

AGENDA ITEM 1 (b)**DRAFT****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 DECEMBER 2008 at 10.30 AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, H Constable, J Constable, Goldie, Gow, Hughes, Jackson, Kenna, Lemetti, A MacDonald, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNally, McNeill, Meiklejohn, Nicol, Nimmo, Oliver, Patrick, Spears, Thomson and Waddell.

CONVENER: Provost Reid

APOLOGIES: Councillor Fry.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Education Services, of Finance Services and of Social Work Services; Acting Director of Law and Administration Services; Heads of Human Resources and of Facilities Management; Service Manager (Strategic Support); Service Manager (Tenancy); Service Manager (Contracts and Commissioning) and Democratic Services Manager.

DECLARATION OF INTEREST:

Councillor Mahoney declared a non-financial interest in Item 2 as a member of the Friends of Kinneil Management Committee but did not consider that this required him to recuse himself from consideration of the item, standing the terms of the Code of Conduct.

Councillor McNally declared a non-financial interest in Item 6 as the owner of a local business but did not consider that this required him to recuse himself from consideration of the item, standing the terms of the Code of Conduct.

Councillor Nicol declared a non-financial interest in Item 11 as a family member was a tenant of Falkirk Council and took no part in the discussion and decision.

Depute Provost Black declared a financial interest in Item 11 as a tenant of Falkirk Council and took no part in the discussion and decision.

Councillor Gow intimated that a family member was a craft employee with Falkirk Council but did not consider that this gave her a declarable interest in Item 15 standing the terms of the report.

FC79. PROVOST'S REMARKS

Prior to commencement of the formal business of the meeting, Provost Reid congratulated all those involved in receiving the following awards:-

- Bankier Primary School - £50,000 for its Eco Attack project in the STV/Big Lottery's People's Millions Contest.
- David Hunter, Corporate and Neighbourhood Services, won the Association of Public Service Excellence Apprentice of the Year award for electrical and mechanical engineering.
- Falkirk Council's website won the gold award at the Chartered Institute of Public Relations awards. Four other Falkirk Communications projects, including Falkirk Council News were finalists.
- Rachael Cahill, St Mungo's pupil and pupil representative on the Education and Leisure Committee was appointed a UK Youth Ambassador and a Member of the Scottish Youth Parliament..
- The Children's Commission was shortlisted in the Guardian Public Services Awards for its innovative approach to partnership working.
- Finance Services was awarded Investors in People Status.
- Development Services' Emergency Planning Unit shared an award with Central Scotland Police for the multi-agency/partnership approach to installing the new Grangemouth Public Warning System.
- Sign-Now.Com, supported by Community Services, won £50,000 in the Stelios Award for Disabled Entrepreneurs.

The Provost also commended the 1st Annual Poetry awards and thanked all the participants.

Councillor A MacDonald thanked the organisers of this year's MOD held in Falkirk and thanked also all those involved in its success.

FC80. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 8 October 2008;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 6 October 2008;
- (c) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2008/2009; and
- (d) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2008/2009. Council also **AGREED** to ask the Group Leaders to review the mechanism by which Council representatives on CoSLA and its Executive Groups and on the Forth Valley NHS Board report back to Council.

FC81. ORDER OF BUSINESS

In terms of Standing Order 15.2 (i) Provost Reid varied the order of business from that detailed in the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

FC82. PARKS DEVELOPMENT PLAN

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Alexander, Kenna and Jackson.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 21 October 2008, and (b) Report by Director of Community Services, submitted to the said meeting, setting out the Council's proposed capital allocation under the Parks Development Plan.

AGREED:-

- (1) to approve the Report and draft Parks Development Plan;
- (2) to approve the capital spend allocation outlined in Appendix 5 of the Parks Development Plan totalling £275,000, comprising £200,000 approved Parks capital and £75,000 approved Culture and Leisure Strategy capital;
- (3) that Annual Reports be submitted to the Environment and Heritage Committee; and
- (4) that following consultation, the Parks Development Plan be submitted to the Environment and Heritage Committee for further consideration and thereafter to this Committee for ratification.

Councillor Goldie left the meeting during the foregoing item of business.

FC83. COMMUNITY WARDENS REVIEW

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors J Constable, Hughes and Meiklejohn.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Community Health and Safety Committee held on 28 October 2008, and (b) Report by Director of Corporate and Neighbourhood Services, submitted to the said meeting, detailing the review of the Community Wardens Service with proposals for its remit and funding beyond March 2009.

Councillor C MacDonald, seconded by Councillor McLuckie moved the recommendations in the report.

By way of an amendment Councillor Meiklejohn seconded by Councillor Hughes moved:-

“to authorise officers to take forward, in principle, the proposals in consultation with employees, human resources and trade unions”.

On a division 17 Members voted for the Motion and 13 for the Amendment.

Accordingly, **AGREED:-**

- (1) the proposal to combine the Environmental Enforcement Team and Community Warden Service;
- (2) to authorise officers to take forward the proposal in consultation with employees, Human Resources and Trade Unions, and
- (3) that Officers report back to the Community Health and Safety Committee as the proposal develops.

FC84. FINANCIAL POSITION 2008/09

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Alexander and Kenna.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 18 November 2008; and (b) Report by the Director of Finance Services, submitted to the said meeting giving details of the financial position for the six month period to 30 September 2008.

NOTED the projected financial position as at 30 September 2008.

AGREED to instruct Directors to incur only expenditure which is essential in order to bring expenditure into line with the approved budget.

FC85. TREASURY MANAGEMENT – INTERIM REVIEW 2008/09

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors Alexander and Kenna.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 18 November 2008; and (b) Report by the Director of Finance Services submitted to the said meeting summarising the Council's borrowing and investment strategies.

Councillor Gow, seconded by Councillor C Martin, moved the recommendations in the Report.

By way of an amendment Councillor Coleman, seconded by Councillor Kenna moved the following:-

“Council notes the financial problems of the banks previously regarded as triple rated institutions by our advisers.

Council is of the view that this highlights the fact that we now live in changing times and the size of financial institutions are no guarantee of performance.

Council therefore believes that Scottish building societies such as the Dunfermline Building Society have demonstrated a high level of financial prudence and sound management in difficult times.

Council therefore agrees to include Scottish based institutions that have enjoyed the status of “mutual” within its approved list of institutions available to receive short-term investments.”

On a division 16 Members voted for the Motion and 14 for the Amendment.

Accordingly, **NOTED** the progress of the Councils’ Treasury Management Strategy for 2008/09.

Council then adjourned for lunch at 1.10 pm and reconvened at 1.45 pm with all Members present as per the sederunt.

Councillor Nicol left the meeting prior to consideration of the following two items of business.

FC86. TOWN CENTRE REGENERATION UPDATE

In terms of the Council’s Scheme of Delegation, this item had been called into Council by Councillors J Constable, Hughes, McNally and Oliver.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Economic Development Committee held on 2 December 2008; and (b) Report by the Director of Community Services submitted to the said meeting outlining progress in the various town centre regeneration projects.

Councillor C Martin, seconded by Councillor Lemetti, moved the recommendations in the Report.

By way of an amendment Councillor Oliver, seconded by Councillor McNally, moved the following:-

“Councillors should encourage no disparity of Town Centre Development Groups to ensure public participation. All community groups will have the opportunity to attend local Town Centre Development Groups if they express a desire to do so”.

On a division 16 Members voted for the Motion and 13 for the Amendment.

Accordingly, **NOTED** the progress of the Town Centre Regeneration Strategy.

Councillor Spears left the meeting during consideration of the foregoing item of business.

Depute Provost Black left the meeting prior to consideration of the following item of business.

FC87. ECONOMIC DOWNTURN ACTION PLAN

There was submitted Report (circulated) dated 3 December 2008 by Chief Executive summarising the anticipated impacts of the economic downturn, actions underway at a national and local level to bolster the area's economy and detailing an action plan for Council Services.

Councillor C Martin, seconded by Councillor Lemetti moved the recommendations in the Report, namely that Council agrees:-

- (i) the Action Plan for the Economic Downturn as set out in the Report;
- (ii) to allocate £100,000 of revenue funding to be committed over the financial years 2008/09 and 2009/10 to permit the extension of business support services delivered through the Council's Joint Working Agreement with FEAT;
- (iii) to accelerate the allocation of £600,000 capital funds for the 2009/10 budget, earmarked for economic development projects, for investment in business property.

By way of an amendment Councillor A MacDonald, seconded by Councillor Hughes moved that:-

"In addition Council agrees to consider:-

- (1) Giving tenants of Council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease,
- (2) Accelerating other projects in Falkirk Council's Capital Programme, in addition to £600,000 already earmarked for Economic Development projects,
- (3) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council's local procurement policy,
- (4) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges,
- (5) Discretionary support for non-vat businesses falling below current financial aid thresholds,
- (6) Implementing accelerated invoice payments by Falkirk Council to local businesses,
- (7) Implementing a "Keep Business Local" campaign,
- (8) Facilitating a summit meeting and ongoing dialogue with local banking official to ensure their support for the local business community, and
- (9) to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009".

There then followed a 15 minute recess to allow Members to consider the terms of the motion and the amendment. The meeting reconvened at 3.45 pm with all Members present as per the sederunt with the exception of Depute Provost Black and Councillor Nicol.

On re-convening, there was discussion around incorporating the terms of the amendment, with some adjustment, into the motion following which there was a further 10 minute recess to allow Members to consider the amended wording. The meeting reconvened at 3pm with all Members present as per the sederunt with the exception of Depute Provost Black and Councillor Nicol when, with the consent of the Provost and Councillor Hughes as seconder in accordance with Standing Order 19.7, Councillor A MacDonald altered his amendment to read:-

“In addition Council agrees to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009 and that a report will be presented to the Policy and Resources Committee on 13 January 2009 which considers:-

- (1) Giving tenants of Council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease,
- (2) Accelerating other projects in Falkirk Council’s Capital Programme, in addition to £600,000 already earmarked for Economic Development projects,
- (3) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council’s local procurement policy,
- (4) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges,
- (5) Discretionary support for non-vat businesses falling below current financial aid thresholds,
- (6) Implementing accelerated invoice payments by Falkirk Council to local businesses,
- (7) Implementing a “Keep Business Local” campaign, and
- (8) Facilitating a summit meeting and ongoing dialogue with local banking officials to ensure their support for the local business community”

With the consent of the Provost and Councillor Lemetti, as seconder, in accordance with Standing Order 19(7), Councillor C Martin altered the text of his motion to include the terms of the revised amendment.

Accordingly **AGREED:-**

- (1) the Action Plan for the Economic Downturn as set out in the Report;
- (2) to allocate £100,000 of revenue funding to be committed over the financial years 2008/09 and 2009/10 to permit the extension of business support services delivered through the Council’s Joint Working Agreement with FEAT;
- (3) to accelerate the allocation of £600,000 capital funds for the 2009/10 budget, earmarked for economic development projects, for investment in business property;

- (4) that a report would be submitted to Policy and Resources Committee on 13 January 2009 which would consider:-
- (i) Giving tenants of council owned business properties an option of a rent freeze for two financial years or a re-scheduling of rental payments over the course of the lease;
 - (ii) Accelerating other projects in Falkirk Council's Capital Programme, in addition to £600,000 already earmarked for Economic Development projects;
 - (iii) Improving tendering and procurement procedures which, within legal constraints, are sympathetic to the needs of the local business community, including full implementation of Falkirk Council's local procurement policy;
 - (iv) Implementation of a short term loan guarantee programme to assist otherwise sustainable businesses over short to medium term credit and cash flow challenges;
 - (v) Discretionary support for non-vat businesses falling below current financial aid thresholds
 - (vi) Implementing accelerated invoice payments by Falkirk Council to local businesses
 - (vii) Implementing a "Keep Business Local" campaign
 - (viii) Facilitating a summit meeting and ongoing dialogue with local banking officials to ensure their support for the local business community
- (5) to introduce free car parking in Council owned car parks between 15 December 2008 and 11 January 2009

Councillor Spears re-entered the meeting during consideration of the foregoing item of business.

Depute Provost Black and Councillor Nimmo re-entered the meeting following consideration of the foregoing item of business.

FC88. REFERRALS FROM HOUSING AND SOCIAL SERVICES COMMITTEE – 9 DECEMBER 2008

There was submitted (circulated) (a) report dated 9 December 2008 by the Director of Corporate and Neighbourhood Services outlining the decisions taken by the Housing and Social Services Committee at its Special meeting on 9 December 2008; and (b) Reports by the Director of Corporate and Neighbourhood Services, submitted to the said meeting summarising the stakeholders' consultations on the draft Allocations Policy and on the draft Homelessness Strategy and setting out, respectively, a revised Policy and a revised Strategy.

(a) Housing Allocations Review Update

Councillor Goldie, seconded by Councillor McNeill moved the recommendations in the Report.

By way of an amendment Councillor McNally, seconded by Councillor Meiklejohn moved that in place of recommendation 7.5 of the Report, the following should be substituted:-

“refer the Report to a special meeting of Falkirk Council in the near future for further consideration”.

In terms of Standing Order 21.4 (i) a vote was taken by way of a roll call, there being 31 Members present, with Members voting as undernoted:-

For the Motion (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (14) – Councillor Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to:-

- (1) note the outcome of the consultation with stakeholders set out in Section 3 of the Report;
- (2) note the proposals to minimise any impact on the promotion of race, disability, age and gender equalities set out in Section 5 of the Report.
- (3) accept the proposal to bring further reports to Members setting out a timetable for transition to the new policy subject to the implementation of an IHMS as discussed in Section 6.1 for the Report; and
- (4) adopt the allocations policy as set out in Appendix 1 to the Report.

(b) Homelessness Strategy 2008-2013

Councillor Goldie, seconded by Councillor McNeil moved the recommendations in the Report.

By way of an amendment Councillor Alexander seconded by Councillor Meiklejohn moved that:-

“The Homeless Strategy must dovetail with such as the Council’s Corporate Plan, the Housing Strategy, the New Build Strategy and Affordable Housing Strategy yet their appears to be little in the way of joined up thinking.

Council has been rightly criticised by Audit Scotland for failing in scrutiny processes and therefore agrees to the following:-

1. establish a timetable for the completion of the Homeless Strategy and put in place a timetable of events leading up to that date which includes full participation by Council members;

2. arrange a full session of the committee to debate and discuss the problems of homelessness and the possible solutions;
3. bring forward at the policy session referred to in para 2, a full report on the available assistance from central government to tackle the problems of homelessness and how that fits with Falkirk Council's proposals, and
4. seek consensus on a whole council basis to bring about a joined up strategy to be put to an appropriate meeting of Falkirk Council for approval.

On a division 18 Members voted for the Motion and 13 for the Amendment.

Accordingly **AGREED:-**

- (1) the revised Homelessness Strategy 2008-2013 incorporating the changes to the Visions, Goals and Outcomes set out in Section 3 and in Appendices 2 and 3 of the Report; and
- (2) to request that the Director of Corporate and Neighbourhood Services withdraws 15 tenancies from each area office from the mainstream letting pool for use as temporary homeless accommodation and reviews the position in April 2009.

NOTED:-

- (1) that a Best Value Service Review of homelessness services will be carried out in 2009-10, and
- (2) that the Homelessness Strategy 2008-13 will be formally launched in Spring 2009.

FC89. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A (4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 11 & 12 of Part 1 of Schedule 7A of the said Act.

FC90. EQUAL PAY, SINGLE STATUS AND CRAFT PAY AND CONDITIONS UPDATE

There was submitted Report (circulated) dated 8 December 2008 by Director of Corporate and Neighbourhood Services (a) summarising progress in negotiations with Trades Unions with a view to reaching a collective agreement with regards to the implementation of Single Status; and (b) providing an update on discussions with Trade Unions at a local level in respect of pay and conditions for craft workers.

AGREED to:-

- (1) extend the Single Status buy out arrangements for a 3 month period, as noted within the report, and

- (2) delegate authority to the Chief Executive in consultation with Group Leaders, to continue negotiations with Trade Unions as outlined within the report, with a view to reaching a collective agreement on the outstanding issues, which may incur additional costs and report back to Members with details of any agreement reached for final approval:

NOTED:-

- (1) the commencement of negotiations in respect of settlement of outstanding equal pay claims and that Officers would report back on progress, and
- (2) the on-going discussions with Craft Trade Unions and that a further report would be submitted where necessary to outline progress.

In terms of Standing Order 31 the Provost noted that the time was after 5pm. The meeting was accordingly adjourned with it being **AGREED** that the remaining items of business would be continued to a re-convened meeting to be held on 12 December 2008 at a time to be agreed.