



Agenda Item 3(a)

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Wednesday 26 June 2019 at 9.30 a.m.

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

Officers: Jack Frawley, Committee Services Officer
Rhona Geisler, Director of Development Services
Kenny Gillespie, Head of Housing
Iain Henderson, Legal Services Manager
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
Alistair Shaw, Development Plan Co-ordinator
Bryan Smail, Chief Finance Officer

Also

Attending: Maureen Campbell, Chief Executive, Falkirk Community Trust

FC16. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Goldie, Kerr, McCue and Nicol.

FC17. Declarations of Interest

Councillors Binnie, Coombes, Flynn and McLuckie each declared a non-financial interest in item FC23 as Directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the item, having regard to the specific exclusions contained in the Code of Conduct.

FC18. Order of Business

In terms of Standing Order 14.2 the Provost advised of a change to the order of business. The following items have been recorded in the order they were considered at the meeting.

FC19. Minutes and Information Bulletin

- (a) Minute of Meeting of Falkirk Council held on 8 May 2019 - agreed as a correct record;
- (b) Minute of Meeting of Special Falkirk Council held on 10 June 2019 - agreed as a correct record;
- (c) Volume of Minutes – Volume 5 2018/19 - noted and,
- (d) Information Bulletin – Volume 5 2018/19 - noted.

FC20. Questions

No questions were submitted.

FC21. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 8 May was provided. Item 453 – Falkirk Community Trust – Options Appraisal was the subject of a report on the agenda and accordingly fell from the action log.

Decision

Council noted the rolling action log.

FC22. Referral from the Executive – 18 June 2019 Treasury Management Annual Review 2018/19

Council considered a report by the Director of Corporate and Housing Services presenting the Treasury Management Annual Review 2018/19. Council was required to produce an annual review of treasury management activities together with the prudential and treasury indicators as set out in the Regulations issued under the Local Government (Scotland) Act 2003.

The report provided a review of:-

- economic growth and interest rates;
- the borrowing strategy 2018/19 outcome;
- the investment strategy;
- treasury management prudential indicators;
- the banking contract;
- member training;
- the treasury management advisors, and
- benchmarking information.

Decision

Council noted the contents of the Treasury Management Annual Review 2018/19.

FC23. Falkirk Council/Falkirk Community Trust Joint Working in Culture & Sports Provision

Councillor Coleman declared a non-financial interest in item FC23 as a Director of Falkirk Community Trust, but did not consider that this required him to recuse himself from consideration of the item, having regard to the specific exclusions contained in the Code of Conduct.

Councillor Spears left the meeting during consideration of this item.

Council considered a report by the Chief Executive providing an update on the joint working activity between the Council and Falkirk Community Trust (FCT) and proposing a range of measures to sustain and improve culture and sport provision within Falkirk. The report would be used as a framework by the Joint Working Group to develop a five year investment and savings plan. The plan would describe in detail the actions required to complement the Council's Five Year Business Plan and Strategic Property Review (SPR). Including:-

- high level proposals for investment in key Trust managed sites to sustain and develop a high standard of culture and sport provision;
- outline proposals from interested parties willing to contribute to joint or sole management or transfer of existing Trust facilities along with an assessment of deliverability and timescale, and
- specific proposals for asset rationalisation for approval by the Council aligned with its implementation of the SPR.

A Joint Working Group consisting of elected members, representatives from the Trust Board and officers had undertaken work to establish a shared vision and high level outcomes between the Council and the Trust which was reported to Council at its meeting on 5 December 2018. Council agreed the joint vision document and an interim work plan based on 5 core tasks.

The most critical element was to take forward joint medium term business planning to help identify a savings and investment plan for the next five years and this was supported by a Joint Medium Term Business Planning Group consisting of officers from both the Council and the FCT.

Linkages with the Health and Social Care Partnership (HSCP) Strategic Plan and transformational change programme also shaped the policy context. Successful joint working between the Trust and HSCP was evidenced around the shared strategic agenda. The related resource implications were at an early stage of development, but the commitment and contribution of the HSCP to the programme was of fundamental importance. The work was expected to make a positive contribution to addressing the health improvement plan and assist the Trust in developing its focus for future work in the area.

The conclusions from the Joint Working Group related to:-

- investing in and retaining core Culture and Sport assets that can function with a significantly reduced level of funding from Falkirk Council and meet customer needs;
- focusing on the secondary school estate and investing in these as core community leisure assets;
- encourage community management input where the asset condition is suitable;
- facilities that would no longer be operational in their current form;
- approach to future library provision, and consultation.

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

- (1) acknowledges the positive collaboration that has taken place between the Council and the Trust in this work and welcomes that this is an investment strategy;
- (2) agrees that there is a need to invest in and retain culture, leisure and sport assets that can function with significantly reduced level of funding from Falkirk Council and meet customer needs;
- (3) agrees the investment proposals outlined in this report, with additions as detailed below, to be developed further for inclusion within the Trust business plan to be submitted in November 2019;
- (4) agrees a programme of work to be undertaken to identify adaptation and improvement requirements at secondary schools to facilitate improved community access;
- (5) agrees that specific development proposals are taken forward to identify proposals to enhance community leisure provision and access to Bo'ness Academy;

- (6) agrees that further work be undertaken to assess these proposals in the context of the Council's Capital investment plans;
- (7) notes the proposals to continue to engage with clubs and groups interested in increasing their role in managing assets, including Denny Football Centre and Hall Glen Sports Centre and work with these groups to prepare a forward program;
- (8) agrees to remove Denny Sport Centre from potential closure proposals;
- (9) notes the intention to develop proposals in relation to future library provision, specifically retaining Bo'ness and Grangemouth libraries in a town centre location, recognising their key role to support the 'town centre first' principle and regeneration;
- (10) notes the Trust's Business Plan will be predicated on the delivery of proposals, and
- (11) notes no decisions will be made until full business case is presented to council for members to agree.

Councillor Patrick declared the financial interest of a family member in item FC23 as an employee of Falkirk Community Trust but stated that he did not consider that this required him to recuse himself from consideration of the item, as the interest was so remote that it could not reasonably be taken to fall within the objective test.

Council adjourned at 10.45am and reconvened at 11.05am with all members present as per the sederunt with the exception of Councillor Spears.

Councillor Bissett, seconded by Councillor Nimmo, moved, as an amendment, that Council:-

- (1) agrees to delay any further implementation of these proposals, until full engagement and consultation takes place, with communities, stakeholders and national bodies;
- (2) recognises that some areas will be impacted adversely and the potential cumulative effect on these communities needs further exploration, and
- (3) asks the Chief Executive to bring forward a report by the end of September.

Councillor Bouse declared a non-financial interest in item FC23 as a Director of the Dobbie Hall Trust, but did not consider that this required him to recuse himself from consideration of the item, having regard to the specific exclusions contained in the Code of Conduct.

At this point Councillor Spears re-joined the meeting.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 26 members present with voting as undernoted:-

For the motion (12) –.Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Hughes, Meiklejohn, Murtagh and Spears.

For the amendment (14) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Flynn, Grant, Harris, McLuckie, Munro, Nimmo, Patrick and Reid.

Decision

Council agreed the amendment.

FC24. Delegation of Powers to Determine Urgent Issues During the Summer Recess

Council considered a report by the Director of Corporate and Housing Services inviting Council to agree that authority was delegated to its Chief Officers to deal with urgent business, which would normally be determined by Council or committee, during the summer recess.

Decision

Council agreed that Chief Officers be given delegated powers, in consultation with the Leader of the Council and Leaders of the main opposition groups, or the relevant portfolio holder or, as appropriate, the relevant committee convener or depute convener, to determine urgent items of business during the summer recess (from 26 June 2019 to 27 August 2019) and to report the decisions taken to the first meeting of the Executive thereafter, provided that any such decision:-

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

FC25. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services, the purpose was 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 1.25pm with all members present as per the sederunt with the exception of Councillor McLuckie.

FC26. Falkirk Local Development Plan 2 Submission to Scottish Ministers and Summary of Unresolved Issues

Council considered a report by the Director of Development Services seeking approval for the Falkirk Local Development Plan 2 (LDP2) to advance to the Examination stage. That involved the submission to Scottish Ministers of the Proposed LDP2, previously approved by Council in August 2018 along with a Summary of Unresolved Issues constituting the Council's response to the representations which have been submitted to the Proposed LDP2.

Council adjourned at 1.55pm and reconvened at 2.00pm with all members present as per the sederunt with the exception of Councillors Flynn and McLuckie.

Decision

Council:-

- (1) authorised the submission of the Proposed LDP2, as approved by Council in August 2018, to Scottish Ministers along with a request to appoint persons to examine the plan; and**
- (2) approved the Summary of Unresolved Issues contained in Appendix 2, as the Council's response to the unresolved representations which have been submitted to the Proposed LDP2 subject to the following amendments:-**
 - (i) the response by the planning authority to the representations on Policy HC06 – Infill Development and Plot Sub Division by Development and Environmental Services Limited (02975/3001/007) being deleted and being replaced with the following:-**

“If the Reporter is minded to recommend that the plan be amended to address this representation, the Council would not take issue with the proposed change. This is not regarded as a notifiable modification.”, and

(ii) the response by the planning authority to the representations on Policy HC05 – Housing in the Countryside by Development and Environmental Services Limited (02975/3001/003) being amended as follows:-

(a) The words “The substitution of ‘comparable size to the original’ to ‘suitable size and design’ is not as accepted as the proposed wording is vague and gives no rule of thumb as to what may be considered acceptable to the Council” where they occur at the last sentence of the third paragraph of the response shall be deleted and replaced with the words “In relation to the part of representation seeking to change the wording at sub section (2) of Policy HC05 from ‘comparable size to the original’ to ‘suitable size and design’, if the Reporter is minded to recommend that the plan be amended to address this suggested modification, the Council would not take issue with the proposed change. This is not regarded as a notifiable modification.”, and

(b) There shall be added to read at the end of the last paragraph of the response the words “except to the extent of the change of wording of ‘comparable size to the original’ to ‘suitable size and design’ as referred to in the third paragraph above”.

The Representation’s Summary shall be subject to consequential amendment to reflect these amendments.

FC27. Appointment – East of Scotland European Consortium Policy Board

Council considered a report by the Director of Corporate and Housing Services advising of the resignation of Councillor Goldie as the Council’s representative on the East of Scotland Consortium Policy Board, and as a member of the Convention of Scottish Local Authorities (COSLA) Convention. Council is invited to appoint a successor on the East of Scotland Consortium Policy Board.

Decision

Council:-

(1) noted the resignation of Councillor Goldie as the Council’s representative on the East of Scotland Consortium Policy Board;

- (2) agreed to appoint Councillor Alexander as the Council's representative on the East of Scotland Consortium Policy Board, and**
- (3) noted that the Labour Group would nominate a successor for the vacancy on the COSLA Convention.**

FC28. Motions

Five motions had been submitted. Agenda item 12(a) referred to matters reserved to Council. Agenda items 12(b) to (e) referred to matters within the remit of the Executive. The Provost advised that in accordance with Standing Order 31.1 he determined that agenda items 13(b) to (e) stood referred to the Executive.

Councillor Reid then advised that he wished to withdraw his motion, agenda item 12(a).