

Draft

FALKIRK COUNCIL

Minute of special meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Thursday 5 April 2018 at 2.30 p.m.

<u>Councillors:</u>	David Aitchison	Niall Coleman	John McLuckie
	David Alexander	Fiona Collie	Cecil Meiklejohn
	David Balfour	Paul Garner	Lynn Munro
	Lorna Binnie	Dennis Goldie	Laura Murtagh
	Robert Bissett	David Grant	Malcolm Nicol
	Allyson Black	Nigel Harris	Alan Nimmo
	Jim Blackwood	Gordon Hughes	John Patrick
	Gary Bouse	James Kerr	Depute Provost Ann Ritchie
	Provost William Buchanan	Adanna McCue	Robert Spears

Officers: Jack Frawley, Committee Services Officer
Colin Moodie, Chief Governance Officer
Mary Pitcaithly, Chief Executive
Brian Pirie, Democratic Services Manager

FC45. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Coombes, Flynn and Reid.

FC46. Declarations of Interest

No declarations were made.

FC47. Motion

Council considered the following motion by Councillor Nicol, seconded by Councillor Harris.

Council notes:-

- i. when the current decision making structure was agreed in 2013 the Administration could command a majority in the Council and both the Administration and the Opposition were in large part comprised of either Labour or SNP members.
- ii. the situation changed radically at the last election with the Council now consisting in large part of three large political groups from which no coalition has been formed, leading to a minority Administration.

Council agrees that some aspects of the decision making structure are no longer sustainable, in particular, the inbuilt supermajority for a minority

Administration on the Executive and Education Executive.

Council agrees that in future both the Executive and the Education Executive should be politically balanced between political groups to properly reflect the balance of the Council and the votes of our citizens. Accordingly, Council agrees:-

1. that the political composition of the Executive and the Education Executive will be 5 SNP, 4 Labour and 3 Conservative with effect from the date of the Council's decision with the names of the members to be appointed being notified at the meeting or in writing to the Chief Governance Officer before noon on the day following the meeting;
2. that to reflect the minority status of the Administration, the Convener of the Executive and Education Executive will no longer be the Leader *ex officio*; and
3. that the Convener of the Executive and Education Executive will be appointed by the Council at the meeting considering this item.

Council acknowledges that there may be some consequential changes to the make up of other committees in particular the Scrutiny Committees and instructs the Chief Executive to bring a report to the May meeting of Council setting out these implications to include-

- a. The number of portfolio holders and the position of any portfolio holder not appointed to the Executives;
- b. The make up and convenership of the Scrutiny Committees;
- c. Any other implications identified by the Chief Executive.

In preparing the report, the Chief Executive should consult with group leaders. The report should be sufficiently comprehensive to allow the Council to give effect to any further changes to the decision making structure at the May meeting with any consequential drafting changes in the standing orders to be presented to the June Council.

Prior to the further consideration of the decision making structure at May Council, any existing portfolio holder not appointed to the Executive and Education Executive will be entitled to attend and speak but not vote in relation to an item of business identified on the agenda as falling within his or her remit.

As an amendment, in substitution for the motion, Councillor Meiklejohn, seconded by Councillor Garner, moved the following:-

Council notes that:-

- The body referred to in the motion is not a committee but a cabinet structure and therefore designed not to be proportional

- The structure was brought in to the council in 2013 after approximately a year of work involving officers and members working on a cross party basis
- After the Scottish National Party won the 2017 local elections an offer was made the Labour Group to enter into talks on a shared power basis, this was rejected by Labour Party members
- A commitment was given by the incoming SNP Administration that the council would be more accessible to members of all parties, which was proved in the recent budget considerations
- At the inaugural meeting of the new council a motion was moved by the SNP that we would cut our representation on the Executive that would have seen the Tories increase in their numbers with a drop in SNP members bringing about a slimmed down Executive. This offer was rejected out of hand.

There is currently no precedent of a politically proportional cabinet at any level of government. Council therefore agrees,

1. The status quo should remain at present as it is clear the motion does not recognise the difference between Committee and Cabinet.
2. Falkirk Council should consult with Audit Scotland and the Improvement Service with a view to seeking independent external advice on Falkirk Council's governance structure with benchmarking through these agencies and/or with Cosla.
3. A working seminar where the views of Audit Scotland and the Improvement Service along with any input from Cosla to be held before the June full council. A report back to come to the June meeting of the council on the way forward.

With the consent of the Provost, and Councillor Harris, as his seconder, Councillor Nicol adjusted clause 1 of his motion to read:-

1. that the political composition of the Executive and the Education Executive will be 5 SNP, 4 Labour and 3 Conservative with effect from the date of the Council's decision with the names of the members to be appointed being notified at the meeting or in writing to the Chief Governance Officer.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 27 members present with voting as undernoted:-

For the motion (14) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Goldie, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo and Patrick.

For the amendment (13) – Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

The adjusted motion was agreed. Nominations were then sought for the post of convener of Executive and Education Executive.

Councillor Garner nominated Councillor Meiklejohn.

Councillor Nimmo nominated Councillor Goldie.

Council adjourned at 3.15 p.m. to allow members to consider the respective nominations and reconvened at 3.25 p.m. with all members present as per the sederunt.

No further nominations were made.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 27 members present with voting as undernoted:-

For Councillor Meiklejohn (13) – Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For Councillor Goldie (14) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Goldie, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo and Patrick.

Councillor Goldie was appointed as convener of Executive and Education Executive.

Decision

Council agreed:-

- (1) that the political composition of the Executive and the Education Executive will be 5 SNP, 4 Labour and 3 Conservative with immediate effect with the names of the members to be appointed being notified at the meeting or in writing to the Chief Governance Officer;**
- (2) to appoint Councillor Goldie as convener of the Executive and Education Executive;**
- (3) that as there may be some consequential changes to the make up of other committees, in particular the Scrutiny Committees, requested the Chief Executive to bring a report to the May meeting of Council setting out these implications to include:-**
 - (i) the number of portfolio holders and the position of any portfolio holder not appointed to the Executives;**
 - (ii) the make up and convenership of the Scrutiny Committees; and**
 - (iii) any other implications identified by the Chief Executive.**

In preparing the report, the Chief Executive should consult with group leaders. The report should be sufficiently comprehensive to allow the Council to give effect to any further changes to the decision making structure at the May meeting with any consequential drafting changes in the standing orders to be presented to the June Council.

Prior to the further consideration of the decision making structure at May Council, any existing portfolio holder not appointed to the Executive and Education Executive will be entitled to attend and speak but not vote in relation to an item of business identified on the agenda as falling within his or her remit.