

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 MARCH 2013 at 7.00 PM.

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

CONVENER: Provost Reid.

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

FC105. SEDERUNT

The sederunt was taken by way of a roll call. Apologies were submitted on behalf of Councillors Bird and Coleman.

FC106. PROVOST'S REMARKS – COLONEL FRANK SAUNDERS

The Provost, followed by members, spoke in tribute at the passing of Colonel Frank Saunders, former member of Central Regional Council and Stirling Council who had died aged 106. Members requested that the Provost convey Council's condolences to Colonel Saunder's family.

FC107. 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 they were taken at the meeting.

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 item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A to the said Act.

**FC109. FORMER LISTED BUILDING SITE - CENTRAL BOULEVARD
CENTRAL PARK, LARBERT**

With reference to the minute of the meeting held on 6 March 2013 (para FC104 refers) there was submitted report (circulated) by the Director of Development Services (a) advising of an interest in acquiring the purchasing option for the former listed building site at Central Park, Larbert and (b) setting out the terms of the proposal.

AGREED the proposals for the option to purchase the former listed building at Central Park, Larbert on the terms set out in the report.

FC110. DECLARATION OF INTEREST

With regard to Item FC112 on Welfare Reform, Councillor Jackson noted that while he was an employee of the Department of Work and pensions he did not consider that this gave rise to a declarable interest under the Code of Conduct.

FC111. DECISION MAKING STRUCTURES

With reference to the minute of meeting held on 5 December 2012 (Paragraph FC64 refers) there was submitted report (circulated) by the Chief Executive (a) presenting a decision making structure based upon the Executive and Scrutiny model; (b) summarising the key features of the proposed model; (c) presenting an alternative model incorporating an Education Committee; (d) presenting a draft timetable of meetings, should Council agree to adopt the Executive model as presented; (e) highlighting that, if the Executive model was adopted, Standing Orders would be revised and would be presented to a future meeting of Council; (f) summarising areas for discussion in regard to (i) the introduction of Baillies (ii) consideration of petitions (iii) reporting on external organisations (iv) the introduction of substitutes and pairing; (g) summarising considerations in regard to the Council's Remuneration Framework, and (h) detailing phasing and transitional arrangements in regard to the introduction of the proposed decision making structure.

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

- (1) to adopt the Executive model set out in section 2 of the report;
- (2) that a review of Standing Orders is undertaken to meet the agreed structure today and that this be presented to a meeting of Council on 24 April, 2013;
- (3) that the Executive will consist of 12 Members with nine drawn from the Administration and three from the Opposition. The nine Members of the Administration will consist of the Leader and eight Portfolio Holders, as follows:-

Resources
Education
Health & Social Care

Housing
Economic Development
Environment
Public Protection
Culture, Leisure and Tourism;

- (4) that the terms of each Portfolio Holder remit will be confirmed at the April meeting of Council along with the Standing Orders. The three Opposition Members will be as determined between the Opposition Groups or, failing agreement, by the Council. The Leader will be Convener of the Executive with Depute Convenership being chosen by the Executive;
- (5) that approval of the Policing Plan and the Fire & Rescue Plan should be reserved to Council rather than the Executive and that representatives of the Police and Fire and Rescue Services are available at Council meetings considering these Plans;
- (6) that both the Policy Development and Scrutiny Panels should not be formally constituted as Sub-Committees and that it should be open to the Panels themselves to determine the level of public access to their meetings;
- (7) in principle, that there should be no call-in from the Executive to Council and that the Standing Orders prepared for Council's consideration in April should reflect this. The issue of whether the Executive's decision-making powers should be exclusive should be considered as part of the review of Standing Orders;
- (8) that the Scrutiny Committee should consist of ten members with six drawn from the Administration and four from the Opposition. The four members of the Opposition will be as agreed between the Opposition Groups or, failing agreement, as determined by Council. The Convenership and Depute Convenership of the Committee will be determined by its members;
- (9) the new programme of meetings should begin in May as set out in the timetable at Appendix 3 to the report (noting that the arrangements for the meetings of the Audit Committee remain to be confirmed). In the meantime, Officers are granted standard recess powers;
- (10) the regulatory committees will meet as set out in para 13.3 of the report;
- (11) to appoint two Baillies to assist the Provost and Depute Provost in their civic role;
- (12) that no Petitions Committee is established;
- (13) that informal access to the minutes of external organisations will be made available on-line and in the Members' Lounge, that a full review is undertaken of members' appointments to external organisations and that a report on this will be made to the June meeting of Council;

- (14) no provision be made to allow for substitutes on any Committee or for pairing, and
- (15) any changes in the remuneration framework are made at the April meeting of Council.

In response to a question, the Chief Governance Officer confirmed that, the motion was competent.

Council then adjourned at 7.30pm to allow members of the opposition to consider the terms of the motion and reconvened at 8.10pm with all members present as per the sederunt.

By way of an amendment Councillor Meiklejohn, seconded by Councillor Jackson moved that Council:-

- (1) agrees to adopt an Executive Committee model;
- (2) portfolios will be as per the motion;
- (3) Policy Development Groups and Scrutiny Panels should be formally established but be flexible to determine when to meet in public and when to meet less formally in private. They should also have the ability to call on external bodies and organisations to provide evidence and information;
- (4) there should be a call in process to full council;
- (5) decision making powers should be concurrent with full council;
- (6) all members require to be involved in either the Executive or Scrutiny Committees. The Scrutiny Committee must therefore contain all members who are not members of the Executive Committee. If the Administration control the Executive the counter balance dictates the opposition must control the scrutiny, the convenorship must therefore be a member of the official opposition;
- (7) implements the new decision making structure in May 2013;
- (8) revised Standing Orders relating to meetings and the Scheme of Delegation to Committees will be presented to a meeting of Council in April and a revised Scheme of Delegation to Officers and Contract Standing Orders will be presented to the June meeting. Preparation of proposals in these areas be referred to the Leaders Working Group to ensure all party involvement in the final proposals;
- (9) agrees not to introduce Baillies;
- (10) agrees to introduce a Petitions Committee under the jurisdiction of the Scrutiny Committee;

- (11) agrees to introduce a formal report back from appointees of outside bodies;
- (12) does not agree to substitutes, and
- (13) Executive Committee members should be treated as equals with the chair of the Scrutiny Committee also included in the scheme of remuneration.

Councillor Spears gave notice of a further amendment.

Council then adjourned at 8.20pm to allow members of the administration to consider the terms of the amendment and reconvened at 8.35pm with all members present as per the sederunt.

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

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

For the amendment (13) – Councillors Alexander, Balfour, Carleschi, Chalmers, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

The motion was accordingly carried. Councillor Spears, seconded by Councillor McCabe, moved, in substitution for the motion that Council agrees:-

- (1) to accept a model of Full Council meetings over 2 consecutive days where all council business is discussed, debated and agreed by ALL elected members for the benefit of the electorate;
- (2) to implement the new Full Council Model for June meeting of Council;
- (3) that revised Standing Orders relating to Meetings, and a revised Scheme of Delegation to Officers and Contract Standing Orders be presented to a special April meeting of Full Council for approval;
- (4) that standard recess powers are granted to Chief Officers pending commencement of the Full Council model. A meetings timetable to be agreed based on the current council calendar, and
- (5) to introduce a public petitions system and to establish a Petitions Committee.

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

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

For the amendment (13) – Councillors Alexander, Balfour, Carleschi, Chalmers, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly **AGREED** the terms of the motion.

FC112. WELFARE REFORM - UPDATE

With reference to Minute of Meeting of Falkirk Council held on 6 March 2013 (Paragraph FC100 refers), there was submitted report (circulated) by the Director of Corporate and Neighbourhood Services to the said meeting (a) providing an update on the impact of Welfare Reform on workstreams across the Council; (b) highlighting measures to mitigate the impact of reform on the citizens of the area such as the implementation of the Scottish Welfare Fund; (c) presenting a draft revised Discretionary Housing Payment scheme which would allow officers to better target those affected by current and planned changes in benefits, and (d) detailing proposals to utilise the Fairer Falkirk Fund to target those most in need.

Provost Reid confirmed that it was now 10.00pm and indicated that the meeting would close at 10.45pm with outstanding business to be determined at a special meeting to be held before 2 April 2013.

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

- (1) note the progress made to support the implementation and impact of Welfare Reform;
- (2) note in particular the approach to support the delivery of the Scottish Welfare Fund;
- (3) note the update provided in regard to the workstreams;
- (4) note Council's decision of 6 March 2013 to allocate £35,000k from the Fairer Falkirk Fund to increase the budget provision for Discretionary Housing Payments for 2012/13;
- (5) the proposed criteria/policy intentions for 2013/14 as detailed in appendix 2 to the report, in particular the definition of "significant adaptation" as set out in paragraph 5.2 of appendix 2, and
- (6) the proposed Fairer Falkirk Fund budget allocation for 2013/14 as set out in appendix 3 and the proposals to utilise £110,000 of the Falkirk Fairer Fund in 2013/14 to support Welfare Reform financial inclusion and capability services as detailed in paras 4.4 and 4.5 of the report.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved that Council agrees to:-

- (1) note the progress made in the report to support the implementation and impact of Welfare Reform;

- (2) note in particular the approach outlined to support the delivery of the Scottish Welfare Fund;
- (3) note the previous decision to allocate £35k from the Fairer Falkirk Fund to increase the budget provision for DHP for 2012/13 and agree the proposed criteria/policy intentions in Appendix III for 2013/14 where any one of the adaptations detailed at para 5.2 would meet the definition of significantly adapted criteria;
- (4) review how the Welfare Reform impacts on both the Housing Allocations Policy and Housing Finance Policy to ensure that any one affected by the housing benefit size criteria under occupancy is not further disadvantaged;
- (5) note the update on the work streams and agree to provide a progress report to members in 3 months, and
- (6) the proposals set out in Appendix 3 and para 4.4 of the report for utilising the Fairer Falkirk Fund to support Welfare Reform.

Councillor Spears gave notice of a further amendment.

On a division, 13 members voted for the amendment and 17 voted for the motion.

The motion was accordingly carried. Councillor Spears, seconded by Councillor McCabe, moved the following in supplement to the motion.

- (7) to allocate £20k from Council reserves to increase the budget provision for each of the 3 CAB's for 2013-14. (3x£20k = £60k), to be identified as payment to permit each of the CAB's to provide an increase in support services for the imminent specialist welfare benefits advice demands.

On a division, 13 members voted for the amendment and 17 for the motion.

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