

**FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 FEBRUARY 2013 at 10.00AM.**

**PRESENT:** Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, Macdonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Mahoney, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Paterson, Ritchie and Turner.

**CONVENER:** Provost Reid.

**ATTENDING:** Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services, of Education Services, and of Social Work Services; Chief Finance Officer; Chief Governance Officer; Depute Chief Governance Officer; Depute Chief Finance Officer; Heads of Housing, of Planning and Transportation, of Policy Technology and Improvement and of Resources and Procurement; Accountancy Services Managers (D Cairney and B Heron); Transport Co-ordinator (G McGowan); Legal Services Manager (I Henderson) and Democratic Services Manager.

**ALSO**

**ATTENDING:** Chief Executive and Chairman, Falkirk Community Trust.

**FC80. SEDERUNT**

The sederunt was taken by way of a roll call. Apologies were submitted on behalf of Councillor Bird.

**FC81. DECLARATIONS OF INTEREST**

Provost Reid and Councillors D Goldie, Gow, Nicol and Paterson all declared a non financial interests in Item FC83 as Directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the item, having had regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

No further declarations were made at this stage.

**FC82. MINUTE**

There was submitted (tabled) and **APPROVED** minute of Special Meeting of Policy and Resources Committee held on 13 February 2013.

### **FC83. FALKIRK COMMUNITY TRUST – BUSINESS PLAN**

With reference to minute of Special Meeting of the Policy and Resources Committee held on 13 February 2013 (Paragraph PR94 refers) there was submitted joint report (circulated) dated 5 February 2013 by the Chief Executive and the Chief Finance Officer (a) advising that the funding agreement between the Council and Falkirk Community Trust (FCT) required that the Trust submit annually a business plan for the following year for approval by the Council; (b) presenting the 2013/14 Business Plan; (c) highlighting guiding principles against which individual charges will be set by the Trust, and (d) summarising the proposed capital programme for 2013/14.

Councillor D Goldie, seconded by Councillor Paterson, moved that Council agrees:-

- (1) the Falkirk Community Trust Business Plan for 2013/14;
- (2) the permanent closure of Birkhill Clay Mine;
- (3) a Service Payment of £12.023m to Falkirk Community Trust for 2013/14;
- (4) that Falkirk Community Trust retain a sum of £50,000 to support a funding bid to EventScotland for 2014, and
- (5) the capital expenditure proposals for 2013/14 as outlined in paragraph 4.1 of the Report.

By way of amendment, Councillor McNally, seconded by Councillor Jackson moved the following in substitution for para (2) of the motion:-

- (2) the proposed closure of Birkhill Clay mine is postponed until a full business case is presented to the next meeting of Council.

Councillor Meiklejohn gave notice of a further amendment.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 31 members present, with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

The motion was therefore carried. Councillor Meiklejohn, seconded by Councillor Coleman, moved the following amendment in substitution for the motion.

Council continues consideration of the Falkirk Community Trust Business Plan 2013-14 to the next meeting of Council to get clarity over the budget and how it is spent and to allow officers to provide the evidence base on which the budget proposals are made.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 31 members present, with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

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

#### **FC84. REVENUE BUDGET 2013/14**

With reference to Minute of Special Meeting of the Policy and Resources Committee held on 13 February 2013 (Paragraph PR94 refers) there was submitted joint Report (circulated) dated 5 February 2013 by the Chief Executive and the Chief Finance Officer providing a draft revenue budget for 2013/14 detailing (a) the overall budget position, including reserves; (b) individual service budgets; (c) service initiatives, and (d) the proposed Council Tax charge per band.

Following the Chief Finance Officer's summary of the report and questions, Council adjourned for lunch and reconvened at 1.00 pm with all members present as per the sederunt.

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

- (a) accepts the Draft Budget for 2013/14 as set out in the report and as appended to it
- (b) levies a Council Tax for 2013/14 as follows:-
  - (i) A Council Tax to be paid in respect of a chargeable dwelling in Council Tax Valuation Band D of £1,070, representing a nil increase;
  - (ii) A Council Tax to be paid in respect of a chargeable dwelling in each of the other Council Tax Valuations Bands in accordance with Section 74 (1) of the Local Government Act 1992 (as set out in paragraph 10.3 of the report);
- (c) deploys £400k of the earmarked Spend to Save Reserve for “refreshing the profession” in Education as set out in paras 5.7.3 and 6.3 of the report;

- (d) accommodates the funding of the outcome of the Transport review consistent with section 6.3 of the report, and
- (e) instructs Chief Officers to deliver Services within the specific budget allocation for each Service and authorises them to take such actions as may be required to give effect to the service delivery proposals outlined in sections 5 and 6 of the report.

Councillor Meiklejohn, seconded by Councillor Jackson moved the following in substitution for paragraphs (a) and (c) of the motion.

- (a) accepts the draft budget as amended below
- (c) deploys the remaining £1.6m from the Spend to Save fund along with a further £400k of surpluses returned from Police & Fire to a new fund to meet the cost of Prudential Borrowing of up to £25,000,000 with priority going to projects that add value to the local economy, job and training opportunities. These projects will include:-
  - Completion of the Denny Eastern Access Road **£7m**
  - Town Centre Regeneration and the development of a Villages and Smaller Centres Strategy and regeneration programme **£5m**
  - Bringing forward of the next phases of the Asset Business Property Portfolio Programme **£2m**
  - Construction of a school hall at Blackness Primary School **£500.00**
  - Blackness Coastal footpath, on John Muir Coast to Coast **£135,000**
  - Key Infrastructure Works – investment in areas of infrastructure including roads projects that aid the local economy **£3m**

With priority also given to quality of life issues that will bring an income as well as improving infrastructure, projects such as:-

- The provision of 3 new 3g sports pitches estimated cost **£3m**, estimated annual income £250k
- Investment in other sports and leisure facilities per the strategic Leisure Plans of the Council, **£2m**, target income from such investment, £95k

Total proposed investment, estimated - **£22,635,000** giving around 10% flexibility.

Officers to bring forward reports on how strategies will be developed to ensure maximum impact for spending proposals from the above with ongoing dialogue between all groups within the council on the processes involved.

Council then adjourned for 15 minutes to allow members of the Administration to consider the terms of the amendment and reconvened at 2.25 pm with all members present as per the sederunt.

Councillor Spears gave notice of a further amendment.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 31 members present, with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

The motion was carried. Councillor Spears then moved the following amendment in supplement to the motion.

### **Veterans Liaison Officer**

Falkirk Council have previously recognised & supported the great debt to our armed forces in their deployment throughout the world, historically from conflicts in Iraq and Afghanistan back through to the Falklands War.

Council recognise the UK Government's decision to reduce the current level of manpower within our armed services, on top of the reduction of overseas personnel returning from Afghanistan which will place increasing demand on the already overstretched resources of our Social Work and Corporate and Neighbourhood Services. This Council will therefore support the creation of an office and post of Veterans' Liaison Officer, with an annual stipend of £25,000. This is in addition to the £20,000 recurring figure contained within 7.1 of the Miscellaneous Services budget allocated to the CAB's Armed Service Advice Project.

This additional money will be released from the Council's Reserves.

### **Commercial Rents Reduction**

In light of serious concerns over the extremely alarming rate of retailer decline on our High Streets and retail parks, (since Christmas we have seen the closure of Blockbuster Video; Jessops Photography; Comet; and most recently and locally HMV) measures should be put in place to assist the economic recovery of our partners within all local High Streets of the Falkirk area.

This Council must recognise the alarming rise in retail failure within Scotland. In an effort to show support to this valuable sector of the economic model, Falkirk Council will instruct a 5% reduction to commercial rents across the Council's property portfolio. This equates to a cost of £199,500 to the General Fund.

This money will be released from the Council's Reserves.

Councillor Nicol, having considered the terms of the further amendment, declared a financial interest as the spouse of an owner of a commercial property. The Chief Governance Officer advised Council about the exclusion from declaration in relation to any interests a member may have in a report dealing with setting the Council tax as set out in paragraph 5.18 of the Code of Conduct. Councillor Nicol was mindful of public perception, however, and decided to withdraw from the meeting and take no further part in the discussion or decision making process.

Following discussion 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 Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nimmo and Paterson.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

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

Councillor Nicol then rejoined the meeting following consideration of the foregoing item of business.

#### **FC85. THREE YEAR GENERAL CAPITAL PROGRAMME 2013/14 – 2015/16**

With reference to minute of Special Meeting of the Policy and Resources Committee held on 13 February 2013 (Paragraph PR94 refers), there was submitted report (circulated) dated 5 February 2013 by the Chief Finance Officer presenting the proposed capital investment programme for the financial years 2013-2016 highlighting the key investments by Service and detailing the Prudential Indicators used to demonstrate that the plans are affordable, prudent and sustainable.

Councillor C Martin, seconded by Councillor Black, moved the recommendations set out in the report.

By way of amendment, Councillor Spears seconded by Councillor McCabe, moved the following:-

“NAIG note with interest that this administration have surprisingly initiated dialogue with the SNP Scottish Government on the question of utilising pension fund monies to support construction of social house building, but also the sourcing of £10.241m in TIF monies to allow investment for infrastructure projects throughout central and eastern Falkirk. This is contained within 3.7.1 of the General Services Capital Programme. It has also been graphically illustrated in the ‘Redline’ plan.

That Council recognise this money released through the granting of the TIF application, to allow for the immediate construction of DEAR (Denny Eastern Access Road). There is an indication of £40k in 2013-14 and £200k in 2015-16 for provisional works within the Development Services Future Investment Plan.

The Provost ruled that the amendment was not competent as it did not comply with Standing Order 19.4A.

**AGREED** the proposed General Services Capital Programme 2013 to 2016 as detailed in appendix 1 to the report and the Prudential Indicators set out in appendices 2 and 3.

Councillor Nicol declared a financial interest on the following item as the spouse of the owner of Commercial Property and withdrew from the meeting for this item taking no part in the discussion or decision making.

#### **FC86. HOUSING REVENUE ACCOUNT & COUNCIL HOUSE RENTS 2013/14 – 2015/16**

With reference to minute of Special Meeting of the Policy and Resources Committee held on 13 February 2013 (Paragraph PR94 refers), there was submitted joint report (circulated) dated 5 February 2013 by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer (a) presenting a draft Housing Revenue Account for the financial year 2013/14; (b) making recommendations on the level of council house and garage rents for 2013/14, and (c) proposing indicative rent levels for the years 2014/15 to 2015/16.

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

- (1) approves the Draft Housing Revenue Account budget for 2013/14, with the following specific recommendations;
- (2) Rent increase of 3.6% to be applied from 1<sup>st</sup> April 2013. The average fortnightly charge would therefore increase from £115.90 to £120.06, based on the 24 fortnightly periods with no rent being charged during the fortnightly periods commencing 24 June 2013 and 23 December 2013, as well as week commencing 30 March 2014, as this represents week 53;
- (3) Utilisation of c£2.5m from the Housing Revenue Account reserves;
- (4) Lock-up garage rentals to increase from an average of £5.33 per week to £5.52 per week;
- (5) Garage site rentals to increase from £75 per annum to £76 per annum;
- (6) Castings Hostel rentals increase from £137.69 per room per week to £142.65 per week (excluding fuel charges);
- (7) Homeless property rentals increase from an average of £159.62 per week to £165.37 per week, and
- (8) Notes the indicative budgets and rent increases for 2014/15 and 2015/16 as representing the best information available at this time.

Councillor Alexander, seconded by Councillor Jackson moved the following in substitution for the motion.

- (2) A rent increase of 2.7% (RPI), be applied with the first year shortfall of £400,000 being accommodated from reserves while a full and comprehensive Best Value Review is carried out into all aspects of management of the HRA to conclude before the 2014/15 budget process has been completed

With paragraphs (3) – (7) being amended accordingly and with the addition of the following recommendation at 10.8.

Council notes with concern the draconian and totally negative impact of the Westminster Government's Welfare reforms on a high percentage of our most vulnerable tenants.

Council therefore resolves not to seek eviction of any tenant who can demonstrate that their arrears relate to the introduction of benefit changes such as the bedroom tax.

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 Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nimmo and Paterson.

For the amendment (14) – Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

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

#### **FC87. HOUSING INVESTMENT PROGRAMME 2013/14 – 2015/16**

With reference to minute of Special Meeting of the Policy and Resources Committee held on 13 February 2013 (Paragraph PR94 refers), there was submitted report (circulated) dated 5 February 2013 by the Director of Corporate and Neighbourhood Services (a) presenting the proposed Housing Investment Programme for the financial years 2013 to 2016; (b) summarising the key documents of the new build programme for Council Housing and the Housing Investment Programme; (c) detailing the resources available for 2013/14, and (d) detailing the Prudential Indicators used to demonstrate that the plans are affordable prudent and sustainable.

**AGREED** the draft Housing Investment Programme for 2013 to 2016 as set out in appendix 1 of the report and the Prudential Indicators set out in appendix 2.