

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a sailing ship on wavy lines representing water. The top-right quadrant depicts a stag's head with large antlers. The bottom-left quadrant contains a beaver. The bottom-right quadrant shows a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "A NE FOR A".

# **Agenda Item 3**

## **Minute**

**Draft**

# **FALKIRK COUNCIL**

**Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 6 March 2019 at 9.30 a.m.**

**Councillors:**

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

**Officers:**

Lynette Denovan, Team Manager Social Work Adult Services  
 Douglas Duff, Head of Planning & Economic Development  
 Ian Dryden, Development Manager  
 Jack Frawley, Committee Services Officer  
 Iain Henderson, Legal Services Manager  
 Sara Lacey, Head of Social Work Children's Services  
 Kenneth Lawrie, Chief Executive  
 Joe McElholm, Head of Social Work Adult Services  
 Colin Moodie, Chief Governance Officer  
 Robert Naylor, Director of Children's Services  
 Brian Pirie, Democratic Services Manager  
 Stuart Ritchie, Director of Corporate & Housing Services  
 Bryan Smail, Chief Finance Officer

## **FC78. Sederunt**

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

## **FC79. Declarations of Interest**

Councillors Kerr and McLuckie each declared a non-financial interest in item FC88 stating that although they had no direct interest in the planning application they were subject to ongoing criminal investigations relating to a separate planning matter and stated that they considered that having regard to public perception they would recuse themselves from consideration of the item.

#### **FC80. Minutes and Information Bulletin**

- (a) Minute of Meeting of Falkirk Council held on 5 December 2018; agreed as a correct record - agreed as a correct record;
- (b) Minute of Meeting of Falkirk Council held on 23 January 2019; agreed as a correct record - agreed as a correct record;
- (c) Minute of Meeting of Falkirk Council held on 27 February 2019 – agreed;
- (d) Volume of Minutes – Volume 3 2018/19 - noted and,
- (e) Information Bulletin – Volume 3 2018/19 - noted.

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

#### **FC81. Questions**

No questions were submitted.

#### **FC82. Rolling Action Log**

A rolling action log detailing decisions not yet implemented following the previous meeting on 15 January 2019 was provided. Item 461 – Motion – Scrutiny Process was the subject of a report on the agenda and accordingly fell from the action log.

##### **Decision**

**Council noted the rolling action log.**

Councillor Goldie re-joined the meeting during consideration of the following item.

#### **FC83. Review of Scrutiny**

Council considered a report by the Chief Executive which presented the recommendations of a review of Scrutiny arrangements together with proposed changes to Standing Orders. Council requested a review of the structure, governance and development of scrutiny within the Council. This was to be carried out with a view to providing the resources and infrastructure for Councillors to carry out their scrutiny role effectively.

The review was carried out by Councillors Black, Meiklejohn and Munro together with the Chief Executive, Chief Governance Officer and Head of Policy, Technology & Improvement. The group's considerations focussed on three main themes of structures; support and capacity, and training and

development. The group felt that the key to reinvigorating the scrutiny function was to embed the benefits and value of effective scrutiny organisationally, to simplify the scrutiny arrangements and provide support to scrutiny panels, policy development panels and the scrutiny committees more generally.

The review recommended that the following actions were taken forward:-

- (1) Remove the disconnect between the Performance Panel and the Scrutiny Committee by subsuming the work of the Panel in the workload of the Committee and disbanding the Panel. Should Council agree this proposal a number of changes were required to Standing Orders. Appendix 1 to the report set out the relevant sections. It was proposed that the business for meetings of the Scrutiny Committee would fall into two categories. The first part being Service performance reports. All members would be entitled, and encouraged, to participate in that element of scrutiny. Voting, should there be any, would be restricted to the Committee members. The second part of the agenda would be committee business such as the Scrutiny plan and items requested following consideration of Services' performance reports with participation limited to member of the Committee.
- (2) Reboot the organisational approach to scrutiny through training and development for elected members and officers. A review of training would be undertaken to ensure that elected members were provided with information and training opportunities to undertake their scrutiny roles. Similarly training would be developed to support officers in their roles at the Committees and Panels.
- (3) Utilise the opportunity afforded by the Graduate and Intern Scheme, by engaging a Graduate Support Officer to provide support to Scrutiny Panels, Policy Development Panels and the Scrutiny Committees. The post would be for a two year period located within the Governance Division of Corporate and Housing Services. The Graduate Support Officer would organise meetings, coordinate input from services, provide research support to the Panels, identify and coordinate training needs and develop support materials, and provide overarching consistency in the scrutiny process.

## **Decision**

### **Council agreed:**

- (1) the recommendations of the review of scrutiny arrangements, noting that officers will proceed to give effect to recommendation (2) and (3) as set out in section 4.5 of the report, and**
- (2) the revised Standing Orders as set out in appendix 1 to the report.**

#### **FC84. Falkirk Health and Social Care Partnership Update**

The Chief Executive noted that this was the last meeting of Council at which Joe McElholm, Head of Social Work Adult Services would be present prior to his retirement in the summer. Led by the Health and Social Care Portfolio Holder, Councillor Collie, the Council thanked Mr McElholm for his service and highlighted the improvements to service which he had implemented.

Council considered a report by the Falkirk Health and Social Care Partnership which provided an update on Falkirk Integration Joint Board's (IJB) activity since the Council meeting in September 2018. The update covered the period from then and set out progress made by the Health and Social Care Partnership (HSCP) in the delivery of programmes of work and matters of interest to the Council.

The report provided information on:-

- Falkirk Integration Joint Board
- progress with integration
- NHS Forth Valley: Performance Escalation
- Home Care Inspection Report
- Summerford House Care Inspection Report and Improvement Plan
- Strategic Plan 2019 – 22
- Housing Contribution
- Carers (Scotland) Act implementation
- Unscheduled Care and Delayed Discharge
- Forth Valley Primary Care Improvement Plan
- Primary Care: GP Out of Hours Improvement Plan
- Good Transitions – Improving Transitions Planning
- Living Well Falkirk
- Free Personal Care Guidance
- EU Exit: health and social care

#### **Decision**

**Council noted the report.**

#### **FC85. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019**

Council considered a report by the Director of Corporate and Housing Services which advised of the changes to the remuneration level for councillors and sought a decision on those payments where the level of remuneration was within the discretion of Council, namely payments to the civic head (Provost) and senior councillors.

For the purposes of remuneration there were four categories of Councillor:-

- the Leader of the Council
- the Civic Head (Provost)
- Senior Councillors
- Councillors.

Remuneration levels were increased annually in line with the percentage increase in the median annual earning of public sector workers in Scotland. For 2019/20 the increase was 2.8% representing the following changes:-

- |                                      |                    |
|--------------------------------------|--------------------|
| • Leader of the Council:             | £33,992 to £34,944 |
| • Civic Head (maximum level):        | £25,494 to £26,208 |
| • Senior Councillors (maximum level) | £25,494 to £26,208 |
| • Councillors                        | £16,994 to £17,470 |

Payments to the Civic Head and Senior Councillors were determined by Council. At its meeting on 7 March 2018 Council agreed to remunerate the position of Provost at a level of £23,272.

As a band B authority the Council was able to appoint up to 14 Senior Councillors provided that no Senior Councillor's payment was more than 75% of the Leader's salary and that the total paid was not in excess of £305,746. At its meeting on 7 March 2018 Council agreed to appoint 11 Senior Councillors (Level 1 £22,780, Level 2 £19,096) with a total remuneration of £228,890. From 27 June 2018 the number of Senior Councillors reduced to ten as the Joint Consultative Committee was dissolved thereby removing the remuneration paid to its Convener.

The remuneration paid to the Convener and Vice Convener of the Central Scotland Valuation Joint Board would increase from £21,245 and £20,183 to £21,840 and £20,748 respectively.

Councillor Meiklejohn, seconded by Councillor Garner, moved that Council:-

- (1) notes the terms of the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019;
- (2) notes the increase in the level of remuneration that will be paid to councillors and the Council Leader, in accordance with the Regulations, and
- (3) agrees to increase the level of remuneration paid to the Provost and senior councillors by 2.8% consistent with the increase applied to councillors and the Council Leader.

Councillor Nicol, seconded by Councillor Goldie, moved as an amendment the terms of the motion subject to the following alteration of clause 3 and inclusion of an additional clause 4, as set out below:-

- (3) agrees to increase the level of remuneration paid to senior councillors by 2.8% consistent with the increase applied to councillors and the Council Leader, and
- (4) agrees to increase the level of remuneration paid to the Provost to £26,208.

Council adjourned at 11.40am and reconvened at 12.05pm with all members present as per the sederunt with the exception of Councillor Coleman.

Councillor Meiklejohn, with the consent of the Provost and Councillor Garner as her seconder, adjusted the terms of her motion to incorporate the terms of the amendment.

### **Decision**

#### **Council:-**

- (1) noted the terms of The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019;**
- (2) noted the increase in the level of remuneration that will be paid to councillors and to the Council leader, in accordance with the Regulations;**
- (3) agreed to increase the level of remuneration paid to senior councillors by 2.8% consistent with the increase applied to councillors and the Council Leader, and**
- (4) agreed to increase the level of remuneration paid to the Provost to £26,208.**

Councillor Coleman re-joined the meeting during consideration of the following item.

### **FC86. Appointments**

Council considered a report by the Director of Corporate and Housing Services which advised Council of matters relating to appointments and membership of committees and external bodies including: Leader of the Opposition; Convener of the Executives; Depute Convener of the Appeals Committee; Chair of Integration Joint Board; COSLA Board Positions, and the Provost's membership of the Odenwald Trust Fund Board.

**(a) Leader of the Opposition**

The Leader of the Opposition was defined in Standing Orders as the leader of the largest Opposition Group on the Council. The Labour Group had advised that from 11 February 2019 their leader was Councillor Bissett. Council noted that Councillor Bissett was therefore the Leader of the Opposition.

**(b) Convener of the Executives**

The Provost sought nominations to the positions of Convener of the Executive and Education Executive.

Councillor Garner nominated Councillor Meiklejohn.

There being no further nominations, Councillor Meiklejohn was appointed Convener of the Executives.

As a consequence of the appointment of Councillor Meiklejohn as Convener of the Executives and in accordance with Standing Order 5.3(vi) to comply with the requirement that the post of Convener of the Executives, Scrutiny Committee and Scrutiny Committee (External) are shared among the three main political groups, Depute Provost Ritchie resigned as Convener of the Scrutiny Committee (External). This vacancy fell to be filled by a member of the Labour Group.

**(c) Depute Convener of the Appeals Committee**

The Provost sought nominations to the position of Depute Convener of the Appeals Committee.

Councillor Nicol nominated Councillor Patrick.

There being no further nominations, Councillor Patrick was appointed Depute Convener of the Appeals Committee.

**(d) Chairperson of the Integration Joint Board**

The Provost sought nominations for the position of Chairperson of the Integration Joint Board, effective from 1 May 2019.

Councillor Meiklejohn nominated Councillor Collie.

There being no further nominations, Councillor Collie was appointed Chairperson of the Integration Joint Board.

**(e) COSLA Children and Young People Board**

The Provost sought nominations for the position of Council representative on the COSLA Children and Young People Board.

Councillor Meiklejohn nominated Councillor McCue.

There being no further nominations, Councillor McCue was appointed to the COSLA Children and Young People Board.



**(f) COSLA Health and Social Care Board**

The Provost sought nominations for the position of Council representative on the COSLA Health and Social Care Board.

Councillor Meiklejohn nominated Councillor Collie.

There being no further nominations, Councillor Collie was appointed to the COSLA Health and Social Care Board.

Council adjourned at 12.15pm and reconvened at 12.25pm with all members present as per the sederunt with the exception of Councillor Collie.

**(g) Convener of the Scrutiny Committee (External)**

The Provost sought a nomination from the Labour Group for the position of Convener of the Scrutiny Committee (External).

Councillor Bissett nominated Councillor Blackwood.

There being no further nominations, Councillor Blackwood was appointed Convener of the Scrutiny Committee (External).

**Decision**

**Council:-**

- (1) noted that Councillor Bissett was the Leader of the Opposition;**
- (2) appointed Councillor Meiklejohn as Convener of the Executives, and if necessary make any consequential appointments;**
- (3) noted the resignation of Deputy Provost Ritchie as Convener of the Scrutiny Committee (External) as a consequence of the SNP Group holding the Convenership of the Executives;**
- (4) appointed Councillor Blackwood as Convener of the Scrutiny Committee (External);**
- (5) appointed Councillor Patrick as Deputy Convener of the Appeals Committee;**
- (6) appointed Councillor Collie as Chairperson of the Integration Joint Board, and**
- (7) appointed Councillor McCue as the representative to the COSLA Children & Young People Board;**
- (8) appointed Councillor Collie as the representative to the COSLA Health & Social Care Board;**

- (9) noted that the Provost was ex-officio a member of the Odenwald Trust Fund Board.**

**FC87. Execution of Deeds**

Council considered a report by the Director of Corporate and Housing Services with the purpose to provide details of those deeds which have been signed and sealed on behalf of the Council.

**Decision**

**Council noted the signing and sealing of the Deeds listed in the appendix.**

Council adjourned at 12.30pm and reconvened at 12.35pm with all members present with the exception of Councillor Flynn, Councillors Kerr and McLuckie in accordance with their earlier declarations of interest (ref FC79), and Councillor Collie.

Councillor Reid left the meeting during consideration of the following item.

**FC88. Mixed Use Development to Include a Mixed Tenure Care Village: Including Residential Care Home, Retirement Housing, Supported Housing Units and a Hotel all with Associated Services, Landscaping and Infrastructure at Land to the North of Manor House, Maddiston, Falkirk, for ERM Ltd – P/16/0756/PPP**

Council considered a report by the Director of Development Services for a Mixed Use Development to Include a Mixed Tenure Care Village: Including Residential Care Home, Retirement Housing, Supported Housing Units and a Hotel all with Associated Services, Landscaping and Infrastructure at Land to the North of Manor House, Maddiston, Falkirk, for ERM Ltd – P/16/0756/PPP.

Provost Buchanan, seconded by Councillor Grant, moved that Council agrees to amend the Minded to Grant decision made by Council on 6 December 2017 to read as follows:-

Council agrees that it is minded to grant Planning Permission in Principle subject to:-

- (a) the satisfactory completion of a planning obligation within the terms of the Town and Country Planning (Scotland) Act 1997 in terms satisfactory to the Director of Development Services in respect of:-

- (i) the provision of affordable housing;
  - (ii) the provision of a private bus service;
  - (iii) the provision of new footpath infrastructure to connect the site to the local path network, including the Union Canal towpath;
  - (iv) the occupancy of the proposed residential units; and
  - (v) addressing any shortfall identified in the capacity of NHS Forth Valley Services to accommodate the development.
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to conditions as deemed fit by the Director of Development Services.

Reason(s):-

1. Significant weight is afforded to the potential benefits of the proposed development, including those detailed in paragraph 7c.2 of the report dated 6 December 2017, to justify grant of the application contrary to the terms of the local development plan.

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

- (1) to adhere to its decision of 6 December 2017, and
- (2) that the Section 75 planning obligation requires to be satisfactorily concluded within a period of six months from the date of this meeting failing which the application will be brought back to the next appropriate Council meeting for further consideration and potential refusal.

Councillor Alexander gave notice of a further amendment.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 25 members present with voting as undernoted:-

For the motion (13) – Provost Buchanan, and Councillors Bissett, Black, Blackwood, Coleman, Goldie, Grant, Harris, Meiklejohn, Munro, Nicol, Nimmo and Patrick.

For the amendment (9) – Depute Provost Ritchie, and Councillors Aitchison, Bouse, Coombes, Garner, Hughes, McCue, Murtagh and Spears.

Abstentions (3) – Councillors Alexander, Balfour and Binnie.

The motion was carried and became the substantive motion against which the further amendment was then considered.

As a further amendment, in substitution for the motion, Councillor Alexander, seconded by Councillor Bouse, moved that Council agrees to adhere to its decision of 6 December 2017.

In terms of Standing Order 22.4(i), the vote was taken by roll call, there being 25 members present with voting as undernoted:-

For the motion (12) – Provost Buchanan, and Councillors Bissett, Black, Blackwood, Goldie, Grant, Harris, Meiklejohn, Munro, Nicol, Nimmo and Patrick.

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

### **Decision**

**Council agreed the further amendment.**

### **FC89. Motion**

A motion had been submitted which referred to matters within the remit of the Executive. The Provost advised that in accordance with Standing Order 31.1 he determined that the item stood referred to the Executive.