recommendation (8), namely that:-

- “(8) Council recognises that it is perfectly acceptable for Council to determine an ethical Investment Strategy and requests that officers develop such a strategy to be submitted to Council, or the Policy and Resources Committee, as appropriate, at the earliest possible date”.

Following discussion regarding the terms of the Motion and the Amendment, Councillor Martin, with the consent of the Provost and Councillor Nimmo, as his seconder, amended the terms of his motion to read:-

- “(8) Council requests that officers develop an ethical investment strategy”

After further discussion, **AGREED** to:-

- (1) adopt the clauses set out in Appendix 1 to the Report submitted to the Policy and Resources Committee and dated 17 February 2010 as part of the Council's Financial Regulations;
- (2) approve the Treasury Management Policy Statement as presented in Appendix 2 to the said Report;
- (3) adopt the Borrowing Strategy for 2010/11 as set out in the said Report;
- (4) adopt the Investment Strategy for 2010/11 as set out in the said Report;
- (5) approve the list of “Permitted Investments” as set out in the said Report;
- (6) approve the Treasury Indicators as set out in the said Report;

- (7) instruct the Director of Finance to arrange training for Members as outlined in the said Report; and
- (8) request that officers develop an ethical investment strategy.

Councillor Fry re-entered the meeting following consideration of the foregoing item of business.

Councillor Buchanan left the meeting during consideration of the foregoing item of business and re-entered the meeting during consideration of the following item.

#### **FC11. AUDIT COMMITTEE CONVENERSHIP AND APPOINTMENT OF LAY MEMBER – REFERRAL FROM AUDIT COMMITTEE**

With reference to Minute of Meeting of the Audit Committee held on 22 March 2010 (Paragraph AC30 refers), there was submitted Report (circulated) dated 21 April 2010 by the Chief Executive referring a Report, referring to Council a further report submitted to the Audit Committee dealing with convenership of the committee and the potential to appoint lay members.

Councillor C Martin, seconded by Councillor Nicol, moved that Council:-

- “(1) appoints Councillor Patrick as Convener of the Audit Committee consequent upon resignation from that position by Councillor Martin; and
- (2) agrees not to appoint Lay Members to the Audit Committee.”

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna, moved that Council:-

- “(1) appoints Councillor Coleman as Convener of the Audit Committee; and
- (2) agrees, in principle, to appoint lay members to the Audit Committee subject to a further report on the detail of that process.”

Council then adjourned at 3.15 pm to allow members to consider the terms of the Amendment and to further consider the terms of the Report and reconvened at 3.30 pm with members present as per the sederunt.

Councillor Martin, with the consent of the Provost, and Councillor Nimmo, as his seconder, agreed to amend the terms of the motion as follows:-

“Council agrees to continue consideration of the item to the next meeting of Council to allow for further information to be made available.”

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

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

For the Amendment (12) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, Oliver, Ritchie, Spears and Thomson.

Accordingly, **AGREED** to continue consideration of the item to the next meeting of Council to allow for further information to be made available.

## **FC12. RESIGNATION FROM COMMITTEE/EXTERNAL ORGANISATION**

There was submitted Report (circulated) dated 15 April 2010 by the Acting Director of Law and Administration Services advising the resignation of Councillor Nimmo from the Joint Consultative Committee and of Depute Provost Black from Falkirk District Twinning Association.

### **Joint Consultative Committee**

**AGREED** to appoint Councillor Goldie to the Joint Consultative Committee and as its Convener.

### **Falkirk District Twinning Association**

**AGREED** to continue consideration of the appointment of a member to the Twinning Association.