

FALKIRK COUNCIL**MINUTE of STATUTORY MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 18 MAY 2007 at 10.30 AM.**

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

CONVENER: Chief Executive (items 1 and 2)
Provost Reid (item 3 onward)

ATTENDING: Chief Executive; Directors of Community Services, of Corporate and Commercial Services, of Finance, of Development Services, of Education and of Housing and Social Work Services; Acting Director of Law and Administration and Democratic Services Manager.

FC4. ELECTION OF FALKIRK COUNCILLORS

There was submitted Report (circulated) dated 4 May 2007 by the Returning Officer detailing (a) the Councillors elected to Falkirk Council following the ordinary Elections held on 3 May 2007, and (b) the political balance of the Council.

NOTED the results of the Elections held on 3 May 2007 and the political balance of the Council.

FC5. ELECTION OF PROVOST AND DEPUTE PROVOST

There was submitted Report (circulated) dated 11 May 2007 by the Chief Executive advising of the requirement under the Local Government (Scotland) Act 1994 to elect a Councillor to the position of Convener (and known traditionally by the title of 'Provost') at the Statutory meeting of the Council following the ordinary Elections held on 3 May 2007 and highlighting the position in relation to remuneration. The report also referred to the discretion afforded to the Council in the appointment of a Depute Convener or Depute Provost.

The Chief Executive invited nominations for the office of Provost.

Councillor Alexander, seconded by Councillor Coleman nominated Councillor Spears.

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

At this point Council agreed to a short adjournment to enable members to consider a proposal from Councillor Alexander that whichever political group lost the vote to

appoint a member as Provost, that Group would not then challenge nominations from the winning Group to other office bearer positions. The meeting was re-convened at 10.45am with members and officers present as per the sederunt and with Members in agreement to the proposal as aforesaid.

There being just two nominations to the office of Provost, the Council proceeded to a simple vote. In terms of Standing Order 21.4(i) a vote was taken by way of a roll call, there being 32 members present, with members voting as undernoted:-

For Councillor Spears(16):- Councillors Alexander, Carleschi, Coleman, H Constable, J Constable, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Nicol, Oliver, Patrick, Spears and Thomson.

For Councillor Reid (16):- Councillors Black, Blackwood, Buchanan, Fry, Goldie, Gow, Lemetti, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill, Nimmo, Reid and Waddell.

There being an equality of votes and in accordance with Standing Order 22.2, the Council proceeded to elect the Provost by lot in the form of a cut of a pack of playing cards.

Councillor Reid drew the 10 of spades.
Councillor Spears drew the 4 of clubs.

Accordingly, **AGREED** to elect Councillor Reid as Provost of Falkirk Council and to remunerate that position in accordance with the requirements of the Local Governance (Scotland) Act 2004 (remuneration) Regulations 2007.

Councillor Reid, in accepting the nomination, took the Chair and undertook to work in the best interests of the Council.

Council having **AGREED** to appoint a Deputy Provost, the Provost then invited nominations for that office.

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

There being no other nominations, **AGREED** to elect Councillor Black, who accepted the nomination, as Deputy Provost.

Thereafter Council agreed to a further short adjournment and reconvened at 11.15am with all members and officers present as per the sederunt.

FC6. MEMBERSHIP OF COMMITTEES, ETC. AND APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS

There was submitted Report (circulated) dated 8 May 2007 by the Acting Director of Law and Administration Services inviting (a) determination of the basis on which places to Committees etc. will be allocated in terms of the political balance of the Council; (b) nominations to the Standing Committees of the Council, Joint Boards, Fife and Forth Valley Community Justice Authority; (c) determination of the size of the Licensing Board and the membership thereof, and (d) where appropriate, nominations to the positions of Convener and Deputy Convener.

There was also submitted supplementary report (circulated) dated 16 May 2007 by the Acting Director of Law and Administration Services advising that Councillors Buchanan and Waddell had given notice since the agenda was issued that they had formed an Independent Group and that they wished to be considered collectively for the purpose of appointing Members to Committees etc. The report detailed the subsequent changes to the political composition of the Council and the associated impact on the breakdown of membership on Committees etc. and other bodies.

Council agreed to adjourn at 11.30am to enable members to consider the terms of a proposal from Councillor Alexander to amend the Committee structure and the allocation of places on Committees etc. The meeting was re-convened at 12.15pm with all Members and Officers present as per the sederunt.

Councillor Alexander, seconded by Councillor Coleman moved that Council agrees that its committee structure is in need of modernisation and reform. Council therefore calls on officers to bring forward a report on an amended structure that will contain:-

1. An unchanged Policy and Resources Committee
2. Four scrutiny committees of:-
 - Education
 - Housing, Health & Social Work
 - Communities
 - Strategic Sustainable Environment.
3. An unchanged Regulatory Committee.
4. A Licensing Board with 10 Members.
5. A Civic Licensing Committee matching the membership of the Licensing Board.
6. Unchanged JCC, Appeals, Appointments and Investment Committees.

Council also affirms that all four scrutiny committees shall include outside representatives from community and stakeholder groups and be structured in a manner to meet the community planning and inclusion agendas of Falkirk Council.

Council therefore agrees to nominate conveners and deposes to these committees today and accepts slates of candidates for membership of these committees as soon as possible from the groups. Where agreement cannot be reached on membership this will be determined on the date officers return to Council with a detailed report.

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

- (1) agrees its political composition for the purposes of Committee membership as follows:-

Number On Committee	Allocation
3 (Fife and Forth Valley Community Justice Authority)	Labour 1 SNP 1 1 Conservative or 1 Independent or the non aligned Independent

6 (Appointments, Investment, Fire Board & Police Board)	Labour 3 SNP 2 1 Conservative <u>or</u> 1 Independent <u>or</u> the non aligned Independent
8 (P&R, Valuation Board & Appeals)	Labour 4 SNP 3 1 Conservative <u>or</u> the non aligned Independent
10 (JCC)	Labour 4 SNP 4 1 Conservative or the non aligned Independent <u>and</u> 1 Independent
12 (Scrutiny Committees, Regulatory and Civic Licensing)	Labour 5 SNP 5 1 conservative <u>or</u> the non aligned Independent <u>and</u> 1 Independent

- (2) agrees that there be submitted to the Acting Director of Law and Administration appropriate nominations of Members to the various standing Committees of the Council and Joint Boards in terms of the political balance noted above;
- (3) where agreement cannot be reached on the allocation of committee places between the Conservative Group, Independent Group or the non-aligned Independent then these positions will be determined by Council at a future Meeting;
- (4) appoints Members to the positions of Conveners and Depute Conveners of Committees, as follows:-

Policy and Resources

Convener - Cllr Gow

Depute Convener - Cllr Nimmo

Community Health and Safety

Convener – Cllr C MacDonald

Depute Convener – Cllr McLuckie

Economic Development

Convener - Cllr C Martin

Depute Convener - Cllr Lemetti

Education and Leisure

Convener - Cllr Waddell

Depute Convener - Cllr C Martin

Environment and Heritage

Convener - Cllr Mahoney
Depute Convener – Cllr C R Martin

Housing and Social Services

Convener – Cllr Goldie
Depute Convener – Cllr McNeill

Regulatory

Convener - Cllr Buchanan
Depute Convener – Cllr Fry

- (5) agrees to appoint Conveners and Depute Conveners of the Appeals, Appointments, Civic Licensing, Investment and Joint Consultative Committees at the next meeting of Council;
- (6) agrees to introduce compulsory training for members appointed to the Appeals Committee, Appointments Committee, Civic Licensing Committee, Investment Committee and Regulatory Committee, and
- (7) agrees to establish a Licensing Board of 10 Members, with members being appointed in accordance with the political balance noted above.

On a division, 14 members voted for the Motion and 18 voted for the Amendment.

Accordingly, **RESOLVED** in terms of the Amendment.

It was further **AGREED** that the requirement to carry out disclosure checks for members appointed to the Housing and Social Work Committee and the Education and Leisure Committee be extended to all members of the Council.

FC7. LOCAL GOVERNANCE (SCOTLAND) ACT 2004 – REMUNERATION

With reference to Minute of Meeting of the Policy and Resources Committee held on 16 January 2007 (Paragraph PR92 refers), there was submitted Report (circulated) dated 14 May 2007 by the Acting Director of Law and Administration Services outlining the statutory remuneration regime as it relates to members of local authorities and inviting members to determine a remuneration framework for the Council.

AGREED:-

- (1) to designate Councillor Gow as Leader of the Council;
- (2) to introduce 14 Senior Councillor positions with 8 of the positions to receive remuneration at the rate of £20,753 p.a. and 6 to receive remuneration at the rate of £17,400 p.a. with further detail of the positions so rewarded to be submitted to the Acting Director of Law and Administration Services by the Leader of the Council and thereafter reported to Council; and
- (3) that one of the senior councillor positions would be accorded to the leader of the main opposition group.

FC8. APPOINTMENT OF MEMBERS TO OUTSIDE ORGANISATIONS

There was submitted Report (circulated) dated 11 May 2007 by the Acting Director of Law and Administration Services providing information on external bodies (a) which had expressed a wish to have representation from elected members of the Council or (b) to which the Council was obliged to make an appointment.

AGREED:-

- (1) to appoint Councillor C Martin and Councillor Lemetti to be the Council's representative on South East Scotland Transport Partnership (SEStran), and
- (2) to continue consideration of appointments to the remaining external bodies to the next meeting of the Council.

FC9. APPOINTMENT OF EX OFFICIO JUSTICES OF THE PEACE

There was submitted Report (circulated) dated 27 April 2007 by the Acting Director of Law and Administration Services advising of the provisions of the Criminal Proceedings etc (Reform) (Scotland) Act 2007 and the effect this has on the appointment of ex officio justices of the peace.

AGREED not to nominate members for appointment as ex officio justices of the peace for the period up to the date that the provisions of the Criminal Proceedings etc (Reform)(Scotland) Act 2007 take effect.

FC10. PROGRAMME OF MEETINGS – JUNE TO DECEMBER 2007

With reference to Minute of Meeting of Falkirk Council held on 7 March 2007 (Paragraph FC45 refers) there was submitted Report (circulated) dated 23 April 2007 by the Acting Director of Law and Administration Services enclosing as an appendix a proposed Programme of Meetings for the period June to December 2007.

AGREED to approve the Programme of Meetings attached as an appendix to the report and to note that Special Meetings may be called if required.