

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 9 DECEMBER 2013 at 3.00 PM.

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| <u>COUNCILLORS:</u> | David Alexander | Linda Gow | Rosie Murray |
| | David Balfour | Gordon Hughes | Malcolm Nicol |
| | Stephen Bird | Steven Jackson | Alan Nimmo |
| | Allyson Black | Charles MacDonald | Martin Oliver |
| | Jim Blackwood | Brian McCabe | Baillie Joan Paterson |
| | Baillie William Buchanan | John McLuckie | Depute Provost John |
| | Steven Carleschi | John McNally | Patrick |
| | Colin Chalmers | Adrian Mahoney | Provost Pat Reid |
| | Thomas Coleman | Craig Martin | Ann Ritchie |
| | Dennis Goldie | Dr Craig R Martin | Robert Spears |
| | Gerry Goldie | Cecil Meiklejohn | Sandy Turner |

OFFICERS: Rose Mary Glackin, Chief Governance Officer
Colin Moodie, Depute Chief Governance Officer
Mary Pitcaithly, Chief Executive
Brian Pirie, Democratic Services Manager

FC58. SEDERUNT

The sederunt was taken by way of roll call. No apologies were intimated.

FC59. DECLARATIONS OF INTEREST

No declarations were made.

FC60. MOTION

Council Structure

Councillor Meiklejohn, seconded by Councillor Jackson moved that:-

“Council believes that the current decision making structures fails to meet the basic requirements of openness and transparency as well as failing to provide a vehicle that can carry out adequate scrutiny of the Council’s decision making process.

We believe that this is partly due to the fact that the current structure is neither a Committee nor a Cabinet.

Council therefore agrees:

- (a) to alter the structure and remit of the Executive Committee to become a Cabinet containing only members of the Administration;

- (b) as a counter balance Council agrees that Scrutiny should be chaired by a member of the opposition and be made up of equal numbers of both Administration and Opposition members;
- (c) in order to carry out the Scrutiny of the Council's business 3 Scrutiny Committees should be established made up from a combination of related portfolio holders remits, and
- (d) furthermore the Committee should be tasked with the scrutiny process pre the Cabinet reports as well as having the autonomy to set its own agenda."

By way of an amendment, Councillor Martin, seconded by Councillor D Goldie, moved in substitution for the motion, that:-

"Council agrees with the Audit 2013 Report statement 'councillors who are not attending meetings should consider whether in these circumstances they are meeting their responsibilities in not participating in the scrutiny of council performance'.

Council therefore agrees to the continuation of its decision making structure, including:

- Chair of both Scrutiny committee and Performance panel open to the Opposition
- Any major significant change to policy to be referred to a Policy Panel before Executive decision
- Scrutiny Plan to allow scrutiny of outcome of Executive decisions after a period of operation
- Confirmation of further review in 6 months' time."

Councillor McCabe gave notice of a further amendment.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 32 members present with voting as undernoted:-

For the motion (15) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

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

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

The amendment became the substantive motion against which the further amendment was moved.

Councillor McCabe, seconded by Councillor Spears, moved in substitution for the motion, that;

“In light of the recent Audit Scotland annual 2012/13 report on Falkirk Council, where AS state that, “..... continuation of the current situation could undermine local governance and scrutiny arrangements and cause reputational damage to the council”, it is imperative that Council take immediate remedial steps. The current system fails to meet this criteria on a number of counts, as averred to in Audit Scotland’s critical annual report.

Motion

It is the wish of Council that a structures system be introduced which is inclusive; transparent; accountable; and respected by Audit Scotland; SOLACE and any other professional body dealing with the council. The system must be based on a democratic structure with the capacity to provide scrutiny of the political Administration.

In the interim, Council will revert back to the previous proven structures of Full Council and Committee structures prior to March 2013, until the new structures system is agreed and adopted by Full Council.

The new agreed decision making structures must be in place for 1st March 2014.”

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 32 members present with voting as undernoted:-

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

For the amendment (15) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Decision

Council agreed:

- 1) with the Audit 2013 Report statement ‘councillors who are not attending meetings should consider whether in these circumstances they are meeting their responsibilities in not participating in the scrutiny of council performance’.
- 2) to the continuation of its decision making structure, including:
 - (i) the Chair of both the Scrutiny committee and Performance panel being open to the Opposition
 - (ii) that any major significant change to policy be referred to a policy development panel before Executive decision
 - (iii) the scrutiny plan to allow scrutiny of the outcome of Executive decisions after a period of operation
 - (iv) a further review in 6 months’ time.