

Draft

FALKIRK COUNCIL

**Minute of special meeting of Falkirk Council held in the Lesser Town Hall,
Falkirk with remote participation on Thursday 27 October 2022 at 11.00 a.m.**

Councillors:

David Aitchison	Bryan Deakin	Cecil Meiklejohn
Margaret Anslow	Stacey Devine	Laura Murtagh
Depute Provost David Balfour	Jim Flynn	Alan Nimmo
Lorna Binnie	Gordon Forrest	Sarah Patrick
Provost Robert Bissett	Paul Garner	Ann Ritchie
Gary Bouse	Anne Hannah	Jack Redmond
Claire Brown	Alf Kelly	Iain Sinclair
William Buchanan	James Kerr	Robert Spears
James Bundy	Brian McCabe	Euan Stainbank
Fiona Collie		

Officers:

Karen Algie, Director of Transformation, Communities and Corporate Services
Malcolm Bennie, Director of Place Services
Jack Frawley, Team Leader - Committee Services
Kenny Gillespie, Head of Housing & Communities
Steven Kirkwood, Chief Finance Officer – Health & Social Care Partnership
Sara Lacey, Head of Social Work Children's Services
Kenneth Lawrie, Chief Executive
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Amanda Templeman, Chief Finance Officer
Martin Thom, Head of Integration

In accordance with section 43 of the Local Government in Scotland Act 2003 the Provost had directed that the meeting would be conducted by video to allow remote attendance by elected members.

FC33. Sederunt

The sederunt was taken by way of a roll call. There were apologies intimated on behalf of Councillors Paterson and Robertson.

FC34. Declarations of Interest

There were no declarations of interest.

**FC35. Referral from Audit Committee -
Report to Members and the Controller of Audit on the 2021/22 Audit**

Council considered a report by the Director of Transformation, Communities and Corporate Services which presented the Annual Audit Report for 2021/22 together with the Audited Accounts for the year to 31 March 2022 for approval.

In line with the Council's Standing Orders, the role of the Audit Committee was to consider the External Audit Report and the Annual Accounts ahead of their approval by Council. At its meeting of 27 October 2022, the Audit Committee considered both documents. The report considered by the Audit Committee was provided as an appendix to the report.

Decision

Council:-

- (1) noted the External Auditor's Annual Audit Report to Members and the Controller of Audit for 2021/22, and**
- (2) approved the Audited Annual Accounts for 2021/22**

FC36. Review of Integrated Services

Council considered a report from the Director of Transformation, Communities and Corporate Services which provided an update on the work undertaken to achieve savings following the integration of Falkirk Community Trust services. Approval was also being requested for community and workforce engagement on some of the options.

A review of sport & leisure included consideration of new marketing and other opportunities to increase the customer base and footfall. A range of new developments were being introduced which included the introduction of a new electronic booking and point of sale system, enhancement of health & fitness studio facilities within venues, increased promotion of relevant venues for other uses and a review of facility charges.

In addition, customer demand was being assessed to inform the opening hours of venues further customer engagement would take place to inform the future opening hours of facilities. This would ensure facility opening hours were responsive and reactive to customer demand, making best use of the facilities and reducing costs where appropriate.

A further area being considered was Denny Football Centre which had been closed since March 2020. If the centre were to reopen, it would require significant investment to undertake essential repairs and to ensure it was operating at a safe and acceptable standard. Previous users of the Centre were now using alternative facilities. A future meeting of the Education,

Children & Young People Executive would be asked to declare the Centre surplus to operational requirements.

Library services consisted of 8 libraries, a home visiting service and electronic lending of e-books and audio books. Libraries were a valuable asset to communities, providing the public with free access to the services they provided. Options to redesign the service, whilst reducing the budget, was anticipated to generate c£425k of savings.

Decision

Council:-

- (1) noted the work being done within sport & leisure to increase income;**
- (2) agreed to delegate the review of fees and charges within sport & leisure facilities to the Director of Children's Services on an ongoing basis, provided this did not have a detrimental impact to those who may be in poverty;**
- (3) agreed that the Director of Children's Services should continue to monitor the opening hours of sport & leisure facilities to ensure these were responsive to customer demand;**
- (4) noted the operational savings being implemented within Library Services, and**
- (5) agreed that Library services develop a five-year strategic action plan (based on community and employee engagement) which would implement the remainder of the saving proposals outlined in paragraphs 5.13-5.14, with progress being reported back.**

Council adjourned at 12.25pm and reconvened at 12.45pm with all members present as per the sederunt.

FC37. Scheme of Assistance – Housing Investment Programme Owner Occupier Charges

Council considered a report by the Director of Transformation, Communities and Corporate Services which fulfilled a request by Council to provide information on reviewing the Scheme of Assistance, specifically the extension of the discretionary payment assistance for owner occupiers.

Owners were responsible for maintaining and repairing their own property under the terms of their title deeds. This included part of the larger building of which their property formed part, in which they had a common right of property. The Scheme of Assistance outlined the circumstances in which the Council could assist to improve and adapt private housing in the Council

area. It detailed the range of assistance available and the eligibility criteria for accessing it.

Costs from owners were recovered in line with the Council's Corporate Debt Policy. The current arrangement applied a Notice of Potential Liability and allowed a definitive timeline for the money to be recouped. However, if the arrangement were to be extended there would be no such definitive timescale (until sale or death) as it was not time specific.

The current Scheme included discretionary payment assistance which allowed owners to pay a lump sum and the balance over an agreed term. For owners living in the home this term was 5 years while for owners acting as private landlords it was 1 year.

Discretionary payment assistance was available to owners when their share of larger building works would be greater than £10,000 and when their individual financial circumstances were assessed.

Councillor Bouse, seconded by Councillor Collie, moved that Council:-

- (1) notes that a new discretionary payment assistance option was added to the Scheme of Assistance (2019) to reflect specific financial circumstances of an owner, and
- (2) agrees to continue the current Scheme of Assistance.

As an amendment, Councillor Nimmo, seconded by Councillor Stainbank, moved that the terms of the motion with the substitution of clause 2 as follows:-

This Council recognises the importance of the scheme of assistance in relation to owner occupier charges.

To this end Council agrees to a further, more detailed report coming forward with the possibility of extending the scheme.

As part of this, Council instructs officers to come back with options in relation to the engaging of a financial partner to allow the pay back period to be extended from 5 to 20 years, thus allowing owner occupiers longer to repay their loan.

This will help support financially struggling families during the current cost of living crisis.

In terms of Standing order 22.1, the vote was taken by roll call, there being 28 members present with voting as undernoted:-

For the motion (18) – Depute Provost Balfour and Councillors Binnie, Bouse, Brown, Bundy, Collie, Deakin, Devine, Flynn, Forrest, Garner, Kerr, Meiklejohn, Murtagh, Patrick, Ritchie, Sinclair and Spears.

For the amendment (10) – Provost Bissett and Councillors Aitchison, Anslow, Buchanan, Hannah, Kelly, McCabe, Nimmo, Redmond and Stainbank.

Decision

Council agreed the motion.

Council adjourned at 1.40pm and reconvened at 2.30pm with all members present as per the sederunt with the exception of Councillors Brown, Buchanan and McCabe.

FC38. Programme of Meetings 2023

Council considered a report from the Director of Transformation, Communities and Corporate Services presenting a draft programme of meetings for 2023 and setting out proposals for meeting arrangements should it not be possible hold physical or hybrid meetings.

Council previously agreed to hold meetings on a hybrid basis with the physical element normally being located in the Lesser Town Hall and that should the Lesser Town Hall be unavailable alternative accommodation would be sought by the convener in consultation with the clerk. This was in recognition that the Town Hall was unavailable during the Pantomime season. However, Council had subsequently agreed to the closure of the Town Hall and in recognition of this officers would seek alternative accommodation across the Council estate which could accommodate meetings of Council and its committees. Should none be available it would be delegated to the Chief Executive or Chief Governance Officer, in consultation with the Provost/Convener, to agree that a meeting could be held remotely.

Decision

Council:-

- (1) approved the programme of meetings for 2023, and**
- (2) agreed to the proposed procedure, set out in paragraph 5.4 of the report to be followed if the Lesser Town Hall was not available for Council and committee meetings.**

Councillor McCabe joined the meeting during consideration of the following item.

FC39. Membership of Committees and Boards – Independent Places

Council considered a report by the Director of Transformation, Communities and Corporate Services which provided an update on the position in regard to the appointment of Independent members to various committees and Boards.

The following position had been reported to Council in June:-

Committee/Board	Appointee
Executive	Cllr Buchanan
Planning Committee	Cllr Buchanan
Scrutiny Committee	Cllr McCabe
Scrutiny Committee (External)	Cllr Ritchie
Civic Licensing Committee	Cllr Ritchie
Licensing Board	Cllr Buchanan (resigned)
Education, Children & Young People Executive	None
Audit Committee	None
Appeals Committee	None
Pensions Committee	None
Central Scotland Valuation Joint Board	None

Further to the position set out in the report which reflected that Cllr Buchanan had resigned from the Licensing Board he had also intimated his resignation from the Executive.

Appointment to the vacancies fell to be decided by agreement between the Independent members. The following appointments had been agreed which left no remaining vacancies for Independent members:-

Committee/Board	Appointee
Executive	Cllrs Spears
Education, Children & Young People Executive	Cllr Spears
Licensing Board	Cllr Ritchie
Audit Committee	Cllr Spears
Appeals Committee	Cllr Spears
Pensions Committee	Cllr Spears
Central Scotland Valuation Joint Board	Cllr Ritchie

Decision

Council noted the position in regard to the appointment of Independent members to places on committees/Boards.

FC40. Execution of Deeds

Council considered a report by the Director of Transformation, Communities & Corporate Services which provided details of those deeds which had been signed and sealed on behalf of the Council.

Decision

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

FC41. Motions

Five motions submitted in accordance with Standing Order 29 were set out below. The Provost had ruled, at the meeting on 28 September 2022, that they would be retained by Council and considered at this meeting.

(a) Improving Falkirk's Public Transport and Promoting a Cleaner Environment

Councillor Hannah, seconded by Councillor Stainbank, moved that:-

Falkirk Council notes:-

1. The distrust and disappointment among residents of the Falkirk Council area with their costly, inadequate and unreliable bus services.
2. That large numbers of residents of the Falkirk Council area find themselves unable to access work opportunities due to the inadequacy of transport services and many find fares so high that taking up employment that is available may not be an affordable option.
3. That large numbers of residents of the Falkirk Council area have difficulty in attending essential appointments including those at doctor's surgeries and hospital due to lack of suitable public transport.
4. That Falkirk Council has no direct control over the routes, timetables or vehicles that bus operators use in the area but must use its influence to help address these problems.
5. That the climate change crisis makes it necessary that we reduce car usage and develop greener public transport fleets to reduce carbon emissions, congestion and air pollution, and improve public health by increasing Active Travel.

6. That First Bus currently operates an effective monopoly in the area which has led to disdain for the people who pay their fares and lack of concern for the local environment.
7. That due to past reductions in the railway network we are overwhelmingly reliant on our bus services as the main means of public transport.
8. That Lothian Buses currently operate a successful municipal scheme, which not only provides bus services which satisfy public demand, but also run at a profit enabling reinvestment in the service and payment of dividends to Councils with shareholdings.
9. That Section 34 of the Transport (Scotland) Act 2019 gives local transport authorities the power to run local bus services that they were previously prohibited from doing under the Transport Act 1985. This power sits alongside their other responsibilities in subsidising local services where there is a need.

Council believes:-

1. That to address all the above problems there needs to be a fundamental change to Public Transport Services in the Falkirk Council area to a system that recognises public transport as a vital service.

Council asks Council officers to provide a comprehensive report on:-

1. the current position in relation to all forms of public transport, the current costs to the Council, and likely future costs of continuation of current arrangements.
2. the options available to the Council for taking greater control over the provision of improved public transport, including:-
 - a. a Lothian Buses Ltd style of publicly owned bus company including the arrangements covering the Lothians
 - b. options for joint arrangements with other Central Scotland Local Authorities
 - c. options for developing (hand in hand with a. and b.) Demand Responsive Transport for rural areas
 - d. coordination of services with other forms of public transport such as rail services, and Dial-a-Journey
 - e. combined ticketing options in an integrated public transport system
3. costs and timescales, and possible sources of funding.

Decision

Council agreed the motion.

(b) Falkirk Council Pest Control

Councillor Hannah, seconded by Councillor Stainbank, moved that:-

Falkirk Council notes:-

1. Several Councillors have been made aware of a serious problem with rat infestations in their wards.
2. The Prevention of Damage by Pests Act 1949 Section 2 states:

“Duties of local authorities.
(1) It shall be the duty of every local authority to take such steps as may be necessary to secure so far as practicable that their district is kept free from rats and mice, and in particular—
(a) from time to time to carry out such inspections as may be necessary for the purpose aforesaid;
(b) to destroy rats and mice on land of which they are the occupier and otherwise to keep such land so far as practicable free from rats and mice;
(c) to enforce the duties of owners and occupiers of land under the following provisions of this Part of this Act, and to carry out such operations as are authorised by those provisions.”
3. The same Act states at Section 3:
“Obligation of occupiers of land to notify local authority of rats and mice.
(1) Subject to the provisions of this section, the occupier of any land shall give to the local authority forthwith notice in writing if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.
4. The Council web site says:
“Falkirk Council does not provide a pest control service.”
It goes on to give advice to occupiers as to how to deal with pests, but does not
 - a. Advise residents that they have a legal responsibility to report to the Council substantial numbers of rats or mice on the property they occupy
 - b. Give any details of inspection arrangements made by the Council to monitor rat and mouse infestations.
 - c. Give any advice on how to deal with infestations where a whole street is affected
 - d. Give any advice as to where occupiers can find a reliable pest control service.

Council believes:-

1. It has a responsibility to:
 - (a) carry out inspections from time to time

- (b) to take such steps as are necessary to keep the district free of rats and mice
- (c) to inform residents of their responsibility to report infestations of rats and mice
- (d) to give such advice and assistance as is necessary to enable occupiers to rid their properties of rats and mice.

Council asks Council officers to provide a comprehensive report on:-

1. the options for fully discharging Council's legal and moral duties to ensure the district is, as far as is possible, free of rats and mice
2. to ensure affordable options are available for owners and occupiers of property to enable them to take the necessary steps to clear infestations
3. costs and timescales, and how this can be funded.

As an amendment, Councillor Devine, seconded by Councillor Garner moved that:-

Council notes the position in the legislation relating to pest control and the information available on the Council website.

Council believes that it is also not appropriate for the public sector to compete with the private sector where this provision currently exists, and we should be encouraging more private sector businesses to provide this service and focus on our enforcement role and our other priorities in these challenging financial times

Council accepts that in terms of a comprehensive report, staff capacity and funding is not currently available to carry out such an extensive exercise and that Council took a decision to remove this service provision for valid reasons and we are not legally bound to provide such a service.

Council asks that officers take early action to:-

- (1) improve the information on our website to ensure the public know where to seek commercial operators to deal with any pest control issues, indeed some improvements have already been made; and
- (2) promote and encourage more pest control business to register on the 'buy-with-confidence' web portal.

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 (11) – Provost Bissett and Councillors Aitchison, Anslow, Hannah, Kelly, McCabe, Nimmo, Redmond, Ritchie, Spears and Stainbank.

For the amendment (15) – Depute Provost Balfour and Councillors Binnie, Bouse, Bundy, Collie, Deakin, Devine, Flynn, Forrest, Garner, Kerr, Meiklejohn, Murtagh, Patrick and Sinclair.

Decision

Council agreed the amendment.

(c) Get Me Home Safely Campaign

Councillor Kelly, seconded by Councillor Redmond, moved that:-

Council commends Unite Hospitality's Get Me Home Safely campaign for highlighting the issue of workers getting home safely from work late at night which arises particularly for women and particularly in the hospitality sector where shifts can end late.

Council notes that Licensing Boards in other council areas, for example, East Dunbartonshire, have considered this issue in the context of licensing policy in relation to the grant of late night extensions of licensed hours.

Council agrees to ask the Licensing Board to consider this issue in its forthcoming review of policy in relation to the issue of late night extensions and more generally in relation to the grant of licenses with operating hours that will create difficulties for staff getting home.

Council also notes that the availability of public transport options at night is essential for both staff and customers getting home safely from late night venues and asks officers to explore with transport providers incentivising transport options at night particularly at the weekend to include night buses, demand responsive transport and the greater availability of taxis.

Decision

Council agreed the motion.

(d) Recognition of Twinning Links on Road Signs

Provost Bissett, seconded by Councillor Stainbank, moved that:-

Council recognises the importance of its two longstanding twinning arrangements with Creteil in France and with the Odenwald in Germany but notes that there are few if any visible signs of these arrangements.

Council accordingly agrees that it would be beneficial to add to the current welcoming signs at the main entrance points to the council area by including the information that Falkirk is twinned with Creteil and the Odenwald.

Council asks for a report back to Executive from the Director of Place Service on the cost for this (noting that the aim should be to undertake the work within existing budgets) and any roads design issues that this proposal raises.

Decision

Council agreed the motion.

(e) Royal Hotel Building Slamannan

Councillor Kerr, seconded by Councillor Bundy, moved that:-

Falkirk Council recognises that the Royal Hotel Building in Main Street in Slamannan has been closed for some time and is in a poor state of repair. Its appearance reflects poorly on the village and Elected Members are keen to see action taken to resolve this situation. Officers are asked to bring a report back to Council that considers this matter – including potential purchase – and makes recommendations on the best way forward.

Decision

Council agreed the motion.