

AGENDA ITEM 1(a)
DRAFT

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 DECEMBER 2011 at 9.45 AM.

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, Fry (Items FC61-65), Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald (Items FC67-77), C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNally, Meiklejohn, Nicol, Nimmo, Oliver (Items FC61-79), Patrick, Ritchie, Spears (Items FC61-75), Thomson, Turner and Waddell.

CONVENER: Provost Reid.

APOLOGY: Councillor McNeill.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services and of Social Work Services; Chief Finance Officer, Chief Governance Officer; Heads of Planning & Transportation, of Economic Development & Environmental Services and of Housing; Legal Services Manager (C Moodie), Building Design Manager, Human Resources Manager and Democratic Services Manager.

ALSO

ATTENDING: H Coutts, (Chairman), D Hearsum (Chief Executive) and K Welsh, (Board Member), Order of Malta, Dial-A-Journey Ltd (For Item FC65 only) and Rev. N Graham, 21st Century for Denny (For Item FC66 only).

**DECLARATIONS
OF INTEREST:**

Councillors C R Martin and Gow declared a non financial interest in Item FC73 as members of the Board of the Helix Trust but did not consider that this required them to recuse themselves from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor McNally declared a financial interest in item FC66 as the owner of a business in Denny town centre and consequently stated that he would take no part in the discussion and decision making on this item.

Depute Provost Black declared a non financial interest in item FC65 as a family member is a recipient of Dial-a-Journey services but did not consider that this required her to recuse herself from consideration of this item, having regard to the objective test in the Code of Conduct.

Councillor C Martin declared a financial interest in item FC80 as his spouse was an employee of Falkirk Council and consequently stated that he would take no part in the discussion and decision making on this item.

FC61. 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.

FC62. OPENING REMARKS

The Provost advised that he had received a request from 21st Century Denny that, should Council agree to receive the deputation at item FC67, the organisation be allowed to film the contribution from the deputation and any subsequent discussion on the item. Provost Reid confirmed that, he would permit the filming of the speaker from the deputation only.

FC63. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 5 October 2011.
- (b) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2011/2012; and
- (c) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2011/2012.

FC64. QUESTION

Question by Councillor McNally

Provost, at the Leisure Tourism and Community meeting on the 22 November 2011 Convener Mahoney, Councillors Nicol and McNally were given permission to approach the Chief Executive by the Committee on the serious question of Officers disregarding clear instructions from the Committee to carry out an exit survey in June this year at the Falkirk Wheel.

At the subsequent meeting with the Chief Executive after the meeting closed, she promised to meet with the Director that afternoon of 22 November.

Can she update the Council today on the outcome of that meeting?

Response by Provost Reid

The outcome of the discussion between the Chief Executive and the Service Director is that the Director has carried out a fact finding exercise in line with the Council's normal process and will take action as appropriate.

FC65. ACCESSIBLE TRANSPORT AND SHOPMOBILITY – ORDER OF MALTA DIAL-A-JOURNEY LTD

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

With reference to Standing Order 30, Provost Reid referred to an application made by Order of Malta Dial-a-Journey Ltd for a deputation to be heard at the meeting in respect of this item.

Council **CONSENTED** to hear the deputation.

Mr H Coutts, Chairman, Dial-a-Journey, accompanied by Mr D Hearsum, Chief Executive and Ms K Welsh, Chair of the Stakeholders Group, addressed Council on proposals to tender for the provision of accessible transport services and in particular the Council's duties in regard to the Equalities Act 2010.

Council then asked questions of Mr Coutts, Mr Hearsum and Ms Welsh.

Thereafter, there was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 15 November 2011, and (b) Report by the Director of Development Services to the said meeting presenting an update on options for the delivery of accessible transport.

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

- (1) operation of the Shopmobility service be offered to the Order of Malta Dial-a-Journey under a new Service Level Agreement from 1 April 2012 to 31 March 2017 at £49,000 (plus inflation) per annum for acceptance within one month of the offer;
- (2) the already authorised Service Level Agreement from April to September 2012 be extended to 31 March 2013;
- (3) a tender is issued for the Accessible Transport and Taxicard Booking Service for the Falkirk Council area only, and
- (4) funding of the Accessible Transport, Shopmobility and Taxicard Booking Services be exempted from the annual corporate external funding review because they are reviewed on a longer term basis by the Policy and Resources Committee.

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

- (1) does not put out to tender the Dial-a-Journey and Shopmobility Services as detailed within paragraph 3.1 of the Report, but instead agrees to enter into a Service Level Agreement for both services from 2012 – 2017;
- (2) recognises the overfunding of the Shopmobility element of the company was cross subsidising the Dial-a-Journey element and therefore agrees not to reclaim the £15,000 referred to in paragraph 2.3.4 of the Report;
- (3) agrees that the funding for the 2012/13 financial year be set at current year levels plus inflation, and
- (4) continues to work with colleagues in Stirling and Clackmannanshire Councils to ensure the continuation of the Forth Valley wide service, with officers reporting back on the outcome of negotiations

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, Fry, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

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

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

Councillor Fry left the meeting following consideration of the foregoing item of business.

In accordance with his declaration of interest in the following item of business, Councillor McNally withdrew from the meeting and took no part in the discussion and decision.

FC66. DENNY TOWN CENTRE REGENERATION: UPDATE REPORT

With reference to Standing Order 30, Provost Reid referred to an application made by 21st Century Denny for a deputation to be heard at the meeting in respect of this item.

Council **CONSENTED** to hear the deputation. Provost Reid reminded members of his decision to allow the filming of the deputation only.

Rev N Graham, Denny gave details of a petition organised by 21st Century Denny on behalf of the Denny, Banknock, Hags and Longcroft Community Council on the Council's proposals to regenerate Denny Town Centre and called on Council to work with the group to identify alternatives to the current proposals.

Council then asked questions of Rev. Graham.

Thereafter, with reference to Minute of Meeting held on 5 October 2011, (Paragraph FC 46(b) refers), there was submitted Report (circulated) dated 28 November 2011 by the Director of Development Services (a) presenting the outcomes from a consultation on the Council's Denny Town Centre Regeneration Project Stage 1, and (b) setting out proposals for the next stages of the consultation process.

Councillor Mahoney, seconded by Councillor Lemetti, moved that Council notes:-

- (1) the completion of the Town Centre Regeneration Strategy Consultation Stage 1 and the feedback received on the Council's approach to delivery of the scheme, and
- (2) the proposals to conduct further stages of consultation as part of the planning process for delivery of the Denny town centre regeneration project.

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

“Council has no confidence in the Stage 1 consultation process carried out and calls for a more robust and wide ranging Stage 1 consultation exercise to be carried out, prior to moving onto Stage 2 of the Denny Town Centre Regeneration process”.

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, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

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

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

Council then adjourned for lunch at 1.15pm and reconvened at 2pm with all members present as per the sederunt, with the exception of Councillor Fry who had left the meeting after item FC65, Councillor Goldie who re-joined the meeting during item FC70 and Councillor A MacDonald who joined the meeting at this point in the proceedings.

FC67. ZERO WASTE UPDATE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Jackson, Meiklejohn, Oliver and Ritchie.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Environment and Community Safety Committee held on 25 October 2011, and (b) Report by the Director of Development Services to the said meeting providing an update on the Council's progress towards European Union and Scottish Government landfill diversion and recycling targets.

The Director also provided a verbal update on progress following the meeting on 25 October and advised that a draft waste strategy business plan had been submitted to the Scottish Government.

Having heard from the Director and following discussion, Councillors Jackson, Meiklejohn, Oliver and Ritchie, with the consent of the Provost, withdrew their call-in.

FC68. REFERRAL FROM INVESTMENT COMMITTEE – 24 NOVEMBER 2011

There was submitted (circulated) (a) Report by the Chief Finance Officer dated 24 November 2011, and (b) Report by the Chief Finance Officer submitted to the meeting of the Investment Committee on 24 November 2011 (i) presenting the outcomes of a consultation on proposed pension fund governance arrangements, and (ii) setting out arrangements for the implementation of the proposed revised governance arrangements.

AGREED:-

- (1) to approve the proposals set out in the Stakeholder Consultation document – “Revised Governance Arrangements” as set out in the Report;
- (2) that the number of Falkirk Council Members on the Pensions Committee be set at six;
- (3) that the membership of the Pensions Panel be limited to fifteen;
- (4) to authorise officers to progress matters in accordance with the Stakeholder Consultation, and
- (5) to instruct officers to report back to the Investment Committee in March.

FC69. SIXTH PERIODICAL REVIEW OF UK PARLIAMENT CONSTITUENCIES

There was submitted Report (circulated) dated 28 November 2011 by the Chief Executive (a) advising that the Boundary Commission for Scotland had published its proposals for revised UK Parliamentary constituencies for consultation; (b) summarising proposals for the area comprising Falkirk Council, and (c) recommending that officers be authorised to respond on behalf of the Council to those proposals.

NOTED:-

- (1) the initial proposals for the UK Parliament constituencies within the Falkirk Council area, as outlined within the body of the report and as detailed on the maps available for inspection at the locations listed in paragraph 3.1 and on the Boundary Commission’s website;
- (2) the details of the consultation and review processes, and
- (3) that further update reports will be submitted to Council as the review progresses.

AGREED to support the Commission's initial proposals for UK Parliament constituencies in the Falkirk Council area including the retention of the existing constituency names.

FC70. SPENDING REVIEW 2011

With reference to the Minute of Meeting held on 5 October 2011 (Paragraph FC50 refers), there was submitted Report (circulated) dated 23 November 2011 by the Chief Finance Officer advising that, in order to secure their full funding allocation, Council is required by the Scottish Government to confirm in writing that it will fulfil a number of financial commitments set out by the Government.

NOTED the contents of the report.

AGREED to remit to the Leader of the Council and the Chief Executive to approve the Conditions Letter from the Scottish Government and thereby secure the Council's grant entitlement.

Councillor Goldie re-joined the meeting during consideration of the foregoing item of business.

FC71. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 24 November 2011 by the Chief Governance Officer 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 Chief Governance Officer of the deeds as detailed in the Appendix to the Report.

FC72. 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 8 & 10 of Part 1 of Schedule 7A of the said Act.

FC73. ACCEPTANCE OF TENDERS OVER £350,000 - CONTRACT FOR THE HELIX CANAL (FAL 6650-008)

With reference to the Minute of Meeting of the Policy and Resources Committee held on 10 March 2009 (Paragraph PR117 refers), there was submitted Report (circulated) dated 29 November 2011 by the Director of Development Services (a) summarising the tender process for the contract for the extension of the Forth & Clyde Canal, as part of the Helix Project, and (b) recommending acceptance of the lowest checked tender.

AGREED, in accordance with Standing Order 6.2(iv), to accept the tender submitted by Balfour Beatty Regional Civil Engineering Limited, Northern Division Central Scotland, Deanhouse, 24 Ravelstone Terrace, Edinburgh, EH4 3TP in the sum of £13,416,799.68 in respect of the contract for the Helix Canal.

FC74. FALKIRK COUNCIL GAELIC LANGUAGE PLAN

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 18 October 2011, and (b) Report by the Director of Education Services submitted to the said meeting (i) advising on feedback from consultation on a draft Gaelic Language Plan, and (ii) outlining the funding that has been provided to support the implementation of the Plan.

The Chief Executive provided a verbal update on the progress of implementation of the Plan and advised that currently 12 teachers within the Falkirk Council area were qualified in Gaelic Language provision.

AGREED to approve the amended Gaelic Language Plan for submission to Bòrd na Gàidhlig.

FC75. REFERRAL FROM BEST VALUE FORUM – 4 NOVEMBER 2011 - REFUSE COLLECTION

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 15 November 2011, and (b) Report by the Director of Corporate and Neighbourhood Services to the said meeting (i) providing an update on the implementation of Council's decision to competitively tender of the work of the refuse collection service and to allow, in tandem, the in-house provider to develop an implementation plan, and (ii) setting out the next stages of the procurement process.

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

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

“Council does not accept the recommendations contained within the Report and awaits the Report from the Improvement Team on the outcome of the action plan”.

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

For the Amendment (14) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Ritchie, Spears, Thomson and Turner.

Accordingly, **AGREED** to issue a Contract Notice and Pre Qualification Questionnaire as detailed in the Report and **NOTED** that a Report will be provided on the proposed contract specification.

Councillor Spears left the meeting following consideration of the foregoing item of business.

FC76. REFERRAL FROM SPECIAL HOUSING AND SOCIAL CARE COMMITTEE – 28 NOVEMBER 2011

There was submitted (circulated) (a) Report by the Director of Corporate and Neighbourhood Services, and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the Special meeting of the Housing and Social Care Committee on 28 November 2011. The latter report (i) set out the background to the development of a draft Local Housing Strategy, and (ii) presented a draft Strategy for 2011-2016 for approval.

AGREED to approve the draft Local Housing Strategy as presented.

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

FC77. REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT – 29 NOVEMBER 2011

There was submitted (circulated) (a) Report by the Director of Development Services, and (b) Report by the Director of Development Services submitted to the meeting of the Economic Strategy and Development Committee on 29 November 2011. The former Report referred a proposal to introduce free car parking over the Christmas period, to Council for consideration.

AGREED to introduce free car parking, from 9 December 2011 for a four week period to 6 January 2012, in all Council run pay and display car parks.

Council then adjourned for 15 minutes and reconvened at 4.10pm with all members present as per the sederunt with the exception of Councillors Fry, A MacDonald and Spears.

FC78. 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, 10, 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC79. PORTFOLIO MANAGEMENT PLAN: DISPOSAL OF PREMISES AT 1-5 DALDERSE AVENUE, FALKIRK & YARD AT 23 BUTE STREET, FALKIRK

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 18 October 2011, and (b) Report by the Director of Development Services submitted to the said meeting (i) summarising the Council's decision making process to date in regard to the proposed disposal of properties at 4 & 5 Dalderse Avenue and a yard at 23 Bute Street, Falkirk; (ii) setting out developments following the meeting of Council on 5 October, and (iii) recommending the sale of the properties to R & R Properties (Falkirk) Limited.

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

- (1) the sale of 4 & 5 Dalderse Avenue, Falkirk to R & R Properties (Falkirk) Limited for the sum of £109,000 subject to conclusion of missives on satisfactory terms and subject to the satisfactory creation of a servitude right of access to the yellow area as detailed at paragraph 3.6 of the Report;
- (2) the sale of the Yard at 23 Bute Street, Falkirk to R & R Properties (Falkirk) Limited for the sum of £45,000 subject to conclusion of missives on satisfactory terms and subject to the satisfactory creation of a servitude right of access to the yellow area as detailed at paragraph 3.6 of the Report, and
- (3) that, in the event that a servitude right of access cannot be agreed among the parties within a reasonable period of time as determined by the Director of Development Services, the matter will be reported back to Policy & Resources Committee for further consideration.

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

“Council agrees to withdraw units 4 and 5 Dalderse Avenue and the Yard at 23 Bute Street from the open market”.

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, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

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

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

Councillor Oliver left the meeting following consideration of the foregoing item.

In accordance with his declaration of interest in the following item of business, Councillor C Martin withdrew from the meeting and took no part in the discussion and decision.

FC80. EMPLOYEE RELATED MATTERS

In accordance with Standing Order 9.1 the Provost advised that he had agreed to accept an urgent item of business onto the agenda on the grounds that Council was required to determine its position with regard to negotiations on employee related matters with the Trade Unions. He further advised that the report had not been issued earlier in order to provide Members with up to date information on the outcome of negotiations with the Trade Unions, which had not concluded when the agenda was issued.

With reference to the Minute of the Meeting held on 5 October 2011 (Paragraph FC59 refers), there was submitted Report (circulated) dated 28 November 2011 by the Chief Executive (a) providing an update on negotiations with Trades Unions on a package of conditions aimed at achieving employee related savings; (b) confirming Chief Officer appointments since June 2011, and (c) seeking approval to appoint to the vacant post of Head of Children and Families.

Councillor Mahoney, seconded by Councillor Nimmo, moved that Council:-

- (1) notes the position of the Trade Unions in respect of the package of terms and conditions offered to them;
- (2) withdraws the current offer and re-opens negotiations with Trade Unions, and
- (3) delegates authority to the Appointments Committee to make an appointment to the post of Head of Children & Families.

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

- (1) notes the position of the Trade Unions in respect of the package of terms and conditions offered to them, and
- (2) agrees that, in future, policy decisions are not taken at Council budget setting meetings.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 26 Members present with voting as undernoted:-

For the Motion (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, CR Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (11) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, McNally, Meiklejohn, Ritchie, Thomson and Turner.

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