

AGENDA ITEM 1(a)
DRAFT

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 6 OCTOBER 2010 at 10.30 am.

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

CONVENER: Provost Reid.

APOLOGIES: Councillors Coleman and Fry.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services, of Education Services and of Finance Services; Acting Directors of Law and Administration and of Social Work Services; Heads of Business Services, of Cultural and Lifelong Learning and of Policy and Performance Review; Development Plan Co-ordinator; Senior Planning Officer; Transport Planning Officer, Roads Development Officer and Democratic Services Manager.

DECLARATIONS OF INTEREST:

Depute Provost Black declared an interest in item FC43 in consequence of her own business interests in Camelon and having regard to the public perception in relation to the application and consequently stated that she would take no part in the discussion and decision making process on this item.

Councillor Mahoney declared an interest in item FC43 as a Board member of the Falkirk BID. Falkirk BID had intimated its position with regard to the planning application, without Councillor Mahoney's knowledge. Councillor Mahoney nevertheless considered that this gave rise to a declarable interest and accordingly took no part in the discussion and decision making process on this item.

Councillor Mahoney declared an interest in item FC36(e) (with regard to the report on the "Appointment of a Sentinel Artist for the Helix Project") as a Director of the Helix Trust and advised that, to the extent that the item may be discussed, he would take no part in discussion.

FC35. 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.

FC36. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 23 June 2010, subject to correction of a typographical error in item FC32 where the reference to “State and rules” should read “State Aid rules”.
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 7 September 2010;
- (c) There was submitted (circulated) and **APPROVED** Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 7 September 2010;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 3 2010/2011; and
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 3 2010/2011.

Prior to consideration of Items FC37 and 38 the Provost indicated that, due to the related content of both Reports it would apposite to consider both items of business together. The decision making on both items would however take place be separately.

FC37. FINANCIAL POSITION 2010/11

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 10 August 2010; and (b) Report by the Director of Finance Services submitted to the said meeting summarising the Council’s financial position at 30 June 2010 and assessing the projected year end out turn.

Councillor C Martin, seconded by Councillor Nimmo moved the recommendations as detailed in the Report.

By the way of an Amendment, Councillor Alexander, seconded by Councillor Jackson moved that, in addition, “Council agrees:-

- (1) that the cuts proposed by the current Conservative/Liberal Government will have a detrimental effect on not only the provision of essential services to the most vulnerable within our community but also the wider local economy;
- (2) to support the TUC’s “Alternative Strategy” and calls on local MSPs and MPs to join the campaign against the cuts; and
- (3) to have regular Reports on the progress of the campaign against the Conservative led cuts.”

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

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

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

Accordingly, **NOTED**:-

- (1) this first projection of spending in the current year; and
- (2) the update relating to the preparatory work being undertaken for 2011/2012 to 2013/14.

FC38. REVENUE BUDGETS 2011/12 – 2014/15

With reference to the Minute of the Policy & Resources Committee held on 10 August 2010 (paragraph PR29 refers). There was submitted Joint Report (circulated) dated 4 October 2010 by the Chief Executive and Director of Finance (a) summarising the implications of the UK Government's Comprehensive Review on public sector funding for the period 2011/12 to 2014/15 and (b) detailing the preparatory work being undertaken in anticipation of the likely reduction in funding.

NOTED the latest update Report on preparing the Revenue Budgets 2011/12 – 2014/15.

FC39. SINGLE OUTCOME AGREEMENT 2009/11 – ANNUAL MONITORING STATEMENT

There was submitted Report (circulated) dated 23 September 2010 by the Chief Executive (a) outlining the progress made against each outcome and against specific indicators set out within the Single Outcome Agreement for the Falkirk Council area, (b) advising that the Community Planning Partnership was required to produce an annual monitoring statement on the Single Outcome Agreement and (c) presenting a draft monitoring statement for approval.

AGREED to approve the Single Outcome Agreement monitoring statement appended to the Report.

FC40. AUDIT COMMITTEE CONVENERSHIP AND APPOINTMENT OF LAY MEMBER

With reference to the Minute of the Meeting of Falkirk Council held on 23 June 2010 (paragraph FC18 refers) there was submitted Report (circulated) dated 28 September 2010 by the Chief Executive (a) detailing a proposed procedure for the recruitment and selection of a lay member as Convener of the Audit Committee and (b) presenting proposed amendments to Standing Orders should Council agree the suggested procedure.

AGREED:–

- (1) the process for the recruitment and selection of a lay person as Convener of the Audit Committee as outlined in the report;
- (2) that the appointee should hold the post until the next Local Government Elections due to be held in May 2012;
- (3) that the post will not attract any form of remuneration, but would be voluntary with expenses and subsistence being reimbursed as appropriate;
- (4) the changes to Standing Orders as detailed in Appendix 3 to the Report; and
- (5) to confirm the composition of the Selection Panel as 2 Labour Group members, 2 SNP Group members and 1 member drawn from the Conservative Group/Independent Group/non-aligned Independent member and to request that nominations to the panel are submitted to the Acting Director of Law and Administration.

FC41. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 21 September 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.

FC42. PROGRAMME OF MEETINGS – 2011

There was submitted Report (circulated) dated 23 September 2010 by the Acting Director of Law and Administration Services presenting a draft programme of meetings for 2011.

Councillor C Martin, seconded by Councillor Nimmo, moved the recommendations as detailed in the Report.

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

- (1) agrees the proposed programme of meetings for 2011 as set out in the Report with the exception of the proposed timetable of meetings of the Planning Committee on site in 2011; and
- (2) requests a review of the timetable of meetings of the Planning Committee on in consultation with the SNP members of the Planning Committee and the Leader of the SNP Group.”

On a division 16 Members voted for the Motion and 13 voted for the Amendment, with 1 abstention.

Accordingly **AGREED** to:-

- (1) approve the draft programme of meetings 2011 as detailed in the Appendix to the Report;
- (2) note that special meetings of Council or its Committees may be called as necessary; and
- (3) authorise those changes to Standing Orders required to give effect to these decisions.

Council adjourned at 1.30pm for lunch and reconvened at 2.15pm with all Members present as per the sederunt with the exception of Depute Provost Black in accordance with her declaration of interest.

Prior to consideration of the Report, Council adjourned for 35 minutes to allow members to seek advice on the Code of Conduct and reconvened at 2.55pm with all Members present as per the sederunt, with the exception of Depute Provost Black.

At this point Councillor Mahoney identified his interest in the item and consequently withdrew from the meeting.

FC43. ERECTION OF SUPERSTORE, PETROL FILLING STATION, CAR PARK, PEDESTRIAN AND VEHICULAR ACCESS, SERVICE YARD AND LANDSCAPING AT WRANGLER FACTORY, GLASGOW ROAD, FALKIRK FOR TESCO STORES LTD - P/09/0512/FUL

With reference to the Minute of the Meeting of the Planning Committee held on 7 September 2010 (paragraph P90 refers), there was submitted Report (circulated) dated 29 September 2010 by the Director of Development Services on an application for full planning permission for the erection of a 5,536m² retail superstore together with petrol station, car parking and landscaping at the former Wrangler Factory, Glasgow Road, Falkirk.

Having regard, as material considerations, to the economic development benefits to the area from the application in terms of job creation, regeneration and rehabilitation, Councillor Goldie, seconded by Councillor Lemetti moved that Council “be minded to grant the application subject to completion to the satisfaction of the Director of Development Services of an agreement in terms of S75 of the Town and Country Planning (Scotland) 1997 in respect of those matters referred to in the Report, and

thereafter, to the imposition of such conditions the said Director considers appropriate including, but not limited to, those listed in paragraph 7e.5 of the report”.

By way of an Amendment, Councillor Oliver, seconded by Councillor McNally, moved refusal of the application for the reasons set out in the recommendation in the report.

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

For the Motion (16) – Provost Reid; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, C Martin, C R Martin, McLuckie, McNeill, Meiklejohn, Nicol, Nimmo, Patrick and Thomson.

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

Accordingly, **AGREED** that Council is **MINDED** to **GRANT** the application subject to completion to the satisfaction of the Director of Development Services of an agreement in terms of S75 of the Town and Country Planning (Scotland) 1997 in respect of those matters referred to in the Report, and thereafter, to the imposition of such conditions the said Director considers appropriate including, but not limited to, those listed in paragraph 7e.5 of the report”.

NOTED the suggestion of locating a police office in the store and that this suggestion will be communicated to the Chief Constable.

Councillors Constable, Goldie, Spears and Thomson withdrew from the meeting following consideration of the foregoing item of business.

FC44. AMENDMENT TO STANDING ORDERS AND SCHEME OF DELEGATION

With reference to the minute of the meeting of Falkirk Council held on 23 June 2010 (paragraph FC17 refers) there was submitted Report (circulated) dated 17 September 2010 by the Acting Director of Law and Administration Services presenting a revised set of Standing Orders and Scheme of Delegation in consequence of Council’s decision to implement a new management structure.

AGREED:-

- (1) to confirm that the roles and functions ascribed to the posts of Director of Finance and Director of Law and Administration, as detailed in paragraph 2.3 of the report, transfer, at the stage appointments are made, to the posts of Chief Finance Officer and Chief Governance Officer respectively;
- (2) the revisions to the Standing Orders and to the Scheme of Delegation as detailed in the Report; and
- (3) that the revised versions of the Standing Orders and the Scheme of Delegation will take effect when the new management structure is implemented, on a date to

be determined by the Chief Executive, with the exception of the revisions to reflect the transfer of the licensing function to the Acting Director of Law and Administration which will take immediate effect.

Depute Provost Black and Councillor Mahoney rejoined the meeting following consideration of the foregoing item of business.

FC45. APPOINTMENTS TO COMMITTEES/EXTERNAL ORGANISATIONS

There was submitted Report (circulated) dated 27 September 2010 by the Acting Director of Law and Administration Services advising (a) of vacancies on the Audit Committee, following the resignations from the Committee of Councillors Coleman and Kenna, and (b) of a resignation from the Central Scotland Racial Equality Council.

With the consent of the Provost, Council agreed to also consider vacancies on Paragon Housing Association and Weslo Housing Association.

Audit Committee

NOTED that the SNP would consider its nominees to the Audit Committee at the conclusion of the process to recruit and select a lay convener of the Committee.

Central Scotland Racial Equality Council

NOTED the resignation of Councillor C R Martin from Central Scotland Racial Equality Council and **AGREED** to appoint Councillor Nimmo to the Council.

Paragon Housing Association

NOTED that a vacancy existed for a Council representative on the Board of Paragon Housing Association following the resignation of Councillor Goldie in October 2009 and **AGREED** to appoint Councillor A MacDonald to the Board.

Weslo Housing Association

NOTED that a vacancy existed for a Council representative on the Board of Weslo Housing Association following the resignation of Councillor Goldie in October 2009 and **AGREED** to appoint Councillor Ritchie to the Board.

FC46. NATIONAL PROCUREMENT – SCOTLAND EXCEL PARTICIPATION

With reference to the minute of the meeting of the Policy and Resources Committee held on 9 March 2010 (Paragraph PR120 refers), there was submitted Report (circulated) dated 16 June 2010 by the Director of Corporate and Neighbourhood Services (a) recommending that, in implementation of the decision taken by the said Committee, Council formally delegates authority to regulate the provision of its general purchasing functions (including the negotiation, tendering and completion of contracts for the provision of supplies and services and for the carrying out of works) to the Scotland

Excel Joint Committee and (b) requesting that Council appoints a member to the Joint Committee.

AGREED to:-

- (1) delegate to the Joint Committee of Scotland Excel the Council's powers to regulate the provision of general purchasing functions on behalf of the Council, until such time as the Council is no longer a member of Scotland Excel;
- (2) delegate responsibility to the Director of Corporate and Neighbourhood Services to determine which contracts are procured through Scotland Excel, in line with Council policies; and
- (3) appoint Councillor C R Martin to the Scotland Excel Joint Committee

Councillor Thompson rejoined the meeting during consideration of the foregoing item of business.