

AGENDA ITEM 1 (a)
DRAFT

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 22 JUNE 2011 at 9.30 AM.

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

CONVENER: Provost Reid.

APOLOGIES: Councillors Fry, Goldie and Nimmo.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services and of Education Services; Acting Director of Law and Administration Services and of Social Work Services; Head of Business Services, of Human Resources, and of Policy and Performance Review; Acting Chief Finance Officer; Human Resources Manager; Accountancy Services Manager (D Cairney); Waste Manager (C Bullough) Legal Services Managers (I Henderson and C Moodie) and Democratic Services Manager.

DECLARATIONS OF INTEREST:

Councillors Mahoney, Nicol and Reid each declared a non financial interest in Item FC32 as Directors of the Falkirk Community Trust, but did not require to recuse themselves from consideration of the item, standing the terms of paragraph 5.18 (2)(i)(d) of the Code of Conduct.

Councillor Alexander declared a non-financial interest in (a) Item FC32 (as the spouse of an employee of the proposed Falkirk Community Trust), and (b) item FC29 (as a family member was an owner of a property listed in the Appendix to the Report) but did not consider that either interest required him to recuse himself from consideration of the items, having had regard to the objective test in the Code of Conduct.

**FC18. LOCAL GOVERNMENT BY-ELECTION:
WARD 1 – BO'NESS AND BLACKNESS**

There was submitted Report (circulated) dated 10 June 2011 by the Returning Officer advising of the result of the By-election for the Bo'ness and Blackness Ward (Ward 1) and confirming the election of Councillor Sandy Turner as local member.

Provost Reid congratulated Councillor Turner on his election and welcomed him to Falkirk Council.

NOTED.

FC19. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 27 April 2011;
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 2 2011/2012, and
- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 2 2011/2012.

FC20. 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.

FC21. NOTICE OF MOTION

Woodburn Day Nursery

Councillor Alexander, seconded by Councillor Meiklejohn, moved that:-

“Council notes that, once again, the expected date of closure for the Woodburn Nursery has slipped with a new expected closure date at the end of October 2011.

Council further notes that the Council has been unable to provide all local children with a place in a local nursery following this cut in service.

Council therefore resolves to cancel the amalgamation of the Woodburn and Queen Street nurseries on the following grounds:-

- The local community around the Woodburn Nursery have demonstrated that the facility is a centre piece of the community and therefore should be retained
- The Council have been unable to ensure nursery places as a result of the amalgamation and closure programme”.

By way of an Amendment, Councillor C R Martin, seconded by Councillor C Martin, moved that:-

“It is proposed that the amalgamation of Woodburn Nursery and Queen Street Nursery School is put on hold until a further review of early years provision (0-5 yrs childcare and education) in Central Falkirk is carried out, including the proposed provision of a nursery class at St Andrews School for August 2012.

However, Council believes that there is already an undeniable proven need for the provision of baby and toddlers' care within the Falkirk Central area, and therefore, as a first step towards meeting this need, Council agrees that the improvements to Queen Street nursery should be further assessed to go ahead as planned.

The Director of Education is also asked to ensure that, if additional nursery education places are required at Victoria Primary School, additional staff would be deployed to meet the demand”.

Following discussion, **AGREED** the terms of the Amendment.

FC22. POLICY AND RESOURCES COMMITTEE – 3 MAY 2011 - REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE – MY FUTURE’S IN FALKIRK – BUSINESS SUPPORT STRATEGY - 19 APRIL 2011

In terms of the Council’s Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 3 May 2011; and (b) Report by the Director of Development Services submitted to the said meeting presenting a revised Falkirk Area Business Support Strategy.

Councillor Alexander, seconded by Councillor Coleman, moved, “ that there be a root and branch review of the My Future’s in Falkirk Strategy by a cross party working group of Members, with a report being submitted for consideration to the appropriate Scrutiny Committee of the Council, with recommendations covering all the strands, being made to Policy and Resources Committee”.

By way of an Amendment, Councillor Mahoney seconded by Councillor Lemetti, moved the recommendations as set out in the Report.

On a division, 13 Members voted for the Motion and 15 Members voted for the Amendment.

Accordingly, **AGREED** to approve the Falkirk Business Support Strategy as appended to the Report.

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

Councillor A MacDonald withdrew from the meeting following consideration of the foregoing item of business.

FC23. PROCUREMENT STRATEGY UPDATE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 31 May 2011; and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the said meeting presenting a draft Corporate Procurement policy for 2011-14 and proposing a review of the Council's procurement structure.

Councillor Alexander, seconded by Councillor Kenna, moved that Council:-

- “(1) notes that local procurement has dropped down the area of priority to the extent that it does not rate even a single mention in the Director's covering report;
- (2) agrees that it has a responsibility to seek to stimulate the local economy and can do so with a greater emphasis on local procurement;
- (3) notes the outcomes of the 2008-11 Procurement Strategy, the Procurement Capability Assessment results and the requirement to not only review existing procurement structures and resources, but also assess the impact on the local economy of centralisation of procurement policies; and
- (4) refers the 2011-14 Procurement Strategy back to the Best Value Forum to ensure that local procurement is given its proper place within the overall strategy.

By way of an Amendment, Councillor C Martin, seconded by Depute Provost Black, moved the recommendations as set out in the Report.

On a division, 13 Members voted for the Motion and 15 Members voted for the Amendment.

Accordingly, **NOTED** the outcomes from the 2008-11 Procurement Strategy, the Procurement Capability Assessment results and the requirement to review existing procurement structures and resources.

AGREED to approve the 2011-14 Corporate Procurement Strategy.

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

FC24. FINANCIAL POSITION 2010/11

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Depute Provost Black and Councillor C Martin.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 31 May 2011; and (b) Report by the Acting Chief Finance Officer submitted to the said meeting.

In accordance with the decision of the said Committee, Councillor Alexander, seconded by Councillor Coleman, moved that "Council agrees to suspend Standing Orders to consider the discontinuation of care charges imposed on elderly and disabled people in light of the improved financial position of the Council".

In terms of Standing Orders 32 and 33, said decision would require to be passed by two thirds of the Members present and voting and an absolute majority of the whole Council.

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

Accordingly the Motion fell.

Councillor A MacDonald returned to the meeting during consideration of the foregoing item of business.

FC25. KINSHIP CARE

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 31 May 2011; and (b) Report by the Acting Director of Social Work Services submitted to the said meeting (a) presenting an update on developments in Kinship Care, and (b) proposing an increase to the allowances paid to Kinship Carers of looked after children and to other linked payments.

Councillor C Martin, seconded by Councillor McNeill, moved that Council agrees:-

- (1) to approve the Kinship Care Procedures as amended;
- (2) that the 8 week payment in lieu of benefits be aligned with the Kinship Care Allowance;
- (3) that the Residence Allowance rate be set at £10 above the approved Kinship Carer weekly allowance;
- (4) that the Kinship Care Allowance is increased to £40 per week, effective from 1st July 2011; and
- (5) to request that the Acting Director of Social Work update Members on developments in this area as appropriate.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor McNally, moved the terms of the Motion, with the following substituted for paragraphs (4) and (5) thereof:-

- (4) to instruct the Acting Director of Social Work Services to bring forward a report to Committee benchmarking Falkirk Council's level of payment against other authorities; and
- (5) to set as a policy position that Council will pay either the Scottish average or the rate contained within the paper, whatever is the greater figure, and this be reflected in the report to be brought back by the Acting Director of Social Work Services.

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

Accordingly, **AGREED**:-

- (1) to approve the Kinship Care Procedures as detailed in the Report;
- (2) that the 8 week payment in lieu of benefits be aligned with the Kinship Care Allowance;
- (3) that the Residence Allowance rate be set at £10 above the approved Kinship Carer weekly allowance;
- (4) that the Kinship Care Allowance is increased to £40 per week, effective from 1st July 2011; and
- (5) to request that the Acting Director of Social Work update Members on developments in this area as appropriate.

FC26. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 31 MAY 2011 - TREASURY MANAGEMENT ANNUAL REVIEW 2010-11

There was submitted (circulated) (a) Report by the Chief Finance Officer; and (b) Report by the Chief Finance Officer submitted to the meeting of the Policy and Resources Committee on 31 May 2011 presenting the Treasury Management Strategy Annual Review 2010/11.

Committee had agreed to refer the Annual Review 2010-11 to Council.

NOTED the Treasury Management Strategy Annual Review 2010-11.

FC27. REFERRAL FROM INVESTMENT COMMITTEE – 16 JUNE 2011 – LOCAL GOVERNMENT PENSION SCHEME GOVERNANCE COMPLIANCE STATEMENT

There was submitted (circulated) (a) Report by the Chief Finance Officer presenting a recommendation from the Investment Committee of 16 June 2011 with regard to the number of lay members on the Investment Committee; and (b) Report by the Chief Finance Officer submitted to the said meeting advising of statutory guidance setting out best value principles against which Councils must measure their Local Government Pension Scheme Governance arrangements.

AGREED to consult on the following proposals:-

- (1) to increase the number of Lay members on the Investment Committee from two to three to accommodate a pensioner representative;
- (2) that all lay members on the Investment Committee will have full voting rights on that Committee;
- (3) that in order to facilitate the proposed increase in Lay Members on the Investment Committee from 2 to 3, the number of Falkirk Council Members on the Committee, in terms of Section 57 of the Local Government (Scotland) Act 1973, would require to be increased from its current total of 6 to 9, as Lay Members are only permitted to comprise one third of the total number of places on the Committee. In such circumstances, the principles of political proportionality would be applied;
- (4) that the proposed Investment Panel will meet quarterly, shortly before the Investment Committee; and
- (5) that the proposed Panel will be formally constituted with its membership drawn from the wider Investment Forum to facilitate its effective functioning.

FC28. ANNUAL ACCOUNTS 2010-11

There was submitted Report (circulated) dated 6 June 2011 by the Acting Chief Finance Officer advising of the requirement, in terms the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, to submit the Council's Annual Unaudited Accounts for the financial year ended 31 March 2011 to the Controller of Audit.

NOTED the completion of the Unaudited Annual Accounts for 2010-11.

APPROVED the submission of the Unaudited Annual Accounts to the Controller of Audit by the statutory deadline of 30 June 2011.

FC29. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS

There was submitted Report (circulated) dated 8 June 2011 by the Acting Director of Law and Administration Services proposing that Chief Officers of the Council be given delegated powers to determine urgent items of business which would normally be determined by Council or its Committees for the period of the summer recess.

AGREED to delegate power to Chief Officers, in consultation with the Convener and/or Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 23 June 2011 to 8 August 2011) and to report the decisions thereon to the first meeting of the Policy and Resources Committee thereafter, provided that:-

- (a) any such decision is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
- (b) any such decision does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
- (c) any such decision does not involve an increase in the permanent establishment of the particular Service, and
- (d) any such decision involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.

FC30. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 6 June 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.

FC31. IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 – AMENDMENT TO SCHEME OF DELEGATION

There was submitted Report (circulated) dated 14 June 2011 by the Director of Development Services (a) advising of the introduction of Sections 75 to 75 G of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Modifications and Discharges of Planning Obligations) (Scotland) Regulations 2010 and the Town and Country Planning (Modifications and Discharges of Good Neighbourhood Agreements) (Scotland) Regulations 2010, all of which came into force on 1 February 2011, and (b) proposing consequential amendments to the Council's Scheme of Delegation.

NOTED the introduction of planning obligations and good neighbour agreements, the procedures for modifying and discharging planning obligations and good neighbourhood agreements, and the implications for the planning authority as detailed within the Report.

AGREED to the terms of the proposed amendments to the existing Scheme of Delegation, as set out in Appendix 1 to the Report, and to the submission of the amended Scheme to Scottish Ministers for information.

Council then adjourned at 12 noon for 15 minutes and reconvened at 12.15 pm with all Members present as per the sederunt.

FC32. FALKIRK COMMUNITY TRUST UPDATE

With reference to Minute of Meeting of Falkirk Council held on 8 December 2010 (Paragraph FC61 refers), there was submitted Report (circulated) dated 8 June 2011 by the Chief Executive (a) providing a further progress update on the development of Falkirk Community Trust, and (b) recommending that Council enter into a number of agreements to enable the Trust to deliver services on behalf of the Council with effect from 1st July 2011.

Councillor C Martin, seconded by Councillor Waddell, moved the recommendations as set out in the Report.

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

“Council believes that such a radical change on employment policy should not be carried out so close to an election and therefore agrees to the following:-

- (1) postpone the establishment of the Trust until 1 July 2012;
- (2) ask the Trade Union to carry out a full consultation with affected employees and report back the findings;
- (3) disband the board of directors due to the actions above and the lack of proper scrutiny of the appointments process, and
- (4) establish an all party working group to be chaired by a member of the opposition to ensure proper scrutiny of all aspects of the trust proposals to report back before the dissolution of the Council prior to the 2012 elections.”

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

Accordingly, **NOTED** that Falkirk Community Trust Ltd and Falkirk Community Trading Ltd are both properly incorporated and established and able to deliver the services as outlined in the Transfer Agreement and Trust Business Plan 2011/12;

AGREED to:-

- (1) enter into the full suite of documents required to enable the transfer of services, business assets and personnel to take effect from 1 July 2011, including the:
 - Transfer Agreement
 - Funding Agreement
 - Collections Agreement
 - Pensions Agreement;
- (2) approve the Trust Business Plan for 2011/12 and agree to provide funding proportionately from the relevant Council budget;
- (3) grant to the Trust the leases and property licence as detailed at paragraph 6 of the Report; and
- (5) authorise the Chief Executive or her nominee to negotiate, agree to and make any amendments to the suite of documentation referred to in the Report as may be reasonably required by the Board of the Trust in advance of the Trust and its trading subsidiary becoming operative and generally to take all decisions and actions required to take forward the establishment of the Trust on 1 July 2011 or such other date as near as possible to 1 July 2011 as she may determine in the unlikely event of an unexpected reason delaying establishment.

Council then adjourned at 1.45 pm for 45 minutes for lunch and reconvened at 2.30 pm with all Members present as per the sederunt with the exception of Councillor Waddell.

FC33. REVISED SCHEME OF DECENTRALISATION

With reference to the Minute of Meeting of the Leisure, Tourism and Community held on 12 April (Paragraph LTC4 refers), there was submitted Report (circulated) dated 8 June 2011 by the Director of Corporate and Neighbourhood Services (a) advising on the background to the Council's current Scheme of Decentralisation; (b) summarising the process undertaken to review the current scheme, and (c) presenting a revised Scheme of Decentralisation for approval.

Councillor Mahoney, seconded by Councillor McLuckie, moved approval of the Scheme of Decentralisation and to explore options for a Petition Committee.

By way of an addendum, Councillor Alexander suggested that the Chief Executive should be asked to bring forward a paper on the restructuring of committee structures.

Council then adjourned at 3.00 pm to allow Members to consider the terms of the proposed addendum and reconvened at 3.10 pm with all Members present as per the sederunt, with the exception of Councillor Waddell.

Councillor Mahoney, with the consent to the Provost, and of Councillor McLuckie, as his seconder, agreed to alter his Motion to include the terms of the addendum .

Accordingly, **AGREED**:-

- (1) to approve the revised Scheme of Decentralisation as detailed in the Report;
- (2) that a Report, setting out a procedure to allow members of the community to raise issues of concern with the Council, such as through petitions, will be submitted to the Leisure, Tourism and Community Committee for consideration, and
- (3) that the Chief Executive will bring forward a paper on options for the restructuring of the Committee structures.

FC34. APPOINTMENT TO EXTERNAL ORGANISATIONS

There was submitted Report (circulated) dated 8 June 2011 by the Acting Director of Law and Administration Services (a) advising of the resignations of Councillor A MacDonald as the Council's representative on the Paragon Housing Association and from the Stirlingshire Educational Trust and inviting Council to appoint successors, and (b) seeking nominations to the Falkirk Community Trust Board.

AGREED to:-

- (1) appoint Councillor McNally to the Board of Paragon Housing Association; and
- (2) appoint Councillor Carleschi to the Stirlingshire Educational Trust

NOTED that the 2 positions on the Trust Board which were reserved for members of the SNP Group remained vacant.

FC35. APPOINTMENTS TO COMMITTEES

There was submitted Report (circulated) dated 7 June 2011 by the Acting Director of Law and Administration Services (a) confirming the political composition of the Council following the Bo'ness and Blackness by-election; (b) advising of the resignations from Committees by Councillors Nimmo and A MacDonald, and (c) inviting Council to appoint members to the Committee positions previously held by Councillors Nimmo and A MacDonald and by the late Councillor Constable.

AGREED to appoint to as follows:-

Committee	Member
Appeals	Councillor Turner
Appointments	Councillor Coleman
Economic Strategy and Development	Councillor Turner
Education	SNP Group to confirm nomination
Environment and Community Safety	Councillor Jackson
Housing and Social Care	Councillor Carleschi Councillor Turner
Leisure, Tourism and Community	Councillor Ritchie
Investment	Councillor Kenna
Planning	Councillor Alexander Councillor Turner
Policy and Resources	Provost Reid

NOTED the following shadow spokesperson appointments:-

Economic Strategy and Development – Councillor Jackson

Education – Councillor Oliver

Planning – Councillor Thomson

NOTED also Provost's Reid's resignation from the Economic, Strategy and Development Committee and the Leisure, Tourism and Community Committee as a consequence of his appointment to Policy and Resources Committee and that the Labour Group would submit nominations to the vacant positions.

FC36. NEWTOWN FOOTBALL PARK, BO'NESS

There was submitted Report (circulated) dated 17 June 2011 by the Acting Director of Law and Administration Services to the Council in its role as trustee of the Newtown Park Trust advising (a) that the Council had inherited the trusteeship of Newtown Park, Bo'ness in 1996, and (b) of a request to transfer the trusteeship to another, community led, public trust.

NOTED the Council's role as trustee of the Newtown Park Trust.

AGREED to indicate, in principle only, that the Council would be prepared to effect a transfer of the trust assets in terms of Section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

FC37. NOTICE OF MOTION

Public Art

Councillor Coleman, seconded by Councillor McNally, moved that:-

“The visual quality of the built environment has a major influence on the image of the area particularly when integrating new development into a post industrial setting. This Council wishes to encourage the highest possible standards when public art is to be inserted into urban landscape settings so that it does not permanently compromise historic sites or adversely detract from existing visual amenity.

The Council will work to achieve this aim by constituting a cross party working group supported by appropriate cultural services officers in order to provide a co-ordinated approach to the commissioning and purchase of public art in whole or in part.

This body will take into consideration cost, purpose location, heightening of local identity and sense of place when making its recommendations to the relevant committee.”

By way of an Amendment, Councillor Mahoney, seconded by Councillor Nicol, moved that Council:-

- (1) “ reaffirms its commitment to the existing Public Art Strategy, and
- (2) notes that the Public Arts Strategy is due to be reviewed within the next year”.

As an addendum to the Amendment, Councillor Nicol suggested that “In the meantime, Public Art applications would be referred to the Best Value Forum for preliminary consideration”.

Following discussion, Councillor Coleman, with the consent of the Provost, and of Councillor McNally as his seconder and with the consent of Councillor Mahoney as mover of the Amendment, agreed to accept the terms of the revised Amendment.

Accordingly, **AGREED:-**

- (1) to confirm support for the Council’s Public Arts Strategy;
- (2) to note that the Public Arts Strategy is due to be reviewed in the next year, and
- (3) that, in the meantime, public art applications will be referred to the Best Value Forum for preliminary consideration.

FC38. 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 1, 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC39. REFUSE COLLECTION

With reference to the Minute of the Meeting held on 27 April 2011 (Paragraph FC17 refers), there was submitted Report (circulated) dated 3 June 2011 by the Director of Corporate and Neighbourhood Services (a) providing an update on progress with regard to the Best Value Review of the Refuse Collection service, and (b) setting out options for future delivery of the Service.

Councillor C Martin, seconded by Councillor C MacDonald, moved that Council confirms Option 4 as its preferred option for future delivery of the Refuse Collection Service.

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

“agrees that Option 5 is the only option that allows a genuine input from staff and does not lead to inevitable privatisation and instructs Officers to establish an all party working group that also includes management and staff representatives to develop the improvement plan required to fully meet the terms of Option 5.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 27 Members present with voting as undernoted:-

For the Motion (14) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol and Patrick.

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

Accordingly, **AGREED**:-

- (1) to competitively tender for the provision of Refuse Collection Services and in tandem to allow the in-house provider the opportunity to improve (no in house bid) (Option 4), and
- (2) that Officers will submit a further report to the appropriate Committee on relevant timescales and progress on the agreed process.

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

FC40. COUNCIL MANAGEMENT STRUCTURE: CHIEF OFFICER APPOINTMENTS

With reference of the Minute of the Meeting held on 23 June 2010 (Paragraph FC17 refers), there was submitted Report (circulated) dated 3 June 2011 by the Chief Executive (a) advising of progress made in implementing the approved management structure; and (b) detailing a proposed appointments process for vacant senior posts setting out relevant job descriptions, person specifications and pay grades together with recruitment procedures.

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

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

- (1) “notes the failure to bring forward a management structure that is fit for purpose for the times we live in;
- (2) notes the failure to properly engage members in the scrutiny process;
- (3) believes that it is irresponsible at this stage of the current Administration’s existence to tie a new Administration into such a costly structure;
- (4) does not approve the Chief Executive’s Report but instead requests that the Chief Executive,
 - (i) carries out a full needs assessment into the requirement for each of these posts on the grounds of Best Value;
 - (ii) reviews the entire management structure using other local authorities as a benchmark, and
 - (iii) reviews all options including shared services and closer working agreements with partner organisations and neighbouring authorities to save money that can be re-invested in frontline services.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 27 Members present with voting as undernoted:-

For the Motion (14) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol and Patrick.

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

Accordingly, **NOTED** the progress made in the implementation of the approved management structure.

AGREED:-

- (1) that an Appointments Committee be convened with delegated authority to appoint to those posts requiring employees to be 'matched' to them, and to recruit and appoint to those posts detailed at paragraph 3.1 of the Report;
- (2) to advertise the posts externally using internally managed recruitment;
- (3) to approve the documents to be used in the recruitment process, as set out as Appendices 2 to 13 to the Report, and
- (4) to delegate to the Chief Executive the authority to advertise the posts detailed in paragraph 3.1 externally using the best cost effective method and medium.

Councillors Alexander and A MacDonald withdrew from the meeting following consideration of the foregoing item of business.

FC41. EQUAL PAY UPDATE

With reference to the Minute of the Meeting held on 2 March 2011 (Paragraph FC91) refers, there was submitted joint Report (circulated) dated 1 June 2011 by the Director of Corporate and Neighbourhood Services, Acting Chief Finance Officer and Acting Director of Law and Administration providing (a) update on ongoing negotiations with regard to equal pay, and (b) information on associated legal costs and recent developments in relevant Tribunal decisions.

NOTED:-

- (1) the value of the previously authorised equal pay settlements being paid out for the first wave claims;
- (2) the appointment of MacRoberts as the Council's external legal advisers;
- (3) the potential for future liability in the second wave claims.

AGREED that a further update would be submitted to Council at a future date.