

**AGENDA ITEM 3(a)**  
**Draft**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 14 MARCH 2012 at 9.30 AM.**

**PRESENT:** Provost Reid; Depute Provost Black; Councillors Alexander, Blackwood, Buchanan, Carleschi, Coleman, Goldie (from Item FC96), Gow, Hughes, Jackson, Kenna, A MacDonald, C MacDonald, Mahoney, C Martin, C R Martin, McLuckie (from Item FC95), McNally, McNeill, Meiklejohn, Nicol, Nimmo, Patrick, Ritchie, Spears, Thomson, Turner and Waddell.

**CONVENER:** Provost Reid.

**APOLOGIES:** Councillors Fry, Lemetti and Oliver.

**ATTENDING:** Chief Executive; Directors of Corporate and Neighbourhood Services; of Development Services, of Education Services, and of Social Work Services; Chief Governance Officer; Chief Finance Officer; Heads of Economic Development and Environmental Services; of Human Resources and Customer First, of Operational Service; and of Policy Technology and Improvement; Human Resources Manager; Organisational Development Manager and Revenue Manager; Depute Chief Governance Officer and Democratic Services Manager.

**ALSO**  
**ATTENDING:** Chief Executive and General Manager, Falkirk Community Trust.

**DECLARATIONS**  
**OF INTEREST:** Councillors C R Martin and Gow each declared a non financial interest in Items FC100 and FC112 as members of the Board of the Helix Trust but did not consider that this required them to recuse themselves from consideration of the items, having regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

**FC92. 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.

**FC93. MINUTES AND INFORMATION BULLETIN**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of Falkirk Council held on 7 December 2011;

- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 23 January 2012;
- (c) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of Falkirk Council held on 8 February 2012;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 5 2011/2012; and
- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 5 2011/2012.

**FC94. REFERRAL FROM LEISURE TOURISM AND COMMUNITY COMMITTEE ON 28 FEBRUARY 2012 – CONSERVATION AREAS: APPLICATION FOR ARTICLE 4 DIRECTIONS**

There was submitted (circulated) (a) Report by the Director of Development Services dated 6 March 2012, and (b) Report by the said Director dated 14 February 2012 submitted to the meeting of the Leisure Tourism and Community Committee on 28 February 2012 (i) setting out proposals, to amend a list of the development classes covered by Article 4 Directions, and (ii) seeking authorisation to make the necessary applications to Scottish Ministers.

**AGREED** to authorise officers to make an application to Scottish Ministers for new Article 4 Directions covering all nine conservation areas within the Falkirk Council area, for the classes of permitted development as detailed in the Report.

Councillor McLuckie joined the meeting during consideration of the foregoing item.

**FC95. REFERRAL FROM INVESTMENT COMMITTEE ON 1 MARCH 2012 – FALKIRK COUNCIL PENSION FUND, REVISED GOVERNANCE ARRANGEMENTS**

There was submitted (circulated) (a) Report by the Chief Finance Officer dated 1 March 2012, and (b) Report by the said Officer dated 18 February 2012 submitted to the meeting of the Investment Committee on 1 March 2012 (i) setting out the background to proposed revisions to the Falkirk Council Pension Fund Governance Framework and (ii) detailing the proposed revisions.

**AGREED** to approve the Falkirk Council Pension Fund Governance Framework.

Councillor Goldie joined the meeting during consideration of the foregoing item.

**FC96. REFERRALS FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE ON 6 MARCH 2012 – (a) TOWARDS 2020: FALKIRK COUNCIL'S EUROPEAN STRATEGY AND (b) DEVELOPMENT PLAN SCHEME 2012**

There was submitted (circulated) (a) joint Report dated 6 March 2012 by the Director of Corporate and Neighbourhood Services and of Development Services, and (b) Reports by (i) the Director of Corporate and Neighbourhood Services setting out a proposed European Strategy, in response to “European Economic Strategy – Europe 2020” by the European Commission, and proposing that Council renews its membership of the East of Scotland European Consortium (ESEC) at a cost of £6750, and (ii) the Director of Development Services presenting a draft Development Plan Scheme 2012 for approval, both reports having been submitted to the meeting of the Economic Strategy and Development Committee on 6 March 2012.

**AGREED:-**

- (1) the draft European Strategy as attached to the Report;
- (2) to renew the Council's membership of East of Scotland European Consortium (ESEC), and
- (3) to adopt the draft Falkirk Local Development Plan Scheme 2012 as attached to the Report.

**FC97. TREASURY MANAGEMENT STRATEGY 2012/13**

There was submitted Report (circulated) dated 29 February 2012 by the Chief Finance Officer (a) advising that the Code of Practice for Treasury Management required that an Annual Treasury Management Strategy be submitted to Council for approval, and (b) presenting the proposed Strategy for 2012/13, highlighting (i) proposed Borrowing and Investment Strategies, and Treasury Indicators, and (ii) recommending that all Members receive appropriate training in the Treasury Management function.

**AGREED:-**

- (1) to adopt the Borrowing Strategy for 2012/13 as set out in Section 5 of the Report;
- (2) to adopt the Investment Strategy for 2012/13 and to approve the list of Permitted Investments as set out in Section 6 of the Report;
- (3) the Treasury Indicators as set out in Section 7 of the Report, and
- (4) to instruct the Chief Finance Officer to arrange relevant training for members of the Investment Committee.

## **FC98. REVENUE BUDGET 2012/13 – ADDITIONAL SPENDING MEASURES**

With reference to the Minute of the Special Meeting held on 8 February 2012 (Paragraph FC88 refers), there was submitted Report (circulated) dated 1 March 2012 by the Chief Finance Officer summarising the progress made in implementing Council's decision to allocate an additional £380,000 to the parks strategy, sports initiatives for young people, the restoration of free school meals for pupils at Carrongrange School and for Veterans support.

Councillor C Martin, seconded by Councillor Nimmo, moved that Council agrees to:-

- (i) the additional spending measures as outlined in the Report for the Parks Strategy Improvements and Sports Initiatives for Young People;
- (ii) increase funding to the Falkirk Community Trust by £135,000 with a view to delivering the programmes contained in 2.2.3 (a) to 2.2.3 (e) of the Report;
- (iii) seek regular reports on the positive outcomes for children and young people relative to the funding stream for Sports Initiatives for Young People;
- (iv) extend the entitlement for Free School Meals for pupils at Carrongrange School to other Special Schools/Education establishments and to fund the additional cost from Council Reserves;
- (v) invite an approach from the Camelon War Memorial Group for grant award once outstanding project costs become clear;
- (vi) meet the street scape design fee for the Workers Memorial Project;
- (vii) fund the approved costs of the Public Art Proposals from Council Reserves, and

notes that a further update report on Veteran Support will be presented to a future meeting of the Council

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

“paragraphs (i) and (ii) above are deleted and that the matters referred to therein are instead referred to the appropriate scrutiny committee to ensure proper scrutiny of the proposals and to have opportunity on cross party lines of having voices heard”.

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 (17) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, C MacDonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill, Nicol, Nimmo, Patrick, Spears and Waddell.

For the Amendment (12) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, A MacDonald, McNally, Meiklejohn, Ritchie, Thomson and Turner.

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

#### **FC99. PILOTING OF NURTURE CLASSES**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Education Services (a) summarising the background to, and aim of, nurture classes, (b) setting out proposals to establish nurture classes in Bainsford, Nethermain, Sacred Heart RC and Westquarter Primary Schools and to create a nurturing schools steering group, and (c) detailing the financial implications of the proposals.

##### **AGREED:-**

- (1) to approve the pilot of four nurture classes and the proposed support arrangements to support nurturing in early years establishments.
- (2) that the resources be allocated as outlined in the Report, and
- (3) to seek regular updates from the Director of Education Services on the ongoing impact and evaluation of the nurture approach.

#### **FC100. THE HELIX**

With reference to the Minute of the Special Meeting held on 23 January 2012 (Paragraph FC81 and FC85 refers), there was submitted Report (circulated) dated 5 March 2012 by the Chief Executive (a) summarising the progress made in dissolving the Helix Trust and the assumption of the services previously delivered by the Trust and the Helix Futures Trust by Falkirk Council and the Falkirk Community Trust, and (b) highlighting Helix Project workstreams.

**NOTED** the progress made in relation to the Helix governance transition programme.

**AGREED** to receive a future report on concluding matters at the next appropriate meeting after the election recess.

#### **FC101. NATIONAL CONTRACT FOR THE SUPPLY OF GAS & ELECTRICITY**

With reference to the Minute of the Meeting of the Policy and Resources Committee held on 21 October 2008 (Paragraph PR68 refers), and on 17 November 2009 (Paragraph PR84 refers), there was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services (a) advising that the Council's involvement in national contracts for the provision of electricity and gas will end in March 2013 and March 2014 respectively, and (b) proposing a contract strategy of the provision of gas and electricity post 2013.

**AGREED** the continuing participation in the Scottish Procurement Directorate's national contracts for the supply of both gas and electricity from 1<sup>st</sup> April 2013 until 31<sup>st</sup> March 2016.

#### **FC102. CONTRACT FOR THE PROVISION OF CCTV MANAGED STAFF SERVICE IN THE FORTH VALLEY AREA (C/N: CNS/215/12)**

There was submitted Report (circulated) dated 9 February 2012 by the Director of Corporate and Neighbourhood Services (a) summarising the work undertaken to establish a contract for the provision of a CCTV Managed Staff Service; (b) summarising the tender process followed for the proposed contract; (c) advising that one tender, from Remploy Limited, had been received, and (d) setting out the community benefits of accepting the tender.

**AGREED**, in accordance with Standing Order 6.2(iv), to accept the tender submitted by Remploy Limited for the provision of a CCTV Managed Staff Service in the Forth Valley area at a value of £1,027,000 for the period April 2012 to March 2015.

#### **FC103. CONTRACT STANDING ORDERS**

There was submitted joint Report (circulated) dated 29 February 2012 by the Chief Governance Officer and the Director of Corporate and Neighbourhood Services (a) setting out the background to a revision of Council's Contract Standing Orders and a consequential revision to Regulation 13 of the Financial Regulations, and (b) presenting revised Contract Standing Orders for approval.

**AGREED:-**

- (1) the revised Contract Standing Orders as set out in the Report, and
- (2) the revised Regulation 13 of Financial Regulations.

**NOTED:-**

- (1) that the Procurement Board will issue new Corporate Procurement Procedures and amend these as required to keep them in line with best procurement practice, with the Procedures, and any significant changes, being reported to Council for noting, and
- (2) that training will be provided to relevant officers on the revised Contract Standing Orders and Financial Regulations.

**FC104. EXECUTION OF DEEDS**

There was submitted Report (circulated) dated 27 February 2012 by the Chief Governance Officer 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 Chief Governance Officer of the deeds as detailed in the Appendix to the Report.

Council then adjourned at 12.30 for lunch and reconvened at 1.15 pm with all Members present as per sederunt.

**FC105. PROVOST'S REMARKS**

Provost Reid paid tribute to Councillors Fry, A MacDonald and McNeill, all of whom would not be contesting the local government elections in May and thanked them for their contribution to the Council and to the community.

Councillors MacDonald and McNeill spoke in response.

Provost Reid also offered the Council's best wishes to Councillor Lemetti, who had recently undergone a major operation.

**FC106. RESHAPING CARE FOR OLDER PEOPLE IN FALKIRK – FALKIRK PARTNERSHIP CHANGE FUND SUBMISSION 2012-2013**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Social Work Services (a) summarising the work undertaken by the Falkirk Partnership in developing a submission for change fund resources as part of the Reshaping Care for Older People agenda; (b) advising that a draft submission had been made to the Scottish Government by its deadline of 17 February 2012 with the caveat that it was subject to the approval of the Partnership Board, NHS Forth Valley and Falkirk Council, and (c) presenting the draft submission for approval.

**AGREED** to approve the Falkirk Partnership Change Fund submission for 2012/13 as attached to the Report.

**FC107. ARRANGEMENTS FOR CARRYING OUT COUNCIL FUNCTIONS FROM MARCH – MAY 2012**

There was submitted Report (circulated) dated 20 February 2012 by the Chief Governance Officer (a) setting out proposed arrangements to allow Council to carry out its functions from the conclusion of the meeting until the Statutory Meeting of the new Council following the local government elections in May 2012; (b) highlighting workstreams being undertaken in advance of the formation of a new Council, and (c) seeking Council's view on how elected Member membership of the Protection of Vulnerable Groups (PVG) Scheme should be funded.

Councillor C Martin, seconded by Councillor Nimmo, moved the recommendations set out in the Report and that "the cost of Members' PVG memberships would be met by elected Members, in an arrangement akin to that established for employees".

Councillor Alexander requested that Council consider the impact of the motion in terms of an individual Member's ability to meet the cost of membership of the Scheme.

After discussion, Councillor Martin, with the consent of the Provost, and of Councillor Nimmo as his seconder, agreed to adjust the Motion in regard to PVG Scheme membership to:-

"that the cost of membership of the PVG Scheme for those councillors who require to be members will be shared among all councillors and paid by them over a period of 6 months to accord with the arrangements for employees".

Accordingly, **NOTED:-**

- (1) that the statutory meeting of the new Council will be held on or before 24 May 2012,
- (2) the current preparatory work being undertaken in advance of the Statutory Meeting, and
- (3) that only those members appointed to Committees dealing with education and social work issues will require to be members of the PVG scheme.

**AGREED:-**

- (1) to authorise the Chief Executive and Directors to take decisions between 14 March 2012 and the statutory meeting as set out in paragraphs 2.3 to 2.6 of the report, and
- (2) that the cost of membership of the PVG Scheme for those councillors who require to be members will be shared among all councillors and paid by them over a period of 6 months to accord with the arrangements for employees.



#### **FC108. 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 ground that they would involve the likely disclosure of exempt information as defined in Paragraphs 6, 9, 11 & 12 of Part 1 of Schedule 7A of the said Act.

#### **FC109. IRRECOVERABLE DEBTS 2011/12**

There was submitted Report (circulated) dated 14 February 2012 by the Chief Finance Officer (a) advising that individual debt to Council which did not exceed £5000 could be written out of Council accounts by the Chief Finance Officer and that for debts in excess of £5000 Council approval was required, and (b) requesting Council approval to write off individual debts in excess of £5,000 for council tax, rent, housing benefit overpayments, non-domestic rates and sundry accounts.

**AGREED** that the following be written out of the accounts in 2011/12 (subject to further recovery action being taken should the opportunity arise):-

- (1) Council tax debts totalling £14,509.46, as detailed in Appendix A;
- (2) Housing benefit overpayments totalling £11,380.42 as detailed in Appendix B;
- (3) Non-domestic rates debts amounting to £709,257.77 as detailed in Appendix C (with an appropriate adjustment to the Rate Income Return for 2011/12) subject to amendments should further information on the debtors concerned become available, and
- (4) Sundry account debts totalling £36,982.89 (inclusive of VAT) as detailed in Appendix D.

#### **FC110. REFUSE COLLECTION SERVICES**

With reference to the Minute of the Meeting held on 22 June 2011 (Paragraph FC 39 refers), there was submitted Report (circulated) dated 7 March 2012 by the Director of Corporate and Neighbourhood Services (a) summarising current performance in regard to refuse collection; (b) setting out a proposed tender specification for a refuse collection service; (c) detailing tender evaluation criteria, and (d) detailing the methodology for assessing the Service Improvement Plan.

**NOTED:-**

- (1) the progress in relation to the in-house Improvement Plan and procurement process, and
- (2) that a further Report would be provided on the outcome of the Improvement Plan assessment process.

**AGREED:-**

- (1) the basis of the contract specification, as outlined in Section 4 of the Report;
- (2) the Improvement Plan assessment process, as outlined in Section 5 of the Report, and
- (3) that contingency refuse collection contract arrangements be put in place to support business continuity.

Councillor A MacDonald left the meeting following consideration of the foregoing item of business.

**FC111. EMPLOYEE RELATED MATTERS AND EQUAL PAY**

With reference to the Minute of the Meeting held on 7 December 2011 (Paragraph FC80 refers), there was submitted joint Report (circulated) dated 28 February 2012 by the Director of Corporate and Neighbourhood Services, Chief Finance Officer and Chief Governance Officer presenting a summary of the current position in regard to employee related matters and equal pay including (a) employee terms and conditions; (b) first and second wave equal pay settlement discussions, and (c) pay protection liability.

**NOTED:-**

- (1) progress of the negotiations with Trade Unions on terms and conditions, and
- (2) progress on settling pre single status equal pay claims

**AGREED:-**

- (1) to authorise the Chief Executive to develop and sign a collective agreement in line with the package of conditions set out in paragraph 2 of the Report;
- (2) to ask officers to seek up to date legal advice on the Council's defence to the pay protection awarded and turquoise circles, to research proceedings in other authorities and, linked to this advice;
- (3) to authorise the Chief Executive to enter into discussions with relevant parties on options for settlement of outstanding equal pay claims, without admission of liability and within the financial interests of the Council and to report back on discussions as these progress.

**FC112. THE HELIX – KELPIE STRUCTURES (FAL- 6650-010)**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services (a) advising that tenders had been issued for the supply and erection of the Kelpie Structures as part of the Helix project in November 2011; (b) summarising the tender process, and (c) recommending that authority to award the contract be delegated to the Director of Development Services in order to meet project timescales.

**AGREED** that, if required, a special meeting of Policy and Resources Committee would be called prior to the local government elections on 3 May 2012 to consider the award of the contract for the Kelpies project, and that, should a decision not be required prior to the elections, the matter would be referred to committee thereafter.

**FC113. PORTFOLIO MANAGEMENT PLAN: DISPOSAL OF PREMISES AT 46 VICAR STREET, FALKIRK**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services seeking approval to dispose of premises at 46 Vicar Street, Falkirk.

**AGREED** the sale of the shop at 46 Vicar Street, Falkirk to Mr A Mackintosh for the sum of £45,300, subject to conclusion of missives on satisfactory terms.

**FC114. PORTFOLIO MANAGEMENT PLAN: 3.16 ACRES SITE AT SOUTH BRIDGE STREET, GRANGEMOUTH**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services seeking approval for the disposal of property at South Bridge Street, Grangemouth.

Councillor C Martin, seconded by Councillor Nicol, moved the recommendations as set out in the Report.

By way of an Amendment, Councillor Spears, seconded by Councillor Alexander, moved that the site not be sold.

Councillor Nicol gave notice of a further Amendment.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 28 Members present with voting as undernoted:-

For the Motion (13) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Macdonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill and Nimmo.

For the Amendment (12)– Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, McNally, Meiklejohn, Ritchie, Spears, Thomson and Turner.

Abstentions (3) – Councillors Nicol, Patrick and Waddell.

In terms of Standing Order 19.6 the Motion became the substantive Motion upon which the further Amendment could be moved.

Councillor Nicol, seconded by Councillor Patrick, moved that:-

- (1) a visit to the site is undertaken prior to any decision being taken, and
- (2) the matter be continued to a special meeting of the Policy and Resources Committee in the event that such a meeting is called to determine the award of the Kelpies contract (Item FC112) prior to the elections, or otherwise to Council after the elections.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 28 Members present with voting as undernoted:-

For the Motion (13) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Macdonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill and Nimmo

For the Amendment (15) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, McNally, Meiklejohn, Nicol, Patrick, Ritchie, Spears, Thomson, Turner and Waddell.

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