

**FALKIRK COUNCIL**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 JUNE 2015 at 9.30 A.M.**

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

<b><u>OFFICERS:</u></b>	Karen Algie, Head of Human Resources and Customer First
	Margaret Anderson, Director of Social Work Services
	Fiona Campbell, Head of Policy, Technology and Improvement
	Douglas Duff, Head of Economic Development and Environmental Services
	Rhona Geisler, Director of Development Services
	Jennifer Litts, Head of Housing
	Rose Mary Glackin, Chief Governance Officer
	Colin Moodie, Depute Chief Governance Officer
	Robert Naylor, Director of Children's Services
	Brian Pirie, Democratic Services Manager
	Mary Pitcaithly, Chief Executive
	Marion Reddie, Head of Community Care
	Bryan Smail, Chief Finance Officer

**FC15. SEDERUNT**

An apology was intimated on behalf of Baillie Buchanan.

**FC16. DECLARATIONS OF INTEREST**

Councillors Chalmers and McLuckie each declared a non financial interest in item FC17 as they were related to users of the Rowans service and left the meeting room during that item.

## **FC17. DEPUTATION**

Council had agreed on 11 February 2015 (ref FC69), as part of its Budget setting, a proposed draft Revenue Budget for 2016/17. This included a proposal to close the Rowans short break service and purchase the equivalent number of places externally.

An application had been made, in accordance with Standing Order 33.1, for a deputation to be made by parents and carers of users of the Rowans short break service.

Council consented to receive the deputation.

In accordance with their declarations, Councillors Chalmers and McLuckie left the meeting at this point.

Representatives of the parents and carers, Ms Diane Fitzpatrick and Ms Liz Morrison, then addressed Council, following which Members asked questions of Mrs Fitzpatrick and received information from the Director of Social Work Services.

Councillors Chalmers and McLuckie rejoined the meeting following this item.

## **FC18. MINUTES AND INFORMATION BULLETIN**

### **(a) Meeting of Falkirk Council held on 13 May 2015.**

#### **Decision**

**The minute of the meeting held on 13 May 2015 was agreed as a correct record.**

### **(b) Special Meeting of Falkirk Council held on 27 May 2015.**

#### **Decision**

**The minute of the special meeting held on 27 May 2015 was agreed as a correct record.**

### **(c) Volume of Minutes – Volume 1 2015/2016.**

#### **Decision**

**The Volume of Minutes – Volume 1 2015/2016 was noted.**

### **(f) Information Bulletin – Volume 1 2015/2016.**

#### **Decision**

**The Information Bulletin – Volume 1 2015/2016 was noted.**

## **FC19. QUESTIONS**

In terms of Standing Order 32, written questions may be submitted to the Leader of the Council and/or portfolio holders on any matters relating to business transacted at any meeting of the Executive or Education Executive since the last Volume of Minutes was published or to the Provost on civic and related matters.

No questions had been submitted.

## **FC20. ASSET RATIONALISATION - COUNCIL HEADQUARTERS PROJECT**

Council considered a report by the Director of Development Services on the progress with the Council headquarters project and setting out a proposal to develop a new Town Hall in conjunction with Falkirk Community Trust and Forth Valley College.

Council had agreed, on 8 October 2014 (ref FC35), to progress the project following consideration of a business case.

An update on progress to date was provided, together with detail on a programme of consultation and engagement with staff and the public which started on 11 May 2015 and was due to end on 31 July. The report also summarised current workstreams in regard to:-

- communications;
- Information Technology;
- document management;
- property issues;
- human resources and change management; and
- finance.

It is intended that the new headquarters facility will accommodate staff currently based in Abbotsford House, Falkirk. The current lease for Abbotsford House will expire on 28 March 2016 with the current completion date for the new headquarters scheduled for spring 2017. It was proposed to extend the lease at a cost of £200,000.

Council had also agreed, on 8 October 2014, to continue with a detailed options appraisal analysis of potential sites and funding sources, and the development of a business case, for a replacement Town Hall in conjunction with Falkirk Community Trust. A proposal to co-locate the facility within a Forth Valley College campus was set out. It was recommended that Council enter into an agreement with Forth Valley College to examine this further.

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

- (1) note progress with Stage 1 design of the HQ project, the associated workstreams and the consultation, as agreed by Members at the meeting of Full Council on 8 October 2014, currently taking place;
- (2) extend the existing lease of Abbotsford House for a period of 12 months, with the option of 3 monthly extensions thereafter on the basis of an annual rental of £200,000;

- (3) participate in the business case and option appraisal exercise taking place involving Forth Valley College and Falkirk Community Trust in order to consider the optimum approach to provision of a replacement Town Hall/arts facility; and
- (4) receive further reports on the outcome of the above programme of work.

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

- (1) to note the content of the report, and agree to put on hold any further work in relation to the new HQ building until the consultation exercise has been completed and members have received the outcome of that process;
- (2) to extend the lease of Abbotsford House for a period of 12 months. With the option of 3 monthly extensions thereafter on the basis of an annual rental of £200,000;
- (3) to put on hold any further work in relation to the relocation of the Town Hall facility until the consultation exercise has been completed and members have received the outcome of that process; and
- (4) that a further report to be brought to Council following the conclusion of the consultation process in order to inform the next steps.

Following discussion, Council adjourned at 11.00 a.m. to allow members to consider the terms of the motion and amendment, and reconvened at 11.30 a.m. with all members present as per the sederunt.

Councillor Spears gave notice of a further amendment.

Following further discussion, Councillor C Martin, with the consent of the Provost, and Baillie Paterson as his seconder, adjusted the terms of his motion to insert an additional clause (2) with the subsequent clauses renumbered accordingly:-

- (2) that no further new contractual work will be entered into in relation to the new HQ building until the consultation exercise has been completed and members have received the outcome of that process.

On a division, 16 members voted for the motion and 14 voted for the amendment with voting as follows:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillie 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 (14) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.  
The motion was carried.

Councillor Spears, seconded by Councillor McCabe then moved, as a further amendment, the terms of the motion, with clause (4) substituted by the following:-

- (4) to initiate an options appraisal for the replacement of the Town Hall/arts facility and to receive a report back at the meeting on 7 October 2015.

Council then adjourned for lunch at 1.30 p.m. and reconvened at 2.15 p.m. with all members present as per the sederunt.

Following discussion, Councillor C Martin, with the consent of the Provost, and Baillie Paterson, as his seconder, agreed to adjust the terms of the motion to incorporate the terms of the further amendment in addition to the clause (4) wording in the motion.

## **Decision**

### **Council agreed:-**

- (1) to note progress with Stage 1 design of the HQ project, the associated workstreams and the consultation, as agreed by Members at the meeting of full Council on 8 October 2014, currently taking place;**
- (2) that no further new contractual work will be entered into in relation to the new HQ building until the consultation exercise has been completed and members have received the outcome of that process;**
- (3) to extend the existing lease of Abbotsford House for a period of 12 months, with the option of 3 monthly extensions thereafter on the basis of an annual rental of £200,000;**
- (4) to initiate an options appraisal for the replacement of the Town Hall/arts facility and to participate in the business case and option appraisal exercise taking place involving Forth Valley College and Falkirk Community Trust in order to consider the optimum approach to provision of a replacement Town Hall/arts facility and to receive a report back at the meeting on 7 October 2015, and**
- (5) to receive further reports on the outcome of the programme of work detailed within the report.**

## **FC21. COMMUNITY PLANNING UPDATE**

Council considered a report by the Chief Executive providing an update on Community Planning within the Falkirk Council area and presenting a Partnership Agreement for approval.

Following a best value audit of the Community Planning Partnership (CPP) in 2014 by Audit Scotland, the CPP Leadership Board reviewed its role and its operational arrangements.

An agreement setting out the role of the CPP together with individual partners' roles and responsibilities has been developed. The proposed Partnership Agreement was appended for approval.

The report also set out the progress and future steps which will lead to the development and implementation of a revised Single Outcome Agreement by the end of 2015.

## **Decision**

### **Council agreed:-**

- (1) the Partnership Agreement as set out in appendix 1 of the report;**

- (2) to note the development of a Strategic Outcomes and Local Delivery Plan;
- (3) to request that further reports are submitted, advising on progress and the development of Council's strategic properties, and
- (4) to request that officers report annually on how the Council is supporting Community Planning and the contribution it makes towards the attainment of local priorities and outcomes.

## **FC22. HEALTH AND SOCIAL CARE INTEGRATION SCHEME**

Council considered a report by the Chief Executive presenting a Health and Social Care Integration Scheme for approval and requesting that Council appoint members to the Integration Joint Board.

Council agreed, on 31 March 2015 (ref FC87), an Integration Scheme for Falkirk. However the terms of Section 8 (Finance) were not finalised and Council authorised the Chief Executive to agree the wording in discussion with the Health Board and Scottish Government and in consultation with the Provost, the Leaders of the Council, and of the Opposition, and Councillors Black, D Goldie and Gow (as members of the Transitional Board).

An updated Scheme, including the finalised Section 8 was appended for approval.

Council was invited to appoint 3 members to the Integration Joint Board, which, it was anticipated, would be established formally over the summer. The appointments would be until 30 April 2017. Additionally, it had been agreed by the Transitional Board that Falkirk Council would provide the first chairperson for the IJB, with the term of office also being until 30 April 2017. Council was also invited to appoint a chairperson.

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

- (1) the Integration Scheme for submission to the Scottish Ministers; and
- (2) to appoint Councillors Black, D Goldie and Gow to the Integration Joint Board, with Councillor Black appointed as chair.

As an amendment, Councillor Jackson, moved that Council agrees the Integration Scheme for submission to the Scottish Ministers and appoints Councillor Meiklejohn to the Integration Joint Board. Councillor Spears seconded Councillor Meiklejohn's nomination.

With general agreement in regard to the Integration Scheme, Council then voted on its appointments to the Integration Joint Board with 4 nominations received for 3 places. Members were asked to vote for or against each of the nominees, with the three nominees securing the most votes being appointed. Voting was as follows:-

Councillor Black: -

For (29) - Provost Reid; Depute Provost Patrick; Baillie Paterson; Councillors Alexander, Balfour, Black, Blackwood, Bird, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, Mahoney, Martin, Dr C R Martin, McCabe, McLuckie, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Ritchie and Turner.

Against (1) - Councillor Spears.

Councillor Gow:-

For (29) - Provost Reid; Depute Provost Patrick; Baillie Paterson; Councillors Alexander, Balfour, Black, Blackwood, Bird, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, Mahoney, Martin, Dr C R Martin, McCabe, McLuckie, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Ritchie and Turner.

Against (1) - Councillor Spears.

Councillor D Goldie:-

For (16) – Provost Reid; Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, Mahoney, Martin, Dr C R Martin, McLuckie, Murray, Nicol and Nimmo.

Against (14) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Councillor Meiklejohn:-

For (16) – Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, Meiklejohn, Nicol, Oliver, Ritchie, Spears and Turner.

Against (14) – Provost Reid; Baillie Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, Mahoney, Martin, Dr C R Martin, McLuckie, Murray and Nimmo.

Having both received 29 votes each, Councillors Black and Gow were appointed. Councillors D Goldie and Meiklejohn received the same number of votes(16). In accordance with Standing Order 23.2 the Provost confirmed that the final appointment would be determined by lot; that is, by the cut of a pack of playing cards.

Council proceeded with business while a pack of cards was located.

## **FC23. EXECUTION OF DEEDS**

Council considered a report by the Chief Governance Officer detailing those deeds that had been signed by her since the last meeting.

### **Decision**

**Council agreed to note the signing and sealing by the Chief Governance Officer of the deeds listed in the appendix to the report.**

#### **FC24. DELEGATION OF POWERS TO DETERMINE URGENT ISSUES DURING THE SUMMER RECESS**

Council considered a report by the Chief Governance Officer on the delegation of powers to determine urgent issues during the summer recess.

##### **Decision**

**Council agreed that Chief Officers be given delegated powers, in consultation with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener, to determine urgent items of business during the summer recess (from 24 June 2015 to 18 August 2015) and to report the decisions thereon to the first meeting of the Executive thereafter, provided that any such decision:-**

- (1) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;**
- (2) does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;**
- (3) does not involve an increase in the permanent establishment of the particular Service, and**
- (4) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.**

#### **FC25. RESIGNATION OF ELECTED MEMBER**

Council considered a report by the Chief Governance Officer advising of the resignation of John McNally as an elected member of Falkirk Council and the vacant committee positions which have arisen as a consequence.

Following John McNally's election as a member of the UK Parliament on 7 May 2015 and his subsequent resignation, with effect from 1 June 2015, as a member of Falkirk Council, vacancies had arisen on the Planning and Civic Licensing Committees and on the Licensing Board. A by-election was due to be held on 13 August 2015 to elect a successor.

Council was invited to consider whether to appoint to the vacant positions or to await the outcome of the by-election. In the case of the latter option, Council had previously agreed, in 2004, 'that such vacancies could be filled by agreement among the Provost, Group Leaders and representatives of independent members "taking into account the political proportionality and the representations of the member elected until ratified at the next meeting of Council."

##### **Decision**

**Council agreed to note:-**

- (1) the resignation of John McNally as a member of Falkirk Council;**



- (2) the vacancies which arise on the Licensing Board and the Planning and Civic Licensing Committees as a consequence; and
- (3) that those vacancies may be filled by agreement among the Provost and Group Leaders taking into account the political proportionality and the representations of the member elected until ratified at the next meeting of Council.

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

Provost Reid congratulated Margaret Anderson on her impending retirement and thanked her on behalf of the Council for her service.

## **FC26. SERVICE RE-DESIGN**

Council considered a report by the Chief Executive presenting a proposed functional Service and chief officer structure for the Council.

Council had agreed, on 31 March 2015 (ref FC88), a proposed functional service structure for consultation with relevant employees and Trades Union and had requested a report back on the outcome together with a senior officer structure to support the Service structure.

A revised Service structure comprising Development Services, Children's Services and Corporate and Housing Services was set out as appendix 3 to the report.

The report summarised the key feedback from senior officers in regard to the proposed structure and set out, in an appendix, a proposed Chief Officer structure, which differs from the current structure most notably by:-

- (1) the deletion of the post of Director of Social Work Services;
- (2) the deletion of one Head of Service post from Development Services; and
- (3) the deletion of one Depute Chief Finance Officer post, pending a review of working arrangements in Finance.

The report set out proposed arrangements for the Section 95 Finance Officer, Monitoring Officer and Chief Social Work Officer statutory posts and set out the personnel implications should Council adopt the proposed structure. In particular, authority was sought to appoint to the posts of Head of Operational Services and Head of Adult Services, and information was provided in regard to grading implications. Should the structure be agreed, a number of officers will assume different responsibilities and, where duties change, there will be a need to evaluate posts to ensure the grade remains appropriate.

In cases where the grade is reduced three options were presented –

- (1) implement the new lower grade with immediate effect, recognising the impact this may have on the personal circumstances and future pension of the employee;

- (2) implement the new lower grade following a period of advance notice, for example, 6 to 12 months' notice could be provided to the employee;
- (3) implement the new grade with a defined period of protection (if agreed, further work would require to be undertaken on what may be justifiable from an equality perspective).

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

- (1) to note the work undertaken to devise and consult on both the functional Service structure and chief officer structure;
- (2) the functional Service structure attached as appendix 3 of the report;
- (3) the Chief Officer structure attached as appendix 5 of the report;
- (4) that the revised Service and Chief Officer structures be implemented from 1 August 2015;
- (5) to note the arrangements with regards to statutory posts as outlined in paragraphs 3.14 to 3.18 of the report;
- (6) the role of the Chief Social Work Officer as set out in appendix 6 of the report;
- (7) to note the recruitment arrangements set out in paragraphs 4.1 to 4.4 of the report;
- (8) to delegate authority to fill the vacancies outlined in paragraphs 4.1 to 4.3 of the report, either by secondment or by external advert as appropriate to the post, with officers being asked to undertake the process for any secondment and the Appointments Committee undertaking any external recruitment process;
- (9) to fill the post of Head of Adult Services on a temporary 2 year basis, as detailed in paragraphs 4.2 and 4.3 of the report; and
- (10) to defer consideration of the arrangements that will be implemented in the event that an officer's grade is reduced as a result of this re-design exercise, as outlined in paragraphs 4.7 and 4.8 of the report until it is known whether there are implications arising from the re-design which would require such a decision to be taken.

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

- (1) to note the work that has been carried out by the Chief Executive to date but recognises that, in order to have a management structure that is fit for purpose that a full review of the management structure of the Council needs to be carried out;
- (2) that, in order to progress a full management review, an officer/Member working group is established, which should also include representatives of the relevant Trades Unions;
- (3) the Chief Social Work Officer role as attached in appendix 6 of the report;

- (4) that the post of Head of Adult care services is filled on a temporary basis, as detailed in paragraphs 4.2 and 4.3 of the report; and
- (5) that the working group brings a further report to the next scheduled meeting of full Council.

On a division, 16 members voted for the motion and 14 voted for the amendment, with voting as follows:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillie Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow MacDonald, Mahoney, Martin, Dr C R Martin, McLuckie, Murray, Nicol and Nimmo.

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

### **Decision**

**Council agreed the motion.**

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

## **FC27. HEALTH AND SOCIAL CARE INTEGRATION SCHEME (CONTINUED)**

With reference to item FC22, earlier, Council now determined its final appointment to the Integration Joint Board. Having secured the same number of votes, Councillors D Goldie and Meiklejohn each drew a card from a new pack of playing cards.

Councillor D Goldie drew the Ace of Spades.

Councillor Meiklejohn drew the Jack of Spades.

Consequently, Councillor D Goldie was appointed.

### **Decision**

**Council agreed:-**

- (1) the Integration Scheme for submission to Scottish Ministers; and**
- (2) to appoint Councillors Black, D Goldie and Gow to the Integration Joint Board with Councillor Black as chair.**

## **FC28. FINANCIAL OUTTURN 2014/15**

Council considered a report by the Chief Finance Officer presenting the financial position of the Council for 2014/15 as at 31 March 2015.

At 31 March 2015, an overspend of £2.870m was projected in General Fund net expenditure.

The report set out the main deviations from budget.

The report also summarised the year-end position in regard to General Fund Reserves, including the Repairs and Renewals Fund and Earmarked Reserves (including Spend to Save) and Capital Reserves, together with the year-end position of the Housing Revenue Account.

#### **Decision**

**Council agreed to note:-**

- (1) the year-end financial position for 2014/15, and**
- (2) the transfers to the Repairs & Renewals Fund and Earmarked Reserves as outlined in appendix 3 to the report.**

#### **FC29. ANNUAL ACCOUNTS 2014/15**

Council considered a report by the Chief Finance Officer advising that, in accordance with the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, Council is required to submit its unaudited annual accounts for the financial year to 31 March 2015 to the Controller of Audit by 30 June 2015.

#### **Decision**

**Council agreed the submission of the unaudited Annual Accounts to the Controller of Audit by the statutory deadline of 30 June 2015.**

#### **FC30. TREASURY MANAGEMENT ANNUAL REVIEW 2014/15**

As required by regulations issued under the Local Government in Scotland Act 2003, Council considered a report by the Chief Finance Officer presenting an annual review of treasury management activities together with prudential and treasury indicators for the period 2014/2015.

The report set out the outturn position of Council's borrowing and investment strategies together with the strategic aims for 2014/2015 and detailed the Council's actual exposure against the treasury management prudential indicators at 31 March 2015.

#### **Decision**

**Council agreed to note the Treasury Management Annual Review 2014/15.**

### **FC31. MOTIONS**

Two motions had been submitted: (i) Scottish Trades Union Congress (STUC) and Scottish Government – Memorandum of Understanding and (ii) Bus Regulation.

In accordance with Standing Order 31.1 the Provost stated that both motions before Council referred to matters within the remit of the Executive and that he was not of the opinion that special circumstances existed requiring an exception to be made to that general rule. Additionally, in terms of Standing Order 47.1 (4), he was of the opinion that neither issue had significant impact on the Council area and did not consider either suitable for debate at Council. Consequently the motions stood referred to the Executive.

#### **Decision**

**Council referred the motions to the Executive.**