

**DRAFT****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 OCTOBER 2009 at 10.30 AM.**

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

**CONVENER:** Provost Reid.

**APOLOGIES:** Councillors Fry and McNeill.

**ATTENDING:** Chief Executive; Directors of Community Services, of Corporate and Neighbourhood Services, of Development Services, of Education Services and of Finance Services; Acting Directors of Law and Administration Services and of Social Work Services; Head of Human Resources and Democratic Services Manager.

**DECLARATIONS**

**OF INTEREST:** Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson declared a non-financial interest in Item FC47 having signed an on-line petition in support of the retention of the Park Gallery at Callendar Park but did not consider that this required them to recuse themselves from consideration of the item, standing the terms of the Code of Conduct.

Councillor Nicol declared a financial interest in the Item FC44 as the disponent in a transaction with Falkirk Council and advised that he would take no part in this item.

Councillor Gow declared a financial interest in Items FC55 and 56 as a family member was a craft employee with Falkirk Council, and took no part in the discussions and decisions.

**FC36. OPENING REMARKS – COUNCILLOR HARRY CONSTABLE**

The Provost referred to the recent passing of Councillor Harry Constable and reflected on Councillor Constable's considerable contribution to the Falkirk Council area over his 40 years as an elected representative. Fellow Elected Members also spoke in memory of Councillor Constable.

Provost Reid also spoke in recognition of Corporate and Neighbourhood Services who had been nominated for three national awards in the categories of – best efficiency initiative, pre-application programmes and Council of the Year.

**FC37. MINUTES AND INFORMATION BULLETIN**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 24 June 2009;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 14 September 2009;
- (c) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 3 2009/2010, and
- (d) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 3 2009/2010.

**FC38. QUESTIONS****Question 1 by Councillor Alexander**

“How many employees employed on temporary contracts have been terminated/lapsed/not renewed or discontinued in any way since 1 April 2009?”

**Response by Provost Reid**

The number of temporary contracts which have ended (due to one of the reasons in the question) between 1 April 2009 and mid September 2009 is 187.

This includes the often higher levels of turnover during the summer months as a result of temporary term-time contracts ending in June and summer seasonal contracts ending towards the end of summer. Some examples of where this happens on an annual basis includes probationer teachers and physical activity workers.

**Question 2 by Councillors McNally and Oliver****Volume of Council/Committee Minutes – Volume 3 2009/10****Ref. Page 129 ESD 13 Economic Strategy and Development Committee  
16 June 2009 ESD 13**

“Could we have a reassurance from the Convener that he will have an answer on the question put to the Convener at the Denny Town Centre Development Group meeting on the 30 September to allow a public presentation to inform the residents of the progress of the town centre regeneration project at the next development group meeting?”.

**Response by Provost Reid**

Invitations for the next Denny Development Group taking place in early December (date to be established) will be extended as an “Open Evening” to

members of the public through local press advertising/editorial, websites and letters to existing group members to assist in widening communication of progress.

The meeting will follow an open format with additional information on display for attendees including; Regeneration Scheme Masterplan and Town Centre Regeneration Project information. It is intended to invite officers from Development Services, Henry Boot and the local artist currently working on Stirling Street signage to explain retailer aspirations for the traditional side of the street. Additionally, it is proposed to display an Information Stand in the Public Library.

### **FC39. FINANCIAL POSITION 2009/10**

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 11 August 2009 and (b) Report by the Director of Finance Services submitted to the meeting of Policy and Resources Committee held on 11 August 2009.

Councillor Gow, seconded by Councillor Nimmo, moved the recommendations contained in the Report.

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna, moved that Council:-

“Notes with concern the continued failure of the Administration to properly manage the budget of Social Services in a manner that allows the Council to balance its commitments to each of our Services.

Council therefore agrees to call a minimum of one additional meeting of the Policy and Resources Committee in each of the cycles of meetings between now and the budget meeting in February.

The only item on the agenda will be the financial management and organisation of the Social Work Department.

The purpose of these additional meetings is to properly hold officers and Members to account for the continued budget overspend within Social Services and seek solutions to this continued problem.

Committee will review all aspects of management and have the power to call both officers and Members before it before reporting back to full Council.”

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

Accordingly, **AGREED** to:-

- (1) note the first projection of the amount of expenditure which is likely to be incurred in 2009/10, and
- (2) instruct Directors to take appropriate action to bring spending into line with the approved budget.

#### **FC40. PARKS DEVELOPMENT PLAN - CAPITAL SPEND 2009-10**

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 11 August 2009 and (b) Report by the Director of Community Services submitted to the meeting of Policy and Resources Committee held on 11 August 2009.

Councillor Gow, seconded by Councillor Nimmo, moved the recommendations contained in the Report.

By way of an Amendment, Councillor McNally, seconded by Councillor Kenna, moved that Council:-

“Does not agree to spend £15,000 on consultants for Callendar Park and calls on the Director of Community Services to invest the funds on upgrading existing parks”.

On a division 15 Members voted for the Motion and 13 voted for the Amendment.

Accordingly, **AGREED** the Parks Development Plan Capital Proposals 2009/10 as set out in paragraph 6.1 of the Report.

**NOTED** the work on engaging communities to take the plan forward.

Councillor Nicol withdrew from the meeting during consideration of the foregoing item of business and rejoined the meeting at the conclusion of the item.

#### **FC41. MCTAGGART AVENUE, DENNY**

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 11 August 2009 and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the meeting of Policy and Resources Committee held on 11 August 2009.

Councillor Gow, seconded by Councillor Nimmo, moved the recommendations contained in the Report.

By way of an Amendment, Councillor McNally, seconded by Councillor Oliver, moved that Council:-

“Does not support this particular partnership with Horizon Housing Association. Instead Council agrees to:-

- (1) purchase the site from Horizon Housing Association for the original purchase price of £150,000;
- (2) engage with the surrounding community to agree a suitable end use for the site; and
- (3) report back to the appropriate Committee on the outcome of the consultation.”

Following discussion (and evacuation of the meeting room for a short period in response to a fire alarm) and in terms of Standing Order 25.2 (ii), Councillor Gow seconded by Councillor C MacDonald moved that “ the question now be put”.

On a division 16 Members voted for the Motion with none against. The mover of the original motion then spoke in reply before the Motion was put to the vote.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 29 Members present, with voting as undernoted:-

For the Motion (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to contribute £150,000 towards the overall project costs in order to ensure the development of 10 new social rented houses by Horizon Housing Association.

## **FC42. ORDER OF BUSINESS**

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

**FC43. PROGRAMME OF MEETINGS 2010**

There was submitted Report (circulated) dated 26 August 2009 by the Acting Director of Law and Administration detailing a proposed programme of meetings for the period January to December 2010.

**AGREED** to approve the proposed programme of meetings as detailed within the appendix to the Report and to note that special meetings may be called if necessary.

**FC44. EXECUTION OF DEEDS**

There was submitted Report (circulated) dated 26 August 2009 by the Acting Director of Law and Administration 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.

**FC45. REFERRAL FROM ENVIRONMENT AND COMMUNITY SAFETY – 18 AUGUST 2009 – CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVISION TO NEW RESOLUTION**

There was submitted (circulated) (a) Report dated 15 September 2009 by the Director of Development Services, (b) Extract of Minute of Meeting of the Environment and Community Safety Committee held on 18 August 2009 and (c) Report by the Director of Development Services submitted to the Environment and Community Safety Committee held on 18 August 2009.

**AGREED to:-**

- (1) approve the recommendations as outlined in the Report and as approved by the Environment & Community Safety Committee on 18<sup>th</sup> August 2009, and, in particular, indicate that it is minded to make a revised resolution in terms of the draft approved by the Environment & Community Safety Committee;
- (2) approve the publication of a notice in the Falkirk Herald on 15<sup>th</sup> October 2009, which shall inter alia specify the date of coming into operation of the revised resolution as 1<sup>st</sup> October 2010, and acknowledge that it may have to amend this date; and
- (3) note that a further Report on this matter will be made to a future meeting of Council.

#### **FC46. DISTRIBUTION OF FUNDS RAISED FOR SRI LANKA**

With reference to Minute of Meeting of Falkirk Council on 27 April 2005 (Paragraph FC6 refers), there was submitted Report (circulated) dated 21 September 2009 by the Director of Community Services proposing a mechanism to facilitate the disbursement of funds raised to support local people affected by the tsunami in Asia in 2004.

**AGREED** to establish a group comprising Provost Reid and Councillors Alexander and Lemetti together with 3 young people from schools in the area to determine which charity/charities should receive funding.

Council then adjourned for lunch at 1.20 pm and reconvened at 2.00 pm with all members present as per the sederunt.

#### **FC47. THE PARK GALLERY**

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Leisure, Tourism and Community Committee held on 15 September 2009 and (b) Report by the Director of Community Services submitted to the meeting of the Leisure Tourism and Community Committee held on 15 September 2009.

Councillor Mahoney, seconded by Councillor Nicol, moved that the Park Gallery be relocated to Callendar House, Falkirk, by the end of June 2010.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor Hughes, moved the following:-

“Council notes with concern the proposals to close the Park Gallery without first carrying out a full options appraisal and consultation exercise. Council therefore agrees to mirror the consultation and options appraisal exercise carried out over the future of the Kinneil Museum before any final decision is taken on the Park Gallery.”

Following discussion and in terms of Standing Order 25.2 (ii), Councillor Gow, seconded by Councillor Nimmo, moved that “the question now be put”.

On a division, 16 Members voted for the Motion with 13 against. The mover of the original Motion then spoke in reply before the Motion was put to the vote.

In terms of Standing Order 21.4(i) a vote was taken by roll call, there being 29 Members present, with voting as undernoted:-

For the Motion (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** that the Park Gallery be relocated to Callendar House, Falkirk, by the end of June 2010.

**FC48. REFERRAL FROM ENVIRONMENT AND COMMUNITY SAFETY – 18 AUGUST 2009 – NEW MANDATORY LICENSING SCHEME FOR KNIFE DEALERS**

There was submitted (circulated) (a) Report dated 15 September 2009 by the Director of Development Services (b) Extract of Minute of Meeting of the Environment and Community Safety Committee of held on 18 August 2009 and (c) Report by the Director of Development Services submitted to the Environment and Community Safety Committee held on 18 August 2009.

**AGREED :-**

- (1) that the duration of a Knife Dealer's licence be for a period of three years;
- (2) that the fee for each of the relevant applications be set initially at £200; and
- (3) to note the mandatory conditions and approve the suggested local conditions as contained within Appendix 1 to the Report.

**FC49. REVIEW OF COMMUNITY WARDEN & ENVIRONMENTAL ENFORCEMENT SERVICES**

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 8 September 2009 and (b) Report by the Director of Corporate and Neighbourhood Services submitted to the meeting of the Policy and Resources Committee held on 8 September 2009.

Councillor C MacDonald, seconded by Councillor C R Martin, moved that Council approves the proposed integrated organisational structure combining the Community Warden Service and Environmental Enforcement Team, as detailed in the Report.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor Thomson, moved that Council:-

“Notes that despite the assurances of the Labour/Tory Administration there remains major concerns within the staff group over this radical change of direction.



Officers are therefore asked to:-

- a) conduct full consultation with the staff members concerned
- b) provide alternative structures which retain the integrity of the current role of the staff members involved.
- c) report back to Members only once there is full consultation with staff’.

In terms of Standing Order 21.4 (i) a vote was taken by roll call. There being 29 Members present, with voting as undernoted:-

For the Motion (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to approve the revised organisational structure for the integrated Community Warden Service and the Environmental Enforcement Team, as detailed in the Report.

## **FC50. MIXED TENURE CHARGING ARRANGEMENTS**

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 8 September 2009, (b) Joint Report by the Director of Corporate and Neighbourhood Services and Acting Director of Social Work Services submitted to the meeting of the Policy and Resources Committee held on 8 September 2009 and (c) Report by the Director of Corporate and Neighbourhood Services submitted to the meeting of the Housing and Social Care Committee held on 1 September 2009.

Councillor Goldie, seconded by Councillor Blackwood, moved that the discounted pricing structure be discontinued for owners involved in the Planned Maintenance Programme with the exception of the refurbishment of the High Rise Flats.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor McNally, moved that:-

“the discounted pricing structure should be retained including that for the refurbishment of High Rise Flats”.

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

Accordingly, **AGREED** to discontinue the discounted pricing structure for owners involved in the Planned Maintenance Programme with the exception of the refurbishment of the High Rise Flats.

#### **FC51. INTERIM RESIDENTIAL PROVISION**

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 8 September 2009, (b) Joint Report by the Director of Corporate and Neighbourhood Services and Acting Director of Social Work Services submitted to the meeting of the Policy and Resources Committee held on 8 September 2009 and (c) Report by the Acting Director of Social Work Services submitted to the meeting of the Housing and Social Care Committee held on 1 September 2009.

Councillor Goldie, seconded by Councillor Blackwood, moved that Council endorses the proposal to continue the contract with Care Visions, on an interim basis, for the provision of medium term care within the Council area for 4 young people.

By way of an Amendment, Councillor Alexander, seconded by Councillor Kenna, moved that Council:-

“Agrees with the statement made by the current Leader of Falkirk Council that failure to deliver the three new centres committed to by the previous SNP/Independent Administration would be a betrayal of the children of Falkirk.

Council therefore agrees to honour this commitment and asks officers to bring forward options for a new build centre”.

On a division, 16 Members voted for the Motion and 12 voted for the Amendment, with one abstention.

Accordingly, **AGREED** to continue the contract with Care Visions, on an interim basis, to provide medium term care within the Council area for 4 young people.

#### **FC52. TOWN CENTRES STRATEGY – BO'NESS INITIATIVE**

In terms of the Council's Scheme of Delegation, this item had been called into Council by Councillors A MacDonald, Coleman and Oliver.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Economic Strategy and Development Committee held on 22 September 2009 and (b) Report by the Director of Community Services submitted to the meeting of the Economic Strategy and Development Committee held on 22 September 2009.

Councillor C Martin, seconded by Councillor Lemetti, moved that Council notes the progress made on the Bo'ness Harbour and Foreshore project.

By way of an Amendment, Councillor Constable seconded by Councillor A MacDonald moved that Council:-

“notes the failure to properly engage the Bo'ness public in a consultation exercise with proposed changes to the original scheme of regeneration and roundly condemns this important omission.

Council therefore agrees to ensure that the community of Bo'ness are fully engaged in all future deliberations on this important strategy.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 29 Members present, with voting as undernoted:-

For the Motion (16) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, Nicol, Nimmo, Patrick and Waddell.

For the Amendment (13) – Councillors Alexander, Carleschi, Coleman, Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

Accordingly, **AGREED** to note the progress made on the Bo'ness Harbour and Foreshore Project, as detailed in the Report.

### **FC53. APPOINTMENT TO EXTERNAL ORGANISATIONS AND COMMITTEES**

There was submitted Report (circulated) dated 11 September 2009 by the Acting Director of Law and Administration (a) providing details of resignations received from external organisations in respect of Paragon Housing Association, Weslo Housing Association and the COSLA Health and Wellbeing Executive Groups (b) seeking nominations to the said organisations and (c) advising of a request received from the Scottish Parliament Cross Party Group on Supporting Veterans in Scotland requesting the Council appoints a “Veterans Champion”.

#### **COSLA Health and Wellbeing Executive Group**

Councillor Gow, seconded by Councillor Nicol, nominated Councillor C MacDonald.

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

On a division, 16 Members voted for Councillor C MacDonald and 13 voted for Councillor Meiklejohn.

Accordingly, **AGREED** to appoint Councillor C MacDonald to the COSLA Health and Wellbeing Executive Group.

**Paragon and Weslo Housing Association**

Councillor Gow, seconded by Councillor Nicol, moved that consideration of these positions be continued to allow for advice to be obtained on the role of members on external organisations .

By way of an Amendment, Councillor Alexander, seconded by Councillor Coleman, nominated Councillor Meiklejohn for both organisations.

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

Accordingly, **AGREED** to continue consideration of the vacancies at the Paragon and Weslo Housing Associations to allow for advice to be obtained on the role of elected Members on external organisations.

**Scottish Parliament Cross Party Group on Supporting Veterans in Scotland – Veterans Champion**

**AGREED** to appoint Councillor Spears as Falkirk Council's Veterans Champion.

**FC54. 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 involve the likely disclosure of exempt information as defined in Paragraphs 11 & 12 of Part 1 of Schedule 7A of the said Act.

In accordance with her declaration of interest in the following items of business, Councillor Gow left the meeting and took no part in the discussions or decisions.

**FC55. SINGLE STATUS, EQUAL PAY AND CRAFT PAY AND CONDITIONS UPDATE**

With reference to Minute of Meeting of Falkirk Council held on 24 June 2009 (Paragraph FC33 refers), there was submitted joint Report (circulated) dated 24 September 2009 by the Directors of Corporate and Neighbourhood Services, of Development Services and of Finance Services providing an update on (a) on-going negotiations with employee representatives to progress out of court settlements for outstanding equal pay claims and (b) the consultation process with Trade Unions and employees in respect of the implementation of the new pay and conditions package for craft workers.

**NOTED.**

**FC56. EXTRACT OF MINUTE OF MEETING OF FALKIRK COUNCIL  
HELD ON 24 JUNE 2009 – SINGLE STATUS, EQUAL PAY AND  
CRAFT PAY AND CONDITIONS UPDATE**

With reference to the Minute of the Meeting of Falkirk Council held on 24 June 2009 (Paragraph FC33 refers), which had been earlier approved by Council, there was submitted and **APPROVED** the Minute of Item FC33 – Single Status, Equal Pay and Craft Pay and Conditions containing exempt information in terms of Schedule 7A of the Local Government (Scotland) Act 1973.

**Note Agenda Item 13. Single Outcome Agreement 2009/2011 – Update was not considered at this meeting and was instead considered by Council at a Special Meeting held on 29 October**