

AGENDA ITEM 1(a)
DRAFT

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 9 DECEMBER 2009 at 10.00 AM.

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

CONVENER: Provost Reid.

APOLOGIES: Councillors Fry and Goldie.

ATTENDING: Chief Executive; Directors of Community Services; of Development Services; of Education Services and of Finance Services; Acting Directors of Law and Administration Services and of Social Work Services; Heads of Facilities Management and of Human Resources; Human Resources Manager; Facilities Manager (Maintenance) and Democratic Services Manager.

DECLARATIONS OF INTEREST:

Councillor Mahoney declared a non-financial interest in item FC77 as a member of Friends of Historic Scotland and the Friends of Kinneil Management Committee but did not consider that this required him to recuse himself from consideration of the item, standing the code of conduct.

Councillor McNally declared a non-financial interest in item FC77 as a member of Friends of Dunipace, but did not consider that this required him to recuse himself from consideration of the item, standing the code of conduct.

FC63. PROVOST'S REMARKS

Prior to the commencement of formal business, Provost Reid congratulated Councillor Ritchie on her election as Member for Bo'ness and Blackness and welcomed her to Falkirk Council.

Provost Reid also offered congratulations in relation to the following :-

- an award for the most improved Building Maintenance Service in Great Britain to Falkirk Council's Building Maintenance Team;
- the award of a contract for new Council housing to the Building Maintenance Team;
- the award of Investors in People accreditation to Housing Services;

- Denny High School coming 3rd in the Scottish Enterprising Maths competition.

FC64. 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.

FC65. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 7 October 2009;
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 27 October 2009;
- (c) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 29 October 2009, subject to the inclusion of Councillor Nimmo in the sederunt;
- (d) There was submitted (circulated) and **APPROVED** Minute of second Special Meeting of Falkirk Council held on 29 October 2009, subject to the inclusion of Councillor Nimmo in the sederunt;
- (e) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2009/2010; and
- (f) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2009/2010.

FC66. QUESTION

Question by Councillor D Alexander

“In the report that relates to the minute reference FC47, can you advise what proportion of the Arts Development Officer’s salary was used to calculate the operating costs of the Park Gallery?”

Response by Provost Reid

In respect of the report on the Park Gallery, the staff costs did not include the cost of the Arts Development Officer. The costs identified were for the Visual Arts Assistants.

**FC67. LOCAL GOVERNMENT BY-ELECTION:
WARD 1 – BO’NESS AND BLACKNESS**

There was submitted Report (circulated) dated 23 November 2009 by the Returning Officer advising of the result of the By-election for the Bo’ness and Blackness Ward (Ward 1) and confirming the election of Councillor Ann Ritchie as local member.

NOTED.

FC68. APPOINTMENTS TO COMMITTEES

There was submitted Report (circulated) dated 1 December 2009 by the Acting Director of Law and Administration Services (a) detailing the composition of the Council following the Ward 1 – Bo’ness and Blackness By-election, (b) advising of vacancies on and resignations from Committees, and (c) noting the remuneration arrangements for senior Councillors.

Policy and Resources Committee

NOTED that Councillor Jackson had resigned and **AGREED** to appoint Councillor Hughes to this Committee.

Central Scotland Valuation Joint Board

NOTED that Councillor Jackson had resigned and **AGREED** to appoint Councillor Ritchie to the Joint Board.

Environment and Community Safety Committee

NOTED that Councillor Hughes had resigned and **AGREED** to appoint Councillor Ritchie to this Committee.

Economic Strategy and Development Committee

NOTED that Councillor Hughes had resigned and **AGREED** to appoint Councillor Jackson to this Committee.

Education Committee

NOTED that Councillor Hughes had resigned and **AGREED** to appoint Councillor Ritchie to this Committee.

Housing and Social Care Committee

NOTED that Councillors Coleman and Goldie had resigned and **AGREED** to appoint Councillors Jackson and McLuckie respectively to the Committee and Councillor Blackwood as Convener.

Joint Consultative Committee

NOTED that Councillor Thomson had resigned and **AGREED** to appoint Councillor McNally to this Committee.

Licensing Board

NOTED that Councillor McNally had resigned and **AGREED** to appoint Councillor Jackson to the Board.

Appeals Committee

NOTED that there was a vacancy on this Committee following the passing of Councillor Harry Constable and **AGREED** to appoint Councillor Alexander to this Committee.

NOTED the withdrawal by Councillor McLuckie of his resignation as Convener and **AGREED** to re-appoint him to that position.

Planning Committee

NOTED that there was a vacancy on the Committee following the passing of Councillor Harry Constable and **AGREED** to appoint Councillor Thomson to this Committee.

NOTED the resignation of Councillor Nicol as Depute Convener.

Councillor Gow, seconded by Councillor Nicol, nominated Councillor McLuckie as Depute Convener of the Planning Committee.

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

On a division, 16 Members voted for Councillor McLuckie and 14 voted for Councillor Constable.

Accordingly, **AGREED** to appoint Councillor McLuckie as Depute Convener of the Planning Committee.

FC69. BETTER ASSETS, BETTER SERVICES ASSET MANAGEMENT PLAN: OFFICE ACCOMMODATION – EDUCATION 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 17 November 2009, and (b) Joint Report by the Directors of Community Services and of Education Services submitted to the said meeting advising that, in terms of on-going work in relation to options for the Council's office accommodation requirements across all Services, an

opportunity had arisen to relocate Education Services' staff from both their Headquarters at McLaren House and office accommodation in Haypark, Polmont to an identified site at 2 Inchyra Road, Grangemouth.

Councillor Gow, seconded by Councillor McLuckie, moved the recommendation as contained in the Report.

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

“A decision on the relocation be not taken at this meeting but that the matter be referred to the Best Value Forum with all outstanding issues in the paper being addressed as part of that process before a final decision is taken”.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 30 Members present, with voting as undernoted :-

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

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

Accordingly **AGREED** to :-

- (a) make the necessary arrangements to relocate Education Services' administrative headquarters to 2 Inchyra Road, Grangemouth, and
- (b) terminate the lease of McLaren House and other Haypark offices, effective from 31 July 2010.

FC70. REFERRAL FROM POLICY AND RESOURCES COMMITTEE – 17 NOVEMBER 2009 – ASSETS SURPLUS TO OPERATIONAL REQUIREMENTS

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 17 November 2009, (b) Report by the Director of Community Services submitted to the said meeting, and (c) Joint Report dated 2 December 2009 by the Directors of Community Services and of Education Services expanding on the earlier report and addressing the matters raised by Members during their consideration thereof at the said meeting of the Policy and Resources Committee.

Councillor Gow, seconded by Councillor McLuckie, moved that:-

“The sites at the former Maddiston Primary School and Torwood School be declared surplus to operational requirements and authorise the Director of Community Services to market them for disposal to ensure the Council obtains

best value, once an investigation of affordable housing options has been concluded and market conditions are favourable subject to the caveat that, with regard to Maddiston Primary School, if it is subsequently demolished, a section of masonry which the Council identifies as being of historic or architectural merit shall be returned to the ownership of the Council for such future use as shall be deemed appropriate.”

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

“Should consult with all groups in Maddiston to gain views and opinions as to the future use of Maddiston Primary School and its demolition is put on hold until those opinions have been sought.”

Following discussion, and in terms of Standing Order 25.2 (ii), Councillor Gow, seconded by Councillor Alexander, moved that “the question now be put”. All Members being in agreement thereto.

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 30 Members present with voting as undernoted:-

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

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

Accordingly **AGREED** that:-

- (1) the sites at the former Maddiston Primary School and Torwood School be declared surplus to operational requirements and that the Director of Community Services be authorised to market them for disposal to ensure the Council obtains best value, once an investigation of affordable housing options has concluded and market conditions are favourable, and
- (2) with regard to Maddiston Primary School, if it is subsequently demolished, a section of the masonry which the Council identifies as being of historic or architectural merit shall be returned to the ownership of the Council for such future use as shall be deemed appropriate.

FC71. EXECUTION OF DEEDS

There was submitted Report (circulated) dated 20 November 2009 by the Acting Director of Law and Administration advising of those deeds which had been signed and sealed on behalf of the Council since its meeting on 7 October 2009.

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.

FC72. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REVISION TO NEW RESOLUTION

With reference to the Minute of the Meeting of Falkirk Council held on 7 October 2009 (Paragraph FC 45 refers), there was submitted Report (circulated) dated 1 December 2009 by the Director of Development Services presenting for approval by Council a revised Resolution in terms of Section 9 of the Civic Government (Scotland) Act 1982, said resolution having been addressed and having attracted no representations.

AGREED to:-

- (1) make the revised Resolution in terms of the Report approved by Environment & Community Safety Committee on 18 August 2009 and Falkirk Council on 7 October 2009, and
- (2) approve the publication of a notice in the Falkirk Herald on 17 December 2009, which shall inter alia identify that the revised Resolution would come in to operation on 10 October 2010.

FC73. REFERRAL FROM AUDIT COMMITTEE – 16 NOVEMBER 2009 – FINANCIAL REGULATIONS

There was submitted (circulated) (a) Report by the Director of Finance Services, (b) Extract of Minute of Meeting of the Audit Committee held on 16 November 2009, and (c) Report by the said Director submitted to the said meeting (i) advising of a review of the Council's Financial Regulations, (ii) highlighting proposed changes to the Regulations and (iii) presenting, as an appendix, the revised Financial Regulations for approval.

AGREED to approve the proposed revisions to the Council's Financial Regulations as detailed in the Report.

Council then adjourned for lunch at 1.05pm and reconvened at 1.45pm with all Members present as per the sederunt.

FC74. NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR PERSONAL AND NURSING CARE OF OLDER PEOPLE

There was submitted Report (circulated) dated 16 November 2009 by the Acting Director of Social Work Services (a) advising of guidance on the National Eligibility Criteria and Waiting Times for Personal and Nursing Care of Older People which had been issued jointly by the Scottish Government and COSLA, and (b) setting out proposals for the implementation of the guidance.

Councillor Blackwood, seconded by Councillor McNeill, moved the recommendations as detailed in the Report.

By way of an Amendment, Councillor Meiklejohn, seconded by Councillor McNally moved that, in addition to agreeing recommendation 7.(1) of the Report, Council agrees to:-

- (2) implement the Sutherland Recommendations on Free Personal Care only and welcomes the additional financial resources allocated by the SNP Government, and
- (3) refer the matter of the qualification for non free personal care services to a Special Meeting of Housing and Social Care Committee to properly scrutinise the contents of the Report and its impact on existing and future services users.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 30 Members present, with voting as undernoted :-

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

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

Accordingly, **AGREED**:-

- (1) to note the guidance issued by the Scottish Government relating to National Eligibility Criteria as set out in the Appendix to the Report, and
- (2) to approve the proposals for the implementation of the guidance as detailed in paragraphs 5.1 to 5.7 of the Report.

FC75. ALLOCATIONS POLICY IMPLEMENTATION

With reference to the Minute of the Special Meeting of the Housing and Social Services Committee held on 9 December 2008 (Paragraph HSS63 refers), there was submitted Report (circulated) dated 17 November 2009 by the Director of Corporate and Neighbourhood Services (a) summarising proposals to implement an Integrated Housing Management System (IHMS) in January 2010, (b) setting out proposals for the allocation of adapted houses and Housing with Care and (c) proposing the re-categorisation of properties, currently designated as Housing for the Elderly, as either mainstream housing or Level 3 Housing with Care.

Councillor Blackwood, seconded by Councillor McNeill moved the recommendations as detailed in the Report, namely that Council:-

- (1) notes the progress of transition to the revised Allocations Policy and Choice Based Lettings system approved in December 2008;
- (2) notes the timetable for implementation of the new allocation arrangements with effect from 5 January 2010;
- (3) approves the inclusion in the Allocations Policy of the arrangements for letting adapted houses and Housing with Care as attached at Appendices 1 & 2, and
- (4) approves re-categorisation of the properties listed in Appendix 3 as either Level 3 Housing with Care or mainstream housing as set out in that document.

Following discussion regarding the proposed re-categorisation of properties listed in Appendix 3 of the Report (Recommendation 4), there followed a short adjournment at 3.20 p.m.

The meeting re-convened at 3.40 p.m with all Members present as per the sederunt.

In accordance with Standing Order 19.7 Councillor Blackwood, with the consent of the Provost and Councillor McNeill, as his seconder, agreed to adjust paragraph (4) of his Motion to read:-

- (4) “agrees to categorise the properties listed in Appendix 3 as Level 3 Housing with care on a temporary basis, pending further scrutiny and consideration of the proposals for these properties by the Housing and Social Care Committee at its next meeting in February 2010.”

Accordingly **AGREED** to :-

- (1) note the progress of transition to the revised Allocations Policy and Choice Based Lettings system approved in December 2008;
- (2) note the timetable for implementation of the new allocation arrangements with effect from 5 January 2010;
- (3) approve the inclusion in the Allocations Policy the arrangements for letting adapted houses and Housing with Care as attached at appendices 1 & 2, and
- (4) agrees to categorise the properties listed in Appendix 3 as Level 3 Housing with care on a temporary basis, pending further scrutiny and consideration of the proposals for these properties by the Housing and Social Care Committee at its next meeting in February 2010.

FC76. FINANCIAL POSITION

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 20 October 2009 and (b) Report by the Director of Finance Services submitted to the said meeting.

Councillor Gow, seconded by Councillor C MacDonald, moved the recommendations as detailed in the Report.

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

“notes the continued failure of the Administration to accept the principle of corporate responsibility for the continued budget deficits.

This is best highlighted by the statement of the Convener of Housing and Social Care Committee who admitted that he was “left to get on with it” at the recent meeting of the full Council.

Council therefore re-affirms the previously established requirement for the current Administration to embrace the principles of corporate responsibility and corporate management.

To achieve this Council agrees to the establishment of an all party working group made up of the leaders and deputies of the Labour and SNP groups, the leader of the Conservative Group, one aligned and one non Aligned Independent.

The purpose of the Working Group would be to undertake a full scrutiny of the areas of budgetary pressure including detailed scrutiny of the actions being taken to deal with these pressures and the impact this is having on front line services.

The Working Group will meet as often as a minimum of three members of the group feel appropriate and report back to the council with any recommendations the majority of the group feel appropriate with provision provided for the production of minority reports.”

Following discussion, and in terms of Standing Order 25.2(ii), Councillor Gow, seconded by Councillor Mahoney moved that “the question now be put.” All Members being in agreement thereto, and the mover of the original motion foregoing her right to speak in reply, the Motion was put to the vote.

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

Accordingly, **AGREED** to reaffirm that Directors should take appropriate action to bring spending into line with the approved budget.

NOTED the:-

- (1) latest projection of the amount of expenditure which is likely to be incurred in 2009/10, and

- (2) details of the Draft Scottish Budget 2010/11 and its likely effect on the Council's finances as outlined in the Report.

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

FC77. REFERRAL FROM LEISURE, TOURISM AND COMMUNITY – 15 SEPTEMBER 2009 – THE ANTONINE WALL

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 20 October 2009 and (b) Joint Report by the Directors of Community Services and of Development Services submitted to the said meeting.

Councillor Mahoney, seconded by Councillor Nimmo, moved the recommendation as detailed in the Report.

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

“The establishment of a Working Group to develop a strategy and vision for the Antonine Wall and the Kinneil Estate for the benefit of the Falkirk Council area to ensure full advantage of heritage and tourism opportunities.”

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, Gow, Lemetti, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick and Waddell.

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

Accordingly **AGREED**, in principle, to part fund the post of Antonine Wall Co-ordinator in Year 3 (2011/2012) of the initial 3 year term, subject to funds being available.

In accordance with Standing Order 31.1, Provost Reid moved, Councillor Gow seconded and Council agreed unanimously to extend the time of the meeting to allow the following item to be dealt with but thereafter to adjourn the meeting to a future date with all items on the agenda not yet considered to be continued to that meeting.

FC78. BIG IN FALKIRK – SCOTLAND’S NATIONAL STREET ARTS FESTIVAL

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Leisure Tourism and Community Committee held on 24 November 2009, and (b) Report by the Director of Community Services submitted to the said meeting.

Councillor Mahoney, seconded by Councillor Nimmo moved the recommendations as detailed in the Report.

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

- (1) “notes that the Contract with UZ Limited concluded at the end of 2009;
- (2) agrees that there would be a “Big in Falkirk” event in 2010 funded by the budget allocated, and
- (3) that an all party working group be established to develop options for future events and report the outcome to the Leisure, Tourism and Community Committee.

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

Accordingly, **AGREED** that there would be no ‘Big in Falkirk’ event in 2010, and that alternative options be considered should funds become available.