

**DRAFT****FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 OCTOBER 2009 at 10.30 AM.**

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

**CONVENER:** Provost Reid.

**APOLOGIES:** Councillors Constable, Fry, and Nichol.

**ATTENDING:** Chief Executive; Directors of Development Services, of Education Services and Finance Services; Acting Directors of Law and Administration Services and of Social Work Services; Heads of Culture and Lifelong Learning, of Facilities Management and of Policy and Performance Review; Acting Head of Planning and Transportation and Democratic Services Manager.

**DECLARATIONS  
OF INTEREST:**

None.

**FC59. 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 Notices of Motion have been recorded in the order that they were taken at the meeting.

**FC60. NOTICES OF MOTION**

**Proposed Railway Stations**

Councillor Coleman, seconded by Councillor A MacDonald moved that:-

“In response to the positive results of the public consultations on the proposed railway stations at Bonnybridge and Grangemouth carried out by Michael Matheson MSP and Jamie Hepburn MSP, also acknowledging the support of Cathy Peattie MSP, Council instructs that officers commission Scottish Transport Appraisal Guidelines Reports for Bonnybridge and Grangemouth to allow these projects to advance”.

By way of an Amendment, Councillor Buchanan, seconded by Councillor C Martin, moved that:-

“Council continues to support the opening of a new Grangemouth Railway Station and a new Bonnybridge Railway Station. Council praises the work being undertaken by Council officers, SEStran and the local Grangemouth Transport Forum in pursuing an integrated comprehensive solution to transport issues in Grangemouth and the Falkirk area as a whole.

Council instructs Officers to continue to work with Transport Scotland, SEStran and the local communities to seek funding from the Scottish Government to fund a wider STAG exercise for improving transport links.

However, Council totally condemns the lack of vision by minority SNP Scottish Government in shelving the Edinburgh Airport Railway Link and Glasgow Airport Railway Link and refusing to fund for the foreseeable future the A801 Avon Gorge link and notes the failure to prioritise these and other improvements which will have an adverse effect on economic growth and the environment not only in Falkirk but Scotland as a whole”.

On a division 12 Members voted for the Motion and 16 for the Amendment.

Accordingly, **AGREED** the terms of the Amendment.

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

### **Housing and Social Care Committee**

Councillor Meiklejohn, seconded by Councillor McNally, moved that:-

“Council notes with disappointment that since the media comment by the Convener of the Housing and Social Care Committee in the summer of 2007 that the Housing Department would extend into loft space to deal with overcrowding not one single property has been extended in such a manner.

Council finds this unacceptable, particularly as a number of properties have been identified as suitable for such alterations but, to date, no action has been taken to alleviate these families’ problems.

Council therefore calls on the Director of Corporate and Neighbourhood Services to advise what action has been taken by the Council to extend houses into their loft spaces or to bring a report to the next meeting of the Housing and Social Care Committee outlining why these works cannot proceed”.

By way of an Amendment, Councillor Gow, seconded by Councillor C MacDonald, moved that:-

“Council commends the Convener and Director of Corporate and Neighbourhood Services for the work that they have carried out in regard to

extensions and conversions and looks forward to a report in this respect at the next meeting of Housing and Social Services Committee”.

Following discussion and in terms of Standing Order 25.2(ii) Councillor Gow, seconded by Councillor Nimmo, moved that “the question now be put”. Said motion was agreed unanimously following which the mover of the original Motion had the opportunity to speak in reply before the Motion was put to the vote.

On a division, 11 Members voted for the Motion and 16 for the Amendment.

Accordingly, **AGREED** the terms of the Amendment.

Council then adjourned for lunch at 1.00 pm and reconvened at 1.45 pm with all Members present as per the sederunt with the exception of Councillors Nimmo and Spears, the latter of whom rejoined the meeting during the course of the following item.

### **Air Weapons**

Councillor Oliver, seconded by Councillor Meiklejohn, moved that:-

“Council notes with disappointment the UKL government’s refusal to devolve control of air weapons to the Scottish Parliament or bring forward their own legislation to ban or license these weapons despite the recommendations of the Calman Commission.

Council therefore agrees to ask Council’s Legal Officers to bring forward proposals for the development of appropriate by-laws to address the nuisance and danger caused by air weapons in this area”.

By way of an Amendment, Councillor C MacDonald, seconded by Councillor C R Martin, moved:-

“This Council condemns the illegal use of fire arms or air weapons in Scotland. This Council commends the UK Government for its foresight in commissioning the report from Lord Calman to look at the current and future powers of the Scottish Parliament. This Council also commends the Conservative and Liberal Democrat Parties for their support in taking this Commission forward. This Council believes that the UK Government is correct to take the time to decide how it will implement the recommendations within the Calman Report and condemns any attempt to cherry pick the Report without consideration to it as a whole”.

Thereafter, in terms of Standing Order 19.7 and with the consent of the Provost and Councillor C R Martin, as seconder, Councillor MacDonald altered the text of his Amendment to remove the words “UK Government for its” and substitute therefore “Labour, Conservative and Liberal Democratic parties for their”.

On a division, 11 Members voted for the Motion and 15 for the Amendment, with one abstention.

Accordingly, **AGREED** the terms of the Amendment.

### **Woodburn Day Nursery**

Councillor Alexander, seconded by Councillor Meiklejohn, moved that:-

“Council notes that despite the axe hanging over it and education officials actively discouraging registration the intake at the Woodburn Day Nursery has gone up by around 12% this session.

Council therefore recognises that there is not only clear public support for the retention of the nursery, almost 900 letters of objection, but also a clear demand for the services the nursery offers.

Council therefore agrees to reverse the decision to close the nursery school”.

By way of an Amendment, Councillor Waddell, seconded by Councillor Patrick, moved that:-

“Council reaffirms its previous decision to amalgamate the Queen Street and Woodburn Road nurseries. Council believes that this new improved service to its young citizens delivers an enhanced service and wider access for parents in this area”.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 27 Members present, with Members voting as undernoted:-

For the Motion (12) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Oliver, Spears and Thomson.

For the Amendment (15) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Patrick and Waddell.

Accordingly, **AGREED** the terms of the Amendment.

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

### **Standing Orders**

Councillor Alexander, seconded by Councillor Coleman, moved that:-

“Council notes with concern the recent tactic of excluding opposition members of committees from debate and voting.

Council agrees that this practice is undemocratic and represents a flaw in the interpretation of Council Standing Orders, exploited for partisan reasons.

In order to ensure fairness Council resolves to amend Standing Orders 26.1 and 26.2 to read as follows:-

26.1 The Provost may check a Councillor for irrelevance, tedious repetition, failure to address the Chair, unbecoming language, reflections of a personal character on another Member or any breach of order and may direct such Councillor speaking to discontinue his or her speech. In doing so the Provost will identify the misconduct which will be recorded in the minute of the meeting.

26.2 In the event of persistent misconduct of a Councillor by disregarding the ruling of the Provost, or behaving improperly or offensively, or using racist or sexist or unbecoming language, or wilfully obstructing the business of the meeting, the Provost may direct the Councillor to refrain from speaking during the remainder of the debate on the matter under discussion. In doing so the Provost will identify the misconduct which will be recorded in the minute of the meeting.

Insert a new 26.3

In the event of further misconduct by the same Councillor the Provost will have the option to:-

1. Move that the Councillor named “be not further heard”. This motion will require to be seconded and the named Councillor will have the right to reply to it before the motion is put to a simple vote. The misconduct giving rise to the motion will be identified by the Provost and recorded in the minute of the meeting. If the Councillor named continues the misconduct after the motion has been carried and does not heed a further warning from the Provost (which warning together with the misconduct that gave rise to it will be recorded in the minute of the meeting), the Provost is empowered to require the Councillor to leave the meeting”.

By way of an Amendment, Councillor Gow, seconded by Councillor C MacDonald, moved that:-

“Council abhors the recent behaviour of a minority of Members who are failing to show courtesy and respect by not adhering to Standing Orders. Council rejects the motion put forward to Falkirk Council regarding the changes to Section 26 Misconduct on the basis that it promotes this behaviour and is unworkable in a modern Council”.

On a division 12 Members voted for the Motion and 14 for the Amendment.

Accordingly **AGREED** the terms of the Amendment.