

**FALKIRK COUNCIL**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 APRIL 2013 at 9.30 AM.**

**PRESENT:** Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Paterson, Ritchie, Spears 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; Head of Policy Technology and Improvement; Depute Chief Governance Officer; Legal Services Manager (I Henderson) and Democratic Services Manager.

**FC4. SEDERUNT**

The sederunt was taken by way of a roll call. An apology was submitted on behalf of Councillor Oliver.

**FC5. DECLARATIONS OF INTEREST**

No declarations were made.

**FC6. MINUTES AND INFORMATION BULLETIN**

- (a) There was submitted (circulated) and **APPROVED** the minute of the meeting held on 6 March 2013;
- (b) There was submitted (circulated) and **APPROVED** the minute of the special meeting held on 19 March 2013;
- (c) There was submitted (circulated) and **APPROVED** the minute of the special meeting held on 11 April 2013;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 5 2012/2013, and

- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 5 2012/2013.

## **FC7. DECISION MAKING STRUCTURES**

With reference to the Minute of the special meeting held on 19 March 2013 (Paragraph FC111 refers), there was submitted report (circulated) by the Chief Executive (a) presenting for consideration (i) a Scheme of Delegation, (ii) proposed roles and remits for portfolio holders, and (iii) Standing Orders governing meetings; (b) setting out proposed transitional arrangements to be adopted pending full implementation of new arrangements and (c) setting out other related considerations including appointments to committees, the introduction of baillies and remuneration.

Additionally, a supplementary report by the Chief Governance Officer had been circulated advising of resignations from Committees.

Councillor Meiklejohn requested that Standing Orders be suspended to enable Council to reconsider the decision taken on 19 March 2013 in regard to the decision making structures (Item FC111) with particular reference to membership of the Scrutiny Committee.

Provost Reid advised that, in terms of Standing Order 33.3, Council would first have to agree that the request was urgent and, if so agreed, then vote on the motion to suspend with at least two thirds of those present and voting and an absolute majority of the Council voting in favour of the motion.

Councillor Meiklejohn, seconded by Councillor Jackson, moved that Council agrees to consider as an urgent item the motion to suspend Standing Orders.

On a division, 14 members voted for the motion and 15 voted against, with 2 members abstaining. The motion therefore fell.

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

- (1) the Scheme of Delegation as set out in appendix 1 with the exception of the provision set out in parenthesis (at paragraphs 1(4) and 2(2) of the appendix) consideration of which is continued to the June meeting of Council;
- (2) the proposed role and remits of portfolio holders;
- (3) to appoint portfolio holders as follows:-

Culture, Leisure and Tourism – Councillor Mahoney  
Economic Development – Councillor D Goldie  
Education – Councillor Nimmo  
Environment – Councillor Dr Martin  
Health & Social Care – Councillor Gow

Housing – Councillor G Goldie  
Public Protection – Councillor J Blackwood  
Resources – Councillor Nicol

- (4) that the revised Scheme of Delegation for those committees identified in appendix 5 be submitted to Council in June;
- (5) that the slate for opposition members of the Executive will be submitted to the Chief Governance Officer;
- (6) to appoint Provost Reid and Councillors Black, Buchanan, MacDonald, McLuckie and Paterson to the Scrutiny Committee and that the slate for opposition members will be submitted to the Chief Governance Officer;
- (7) to continue consideration of the proposed Standing Orders, as set out at appendix 3, to allow members the opportunity to fully consider the document and that they be submitted to Council in June subject to the adoption, following this meeting, of the provisions identified set out at appendix 4;
- (8) to appoint Councillors Buchanan and Paterson as Baillies;
- (9) the undernoted remuneration framework:-

Senior Councillor (Higher Payment)	Senior Councillor (Lower Payment)
£21,803	£18,280
Depute Provost	Leader of the main Opposition Group
Economic Development Portfolio Holder	Convener of the Joint Consultative Committee
Education Portfolio Holder	
Environment Portfolio Holder	
Housing Portfolio Holder	
Culture, Leisure & Tourism Portfolio Holder	
Public Protection Portfolio Holder	
Resources Portfolio Holder	
Convener of the Planning Committee	
Convener of the Appeals Committee	
Depute Leader	

- (10) to note the resignations of Councillors Nicol and McLuckie from the Civic Licensing Committee and to appoint Depute Provost Patrick and Councillor Paterson to the vacant positions;
- (11) to appoint Provost Reid Convener of the Civic Licensing Committee and Councillor Paterson as Depute Convener;
- (12) to note the resignation of Councillor MacDonald from the Joint Consultative Committee and to appoint Councillor Murray to the vacant post and as Convener;

- (13) that the membership of the Planning and employment committees and the Licensing Board would remain unchanged;
- (14) that decisions in regard to expenditure on civic events would be delegated to the Chief Governance Officer and Chief Executive, either of whom may take the decision, in consultation with the Provost;
- (15) that the first meeting of the Scrutiny Committee would be moved from 9 May 2013 to 16 May 2013;
- (16) that the new arrangements would commence at the close of the meeting, and
- (17) the transitional arrangements set out in paragraph 10 of the report.

Council then adjourned at 10.10 am to allow members of the opposition to consider the terms of the motion, and reconvened at 10.40 am with members present as per the sederunt.

By way of amendment, Councillor Coleman seconded by Councillor McNally moved that Council agrees the following in substitution for the motion:-

“Changes to the Scheme of Delegation be remitted to external consultants, to be appointed by the Society of Local Authority Chief Executives (SOLACE) on our behalf in order to produce a Scheme of Delegation and a set of Standing Orders that will provide the equity necessary to allow all members to execute their normal care obligations”.

Councillor Meiklejohn gave notice of a further amendment.

Council adjourned at 10.50 am to allow members of the Administration to consider the terms of the amendment, and reconvened at 11.00 am with all members present as per the sederunt.

Following further discussion a vote was taken by roll call in terms of Standing Order 21.4(i), 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, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner.

The motion was carried.

Councillor MacDonald left the meeting following the vote.

By way of further amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved that Council:-

1. remits the Scheme of Delegation to the June meeting of Council;
2. agrees as the previous convener of Policy and Resources was effectively the Council's spokesperson on resources the portfolio holder for resources should be the leader of the council;
3. agrees that the entire Scheme of Delegation be held over to the June meeting of Council with the suggestion made in paragraph 3.5 of the report to include member involvement in this process be taken up and to make provision for (1) above;
4. agrees that the opposition slates for the Executive and Scrutiny Committee will be sent to the Chief Governance Officer in the usual manner once the opposition groups meet and mutual agreement reached;
5. remits Standing Orders to the June meeting of Council;
6. does not appoint Baillies at the meeting;
7. bring forward a new remuneration package for senior councillors to include portfolio holders and political leaders only at existing rates with financial savings being directed to the front line services seeking to mitigate the effects of the UK Government's attack on the most vulnerable within our community;
8. notes the inconsistency in the appointment of opposition members between political and non political committees;
9. believes that expenditure on civic events should be a matter for consultation between the Provost, Depute Provost and all opposition group leaders;
10. postpones the date of the Scrutiny Committee until the full structure has been agreed and ready to implement including new Standing Orders and full Schemes of Delegation;
11. allows members to meet to discuss and remedy the many flaws and contradictions contained within this report and bring to the June meeting of Council a set of proposals that are clear and unequivocal. In the meantime the Policy and Resources or Education Committee as previously structured meet as often as required to deal with any formal business of the Council;
12. does not agree the transitional arrangements set out in paragraph 10 of the report, and

13. recognises that, to date, the proposals from the Labour/Conservative Administration have been about preventing the opposition from performing their scrutiny role. Council believes that the good governance of the Council and upholding democratic principles are more important than the self serving interests of New Labour. Council believes that it is not too late to allow all parties the opportunity to participate in genuinely inclusive way that allows all members an equal opportunity to represent their constituents' interests.

Following discussion, a vote was taken by roll call, in terms of Standing Order 21.4(i), 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, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

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

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

Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner left the meeting following consideration of the foregoing item of business.

## **FC8. EXECUTION OF DEEDS**

There was submitted report (circulated) 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.