

## **FC92. FALKIRK COMMUNITY STADIUM LTD**

Council considered a report by the Chief Executive setting out proposals for the winding up of Falkirk Community Stadium Limited (FCSL).

FCSL had been established, in a joint venture between Falkirk Council and Falkirk Football and Athletic Club (FFAC), in 2003 to construct and operate Falkirk Community Stadium. Following a demerger in 2009, FFAC took responsibility for all football related areas of the Stadium including the West and North Stands, and the Council as the single shareholder (and consequently the owner) of FCSL, took responsibility for all existing commercial activities and for the development of the entire site excluding stands.

The formal demerger in 2009 was affected in the most tax efficient manner given the circumstances prevailing at the time. Since then, the context within which FCSL operates has evolved; not least through establishment of the Helix project which has acquired a national and international profile and generated interest in adjacent development sites, the Tax Incremental Funding initiative which has the potential to support development in this key gateway location and the creation of Falkirk Community Trust. These developments have presented an opportunity to review the FCSL delivery model. The report set out a proposal to restructure the existing share capital; remove outstanding debt owed by FCSL to the Council and transfer assets from FCSL to the Council and Falkirk Community Trust. Following this FCSL would be wound up.

The report set out the financial, legal and HR implications of the proposal.

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

- (1) in principle to the proposals contained in the report and, in particular, paragraph 4 of the report;
- (2) subject to all necessary approvals and consents being agreed by the stakeholders involved, in particular Falkirk Community Trust, to authorise the Chief Executive or her nominee to take forward work required to implement the proposals; and
- (3) to instruct the Chief Executive to report back to a future meeting of Council for final approval of the detailed proposal noting that, in the event that the work referred to in paragraph (2) above would result in any significant changes being made to the proposals, such changes will be specifically drawn to the attention of Members.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved, in substitution for the motion, that Council:-

- (1) does not agree the proposals in principle, and agrees to continue this item to the next scheduled meeting of Council as there is insufficient detail for members to take an informed decision; and
- (2) instructs the Chief Executive to bring forward a detailed report on the proposal which should include, in particular, implications of the financial and legal aspects of the proposal, and confirmation that consultation has been carried out with the Office of the Scottish Charity Regulator.

In terms of Standing Order 22.4(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; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, Dr C R Martin, Murray, Nicol and Nimmo.

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

### **Decision**

**Council agreed the motion.**