

AGENDA ITEM 2 (a)
DRAFT

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 APRIL 2011 at 9.30 AM.

PRESENT: Provost P Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, Fry, Goldie, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Oliver, Patrick, Ritchie, 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, and of Education Services; Acting Director of Social Work Services; Acting Chief Finance Officers; Heads of Human Resources and of Policy and Performance Review; Accountancy Services Manager (J Flannigan); Principal Surveyor (J Smith); Legal Services Managers and Democratic Services Manager.

DECLARATIONS

OF INTEREST: Councillor Mahoney declared a non financial interest in Item FC8 as a Director of the Falkirk Community Trust Interim Board, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

Councillor Nicol declared a non financial interest in Item FC8 as a Director of the Falkirk Community Trust Interim Board, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

Provost Reid declared a non financial interest in Item FC8 as a Director of the Falkirk Community Trust Interim Board, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

Councillor Fry declared a financial interest in Item FC7 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. PROVOST'S REMARKS

The Provost referred to the recent passing of Councillor John Constable and reflected on Councillor Constable's considerable contribution to the Falkirk Council area and to the communities of Bo'ness and Blackness in particular. Fellow Elected Members also paid tribute to Councillor Constable.

FC2. 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.

FC3. URGENT ITEM

Provost Reid advised that, in accordance with Standing Order 9.1, he had **AGREED** to accept an urgent item regarding with regard to those functions currently within Community Services which will remain with Falkirk Council upon the implementation of the Community Trust, having had regard to the special circumstances – namely the timetable for consulting with staff in advance of the implementation of the Trust on 1 July 2011.

FC4. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 2 March 2011;
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 1 2011/2012, and
- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1 2011/2012.

FC5. QUESTIONS

Question by Councillor David Alexander

Under E47 Page 590, Validated Self Evaluation Joint Report I would be grateful if the following question could be clarified.

On the matter of the Education Authority's Early Years provision and in particular the nursery merger process as it relates to the closure of the Woodburn Day Nursery.

Could the relevant officers confirm that the professional officers are now indicating that the Queens Street Nursery is not suitable for the expansion of services for under 3's previously indicated to members?

Response by Provost Reid

"No advice has been given by or received from any Officer to indicate that Queen Street Nursery is not suitable for the expansion of provision for the under 3's.

Education Services will continue to progress and roll out the Early Years Amalgamation programme as agreed by the Council at a pace consistent with the availability of resources.

If for any reason the plans for the Queen Street/Woodburn amalgamation were required to change significantly then this would be reported to Education Committee for consideration”.

Question by Councillor Cecil Meiklejohn

There are still significant levels of concern with regard to non residential care charges, I would therefore ask if you could provide me with detailed break down of service users who have terminated their care packages from social work services in each of the following categories home care, MECS and day care?

Response by Provost Reid

“The breakdown of service users who have terminated their care packages over the period November to April is as follows.

Home Care:	525 service users (from a total of 2,378)
Day Care:	15 service users (from a total of 172)
MECS:	465 service users have requested termination (from a total of 3,208)

Termination of the MECS service involves disconnecting equipment in the service user’s home. If staff consider that concerns about charges are a contributory factoring the decision to terminate services, they are asked to enter into discussions with service users to ensure that all the necessary financial information has been provided and that service charges have been calculated accurately. Staff are also asked to undertake a risk assessment prior to any disconnection of the service. Only after these steps have been taken are arrangements made to disconnect the MECS equipment and MECS staff are required to prioritise this alongside other work. The impact of these measures are that not all of the 465 people who have requested termination of their service will have had the service actually terminated at this point in time , however, charges are stopped immediately a request to cancel the service is received..

It should be noted that the figures provided in response to this question cover all requests for termination and it can not be assumed that all such requests are related to charges. Services can be terminated for a variety of reasons including changes in circumstances in service users which result in the type of care no longer being required. Current information systems do not record reasons for termination in a way that enables aggregate information to be produced at this level of detail, however, improvements to existing systems are currently being considered.

It should also be noted that within the figures quoted above, there will be some service users who have opted to resume service provision. Current information systems do not record these circumstances in a way that enables aggregate data to be produced on the number of people who fall into this category.”

Question by Councillor David Alexander

At the Economic Strategy and Development Committee held on 19 April there was a presentation and debate on the matter of the Helix.

Can you please confirm the number of meetings that have taken place of the Helix board and the attendance levels of the two Falkirk Council members appointed to the board?

Response by Provost Reid

“ I can advise that there have been 16 board meetings held, 3 of which were updates / inductions /briefings and the rest full board meetings. Councillor Mahoney has attended 13 meetings and Councillor CR Martin 15.

The meetings have had to be rearranged at short notice on a couple of occasions and this impacted on Member availability.“

FC6. REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE – 22 FEBRUARY 2011

In terms of the Council’s Scheme of Delegation, this item had been called in to Council by Councillors Alexander and Kenna.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 March 2011, and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the meeting of Policy and Resources Committee held on 8 March 2011 on the Council’s membership of the East of Scotland European Consortium (ESEC).

Councillor C Martin, seconded by Councillor Mahoney, moved that Council “renew its membership of ESEC on a 12 month basis”.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Jackson moved that Council “renews its membership of ESEC”.

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

Accordingly, **AGREED** that the Council renew its membership of the East of Scotland European Consortium (ESEC) on a 12 month basis.

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

In accordance with his declaration of interest in the following item of business, Councillor Fry left the meeting and took no part in the discussion or decision.

**FC7. REFERRAL FROM POLICY & RESOURCES COMMITTEE - 8 MARCH 2011
- TREASURY MANAGEMENT STRATEGY 2011/12.**

There was submitted (circulated) (a) Report by the Acting Chief Finance Officer, and (b) Report by the Director of Finance Services submitted to the Policy and Resources Committee held on 8 March 2011 presenting a draft Treasury Management Strategy outlining the framework for the expected treasury activities in 2011/12.

AGREED to:-

- (1) adopt the proposed Borrowing Strategy for 2011/12;
- (2) adopt the proposed Investment Strategy for 2011/12 and approve the proposed list of "Permitted Investments";
- (3) approve the proposed Treasury Indicators, and
- (4) instruct the Director of Finance to arrange training for Members as proposed.

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

FC8. FALKIRK COMMUNITY TRUST – IMPLEMENTATION UPDATE

With reference to the Minute of Meeting held on 8 December 2010 (Paragraph FC61 refers), there was submitted Report (circulated) by the Chief Executive (a) summarising progress made towards implementing Falkirk Community Trust, and (b) presenting a proposed organisational structure for the Trust.

Councillor Mahoney, seconded by Councillor Lemetti, moved the recommendations set out in the Report.

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

"notes the lack in both clarity and progress in the privatisation of this valued council department.

Notes the lack of any participation and therefore scrutiny by Elected Members of Falkirk Council in the development of the concept and structures and believes that this report poses more questions than answers.

Believes that the uncertainties contained within the report, most notably in sections 3.2, 3.3 and 3.4 fundamentally undermine the privatisation proposals.

Therefore believes that the privatisation of Leisure Services is dogma driven and should not progress until all outstanding issues including Best Value issues or the proposed structures are clarified, this to be achieved by referring the entire matter to Falkirk Council's Best Value Forum for full scrutiny."

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

Accordingly, **NOTED** the progress and issues identified in implementing the Trust.

AGREED that suitable arrangements are put in place to allow appropriate time off for Trade Union representatives who have responsibility for Union members in both the Council and the Trust.

FC9. COMMUNITY SERVICES: FUNCTIONS REMAINING WITH THE COUNCIL

With reference to the Minute of the Meeting held on 8 December 2010 (Paragraph FC61 refers), there was submitted Report (circulated) dated 19 April 2011 by the Chief Executive (a) detailing those services currently within Community services which would remain with Falkirk Council upon the implementation of the Falkirk Community Trust, and (b) summarising where these services would fit within the Council's management structure.

Councillor Mahoney, seconded by Councillor Lemetti, moved the recommendations as set out in the Report.

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

“notes the capacity of the proposed changes to undermine the benefits of the proposed Trust model”.

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

Accordingly, **AGREED** to:-

- (1) approve the proposed changes to the management arrangements of those functions of Community Services which will remain with the Council, as outlined in Section 3 of the Report, and
- (2) note that an implementation plan will be developed in consultation with employees and Trade unions, which will aim to ensure minimal disruption to services, service users and employees during implementation of the changes, whilst ensuring compliance with good HR practice.

FC10. THE FUTURE OF POLICING AND FIRE AND RESCUE SERVICES IN SCOTLAND – CONSULTATION RESPONSE

There was submitted Report (circulated) dated 23 March 2011 by the Chief Executive (a) advising of the background to consultations by the Scottish Government on the future of Scottish Police and Fire Services; (b) highlighting the key issues, and implications of the consultations, (c) summarising COSLA's position with regard to public sector reform, and (d) presenting draft, responses to the consultations.

NOTED the:-

- (1) key aspects and issues emerging from the respective Police and Fire and Rescue Service consultation exercises, and
- (2) options for future structures provided in the consultation documents.

AGREED to:-

- (1) authorise Officers to submit responses, as set out at Appendix 1 of the report (Police) and at Appendix 2 of the report (Fire and Rescue), on behalf of the Council to the respective consultations, and
- (2) endorse the principles established by COSLA with regard to public sector reform as set out in paragraph 24 of the COSLA submission attached as Appendix 3 to the report.

Councillor McNally withdrew from the meeting during consideration of the foregoing item of business.

FC11. LIBRARY OPENING HOURS

With reference to the Minute of Meeting held on 9 February 2011 (Paragraph FC72 refers), there was submitted Report (circulated) dated 13 April 2011 by the Director of Community Services (a) presenting proposed opening hours for libraries, and (b) detailing the principles applied in determining the proposed pattern of opening hours.

Councillor Mahoney, seconded by Councillor Lemetti, moved the recommendations as set out in the Report.

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

“Notes the failure to demonstrate that the changes will deliver the savings projected. In addition the changes are an attack on the principle of community learning and therefore council does not approve the proposals.”

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 (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Patrick and Waddell.

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

Councillor McNally re-entered the meeting during consideration of the foregoing item of business.

FC12. APPOINTMENT TO EXTERNAL ORGANISATIONS

There was submitted Report (circulated) dated 1 April 2011 by the Acting Director of Law and Administration Services advising of (a) the resignation of Councillor Blackwood on the Council's representative on the Board of order of Malta Dial-a-Journey and Shopmobility Ltd and inviting Council to appoint a successor, and (b) the resignations of Councillors Kenna and Meiklejohn from the Falkirk Community Trust Board and inviting Council to appoint successors.

NOTED that, with regard to the Council decision on 2 March 2011 (Paragraph FC83 refers) on the membership of the Trust Board, the two vacant positions on the Board were reserved for members of the SNP Group.

AGREED to appoint Councillor Waddell to the Board of Order of Malta Dial-a-Bus and Shopmobility Ltd.

FC13. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 11 April 2011 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.

FC14. EXTRACT OF MINUTE OF FALKIRK COUNCIL HELD ON 2 MARCH 2011 – SINGLE STATUS, EQUAL PAY AND CRAFT PAY AND CONDITIONS UPDATE

With reference to the Minute of the Meeting of Falkirk Council held on 2 March 2011 (Paragraph FC91 refers), which had been earlier approved by Council, there was submitted and **APPROVED** the Minute of Item FC91 – Single Status, Equal Pay and Craft Pay and Conditions containing exempt information in terms of Schedule 7A of the Local Government (Scotland) Act 1973.

Council then adjourned for 45 minutes for lunch and reconvened at 1.00 pm with all Members present as per the sederunt with the exception of Councillor A MacDonald.

FC15. 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 items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraphs 9, 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC16. PORTFOLIO MANAGEMENT PLAN:

- **DISPOSAL OF PREMISES AT GRAHAM'S ROAD, FALKIRK**
- **PROPOSED DISPOSAL OF PREMISES AT MELVILLE LANE AND KERSE LANE, FALKIRK**

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Alexander and Kenna.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 March 2011, and Report by the Director of Development Services submitted to the meeting of Policy and Resources Committee held on 8 March 2011 summarising proposals to dispose of premises in Falkirk.

Councillor C Martin, seconded by Depute Provost Black, moved that Council approve:-

- “(1) Subject to confirmation that the bid from Mr B Kane had in fact been withdrawn, the sale of the Store at Melville Lane to the second highest bidder, Mr A Bye, for the sum of £25,000, subject to conclusion of missives on satisfactory terms;
- (2) the sale of 4 Kerse Lane to Mr S Crawford for the sum of £60,125 subject to the conclusion of missives on satisfactory terms, and
- (3) the remarketing of 103 and 103.5 Grahams Road, Falkirk later in 2011.

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

“in addition to paragraphs (i) and (iii) above but in substitution for paragraph (ii) (4 Kerse Road) that “no offer for the premises be accepted and the property be withdrawn from the market at this stage”.

On a division, 16 Members voted for the Motion and 12 voted for the Amendment.

Accordingly, **AGREED** the terms of the Motion.

FC17. REFUSE COLLECTION BEST VALUE REVIEW

With reference to the Minute of Meeting held on 2 March 2011 (Paragraph FC92 refers), there was submitted Report (circulated) dated 19 April 2011 by the Director of Corporate and Neighbourhood Services (a) advising that the Best Value Review of Refuse Collection had been considered by the Policy and Resources Committee on 5 April 2011 and subsequently by the Best Value Forum on 19 April 2011, and (b) summarising the discussion at, and outcomes arising from, the Forum.

A statement on behalf of full-time employees was circulated to members immediately prior to the meeting.

AGREED to continue consideration of the item to the next meeting of Council to give a fuller opportunity to consider the information submitted on behalf of the employees prior to the meeting and to allow the Best Value Forum a further opportunity to consider the issue.