

DRAFT**FALKIRK COUNCIL****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 JUNE 2007 at 10.30 AM.**

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

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Commercial Services, of Development Services, of Education Services, of Finance, and of Housing and Social Work Services; Acting Director of Law and Administration Services; Heads of Accountancy and of Treasury and Investment, and Democratic Services Manager.

DECLARATIONS OF INTEREST:

In terms of Standing Order 14.2, and paragraphs 5.14 and 5.15 of the Councillors' Code of Conduct, Provost Reid; Councillors Alexander, Jackson, Lemetti, C MacDonald, C Martin, C R Martin, Nimmo and Patrick each declared a non-financial interest in relation to the item of business (ref FC 16 – Falkirk Community Stadium) on the basis of their regular attendance at matches involving Falkirk Football Club and further declared that, in terms of Paragraphs 5.17 and 5.18 of the said Code of Conduct, they had concluded that no member of the public acting reasonably would consider that they might be influenced by their respective interests in their roles as Councillors. Each Member, therefore, participated in the discussion and decision.

Prior to commencement of the formal business of the Meeting, the Provost congratulated former Councillor Pat McCafferty on recently being awarded an OBE.

FC11. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 7 March 2007.
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 23 April 2007.
- (c) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 18 May 2007.

- (d) There was submitted (circulated) and **NOTED** Volume of Minutes of Meetings held since 28 February 2007.
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1.

**FC12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, NEW RESOLUTION;
LATE HOURS CATERING POLICY AND CONDITIONS; STREET
TRADERS POLICY AND CONDITIONS – REFERRAL FROM POLICY AND
RESOURCES COMMITTEE**

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report dated 19 June 2007 by Director of Development Services enclosing the report considered by the Policy and Resources Committee held on 12 June 2007 proposing that a new Resolution be promoted under the Civic Government (Scotland) Act 1982 relating to the Council's Late Hours Catering Policy and Conditions, and Street Traders Policy and Conditions.

AGREED to approve:-

- (1) the recommendations detailed in the Report considered by the Policy and Resources Committee on 12 June 2007;
- (2) the publication of a notice in the Falkirk Herald on 5 July 2007 which shall, inter alia, identify the date of coming into operation of the Resolution as 1 August 2008 but acknowledging that this date may be amended;
- (3) a report being prepared for consideration by members following conclusion of the process detailed above;
- (4) a report being prepared to provide an assessment of the fee structure in respect of skin piercing and tattooing licences to ensure that the Council is recovering all costs associated with this activity, and
- (5) that the Director of Development Services puts in place arrangements for notifying all members, on a monthly basis of applications received for Civic Government licences.

FC13. NEW COMMUNITY SCHOOLS – PROJECT UPDATE

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Gow and Nimmo.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report by Chief Executive submitted to the meeting of Policy and Resources Committee held on 12 June 2007.

Councillor Alexander, seconded by Councillor Kenna, moved that Council agrees to use the underspend within the budget for the new schools project to bring forward a report to the Education and Leisure Committee that begins to rectify the disparity in community access to the new schools in comparison to the Class 98 Schools.

By way of an amendment, Councillor Gow, seconded by Councillor Goldie, moved that Committee notes the status of the project.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 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 (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

FC14. NEW COMMUNITY SCHOOLS – ST MUNGO’S RC HIGH SCHOOL – ACCESS OFF A9

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 12 June 2007, and (b) Report by Director of Development Services submitted to the meeting of Policy and Resources Committee held on 12 June 2007.

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

- (1) Council agrees to consult with staff, school boards and pupil councils at St Mungo’s and St Francis Schools on the options before Council;
- (2) Officers arrange for a site inspection for Members before a final decision is taken;
- (3) Community Services be asked to conclude their work on the configuration of the Sunnyside playing fields; and
- (4) Council make the appropriate decision once all of the aforementioned works and consultations are complete.

By way of an Amendment, Councillor Gow, seconded by Councillor Nimmo, moved:-

- (1) that Officers be authorised to take forward option D detailed in the Report as the preferred option, to finalise the detailed design for option D and thereafter submit an application for planning permission; and
- (2) that, if planning permission is granted for option D, the Director of Development Services be authorised to take all necessary steps to take forward the construction and completion of option D.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 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 (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

FC15. ANNUAL ACCOUNTS 2006/07

There was submitted Report (circulated) dated 8 June 2007 by the Director of Finance advising of the submission of the Council's Unaudited Annual Accounts for the financial year ended 31 March 2007 to the Controller of Audit by 30 June 2007 as required in terms of the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985.

NOTED the formal submission of the Unaudited Annual Accounts to the Controller of Audit.

FC16. FALKIRK COMMUNITY STADIUM LTD

With reference to Minutes of Meetings of the Policy and Resources Committee held on 6 April 2006 (paragraph PR2 refers) and 17 October 2006 (paragraph PR67 refers), there was submitted Report (circulated) dated 21 June 2007 by the Chief Executive (a) updating Members on discussions between Falkirk Community Stadium Ltd (FCSL) and Terrace Hill (Falkirk) Ltd (THFL) with regard to proposed developments at Falkirk Stadium; and (b) detailing a range of requests from FCSL that require to be considered by the Council in its role as shareholder and landlord.

AGREED:-

- (1) to grant shareholder's consent to the proposals outlined in the report in line with the provisions of the Joint Venture Agreement between Falkirk Football Club and the Council;

- (2) to grant landlord's consent for the development sub-lease or partial assignation to Terrace Hill (Falkirk) Ltd;
- (3) to grant landlord's consent for the development of the South Stand subject to conclusion of negotiations on the Heads of Terms between Falkirk Community Stadium Limited and South Stand Development Company;
- (4) to extend the list of permitted uses in the ground lease between the Council and FCSL to include ancillary retail associated with the proposed health and fitness centre and waterside restaurant;
- (5) to approve deferment of the loan repayments until December 2009;
- (6) to the principle of re-phasing as detailed in Section 10.3 of the Report;
- (7) to instruct officers to bring further reports on options for development of the land owned by the Council adjacent to the stadium;
- (8) to instruct officers to report to the Policy and Resources Committee on the proposals for the indoor football centre;
- (9) to authorise the Chief Executive to agree to any consequential or associated amendments required to the ground lease or any other agreement or document to give effect to Members' decisions; and
- (10) to instruct officers to provide updates on progress as appropriate.

In terms of Standing Order 31.1 it was **AGREED** to continue the meeting beyond the 3 hour limit with a view to completing the business, following a short adjournment for lunch. The meeting adjourned at 1.45pm and reconvened at 2.30pm with all Members present as per the sederunt.

FC17. THE DATA PROTECTION ACT 1998 AND HOUSING ALLOCATIONS LISTS

There was submitted joint Report (circulated) dated 21 June 2007 by the Director of Housing and Social Work Services and the Acting Director of Law and Administration Services giving an explanation of the reasons for the decision to cease the practice of providing information on the housing allocation lists to Members and considering alternative ways for providing Members with information to allow them to perform their civic duties whilst protecting an individual's personal data.

Councillor Goldie, seconded by Councillor McNeill, moved that Council:-

- (1) authorise a consultation process with Members with a view to identifying a permissible civic role to be undertaken by Members in relation to housing allocations in accordance with the process set out in Sections 4.1 and 4.2 of the Report; and

- (2) note that in the interim, local information will be provided to Members in the format detailed in Sections 4.4 and 4.5 of the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor McNally, moved that the previous practice of advising Members on housing allocations be reinstated until there has been consultation with Members on this matter is complete.

On a division, 18 Members voted for the Motion and 14 for the Amendment.

Accordingly, **RESOLVED** in terms of the Motion.

FC18. LOCAL GOVERNANCE (SCOTLAND) ACT 2004 REMUNERATION, ALLOWANCES AND EXPENSES

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC7 refers), there was submitted Report (circulated) dated 13 June 2007 by the Acting Director of Law and Administration Services (a) confirming the office bearer positions under the remuneration framework agreed at the statutory meeting of Council; and (b) enclosing a proposed list of approved duties associated with the Local Government (Allowances and Expenses)(Scotland) Regulations 2007.

AGREED:-

- (1) to approve the remuneration framework detailed at paragraph 2.2 of the Report;
- (2) to adopt the list of approved duties as detailed in the Appendix to the Report, subject to it being revised to include reference to meetings with constituents including home visits; and
- (3) to note that a draft protocol with regard to attendance at conferences and seminars is in preparation.

FC19. MEMBERSHIP OF COMMITTEES ETC. AND APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC6 refers), there was submitted Report (circulated) dated 30 May 2007 by the Acting Director of Law and Administration Services advising of the nominations received for the appointment of Members to Committees etc and detailing a number of appointments that still require to be considered by Council.

AGREED:-

- (1) to note the appointment of Members to Committees etc;
- (2) to reduce the membership of the Civic Licensing Committee from 12 Members to 10 Members and appoint Members to vacant Committee positions as undernoted:-

Appeals Committee –	Convener – Councillor McNeill Depute Convener – Councillor McLuckie
Appointments Committee –	Convener – Councillor Gow Depute Convener – Councillor C MacDonald
Civic Licensing Committee -	Convener – Councillor Nicol Depute Convener – Provost Reid
Investment Committee -	Convener – Councillor Patrick Depute Convener – Councillor Fry
Joint Consultative Committee – Convener – Councillor Nimmo	
Civic Events Panel – Councillor Spears	

- (3) that nominations of Members from the SNP Group and Labour Group (4 Members from each) for appointment to the Civic Licensing Committee be submitted to the Acting Director of Law and Administration Services.

FC20. APPOINTMENT OF MEMBERS TO OUTSIDE ORGANISATIONS

With reference to Minute of Meeting of Falkirk Council held on 18 May 2007 (Paragraph FC8 refers), there was submitted Report (circulated) dated 11 May 2007 by the Acting Director of Law and Administration Services providing information on external bodies which had expressed a wish to have representation from elected Members of Falkirk Council.

AGREED:-

- (1) to reserve the opportunity to make appointments to CoSLA should the Council decide to take up membership with reference to the item appearing later on the Agenda;
- (2) to note the requirements upon Members to record any appointments to outside bodies in their register of interest in accordance with the terms of the Ethical Standards in Public Life (Scotland) Act 2000; and
- (3) to make appointments to outside organisations, as follows:-

<u>Organisation</u>	<u>Member appointed</u>
Age Concern – Falkirk	Provost Reid
Alcohol Support & Counselling	Councillor Nicol
Argyll, Loch Lomond & Forth Valley Tourism Partnership	Councillor A Mahoney
Association for Public Service Excellence (APSE)	

<ul style="list-style-type: none"> • Building and Housing Service Group • Parks, Grounds and Streets 	Councillor Goldie Councillor Patrick
Braveheart Association	Councillor C MacDonald
Central Scotland Institute of Sport	Councillor Fry
Central Scotland Racial Equality Council	Councillor C R Martin
Citizens Advice Bureau (Denny & Dunipace)	Councillor Waddell
Citizens Advice Bureau (Grangemouth & Bo'ness)	Depute Provost Black Councillor Mahoney
Cornton Vale Over 21s Visiting Committee	Provost Reid Mr Bill Strathearn Miss Gill McIntosh Miss Lindsay Drummond
(2 remaining vacant positions to be filled by a further public recruitment process)	
Council for Voluntary Sector (CVS Falkirk)	No nomination
East of Scotland European Consortium (ESEC)	Councillor C Martin
Edinburgh Airport Consultative Committee	Councillor Buchanan
Falkirk Enterprise Action Trust (FEAT)	Councillor Lemetti
Falkirk Environment Trust (FET)	Councillor McLuckie
Falkirk Sports Council	Councillor Blackwood Councillor Fry
Falkirk & District Arts & Civic Council	Councillor McLuckie
Falkirk & District Community Safety Panel	Councillor Nimmo
Falkirk & District Town Centre Management Ltd	Depute Provost Black
Falkirk & District Twinning Association	Depute Provost Black Councillor Buchanan
Falkirk Temperance Trust	Provost Reid Councillor Patrick
Forth Valley Economic Forum	Councillor C Martin
Forth Valley Joint Member/Officer Group	Councillor Gow
Scottish Environment Protection Agency (SEPA)	Councillor C R Martin

Forth Valley NHS Board	Councillor Gow
Forth Valley NHS Community Health Partnership	Depute Provost Black Councillor Gow
Highland Reserve Forces' and Cadets' Assoc	Councillor Spears
Joint Children's Panel Advisory Committee (JCPAC)	Councillor Kenna
Linked Work & Training Trust	Councillor Oliver
Local Authority Fairtrade Forum	Councillor Gow
National Association of Councillors	Councillor Gow Councillor C MacDonald Councillor Patrick
Order of Malta Dial-a-Journey Ltd and Shopmobility Ltd	Depute Provost Black
Paragon Housing Association Ltd	Councillor Goldie
Scottish Accident Prevention Council	Councillor C MacDonald Councillor McLuckie
Scottish Enterprise Forth Valley	Councillor Gow
Scottish Joint Council (COSLA)	Councillor Nimmo
Scottish Liaison Group on Radioactive Waste Management	Councillor Waddell
Scottish Local Government Forum Against Poverty	Provost Reid Councillor Blackwood (substitute)
Scottish Museums Council	Councillor Mahoney
Scottish National Federation for the Welfare Of the Blind	Provost Reid
Scottish Railway Preservation Society	Councillor Buchanan
Scottish Schools Equipment Research Centre (SSERC)	Councillor Waddell
South East of Scotland Transport Partnership (SESTran) (These are substitute members, the other two named members having been appointed at the last meeting)	Councillor Mahoney Councillor C R Martin

Standing Conference of Local Government in the Forth Estuary	Councillor Waddell
Stirlingshire Educational Trust	Provost Reid Councillor Coleman Councillor Hughes Councillor Lemetti Councillor A MacDonald Councillor Patrick Councillor Waddell
University of Stirling Conference	Councillor Waddell
WESLO Housing Management	Councillor Goldie
Workers' Educational Association (WEA)	Councillor Waddell

FC21. LOCAL LICENSING FORUM AND APPOINTMENT OF CLERK TO LICENSING BOARD

There was submitted Report (circulated) dated 19 June 2007 by the Acting Director of Law and Administration Services advising Council of the requirement under the Licensing (Scotland) Act 2005 to establish and administer a Local Licensing Forum consisting of people with an interest in the way that the Licensing Act is operated in the Falkirk Council area and proposing a process for appointing Members to the Forum. The Report also invited Council to approve the appointment of the Acting Director of Law and Administration Services to the position of Clerk to the Licensing Board.

AGREED:-

- (1) to establish a Local Licensing Forum;
- (2) to delegate the appointment of Members to the Forum to the Acting Director of Law and Administration Services, in consultation with Group Leaders or their nominees with a report back to a future meeting of the Policy and Resources Committee on the outcome of this process; and
- (3) to appoint the Acting Director of Law and Administration Services to the position of Clerk to the Falkirk Council Licensing Board.

FC22. TENDER REPORT

There was submitted Report (circulated) dated 14 June 2007 by the Director of Corporate and Commercial Services on tenders received for a contract for the servicing and maintenance of mechanical services equipment and conventional controls for a period of 2 years 9 months.

AGREED to accept the tender submitted by Skanska Rashleigh Weatherfoil Ltd in the sum of £665,721.80 for the term maintenance contract for servicing and maintenance of

mechanical services equipment and conventional controls for a period of 2 years 9 months.

FC23. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS

There was submitted Report (circulated) dated 15 June 2007 by Acting Director of Law and Administration Services seeking authority to delegate powers to Chief Officials to determine urgent issues during the summer recess in consultation with the Convener and Depute Convener of the appropriate Committee.

AGREED that Chief Officials be given delegated powers, in consultation with the Convener and Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 28 June to 13 August 2007) 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 budgets and capital programme;
- (c) any such decision does not involve an increase in the permanent establishment of a particular Service, and
- (d) any such decision involves no dispute as to the legality, propriety or proper interpretation of Council policy as affecting the decision.

FC24. NOTICES OF MOTIONS

(a) Minimum Age for Sale of Alcohol

Councillor Alexander, seconded by Councillor Oliver, moved as follows:-

“Council notes with concern the ongoing problem of anti social behaviour and the role played by misuse of alcohol in this.

Council believes that the minimum age for the sale of alcohol through off licence premises should be 21.

Council therefore seeks to open discussion with the Licensing Trade with a view to a uniform approach of not selling alcohol to anyone under the age of 21 years.

This will come by way of an agreement between the Licensing Trade at Off Sales level and Falkirk Council whereby the premises to participate in the scheme will receive a certificate of participation and be listed as premises of best practice.

The Council will publish the list of those upholding the scheme thus promoting best practice”.

By way of an Amendment, Councillor Gow, seconded by Councillor C R Martin, moved that Council notes with concern the ongoing problem of anti social behaviour and the role played by misuse of alcohol in this. Council therefore agrees to continue to support the Falkirk Herald’s “Cork It” Campaign and that the issue of drink related anti social behaviour be referred to the Licensing Forum for early consideration.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 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 (18):- Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

Accordingly, **RESOLVED** in terms of the Amendment.

(b) CoSLA

Councillor Gow, seconded by Councillor C MacDonald , moved as follows:-

“That Falkirk Council takes up membership of the Convention of Scottish Local Authorities forthwith, this to be at no immediate cost to Falkirk Council”.

There being no amendment to this motion, Council proceeded to consider the appointment of members to CoSLA. The report on Appointments to Outside Bodies considered at Item 10 of the agenda had confirmed that the Council was entitled to 4 places on CoSLA.

Councillor Alexander, seconded by Councillor Coleman, moved that the 4 places available to the Council be split 2 each to the SNP and Labour Groups with Councillors Alexander and Coleman being nominated as the SNP Group’s representatives.

By way of an amendment, Councillor Gow, seconded by Councillor C MacDonald, moved that the places available to the Council be split 3 to the Labour Group and 1 to the SNP Group with Councillors Gow, C MacDonald and Nimmo being nominated as the Labour Group’s representatives.

In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 Members present, with Members voting as undernoted:-

For the Amendment (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nimmo and Waddell.

For the Motion (16) – Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Nicol, Oliver, Patrick, Spears and Thomson.

There being an equality of votes and in terms of Standing Order 21.6, Provost Reid used his casting vote in favour of the Amendment noting that this was on the understanding that a report would come back to Council once CoSLA had reviewed its guidance.

Accordingly, **RESOLVED** in terms of the Amendment.

FC25. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 14 June 2007 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.

AGREED to note the signing and sealing by the Acting Director of Law and Administration Services of the deeds specified in the appendix attached to the Report.