

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 7 JANUARY 2013 at 3.00 PM.

PRESENT: Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, Macdonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Mahoney, Meiklejohn, Murray, Nicol, Nimmo, Paterson, Ritchie and Turner.

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services and of Social Work Services; Chief Governance Officer; Chief Finance Officer; Head of Policy, Technology and Improvement; Depute Chief Governance Officer and Democratic Services Manager.

FC71. SEDERUNT

The sederunt was taken by way of a roll call.

FC72. APOLOGY

An apology was intimated on behalf of Councillor Oliver.

FC73. DECLARATIONS OF INTEREST

No declarations were made.

FC74. NOTICES OF MOTION

(a) Committee Membership

Councillor Meiklejohn seconded by Councillor Coleman moved that:-

- (i)** Council notes the problems encountered with the breakdown of membership on Council Committees, in particular the attempt to find parity within the “other” category when there are 3 members aligned to the Administration and 2 not aligned.

To assist in clearing the impasse Council has at present, it is agreed to allow the SNP and Independent Groups to fill the places allocated to them on Committees and other bodies from a joint slate of members.

- (ii) In the event that Council agrees part (i) of this motion, Council will accept at this meeting the resignation of a member of the SNP Group from the Planning Committee to be replaced by a member of the non aligned independent group.

Councillor C Martin, seconded by Councillor D Goldie, moved the following amendment in substitution for the motion:-

Council notes that the political proportionality agreed unanimously at the inaugural meeting of this council on May 2012 is firmly in line with standing order 34.8.

On a division 17 members voted for the amendment and 14 voted for the motion.

Accordingly **AGREED** the terms of the amendment.

(b) Disposal of Property

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

At a recent meeting of the Planning Committee, the decision was made to refuse planning permission to an applicant who wished to turn the building into a hot food take-away. At the on-site meeting it was suggested that the applicant could appeal the decision. It was also suggested that Council could withdraw the site from sale.

Council therefore recognises the unique location of the Stationmaster's house in Denny and reverses its decision of 20 October 2009. The building and adjoining land will therefore be returned to the Development Services Account.

Councillor C Martin, seconded by Councillor D Goldie, moved the following amendment in substitution for the motion:-

Council recognises the importance of the portfolio management plan and the asset realisation plan as previously agreed by Council, and for this reason agrees to continue with the proposal to dispose of the property at 19 Glasgow Road, Denny and utilise monies from this site and others to invest in projects such as Denny Town Centre Regeneration.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (14) – Councillor Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner.

For the amendment (17) – Provost Reid; Depute Provost Patrick; Councillor Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr CR Martin, Murray, Nicol, Nimmo and Paterson.

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

(c) Pay Day Loans

Councillor McCabe seconded by Councillor Coleman moved that:-

There are serious concerns over the inadequate self-regulation of this relatively new financial sector industry which has seen a six-fold increase in the number of short term loan companies on our High Streets.

Council therefore recognises the alarming rise in the availability of ‘Pay Day Loan’ facilities and instructs the Directors of Corporate & Neighbourhood Services and Social Work Services to identify the current use and projected impact on residents within the Council’s catchment area.

Councillor G Goldie, seconded by Councillor Black moved the following amendment in substitution for the motion:-

Falkirk Council notes that in July 2012 the Government announced that the four main trade associations covering payday lenders had agreed to revise their Codes of Practice to improve practice in the payday lending industry. The Good Practice Charter has been signed by up to 90% of payday lenders and sets out a number of rules which the lenders must abide by when dealing with their customers.

Falkirk Council also notes that there is no system in place to monitor whether the industry is adhering to this voluntary Code of Practice and calls on the Scottish Government to put in place an appropriate system. In the meantime Falkirk Council will join Citizens Advice Scotland in monitoring the experience of those presenting with difficulties in dealing with payday loan companies.

Falkirk Council also notes with disappointment that other high interest long and short term loans have not been dealt with in a similar manner to the high profile problem of payday loans and will write to the appropriate Minister requesting that the Code of Practice be extended to encompass these.

Council asks officers to look at ways of making affordable loans more accessible for those Falkirk citizens who require financial assistance and bring a future report back to the appropriate committee.

Council then adjourned for 15 minutes to allow members of the opposition to consider the terms of the amendment. Council reconvened at 4.55pm with all members present as per the sederunt.

Following discussion, Councillor Goldie, with the consent of the Provost and Councillor Black, as his seconder, agreed to adjust the terms of the amendment to the following:-

Falkirk Council notes that in July 2012 the **UK** Government announced that the four main trade associations covering payday lenders had agreed to revise their Codes of Practice to improve practice in the payday lending industry. The Good Practice Charter has been signed up to 90% of payday lenders and sets out a number of rules which the lenders must abide by when dealing with their customers.

Falkirk Council also notes that there is no system in place to monitor whether the industry is adhering to this voluntary Code of Practice and calls on the **Westminster** and Scottish Governments to put in place an appropriate system. In the meantime Falkirk Council will join Citizens Advice Scotland in monitoring the experience of those presenting with difficulties in dealing with payday loan companies.

Falkirk Council also notes with disappointment that other high interest long and short term loans have not been dealt with in a similar manner to the high profile problem of payday loans and will write to the appropriate **UK** Minister or **Chancellor of the Exchequer** requesting that the Code of Practice be extended to encompass these.

Council asks officers to look at ways of making affordable loans more accessible for those Falkirk citizens who require financial assistance and bring a future report back to the appropriate committee.

AGREED the terms of the adjusted amendment.

(d) Community Council Funding

Councillor Spears seconded by Councillor McCabe moved that:-

It is unanimously recognised that the role played in local governance issues by all of our Community Councils is invaluable under severe economic constraint. Current funding levels have been in place for approximately 10 years.

Council therefore seeks a full appraisal of current levels of funding to Community Councils, with a view to assessing that levels of financial and secondary support are adequate to allow Community Councils to fully comply with their statutory remit.

Councillor C Martin, seconded by Councillor Nimmo, moved the following amendment in substitution for the motion:-

Council recognises the important role that community councillors play in statutory consultation and local democracy. Council appreciates the ever increasing workload, especially now that community engagement is high on our agendas.

10 years has passed since Council reviewed the “Scheme of Establishment” for Community Councils.

Accordingly, Council agrees to carry out a full review of its Scheme of Establishment, which will include a review of the financial support.

The review to be completed for implementation by November 2013, the date of the next Community Council elections.

Following discussion, Councillor Spears, with the consent of the Provost and Councillor McCabe, as his seconder, agreed to incorporate the terms of the amendment within his motion.

Accordingly,

NOTED:-

- (1) the important role that community councillors play in statutory consultations and local democracy, Council appreciates the ever increasing workload, especially now that community engagement is high on our agendas, and
- (2) that 10 years has passed since Council reviewed the “Scheme of Establishment” for Community Councils.

AGREED to carry out a full review of its Scheme of Establishment, which will include a review of the financial support (a full appraisal of current levels of funding to Community Councils, with a view to assessing that levels of financial and secondary support are adequate to allow Community Councils to fully comply with their statutory remit).

The review to be completed for implementation by November 2013, the date of the next Community Councils election.

(e) Re-use of Public Sector Information Regulations 2005

Councillor McCabe moved that:-

The Re-use of Public Sector Information Regulations 2005, placed a statutory duty on the Council to establish an internal complaints procedure relevant to the regulations. Falkirk Council currently does not have such a procedure but instead has used an informative leaflet which is flawed.

Council therefore instructs the Chief Governance Officer to present a Report for members' approval that fulfils all of the statutory duties placed upon the Council by The Re-use of Public Sector Information Regulations 2005.

AGREED the terms of the motion.

(f) Supplementary Planning Guidance

Councillor McCabe, seconded by Councillor Spears, moved that:-

Current Council practice refers all planning applicants to the requirement to have them, or their Environmental Consultant, follow the Falkirk Council Supplementary Planning Guidance (SPG) Note 'Development of Land Affected by Contamination: Guidance for Applicants and Developers'. The Director of Development Services has recognised that information contained within this guidance document is wrong. As far as I am aware, Councillors on the Planning Committee are advised that compliance with the SPG is a 'material consideration' when arriving at their decisions.

Council therefore instruct the immediate withdrawal of Supplementary Planning Guidance Note "Development of Land Affected by Contamination: Guidance for Applicants and Developers" until all errors or omissions have been corrected.

Councillor C Martin, seconded by Councillor Nimmo, moved the following amendment in substitution for the motion.

To mitigate effectively any risk of land contamination, Council continues to support the policy in relation to the use of Supplementary Planning Guidance note on "Development of Land Affected by Contamination – Guidance for Applicants and Developers", as approved by the Policy and Resources Committee on 8 March 2012, subject to the minor amendments to text effected recently by the Director of Development Services.

On a division 17 members voted for the amendment and 12 voted for the motion, with 2 abstentions.

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

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

(g) Welfare Reforms

Councillor Meiklejohn seconded by Councillor Bird moved that:-

Council notes with concern the plans for a further attack on the most vulnerable within society by the UK Government with the announcement in the Autumn Statement on 5 December 2012 that a further c.£4bn is to be cut from the welfare budget at a time when income tax rates for the rich are being reduced.

Council also deplores the changes to the benefits and treatment of disabled people implemented in December 2012 and calls on the UK Government to secure termination of the contract with ATOS, the French company set targets for the removal of benefits to disabled people at present by the Tory/Liberal Coalition Government in London.

Council also calls for information about all benefit changes to be added to the report to be submitted following the 26 September 2012 meeting.

Councillor C Martin, seconded by Councillor Murray, requests that the following wording be included as an addendum to the motion failing which it could be moved as an amendment:-

Council is concerned to note that not enough is being done to address assessments that do not have enough regard to mental health issues. Council is further concerned to note the chaos prevailing with the introduction of changes to child benefit and the obvious unfairness regarding the assessment of household incomes in this connection.

In light of these experiences, Council urges the UK Government to listen to the growing anger and concerns from the various charity organisations and individuals regarding the introduction of further cuts in welfare budget announced in the Autumn Statement 2012.

Following discussion Councillor Meiklejohn, with the consent of the Provost, and Councillor Bird as her seconder, agreed to incorporate the terms of the amendment within her motion.

Councillor Nicol, seconded by Depute Provost Patrick then moved the following amendment against the adjusted motion:-

Council recognises the need for Welfare Reform as:-

- (1) It is unsuitable at a time of global recession for the Benefits System to continue to cost every household in Britain £3000 per year.
- (2) In the last five years, those on benefits have seen their incomes rise almost twice as fast as people in work – at a rate of 20 per cent compared with an increase in average earnings of only 12 per cent.
- (3) Council recognises that work must pay and that the benefits cap of £26000 (£35,000 before tax) is well above the earnings of many of our own staff.
- (4) Council applauds the Government for its determination to deliver stability to the public finances, to cut the deficit and to restore fairness to hard working tax payers.

On a division 2 members voted for the amendment and 29 voted for the adjusted motion.

Accordingly **AGREED** that Council:-

- (1) notes with concern the plans for a further attack on the most vulnerable within society by the UK Government with the announcement in the Autumn Statement on 5 December 2012 that a further c.£4bn is to be cut from the welfare budget at a time when income tax rates for the rich are being reduced;
- (2) deplores the changes to the benefits and treatment of disabled people implemented in December 2012 and calls on the UK Government to secure termination of the contract with ATOS, the French company set targets for the removal of benefits to disabled people at present by the Tory/Liberal Coalition Government in London;
- (3) calls for information about all benefit changes to be added to the report to be submitted following the 26 September 2012 meeting;
- (4) is concerned to note that not enough is being done to address assessments that do not have enough regard to mental health issues and is further concerned to note the chaos prevailing with the introduction of changes to child benefit and the obvious unfairness regarding the assessment of household incomes in this connection, and

- (5) in light of these experiences, urges the UK Government to listen to the growing anger and concerns from the various charity organisations and individuals regarding the introduction of further cuts in welfare budget announced in the Autumn Statement 2012.