

DRAFT

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 31 MARCH 2015 at 1.15 P.M.

COUNCILLORS:

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

OFFICERS:

Karen Algie, Head of Human Resources and Customer First
Fiona Campbell, Head of Policy, Technology and Improvement
Jack Frawley, Committee Officer
Rose Mary Glackin, Chief Governance Officer
Gary Greenhorn, Joint Acting Director of Education Services
Colin Moodie, Depute Chief Governance Officer
Anne Pearson, Joint Acting Director of Education Services
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Marion Reddie, Head of Community Care
Stuart Ritchie, Director of Corporate and Neighbourhood Services
Bryan Smail, Chief Finance Officer

ALSO Robert Naylor, Director of Children's Services (Designate)
ATTENDING:

FC85. SEDERUNT

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

FC86. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

FC87. HEALTH AND SOCIAL CARE INTEGRATION SCHEME

Council considered a report by the Chief Executive presenting a proposed Health and Social Care Integration Scheme for Falkirk.

Council agreed on 14 May 2014 (ref FC7) to pursue a body corporate model of health and social integration and is required to submit a fully consulted Integration Scheme to Scottish Ministers by 1 April 2015. An update report was considered by Council, on 12 November 2014 (ref FC46) which set out a number of key issues which would be included in the draft Integration Scheme including:-

- the vision for health and social care integration;
- that a Transitional Board comprising 3 members each from Falkirk Council and from the Health Board is established to oversee the further development of the Scheme;
- that the functions to be included within the scope of integration do not go beyond those listed in the draft regulations, but that the Scheme would be developed to allow further functions to be included in the future on the agreement of both the Council and Health Board;
- that the Transitional Board oversees the recruitment and appointment of the Chief Officer; and
- that relevant consultation takes place in order to inform the final Integration Scheme.

Consultation on the draft Integration Scheme was undertaken by the Transitional Board in January 2015. This focussed on:-

- the local vision and outcomes;
- the appointment process for non-voting members to the Board; and
- the draft Scheme.

The report set out proposed alterations to the vision and outcomes and set out, in an appendix, an amended draft Integration Scheme, which was approved by the Transition Board on March 2015. Section 8 of the draft Scheme – Finance - remains under discussion, with final wording still to be agreed between the Health Board and Council. The area of difficulty centres on the financial treatment of delegated functions within community hospitals and the potential this has to affect the scope for effective integration of services in the area.

It was proposed that the draft Scheme be submitted to Scottish Ministers subject to the caveat that the final wording for Section 8 is yet to be agreed.

Councillor Black, seconded by Councillor D Goldie, moved that Council:-

- (1) notes the report;
- (2) approves the Integration Scheme with the exception of para 8.1 and any consequential changes to the remainder of section 8, and
- (3) authorises the Chief Executive to agree Section 8 of the Integration Scheme following discussion with the Health Board and the Scottish Government in consultation with the Provost, Leader, Leader of the Opposition and the 3 members of the Transitional Board.

During the discussion, Councillor Alexander declared a non-financial interest in the item of business as a non Executive Director of the Scottish Ambulance Service but did not consider that this required him to recuse himself from consideration of the item having regard to the objective test in the code of conduct.

Decision

Council agreed the motion.

Prior to consideration of the following item all Chief Officers present, with the exception of the Chief Executive and the Head of Human Resources & Customer First, withdrew from the meeting.

FC88. SERVICE RE-DESIGN

Council considered a report by the Chief Executive presenting a proposed Service Structure.

Council agreed on 12 November 2014 (ref FC47) that consideration should be given to the remaining Services of the Council as a result of the creation of the Children's Service and instructed the Chief Executive, on 11 February 2015 (ref FC69), to present a proposal to review the number of services in order to achieve savings.

The report set out the background to the review, which did not include the newly created Children's Service and the main considerations underpinning it, namely:-

- any revised structure must enable the Council to continue to meet its statutory requirements;
- structure arrangements must be efficient and effective. Given the Council's current budgetary position, and the financial savings of £46m which require to be achieved over the next 3 years, if the Council is to consider reviewing its structure, any revised arrangements must result in savings, as agreed by Council on 11 February 2015;
- structure arrangements should avoid duplication, whilst ensuring that effective services are delivered for the people of Falkirk;
- the structure design should be logical and customer friendly; and
- the structure should be designed in a way which enables the Council to continue to deliver its Corporate Plan.

The report provided detail, in an appendix, of the functional structure of the Council as it currently exists together with a proposal to rationalise those functions into 3 Services. It was proposed that, should the structure be agreed, in principle, consultation would take place on the appropriate senior officer structure.

Councillor Martin, seconded by Baillie Paterson, moved that Council agrees:-

- (1) to note the work undertaken to review the Service structure arrangements;
- (2) in principle to the proposed functional structure attached at appendix 2 of the report, for further consultation with relevant employees and Trade Unions with particular views being sought on the most appropriate location for the Grounds Maintenance function; and
- (3) to receive a further report on the outcome of the consultation exercise together with a senior officer structure to support this which generates appropriate savings.

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

- (1) notes the work undertaken to review the Service structure arrangements;
- (2) requests that the Chief Executive brings forward a fully worked up and costed proposal for decision by members to the June Council meeting in order that members are fully informed of potential savings and staff implications; and
- (3) agrees to initiate consultation with relevant employees and Trade Unions.

Councillor Alexander gave notice of a further amendment.

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 (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, 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.

Having given notice of a further amendment, Councillor Alexander, seconded by Councillor Chalmers, moved, in substitution for the motion, that Council:-

- (1) notes the report; and
- (2) agrees that all members will be involved at all stages of the review of management structures, in its entirety, and will be involved in the preparation of the report to Council in June.

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 (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, 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 the motion.

The Chief Officers who had withdrawn for the foregoing item rejoined the meeting.

FC89. DECISION MAKING STRUCTURES

Council considered a report by the Chief Executive setting out the work of the Decision Making Structures Working Group.

Council established, on 12 November 2014 (ref FC48), a working group to undertake a formal review of its decision making structures.

The working group, comprising Provost Reid (chair), Baillie Paterson and Councillors Carleschi, C Martin, Meiklejohn, Nicol and Spears, met 5 times between 17 December 2014 and 19 March 2015. The group's minutes were presented together with proposals put forward by the Non Aligned Independent Group and the SNP Group together with the Administration's response to these.

Councillor C Martin, seconded by Baillie Paterson, moved that Council agrees to amend the decision making structure as follows:-

- (1) there should be two Scrutiny Committee of 8 persons – 4 from the Administration and 4 from the Opposition, with both chaired by a member of the largest Opposition group. One group will scrutinise external organisations with the other looking at internal service issues. The Scrutiny Committees will require to recommend to Council an amended Scrutiny Plan and programme of meetings;
- (2) following a period of six months of participation in the decision making structure by the Opposition, there will be a comprehensive review of Standing Orders, particularly those which relate to the order and conduct of business at meetings of the Council and Committees;
- (3) questions which should be more properly dealt with by officers should not be included on the agenda for Council meetings, and
- (4) question time at Council should include questions to the Provost on civic and related matters.

Council then adjourned at 2.30pm to allow members of the SNP Group to consider the terms of the motion, and reconvened at 3.00pm with all members present as per the sederunt, with the exception of Councillor Oliver.

As an amendment, Councillor Spears, seconded by Councillor McCabe, moved in substitution for the motion, that Council agrees to adopt a decision making structure based on a cycle of 3 day meetings of Council as set out in the Non Aligned Independent Group's submission appended to the report.

Councillor Meiklejohn gave notice of a further amendment.

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

For the amendment (3) – Councillors Coleman, McCabe and Spears.

Abstain (11) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Hughes, Jackson, McNally, Meiklejohn, Ritchie and Turner.

Having given notice of a further amendment, Councillor Micklejohn, seconded by Councillor Jackson, moved that Council agrees clauses (1), (3) and (4) set out in the motion and replaces (2) with the following:-

- (2) that, having made progress, the working group continue their work with proposals for changes to Standing Orders, to come forward to the next full Council meeting in May.

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

For the amendment (12) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McNally, Meiklejohn, Ritchie and Turner.

Abstain (2) – Councillors McCabe and Spears.

Decision

Council agreed the motion.

FC90. STANDING ORDERS

Council considered a report by the Chief Governance Officer presenting an amendment to Standing Orders to accommodate a decision by Council.

Council agreed, on 11 March 2015 (ref FC81):-

- (1) to publish the attendance and apologies of members at every Council meeting (to include committees held in public) on its website within 48 hours of the meeting being held. this information is to include the detail of any motion, amendment or addendum submitted and the result of any division with a clear record of how each member voted, including abstentions, and
- (2) that the Chief Governance Officer will report to the next available meeting of Council on any necessary changes to the standing orders to give effect to this proposal.

A revision to Standing Order 22 – Voting, was set out in an appendix to the report.

Decision

Council agreed:-

- (1) the amendment to Standing Orders set out in appendix 2 to the report, and

- (2) to note that the record of meetings will be posted within 2 working days of the day of the meeting.

FC91. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (REMUNERATION AND SEVERANCE) AMENDMENT REGULATIONS 2015

Council considered a report by the Chief Governance Officer detailing changes to the remuneration levels for members brought about by the Local Governance (Scotland) Act 2014 (Remuneration and Severance Payments) Amendment Regulations 2015 and requesting that Council determines the payment level for the positions of Civic Head and Senior Councillor.

From 1 April 2015, the Regulations provide for a 1% increase in Members' remuneration and that of the Council Leader, to £16,726 and £33,454 respectively.

The level of remuneration for the posts of civic head (Provost) and senior councillor lies within the discretion of Council.

The report summarised the current remuneration levels for the civic head and senior councillors together with the context within which these are set.

Decision

Council agreed to:-

- (1) note the terms of the Local Governance (Scotland) Act 2004 (Remuneration and Severance) Amendment Regulations 2015;
- (2) note the increase in the level of remuneration that will be paid to councillors and to the Council leader with effect from 1 April 2015 in accordance with the Regulations, and
- (3) apply a 1% increase to the level of remuneration for the posts of civic head and senior councillor with effect from 1 April 2015.

FC92. MOTION

Reduction of School Hours

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

Having both listened to the views expressed by parents and considered the financial sanctions that the Scottish Government have intimated that they would apply to those Councils that fail to meet their commitment to maintain teacher numbers in 2015/16 I am moving that:-

- (1) the decision taken by Council at the budget meeting on 11 February 2015 with regard to the provisional 2016/17 Revenue Budget to "review of options to reduce Primary School teaching hours from 25 to 22.5 hours per week", is removed, and

- (2) Officers are asked to look at all possible alternative budget savings options and prepare a report to be brought to a future Council meeting.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved that Council:-

- (1) welcomes the additional funding for education from the Scottish Government and the investment in our children's education.
- (2) congratulates parents on their representations on the proposed changes in the education budget in making their views known particularly on the reduction in school hours.
- (3) agrees that decision taken by Council at the budget meeting on 11th February 2015 with regard to the provisional 2016/17 Revenue budget to "review of options to reduce Primary School teaching hours" be removed.
- (4) asks officers to look at all possible alternative budget savings including proposals put forward as part of the SNP alternative budget, which was previously rejected, and prepare a report to be brought to a future Council meeting.

In terms of Standing Order 22.4(i) a vote was taken by roll call, there being 29 members present with voting as undernoted:

For the motion (15) - Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, MacDonald, Mahoney, C 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, Ritchie, Spears and Turner.

Decision

Council agreed the motion.

Councillor Gow left the meeting during consideration of the previous item.