



Agenda Item 3(a)

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 21 September 2016 at 9.30 a.m.

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

<u>Officers:</u>	Fiona Campbell, Head of Policy, Technology and Improvement
	Rhona Geisler, Director of Development Services
	Rose Mary Glackin, Chief Governance Officer
	Iain Henderson, Legal Services Manager
	Sara Lacey, Senior Service Manager, Children's Services
	Rebecca MacDonald, Change Manager
	Joe McElholm, Head of Social Work Adult Services
	Colin Moodie, Depute Chief Governance Officer
	Robert Naylor, Director of Children's Services
	Brian Pirie, Democratic Services Manager
	Mary Pitcaithly, Chief Executive
	Stuart Ritchie, Director of Corporate and Housing Services
	Bryan Smail, Chief Finance Officer

FC30. Business

The Provost stated that, in accordance with Standing Order 9.1, he had determined that, by reason of special circumstances, an additional item of business should be added to the agenda, namely a report by the Chief Executive on the Local Government Boundary Commission for Scotland: Fifth Review of Electoral Arrangements. The Minister of Parliamentary Business had intimated his decision on the Commission's recommendations on 14 September and an order implementation thereof was made the same day. In the event that Council wished to challenge the decision, time would be of the essence. The Provost therefore determined that the item should be considered as a matter of urgency.

In terms of Standing Order 14.2(i), the Provost varied the order of business from that detailed on the agenda for the meeting. The following items are recorded in the order in which they were taken at the meeting.

FC31. Sederunt

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

FC32. Declarations of Interest

No declarations were made.

FC33. Minutes and Information Bulletin

(a) **Meeting of Falkirk Council held on 22 June 2016 - agreed as a correct record.**

(b) **Volume of Minutes Volume 2 2016/2017 - noted**

(c) **Information Bulletin Volume 2 2016/2017- noted**

Councillors Hughes and McLuckie joined the meeting during consideration of the previous item.

FC34. 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.

FC35. Rolling Action Log

The rolling action log showing progress on outstanding actions from previous meetings was presented.

Decision

The rolling action log was noted.

FC36. 2017/18 Budget Update

Council considered a report by the Director of Corporate and Housing Services setting out factors impacting on the preparation of the 2017/18 Budget.

Council had considered a report on its medium term financial strategy on 22 June 2016 (ref FC20). This had included the 2015/16 budget position together with an indication of the provisional budget gap for 2017/18.

The update set out developments since June.

Most notably the UK had voted to leave the European Union. As a consequence the Scottish Government had advised that the local government budget settlement for 2017/18 would not be announced until December 2016. This would impact on the timeframe to prepare the Council's budget. In addition, it was understood that the UK Government had advised the Scottish Government to anticipate a reduction in grant for 2017/18 and, consequently, the Scottish Government had advised Councils to expect a settlement in line with 2016/17. It had also been confirmed that the budget set would be for 1 year and not 2-3 years as had been anticipated.

As a consequence the projected £15-20m budget gap was now projected to be c.£20m. The report set out the primary options available to bridge the gap.

In regard to the budget process, it was proposed that officers would submit savings options prepared by Services to the Executive on 18 October 2016.

Information was provided on the processes being undertaken by the Integration Joint Board and Falkirk Community Trust to identify their savings.

The report also outline, in brief, the financial implications of the council tax freeze being lifted and the work strands emerging from the Community Empowerment (Scotland) Act 2015.

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

Council:

- (1) notes the updated 2017/18 budget landscape and estimated budget gap of c.£20m, and
- (2) agrees that officers will bring savings options to the Executive on 18 October 2016.

Councillor Meiklejohn indicated her support for the motion which was then debated. Members indicated their general support for the motion.

Decision

Council agreed the motion.

FC37. Falkirk Community Planning Partnership – Strategic Outcomes and Local Delivery Plan

Council considered a report by the Chief Executive presenting a Strategic Outcomes and Local Delivery Plan together with a delivery structure for approval.

The Strategic Outcomes and Local Delivery (SOLD) Plan for 2016-2017 had been approved by the Community Planning Leadership Board on 9 June 2016, replacing the previous Strategic Community Plan and Single Outcome Agreement.

The Community Empowerment (Scotland) Act 2015 has changed partners' obligations in regard to community planning with it now being a joint responsibility. The SOLD had been developed jointly with partners.

The report summarised the key features of the SOLD highlighting 6 local outcomes. These are:-

- our area will be a fairer and more equal place to live;
- we will grow our local economy to secure successful businesses, investment & employment;
- children will become adults who are successful and confident;
- our population will be healthier;
- people live full, independent and positive lives within supportive communities; and
- our area will be a safer place to live

Having regard to the requirements of the Act and Audit Scotland's recommendation to reduce the number of people on the Leadership Board, Council representation was being reduced from 5 to 3 comprising the Leader of the Opposition, ex officio, with a third appointment to be determined by Council.

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

- (1) the Strategic Outcomes & Local Delivery Plan (SOLD) appended to the report, in its capacity as a core community planning partner;
- (2) to appoint the Leader of the Council and the Leader of the Opposition, ex officio, and Councillor Blackwood to the Community Planning Leadership Board; and

- (3) that the Chief Executive will prepare and submit an annual report for the Community Planning Leadership Board which will set out the Council's contribution to the SOLD and community planning generally.

As an amendment, Councillor Spears, seconded by Councillor McCabe, moved the terms of the motion with the following adjustment to clause (2):-

Councillor McCabe nominated in place of Councillor Blackwood.

In terms of Standing Order 22.4(i), the 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, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

For the amendment (2) – Councillors McCabe and Spears.

Abstentions (12) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, Meiklejohn, Oliver and Ritchie.

Decision

Council agreed the motion.

FC38. Falkirk Community Trust – Director Appointment

Council considered a report by the Chief Executive advising that Councillor Dennis Goldie's appointment as a director on the board of Falkirk Community Trust was due for renewal.

The Council had appointed 5 members as directors to the board of Falkirk Community Trust. These were Provost Reid, Baillie Buchanan and Councillors Goldie, Gow and Spears. In terms of the Trust's Articles of Association appointments are for a period of two years and can be extended for two further periods of two years.

Councillor Goldie had been appointed in June 2012 and reappointed in June 2014. Council was invited to reappoint Councillor Goldie for a third term or to appoint another member in his place.

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

- (1) reappoints Councillor D Goldie as a Council appointed director on the Board of the Trust, and
- (2) authorises the Chief Executive to provide written notice to the Trust of the appointment.

As an amendment, Councillor Spears, seconded by Councillor Chalmers, moved the following in substitution for clause (1) of the motion:-

- (1) appoints Councillor McCabe as a Director of the Trust in place of Councillor Goldie.

In terms of Standing Order 22.4(i), the 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, C Martin, Dr C R Martin, Murray, Nicol and Nimmo.

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

Decision

Council agreed the motion.

FC39. Best Value Improvement Plan

Council considered a report by the Chief Executive advising on (a) progress with the Best Value Improvement Plan which had been agreed in October 2015; (b) the emerging best value themes as set out in the Accounts Commission's overview of local government in Scotland, and (c) the key messages contained in Audit Scotland's Annual Report in regard to their Best Value follow up work.

Council had agreed an Improvement Plan, on 7 October 2015 (ref FC48), in response to Audit Scotland's Best Value review of Falkirk Council and had agreed, in March 2016 (ref FC93), that progress made on the Improvement Plan would be reviewed by the Provost, Leader of the Council and the Leader of the Opposition. A position statement, as at 8 September 2016, was appended to the report.

The report highlighted that the Performance Panel had agreed a three year programme of service reviews and self assessments. Progress in regard to these will be reported to the Business Transformation Board and the Performance Panel

In March 2016 the Accounts Commission had published an Overview of Local Government in Scotland in 2016.

In April and May 2016 Audit Scotland had undertaken a best value follow-up audit of the Council and it was anticipated that they would report on it to the

Accounts Commission in December 2016 following which the Commission would publish its findings.

The findings are from the Commission not Audit Scotland. Audit Scotland's conclusions on the best value review (which were appended to the report) formed part of their annual report on the Council which was due to be considered by the Audit Committee on 26 September 2016.

Given how recently the report had been received, it was proposed that the Provost, Leader of the Council and the Leader of the Opposition would meet to consider it in more detail and consider the most appropriate way to develop a response, with a report to Council to follow in due course.

Decision

Council agreed:-

- (1) to note the update on the Best Value Improvement Plan;**
- (2) to note the themes contained in the Overview of Local Government in Scotland report 2016, and**
- (3) that the Provost, Leader of the Council and Leader of the Opposition will meet to consider how the Council should respond to the best value follow-up work with a report on the way forward being brought back to Members.**

FC40. Annual Report of the Chief Social Work Officer

Council considered the 2015/16 annual report by the Chief Social Work Officer.

Council is required, in terms of the Social Work (Scotland) Act 1968, to appoint a Chief Social Work Officer (CSWO) who, among other things, is required to prepare a report on the statutory, governance and leadership functions of the role for submission to the Scottish Government's Chief Social Work Adviser.

Additionally, guidance on the role of the CSWO was published in 2016 which reflected the responsibilities of the role following the integration of health and social care services.

The report for 2015/16 was appended and provided an overview of how the CSWO's statutory responsibilities had been fulfilled.

In accordance with Standing Order 20.12 this report was open for general discussion notwithstanding that there was no division on it.

Decision

Council agreed to:-

- (1) note the contents of the Chief Social Work Officer's annual report;**
- (2) submit the report to Scottish Government and the Integration Joint Board, and**
- (3) acknowledge the commitment, skills and experience of social work staff in continuing to deliver high quality services to Falkirk citizens.**

Councillor G Goldie left the meeting during consideration of the previous item.

FC41. Local Government Boundary Commission for Scotland: Fifth Review of Electoral Arrangements

Council considered a report by the Chief Executive advising that the Minister for Parliamentary Business had accepted the Local Boundary Commission for Scotland's recommendations in regard to the Falkirk Council area following its Fifth Review of Electoral Arrangements.

Council had previously considered reports on proposals (on 27 May 2015 (ref FC14) and 22 June 2016 (ref FC23) by the Commission to reduce the number of councillors in the Falkirk area from 32 to 30 and to make corresponding amendments to ward boundaries and had made representation to the Commission in opposition to those proposals. Notwithstanding that position, the Minister for Parliamentary Business had confirmed on 14 September 2016 that he had decided to accept the Commission's recommendations and to lay an Order before Parliament to that effect. The Falkirk (Electoral Arrangements) Order 2016 will come into effect on 30 September 2016 for elections held on or after 4 May 2017.

For the Falkirk Council area, the Order will reduce the number of councillors from 32 to 30 with the boundary changes impacting principally on:-

- wards 2 (Grangemouth) and 4 (Carse, Kinnaird and Tryst) where the village of Skinflats will move from the former to the latter with a consequential reduction of councillors in the Grangemouth ward from 4 to 3, and
- wards 6 (Falkirk North) and 7 (Falkirk South) where Camelon will move from ward 7 to ward 6 while the town centre and Callander Park areas to the south of the Stirling and Edinburgh railway line will move in the opposite direction. The councillor cohort in the Falkirk South ward will consequently reduce from 4 to 3.

The report noted the concern expressed previously by COSLA and save other Council's on the methodology adopted in the review and touched on the potential to challenge the Minister's decision.

Decision

Council agreed to note the decision taken by Minister for Parliamentary Business, and take no further action in regard thereto.

FC42. Programme of Meetings January - April 2017

Council considered a report by the Director of Corporate and Housing Services presenting a timetable of meetings for the period 1 January to 5 April 2017.

It has been practice in local government election years, such as 2017, that a programme is agreed in the preceding year which recognises the demands on elected members during the election period. The draft programme therefore features a full cycle of meetings of the Council's main decision making bodies ending on 29 March 2017 with a meeting of Council, with the exception of a meeting of the Civic Licensing Committee on 5 April 2017. Thereafter there would be no further scheduled meetings although meetings could be arranged should they be required.

While the Council's budget setting meeting is shown as taking place on 22 February 2017 it is dependent on the timing of the Scottish Government's budget announcement and consequently the precise date of the meeting is still to be confirmed.

Decision

Council agreed the programme of meetings for the period January to 5 April 2017.

FC43. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services detailing those deeds that had been signed and sealed on behalf of the Council since the last meeting.

Decision

Council agreed to note the signing of the deeds listed in the appendix to the report.

FC44. Notice of Motion

Frank's Law

Councillor D Goldie, seconded by Councillor Gow, moved that:-

Council notes that, currently, legislation enables personal care to be provided free for people in Scotland aged over 65, provided they are assessed as needing it.

Of the 85,807 dementia sufferers in Scotland 3,201 are under the age of 65 and therefore not entitled to the help.

Council commends the campaign by Mrs Amanda Kopel – “Frank’s Law” – to requests that the Scottish Government extend free personal care to anyone under the age of 65 who requires such care for their dementia, motor neurone disease, parkinson’s, multiple sclerosis, cancer, progressive supranuclear palsy (or any other degenerative brain disease).

Council therefore instructs the Chief Executive to write to the First Minister requesting her to consider the introduction of a “Frank’s Law” so that free personal care is extended to under 65s as set out above.

In addition, Council agrees to ask the Provost to write to Mrs Kopel to congratulate her on her campaign.

As an amendment, Councillor Alexander, seconded by Councillor Bird, moved, in substitution for the motion, that:-

Council notes the real health benefits provided by the Scottish Government to mitigate the impact of Tory austerity policies.

SNP policies such as free prescriptions, the effective abolition of the Bedroom Tax and the protection of NHS budgets have all contributed in a positive manner to the promotion of the care of vulnerable groups of people.

Council also notes the commitment given in the 2016 SNP manifesto to,

- transformation of the NHS with nearly £2 billion of extra investment,
- delivering more healthcare closer to home;
- new action to tackle cancer, and improve mental health services

Council also notes the opinion of partner organisations such as COSLA and endorses the partner approach as the correct way to promote a fair policy on benefit entitlement.

At a time when Scottish and Local Government’s budgets are being slashed and the full impact of BREXIT is yet to be felt, Council agrees to:-

- (1) support the principles of Frank’s Law;

- (2) seek to develop a partnership approach between Local, National and UK Governments as under the terms of the motion Local Government would bear the financial burden of implementation; and
- (3) declare that given the choice of healthcare or weapons of mass destruction this Council urges the cancellation of the £200 billion renewal of Trident nuclear weapons system.

Following consideration of terms of the proposed amendment, the Provost ruled, in terms of Standing Order 20.10 that clause (3) was not relevant to the motion because it introduced new subject matter and consequently would not be considered. In light of this ruling, Councillor Alexander with the consent of his seconder, intimated that he wished to withdraw the clause.

Council then debated the terms of the motion and adjusted amendment.

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

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

For the amendment (12) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Garner, Hughes, Jackson, Meiklejohn, Oliver and Ritchie.

Abstention (1) – Councillor McCabe.

Decision

Council agreed the motion.

Councillor Nimmo left the meeting during the previous item.