

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held at the Grangemouth Community Education Unit on Wednesday 29 March 2023 at 10.00 a.m.

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

<u>Officers:</u>	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 and Communities
	Craig Isdale, Manager (Asset Management)
	Paul Kettrick, head of Invest Falkirk
	Sara Lacey, Head of Social Work Children's Services
	Kenneth Lawrie, Chief Executive
	Gemma McArthur, Committee Officer
	Colin Moodie, Chief Governance Officer
	Charlotte Paterson, Programme Management Co-ordinator
	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.

FC71. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Aitchison and Robertson.

FC72. Order of Business

The Provost varied the order of business from that stated on the agenda. The following items are recorded in the order they were considered at the meeting.

FC73. Proposal to Close School Swimming Pools

Council heard from the Chief Executive in relation to the unavailability of key officers relating to agenda item 6 – Proposal to Close School Swimming pools. Due to the short notice of the unavailability, it had not been possible to make appropriate alternative arrangements in time for this meeting.

Decision

Council agreed to continue consideration of this item to a future meeting.

FC74. Declarations of Interest

Councillor Patrick declared an interest in terms of section 5 of the Code of Conduct for Councillors, as a close family member was employed at a property which may be affected by decisions taken on item 5 (FC77). Having applied the objective test Councillor Patrick stated that she considered that this required her to recuse herself from consideration of the item of business.

Transparency Statements

Councillor Garner made a transparency statement in respect of item 5 (FC77). He stated that he had a connection to the item by reason of being the Chair of Dunipace FC who could in the future have a Community Asset Transfer interest. Having applied the objective test he stated that he did not consider that he had an interest to declare given that the decision making on the item did not relate to any specific Community Asset Transfer applications.

Councillor Bouse made a transparency statement in respect of item 5 (FC77). He stated that he had a connection to the item by reason of being a Director of the Dobbie Hall Trust who could in the future have a Community Asset Transfer interest. Having applied the objective test he stated that he did not consider that he had an interest to declare given that the decision making on the item did not relate to any specific Community Asset Transfer applications.

Councillor Murtagh made a transparency statement in respect of item 5 (FC77). She stated that she had a connection to the item by reason of being a trustee of Warriors in the Community who could in the future have a

Community Asset Transfer interest. Having applied the objective test she stated that she did not consider that she had an interest to declare given that the decision making on the item did not relate to any specific Community Asset Transfer applications.

Councillor Kelly made a transparency statement in respect of item 5 (FC77). He stated that he had a connection to the item by reason of being a trustee of Banknock Community Hall who could in the future have a Community Asset Transfer interest. Having applied the objective test he stated that he did not consider that he had an interest to declare given that the decision making on the item did not relate to any specific Community Asset Transfer applications.

FC75. Minutes and Information Bulletin

- (a) Minute of Meeting of Falkirk Council held on 14 December 2022 – agreed as a correct record;
- (b) Minute of Meeting of Falkirk Council held on 23 February 2023 – agreed as a correct record;
- (c) Minute of Meeting of Falkirk Council held on 1 March 2023 – agreed as a correct record;
- (d) Volume of Minutes – Volume 3 2022/23 – noted, and
- (e) Information Bulletin – Volume 3 2022/23 – noted.

FC76. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 14 December 2022 was provided. Item 617 – Strategic Property Review was the subject of a report on the agenda for the meeting and accordingly fell from the action log.

Decision

Council noted the rolling action log.

In line with her earlier declaration of interest, Councillor Patrick recused herself from consideration of the following item.

FC77. Strategic Property Review Update

With reference to Standing Order 33.5, the Provost referred to three deputation requests received from: Arlene Graham, Bonnybridge Community Education Association; Julia Miller; Polmonthill Snowsports Club, and

Karolina Surmacz to be heard in relation to this item. The Provost advised that Ms Surmacz was unable to attend the meeting but had submitted a written representation which was read out to Council.

Council agreed to hear both remaining deputations.

Council adjourned at 11.55am and reconvened at 12.20pm with all members present as per the sederunt, with the exception of Councillor Patrick.

Council considered a report by the Director of Place Services which provided an update on the Strategic Property Review (SPR) following public engagement on the proposed approach.

A significant amount of work had been undertaken previously which had formed a basis for the Strategic Property Review (SPR). The Council had a budget deficit of c£64m and needed to reduce non-core assets and focus on retaining a smaller number of better quality core assets that met the needs of a range of people in communities.

The Community engagement undertaken had enabled the identification of opportunities for community asset transfer and alternative delivery models. In addition, groups or persons who may have a protected characteristic and may be disproportionately affected should buildings close had been identified and appropriate mitigation measures outlined.

For those buildings whereby an asset transfer or alternative delivery model had not been identified, the Service would progress to close the properties on a phased basis and work with users to identify suitable alternative locations. A summary of the properties had been included in appendices to the report by type, ward and phase.

It was recognised that as the SPR progressed, new information may emerge or circumstances may change. As a result, recommendations may be subject to change and Council would be kept updated as appropriate. Through a combination of the SPR, service modernisation and the effective and efficient use of resources deployed in core assets, the Council had a better opportunity to sustain its estate.

The Property Strategy had been approved by Council in May 2021. The vision for the Property Strategy was to achieve:-

- a corporate portfolio that was fit for service delivery, adaptable to a changing climate, energy efficient and sustainable, met the needs & aspirations of citizens and services alike, and was affordable to the Council, and
- shared and effective utilisation of properties to underpin service delivery needs, now and in the future.

An online survey had been undertaken and a total of 3,607 people completed the survey and 3503 of these responses related to a specific property. The key findings included:-

- 23% responded as a resident of the ward where the property was located, 69% as a user of the facility and 7% on behalf of a community group or organisation
- 38 properties received no responses.
- 26 properties received one response.
- 801 people responded that they consider themselves to have a protected characteristic that may result in them being disproportionately disadvantaged.

In relation to asset transfer interest there were interests as:-

- 75 responses confirmed interest in a CAT
- 96 responses, including the foregoing interests above, indicated a local community group could manage the property in the future
- a total of 98 Asset Transfer interests including those prior to the SPR process across 52 buildings.

Eleven public events took place between 10 January and 25 January 2023 with more than 671 people attending these. The events took place across all wards and were held at either 12-2 pm or 7-9 pm with the final one held online. The objective of the events was very similar to the survey objectives, however the public events allowed additional dialogue with communities and this content had been captured as part of the Frequently Asked Questions.

A property asset performance scorecard had been developed for each of the properties within the SPR. A summary of the recommendations was included in appendices to the report.

The next steps outlined in the report for properties within the SPR were:-

- Implement activities to improve the financial performance of the assets/service in advance of other proposals.
- Engage with community groups who had expressed an interest in CAT to develop business cases and progress proposals.
- Engage with national agencies and bodies to identify additional funding support and to consider alternative delivery models for those assets where this was appropriate.
- Evaluate potential alternative locations for providing similar accommodation to relocate service delivery should properties close.
- Undertake appropriate diligence e.g. title checks, Common Good consultation (if required) etc.
- Commence mothballing of assets in the proposed phases.
- Market properties that were subject to surplus property procedures.

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

- (1) notes the findings of the extensive consultation undertaken, the asset performance data available and user information that has been evaluated;
- (2) recognises that there are properties identified where there is opportunities for community asset transfer, alternative delivery model and/or partnership arrangements which may result in them remaining open;
- (3) approves the allocation of £6m of capital investment - to be funded from property savings from within the SPR - to enable community asset transfers and alternative delivery models. The proposed governance arrangements are outlined in the report;
- (4) notes the properties that are being progressed within aligned modernisation programmes, including offices and stores and remain integral to the SPR;
- (5) notes that Town Halls are now considered core properties and not proposed to close as part of the SPR and will be evaluated and reported upon separately;
- (6) agrees that opportunities to implement financial performance improvements to increase income generation and reduce costs, is progressed for all properties where appropriate, aimed at removing Council subsidy;
- (7) notes the potential staff impacts and proposals for mitigation, recognising existing HR and service change requirements and authorise the Chief Executive to issue statutory notice to both trade unions and employees as required;
- (8) agrees that if there is no Community Asset Transfer, no Alternative Business Model or Partnership Arrangement or the property Financial Performance Improvement can't be achieved that the properties will as a last resort close in accordance with the phases set out in the report, and
- (9) agrees the composition of the PDP on the future model of leisure services as 2 SNP, 1 Labour, 1 Conservative and 1 Independent.

As an amendment in substitution for the motion, Councillor Hannah, seconded by Councillor Redmond, moved that Council:-

- (1) notes the findings of the extensive consultation undertaken, the asset performance data available and user information that has been evaluated;

- (2) does not approve the closure of any community building, park building, sports pavilion, sports centre or other miscellaneous sports (see table in paragraph 4.6). Council instructs officers to:-
 - (a) find methods of reducing energy consumption through energy efficiency measures;
 - (b) investigate options for use of renewable energy sources and install where appropriate;
 - (c) investigate options for increasing usage of the facilities;
 - (d) review fees and charges to generate increased income;
 - (e) undertake such maintenance and improvement measures as will improve the attractiveness of the facility, thereby increasing success in (b) above;
 - (f) identify relocation plans for staff, equipment, artefacts etc. in stores;
 - (g) provide detailed data on each property and engage with community groups and sports organisations to develop alternative delivery models that are viable and sustainable, and
 - (h) report back to Council on each property or facility for decisions;
- (3) recognises that there are properties identified where there is opportunities for community asset transfer, alternative delivery model and/or partnership arrangements which may result in them remaining open;
- (4) approves in principle the allocation of a fund for capital investment - to be funded from property savings from within the SPR, and increased income from properties - to enable community asset transfers and alternative delivery models. The proposed governance arrangements are outlined in the report. Officers will report back to Council on available funds, taking into account the impact of the proposals at b above;
- (5) notes the properties that are being progressed within aligned modernisation programmes, including offices and stores and remain integral to the SPR;
- (6) notes that Town Halls are now considered core properties and not proposed to close as part of the SPR and will be evaluated and reported upon separately;
- (7) agrees that opportunities to implement financial performance improvements to increase income generation and reduce costs, is progressed for all properties where appropriate, aimed at removing Council subsidy, and
- (8) notes the potential staff impacts and proposals for mitigation, recognising existing HR and service change requirements and authorise the Chief Executive to issue statutory notice to both trade unions and employees as required.

Councillor Bundy gave notice of a further amendment.

Council adjourned at 1pm and reconvened at 1.55pm with all members present as per the sederunt with the exception of Councillor Patrick.

Councillor Hannah, with the consent of the Provost, and Councillor Redmond, as her seconder, adjusted the terms of her amendment to add the words 'public conveniences' in clause (2) of the amendment as follows:-

- (2) does not approve the closure of any community building, park building, public conveniences, sports pavilion, sports centre or other miscellaneous sports (see table in paragraph 4.6). Council instructs officers to:-

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

For the amendment (12) – Provost Bissett and Councillors Anslow, Buchanan, Hannah, Kelly, McCabe, Nimmo, Paterson, Redmond, Ritchie, Spears and Stainbank.

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

As a further amendment, Councillor Bundy, seconded by Councillor Kerr, moved the terms of the motion subject to the following adjustments:-

- (a) add the following word to the end of clause (8):-

but in relation to community halls and community education centres a report will be presented to the Council on whether the actions noted above have been successful and options identified for relocation prior to the implementation dates for Phase 2 and Phase 3.

- (b) adjust clause (3) of the motion to read as:-

approves in principle the allocation of a fund for capital investment - to be funded from property savings from within the SPR, and increased income from properties - to enable community asset transfers and alternative delivery models. The proposed governance arrangements are outlined in the report. Officers will report back to Council on available funds, taking into account the approach set out in relation to community halls and community education centres.

Council adjourned at 3.35pm and reconvened at 4pm with all members present as per the sederunt with the exception of Councillor Patrick.

Councillor McCabe gave notice of a further amendment.

Councillor Meiklejohn, as the mover of the motion, with the consent of the Provost and Councillor Garner, as her seconder, adjusted the terms of the motion to incorporate the terms of Councillor Bundy's amendment. Having incorporated its terms into the motion, the amendment accordingly fell.

As a further amendment, in substitution for the motion, Councillor McCabe, seconded by Councillor Spears, moved that:-

Given the very extensive, public concern being expressed. Council recognise the potential impacts on all areas of the Council and postpone any decision today, and refer the SPR to a further Council meeting later this year.

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

For the further amendment (4) – Councillors Buchanan, McCabe, Ritchie and Spears.

Abstentions (8) – Provost Bissett and Councillors Anslow, Hannah, Kelly, Nimmo, Paterson, Redmond and Stainbank.

Decision

Council:-

- (1) noted the findings of the extensive consultation undertaken, the asset performance data available and user information that had been evaluated;**
- (2) recognised that there were properties identified where there were opportunities for community asset transfer, alternative delivery model and/or partnership arrangements which may result in them remaining open;**
- (3) approved in principle the allocation of a fund for capital investment - to be funded from property savings from within the SPR, and increased income from properties - to enable community asset transfers and alternative delivery models. The proposed governance arrangements were outlined in the report. Officers would report back to Council on available funds, taking into**

account the approach set out in relation to community halls and community education centres;

- (4) noted the properties that were being progressed within aligned modernisation programmes, including offices and stores and remain integral to the SPR;
- (5) noted that Town Halls were now considered core properties and not proposed to close as part of the SPR and would be evaluated and reported upon separately;
- (6) agreed that opportunities to implement financial performance improvements to increase income generation and reduce costs, was progressed for all properties where appropriate, aimed at removing Council subsidy;
- (7) noted the potential staff impacts and proposals for mitigation, recognising existing HR and service change requirements and authorised the Chief Executive to issue statutory notice to both trade unions and employees as required;
- (8) agreed that if there was no Community Asset Transfer, no Alternative Business Model or Partnership Arrangement or the property Financial Performance Improvement could not be achieved that the properties would as a last resort close in accordance with the phases set out in the report but in relation to community halls and community education centres a report would be presented to the Council on whether the actions noted above had been successful and options identified for relocation prior to the implementation dates for Phase 2 and Phase 3, and
- (9) agreed the composition of the PDP on the future model of leisure services as 2 SNP, 1 Labour, 1 Conservative and 1 Independent.

Councillor Patrick re-joined the meeting following consideration of the previous item.

FC78. Appointment of Chair of the Integration Joint Board

Council considered a report by the Director of Transformation, Communities and Corporate Services which invited Council to appoint the Chair of the Integration Joint Board. Council also considered a report issued as part of a supplementary agenda which provided an update in relation to membership of the Board.

Councillor Devine had resigned as a member of the Integration Joint Board and in line with the decision of Council at its Statutory Meeting the place fell to be filled by a member of the SNP Group. The SNP Group had indicated

that they did not intend to fill the place. The Council was therefore invited to reallocate the place.

Councillor Meiklejohn, seconded by Councillor Devine, moved that the Integration Joint Board be balanced as one SNP, one Labour and one Conservative.

There was general agreement on this.

Councillor Kerr intimated that the place reserved for a member of the Conservative group would be taken by Councillor Flynn.

The Provost then invited nominations to the position of Chair of the Integration Joint Board.

Councillor Meiklejohn nominated Councillor Collie.

Councillor Kelly nominated Councillor Hannah.

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

For Councillor Collie (16) – Depute Provost Balfour and Councillors Binnie, Bouse, Brown, Bundy, Collie, Deakin, Devine, Flynn, Forrest, Garner, Kerr, Meiklejohn, Murtagh, Patrick and Sinclair.

Councillor Hannah (10) – Provost Bissett and Councillors Anslow, Buchanan, Hannah, Kelly, Nimmo, Paterson, Redmond, Ritchie and Stainbank.

Abstentions (2) – Councillors McCabe and Spears.

Decision

Council agreed to appoint Councillor Collie as Chair of the Integration Joint Board for a two year period with effect from 1 May 2023.

FC79. Execution of Deeds

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

Decision

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

FC80. Motion

One motion had been submitted which referred to matters within the remit of the Executive. The Provost ruled that having consulted with Group Leaders he considered that this motion had sufficient impact on the Council area to be suitable for debate at Council.

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

Council notes with concern the serious and damaging environmental impacts of disposable vapes and recognises an increase in these electronic devices being discarded in communities and public spaces across the Falkirk council area. Research by Material Focus, an independent not-for-profit organisation, identified in 2022 that at least 1.3 million so called “disposable” vapes are littered and binned each week.

Notes that vapes contain a range of precious materials, including lithium and copper which can be collected if recycled in a safe and appropriate manner. Council also considers there is heightened risk of damage to infrastructure due to the potential combustion of batteries contained in the devices both at Council run facilities and within communities.

Further anticipates the publication of the Scottish Government’s urgent review into the environmental impact of disposable vapes, currently being undertaken by Zero Waste Scotland.

In light of the serious nature of these concerns, Council instructs the Chief Executive to write on behalf of Falkirk Council, to Lorna Slater MSP, Scottish Government Minister for Green Skills, Circular Economy and Biodiversity, and Chief Executive of Zero Waste Scotland, Ian Gulland, conveying Council’s view that a ban on the sale of so-called “disposable” vapes be introduced in Scotland as soon as practicable.

Decision

Council agreed the motion.