

**DRAFT**  
**AGENDA ITEM 1(b)**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 7 SEPTEMBER 2010 at 1.00pm.**

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

**CONVENER:** Provost Reid.

**APOLOGIES:** Councillors Coleman, Jackson, C MacDonald and Waddell.

**ATTENDING:** Chief Executive; Director of Finance; Acting Director of Social Work Services; Service Manager (D McCart); Accountancy Services Manager (B Heron); Legal Services Manager (C Moodie) and Democratic Services Manager.

**DECLARATIONS OF INTEREST:**

Councillor Meiklejohn declared a financial interest in Item FC35 on the grounds that a close member of her family was in recipient of (funding for self directed care). She stated that she would take no part in the discussion or decision making on this item. She also declared a non financial interest in item FC34. She indicated that she did not consider that this in its self required her to recuse herself from consideration of the item standing the terms of paragraph 5.18 of the Code of Conduct. She advised that given the close relationship between this item and FC35 and the fact that they were to be discussed at the same meeting, she had reached the view that she could not properly participate in the discussion and decision making on this item.

In accordance with her declarations of interests Councillor Meiklejohn left the meeting at this point.

**FC33. ELIGIBILITY CRITERIA FOR ADULT SOCIAL CARE SERVICES**

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

There was submitted (circulated) (a) Extract of Minute of Meeting of the Housing and Social Care Committee held on 31 August 2010 and (b) Report by the Acting Director of Social Work Services submitted to the meeting of the Housing and Social Care Committee held on 31 August 2010.

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

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

“(1) does no more than note the COSLA position with regard to eligibility criteria and (2) instructs officers to prepare a further Report giving detailed information on the implications of implementing the eligibility criteria”.

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

Accordingly, **NOTED:-**

- (1) the Operational Guidance which has been produced in relation to the implementation of the eligibility criteria relating to adult social care services; and
- (2) that Members will be provided with an opportunity to receive a detailed briefing on how assessment processes operate within Community Care Services.

#### **FC34. DEVELOPMENT OF A CHARGING POLICY FOR NON-RESIDENTIAL ADULT SOCIAL CARE SERVICES**

With reference to Minute of Meeting of Falkirk Council held on 10 February 2010 (Paragraph FC88 refers), there was submitted Report (circulated) by the Acting Director of Social Work Services (a) summarising the outcomes of a consultation in relation to the introduction of charges for non-residential social care services; (b) establishing the general principles for the charging policy; (c) setting out proposed levels of charging including a capped level of maximum charge and income protection; (d) detailing a plan for the implementation of the charging policy; and (e) seeking approval to implement stage 1 of the plan with charges introduced on 1 November 2010.

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

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

- “(1) agrees to note the guidance produced by Cosla on charging for non residential social care services;
- (2) does not agree to implement stage 1 proposals outlined in sections 5 and 6;
- (3) agrees that the elderly and disabled people are part of the “most vulnerable” sections within our communities and council believes that they should be protected; and
- (4) does not agree to a second stage raid on the pockets of elderly and disabled people but instead recognises the improved starting point of the 2010/11 financial years in terms of the carry forward position from 2009/10.

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

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

For the Amendment (11) – Councillors Alexander, Carleschi, Constable, Hughes, Kenna, A MacDonald, McNally, Oliver, Ritchie, Spears and Thomson.

Accordingly, **AGREED** to:-

- (1) note the guidance produced by COSLA on charging for non-residential social care services;
- (2) the implementation of the stage 1 proposals as outlined in sections 5 & 6 of the Report;
- (3) commence work to undertake financial assessments in relation to all service users under the age of 65 and those service users over the age of 65 as required (in line with decisions made in the Comprehensive Spending Review)
- (4) request that the Acting Director of Social Work Services bring an update report to Housing and Social Care Committee in February 2011 to provide an update on the implementation of stage 1 of the charging policy and, a progress report on the completion of financial assessments and detailed proposals for stage 2.