

DRAFT**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 29 APRIL 2009 at 10.30 AM.**

PRESENT: Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, 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: Councillors Carleschi and Fry.

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services and Finance Services; Acting Director of Law and Administration and of Social Work Services; Heads of Economic Development, of Educational Resource and of Roads and Design Service; Facilities Manager (Maintenance) (K Gillespie) and Democratic Services Manager.

DECLARATIONS

OF INTEREST: Councillor Nicol declared a non-financial interest in item 7 as a family member was the owner of a business referred to in the report 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 Gow declared a financial interest in item 9 as a family member was a craft employee with Falkirk Council and took no part in the discussion and decision.

Councillor Nicol declared a financial interest in item 10 as the owner of a local business and took no part in the discussion and decision.

FC2. SWINE INFLUENZA

With the consent of the Provost and Council, the Chief Executive gave an update on the current position of the swine influenza outbreak.

NOTED.

FC3. PROVOST'S REMARKS

Prior to commencement of the formal business of the meeting, Provost Reid congratulated Social Work's Falls Unit on winning a COSLA Gold Award and St Mungo's High School Under 18 team on reaching the Scottish Cup Final.

FC4. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 2 March 2009;
- (b) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 4 March 2009;
- (c) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 1 2009/2010 ; and
- (d) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 1 2009/2010.

FC5. MARKET SUPPLEMENT POLICY

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 7 April 2009; (b) Report (circulated) by the Director of Corporate and Neighbourhood Services dated 1 April 2009 and (c) Report (circulated) by the Director of Corporate and Neighbourhood Services dated 5 March 2009, proposing the introduction of a Market Supplement Policy.

Councillor Alexander, seconded by Councillor Jackson, moved that Council rejects the proposed Market Supplement Policy.

There then followed a 20 minute recess to consider the terms of the motion. The meeting reconvened with all members present as per the sederunt.

By way of an amendment, Councillor Nimmo seconded by Councillor Gow moved that Council approves the proposed Market Supplement Policy.

On a division 13 members voted for the Motion, 13 voted for the Amendment, with 4 abstentions.

There being an equality of votes, and in terms of Standing Order 21.6, the Provost used his casting vote in favour of the Motion.

Accordingly, **AGREED** to reject the proposed Market Supplement Policy.

FC6. REFERRAL FROM HOUSING AND SOCIAL SERVICES – 3 FEBRUARY 2009 - CORPORATE PARENTING

There was submitted (circulated) (a) Extract of Minute of the Housing and Social Services Committee held on 3 February 2009; (b) Report by the Acting Director of Social Work Services dated 17 April 2009, and (c) Report by the Director of Social Services

dated 15 January 2009 submitted to the Meeting of the Housing and Social Services Committee held on 3 February 2009, proposing a Corporate Parenting Policy.

AGREED to approve the Corporate Parenting Policy as detailed in the Report.

FC7. APPOINTMENT TO EXTERNAL OUTSIDE ORGANISATIONS AND COMMITTEES

There was submitted Report (circulated) dated 6 April 2009 by the Acting Director of Law and Administration Services seeking (a) nominations to the Scottish Enterprise East of Scotland Regional Advisory Board, the Helix Trust and the Twinning Association, and (b) the appointment of a Depute Convener of the Appeals Committee.

Helix Trust

There being 2 vacancies, Councillor Gow, seconded by Councillor Nicol, nominated Councillors Mahoney and C R Martin.

Councillor Coleman, seconded by Councillor Kenna, nominated Councillor Alexander.

For the first vacancy – **AGREED**, by majority, to appoint Councillor Mahoney to the Helix Trust.

For the second vacancy – On a division, 17 members voted for Councillor C R Martin, and 13 voted for Councillor Alexander. Accordingly, **AGREED** to appoint Councillor C R Martin to the Helix Trust

Falkirk & District Twinning Association

Councillor Buchanan, seconded by Councillor Nicol moved that Council appoint Councillor Patrick to the Falkirk and District Twinning Association.

By way of an amendment Councillor Coleman seconded by Councillor Kenna moved that Council appoint Councillor Thomson to the Falkirk & District Twinning Association.

On a division 17 members voted for Councillor Patrick and 13 voted for Councillor Thomson.

Accordingly, **AGREED** to appoint Councillor Patrick to the Falkirk & District Twinning Association.

Scottish Enterprise East of Scotland Regional Advisory Board

AGREED to appoint Councillor Lemetti to the Scottish Enterprise East of Scotland Regional Advisory Board.

Appeals Committee

AGREED to appoint Councillor McNeill as Depute Convener of the Appeals Committee.

FC8. AMENDMENT TO POLLING SCHEME – CHANGES TO POLLING PLACES FOR EUROPEAN PARLIAMENTARY ELECTION – 4 JUNE 2009

There was submitted Report (circulated) dated 8 April 2009 by the Returning Officer advising of the proposed changes to three polling places to be used for the European Parliamentary Elections to be held in June 2009 – Tryst Community Centre, Larbert Village Primary School (main hall) and Torwood Primary School.

AGREED to approve the adjustments to the polling scheme detailed in Paragraph 2.1 of the Report and the publicising of the changes, with immediate implementation for polling purposes at the European Parliamentary Election on 4 June 2009.

Councillors Nicol and Patrick withdrew from the meeting during consideration of the foregoing item of business.

FC9. SINGLE OUTCOME AGREEMENT 2009/11

With reference to the Minute of the Meeting of the Policy and Resources Committee held on 10 March 2009 (Paragraph PR110 refers) there was submitted Report (circulated) dated 15 April 2009 by the Chief Executive presenting a revised Single Outcome Agreement (SOA) between the Community Planning Partnership and the Scottish Government.

AGREED to:-

- (1) note the contents of the report and the work that has been undertaken to date in developing the Single Outcome Agreement for the Falkirk Council area; and
- (2) approve the revised Single Outcome Agreement for the Falkirk Council Area Community Planning Partnership noting that some minor changes will be required before the SOA is finally signed off by the Falkirk Council Area Community Planning Partnership and the Scottish Government.

Councillors Nicol and Patrick rejoined the meeting during consideration of the foregoing item of business.

Councillor Nicol withdrew from the meeting following consideration of the foregoing item of business.

FC10. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 9 April 2009 by the Acting Director of Law and Administration Services advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

NOTED the signing and sealing by the Acting Director of Law and Administration Services of the Deeds as detailed in the Appendix to the Report.

Councillor Nicol rejoined the meeting following consideration of the foregoing item of business.

Council then adjourned for lunch at 12.40 pm and reconvened at 1.45 pm with all members present as per the sederunt.

FC11. 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 items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraphs 9, 11 & 12 of Part 1 of Schedule 7A of the said Act.

Councillor Gow withdrew from the meeting following consideration of the foregoing item of business.

FC12. CRAFT PAY AND CONDITIONS

There was submitted joint Report (circulated) dated 21 April 2009 by the Directors of Corporate and Neighbourhood Services and Development Services (a) advising of the recent developments concerning discussions with Craft Trade Unions surrounding a new modern pay and conditions package for Craft workers, and (b) outlining a proposed package and options for implementation.

AGREED to:-

- (1) approve the proposals to implement the new pay and conditions package detailed in paragraph 3 of the report allowing Trades Union members to be balloted; and
- (2) request a further report on outcome/progress in due course.

Councillor Gow rejoined the meeting following consideration of the foregoing item of business.

Councillor Nicol withdrew from the meeting following consideration of the foregoing item of business.

FC13. FALKIRK GATEWAY

There was submitted Report (circulated) dated 20 April 2009 by the Director of Community Services providing an update on the current status of the Falkirk Gateway project and examining the Council's options in terms of how most appropriately to progress the issues which have arisen and their impact on progress of the project.

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

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

1. "notes the current position, options and considerations for progress of the Falkirk Gateway development as set out in the report;
2. agrees that no decision on such a significant scale can be taken until all of the available options have been fully and properly investigated;
3. agrees to establish an All Party Working Group to take forward the investigation of all options and report back no later than full Council on 24 June;
4. to include within the Working Group officers of Falkirk Council and representatives of partner agencies such as Falkirk Town Centre Management, fellow landowners and any other relevant bodies, and
5. agrees the widest possible remit for the working group and sets a timetable for a report back to members on the implications of each option that is appropriately ambitious".

Council then adjourned for 30 minutes to allow members to consider the terms of the amendment and reconvened with all members present as per the sederunt, with the exception of Councillor Nicol, who had withdrawn, and Councillor Spears. On reconvening there was discussion around the terms of the amendment.

With the consent of the Provost and Councillor A MacDonald, as seconder, Councillor Alexander agreed to amend the terms of the amendment to read:-

"Council:-

1. notes the current position, options and considerations for progress of the Falkirk Gateway development as set out in the report;
2. agrees that no decision on such a significant scale can be taken until all of the available options have been fully and properly investigated;
3. agrees to establish an All Party Working Group to take forward the investigation of all options and report back no later than full Council on 24 June, and
4. agrees to include within the Working Group officers of Falkirk Council".

Following further discussion and with the unanimous consent of the meeting Councillor C Martin withdrew his Motion.

Accordingly, **AGREED:-**

1. to note the current position, options and considerations for progress of the Falkirk Gateway development as set out in the report;
2. that no decision on such a significant scale can be taken until all of the available options have been fully and properly investigated;
3. to establish an All Party Working Group to take forward the investigation of all options and report back no later than full Council on 24 June, and
4. to include within the Working Group officers of Falkirk Council.