

**FALKIRK COUNCIL**

**Subject: ELECTION OF FALKIRK COUNCILLORS**  
**Meeting: FALKIRK COUNCIL**  
**Date: 18 May 2007**  
**Author: RETURNING OFFICER**

**1. INTRODUCTION**

1.1 On 3 May 2007, ordinary Elections were held in respect of the 9 wards of Falkirk Council.

**2. RESULTS OF ELECTIONS**

2.1 The undernoted Councillors stand elected to Falkirk Council following the elections which took place on 3 May 2007.

2.2

<b>Ward</b>	<b>Councillor</b>	<b>Description</b>
1. Bo'ness and Blackness	H Constable	SNP
	J Constable	SNP
	A Mahoney	Labour
2. Grangemouth	A Black	Labour
	A MacDonald	SNP
	A McNeill	Labour
	R Spears	Independent
3. Denny and Banknock	J Blackwood	Labour
	J McNally	SNP
	M Oliver	SNP
	A Waddell	Independent
4. Carse, Kinnaird and Tryst	S Carleschi	SNP
	L Kenna	SNP
	C MacDonald	Labour
	C Martin	Labour
5. Bonnybridge and Larbert	W Buchanan	Independent
	T Coleman	SNP
	L Gow	Labour
6. Falkirk North	D Alexander	SNP
	C R Martin	Labour
	C Meiklejohn	SNP
	P Reid	Labour

7.	Falkirk South	G Goldie	Labour
		J Lemmetti	Labour
		J Patrick	Conservative
		G Thomson	SNP
8.	Lower Braes	S Jackson	SNP
		M Nicol	Conservative
		A Nimmo	Labour
9.	Upper Braes	S Fry	Labour
		G Hughes	SNP
		J McLuckie	Labour

### 3. POLITICAL BALANCE OF THE COUNCIL

3.1 Based on the foregoing results the political balance of the Council is as follows:-

Labour	14
Scottish National Party (SNP)	13
Conservative	2
Non-aligned Independent	1 (x3)

### 4. RECOMMENDATIONS

4.1 It is recommended that Council notes the results of the Elections held on 3 May 2007 and the political balance of the Council.

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**Returning Officer**

**Date: 4 May 2007**

**Contact Officer: Iain Tough, ext 6110**

FALKIRK COUNCIL

**Subject: ELECTION OF PROVOST AND DEPUTE PROVOST**  
**Meeting: FALKIRK COUNCIL**  
**Date: 18 MAY 2007**  
**Author: CHIEF EXECUTIVE**

**1. ELECTION OF PROVOST**

1.1 Section 4 of the Local Government etc (Scotland) Act 1994 requires that the Council appoints a Member to be Convener of the Council at the first meeting of Council following an ordinary election of councillors. The Convener of the Council has traditionally been known by the title of "Provost", and has performed the role of civic head of the Council.

1.2 Paragraph 7 of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 provides that, where a local authority decides to pay remuneration to its civic head, the amount of that remuneration shall be £23,179p.a. for a Council within Falkirk's banding. Additionally, the Provost would be entitled to reimbursement of actual and receipted expenditure in carrying out his or her civic duties up to a maximum of £3,000.

**2. ELECTION OF DEPUTE PROVOST**

2.1 The 1994 Act also includes a discretionary provision for the appointment of a Depute Provost. The 2007 Regulations, however, provide for payment to one civic head only. Should Council wish to remunerate a depute Provost, the position would require to be included in the group of senior members accorded enhanced remuneration. A further item on the agenda for this meeting covers the remuneration arrangements in more detail.

**3. RECOMMENDATION**

**3.1 It is recommended that:-**

- (1) In accordance with the 1994 Act, Council elects a Member to the position of Provost;**
- (2) In accordance with the 2007 Regulations, Council determines to remunerate the position of Provost; and**
- (3) Council determines whether or not it wishes to elect a Member to the position of Depute Provost.**

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**Chief Executive**

**Date: 11 May 2007**  
**Contact Officer: Iain Tough, ext 6110**



## AGENDA ITEM

### FALKIRK COUNCIL

**Subject:** MEMBERSHIP OF COMMITTEES, ETC. AND APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS  
**Meeting:** FALKIRK COUNCIL  
**Date:** 18 MAY 2007  
**Author:** ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

#### 1. PURPOSE OF THE REPORT

- 1.1 In accordance with Standing Orders 5.3 (iii), (iv) and (v), this Report invites members to consider the Council's decision making structure and seeks nominations to the various Committees of the Council, Falkirk Council Licensing Board, Central Scotland Joint Police, Fire and Valuation Boards and Fife and Forth Valley Community Justice Authority. Where appropriate, nominations are also sought to the positions of Convener and Depute Convener.

#### 2. POLITICAL BALANCE

- 2.1 As referred to in the report by the Returning Officer, which appears as Item 1 on this agenda, the political composition of the Council is as follows:-

Labour	14
SNP	13
Conservative	2
Independents not aligned to any group	3 x 1

- 2.2 The general principles of political proportionality have been applied to the Committee membership allocations detailed below. These principles are to be found in section 15 of the Local Government and Housing Act 1989 and seek to ensure proportionality, so far as reasonably practicable, among different political groups in the allocation of seats on committees and other bodies. No specific provision is made in the Act for those members who are not part of a political group. While those sections of the Act dealing with proportionality have not been brought into force in Scotland, it has been the established practice of this Council to determine membership of committees and other bodies as though they had been
- 2.3 The breakdown of membership on committees and other bodies is accordingly as follows:-

<b>Number On Committee</b>	<b>Allocation</b>	
3 (Fife and Forth Valley CJA)	Labour	1.31
	SNP	1.22
	Con	0.19
	Ind	0.09 (x 3)
6 (Appointments, Investment, Fire Board & Police Board)	Labour	2.63
	SNP	2.44
	Con	0.38
	Ind	0.19 (x 3)
8 (P&R, Valuation Board & Appeals)	Labour	3.5
	SNP	3.25
	Con	0.5
	Ind	0.25 (x3)
10 (JCC)	Labour	4.38
	SNP	4.06
	Con	0.62
	Ind	0.31 (x 3)
12 (Scrutiny Committees, Regulatory and Civic Licensing)	Labour	5.24
	SNP	4.87
	Con	0.75
	Ind	0.37 (x 3)

### **3. APPOINTMENTS TO COMMITTEES AND JOINT BOARDS**

- 3.1 Appendix 1 attached to this report details the various Committees of the Council, the remit and composition of which have been established previously and which are detailed in the Council's Standing Orders and Scheme of Delegation to Committees.
- 3.2 Those Committees etc. required by statute are marked with an asterisk (\*). Beyond those committees, it is a matter for each Council to determine its own decision making structures and schemes of delegation, having regard to the terms of sections 56 and 57 of the Local Government (Scotland) Act 1973.
- 3.3 The specialised nature of the work of the Appeals Committee, Appointments Committee, Civic Licensing Committee and Regulatory Committee, all of which involve taking quasi-judicial decisions within specific statutory frameworks, suggest that members appointed to these bodies should undergo training prior to participating in any meetings. Council is therefore asked to consider introducing compulsory training for Members appointed to these committees.
- 3.4 The Investment Committee is also specialised in nature, although it does not take quasi-judicial decisions. The members appointed are responsible for the management and investment of the pension fund and act as trustees. Admitted bodies to the Fund include

Stirling and Clackmannanshire Councils, SEPA, the Children's Reporters Service and many other smaller organisations. Again it is suggested that Members appointed to the Investment Committee should undergo compulsory training.

- 3.5 Appendix 2 details the required appointments to Central Scotland Joint Fire and Rescue Board, Joint Police Board, Valuation Joint Board and Fife and Forth Valley Community Justice Authority (CJA). Where members appointed to these bodies are unable to attend any meetings, the Administration Scheme Orders for each of the Joint Boards, and the Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 in respect of the CJA, provide that substitute members appointed by the authority may attend in their place. Consequently, nominations are also invited for named substitute Members for the Joint Boards and the CJA.

#### **4. APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS**

- 4.1 Council is required to appoint a Convener from the membership of each committee. Standing Orders also provide for the appointment of Depute Conveners
- 4.2 Where these appointments are not required, appropriate references are made in Appendix 1 to this report.

#### **5. DISCLOSURE CHECKING OF ELECTED MEMBERS**

- 5.1 Council should be aware that specific considerations apply to the appointment of members to the Housing and Social Work Committee and to the Education and Leisure Committee. Membership of either of these committees constitutes a childcare position for the purposes of the Protection of Children (Scotland) Act 2003. It is a criminal offence for an organisation to appoint any person to a childcare position if that person is disqualified from working with children. It follows from this that, in appointing members to these particular committees, there is a requirement to check whether any person so appointed is disqualified from working with children. The only way this can be done is to undertake a disclosure check.
- 5.2 As further background, there is attached to this report, as appendix 4, a copy of the report on the issue of disclosure checking members under the 2003 Act. When this report was considered on 9 September 2005, Council resolved to extend the disclosure checks to all members rather than restrict them simply to those members of the two committees caught by the Act. While disclosure checking will be required for members of those particular committees, it remains available to Council to extend the checking process beyond that membership once again, if Council decides to do so.

#### **6. LICENSING BOARD**

- 6.1 There has been a significant change to the statutory liquor licensing framework as a result of the Licensing (Scotland) Act 2005, parts of which were brought into force on 1 May 2007.

- 6.2 There still remains an obligation upon Councils to constitute Licensing Boards from among their members. However, the size of the Board is now a matter for each Council to determine, being required to have not fewer than 5 and not more than 10 members. Members will, therefore, require to decide upon an appropriate size of Board before making the necessary appointments thereto. The impact of this on proportionality is shown in appendix 3.
- 6.3 Members falling within any of the categories set out in appendix 5 are disqualified from being a member of the Licensing Board.
- 6.4 The Licensing Board will appoint its own Convener from amongst its membership at its first meeting.
- 6.5 The 2005 Act has also introduced provisions with regard to training for members. Specifically, it is provided that each member of the Board must produce evidence that the member has, within 3 months of being elected to the Board, met the requirements of an accredited training course. This requirement will come into force on 1 May 2007 conform to the Licensing (Training)(Scotland) Regulations 2007. Should a member fail to comply with this provision he/she will cease to be a member of the Board. Members will also wish to note that, for a time, the Board will be required to administer licensing under both the 2005 Act and the existing Licensing (Scotland) Act 1976.
- 6.6 It is understood that the intention of the Scottish Executive is to have training and qualifications for Licensing Board members fully in place by June 2007.

## **7. CIVIC LICENSING COMMITTEE**

- 7.1 Changes to the composition of the Licensing Board as set out above impacts also on membership of the Civic Licensing Committee. Members may recall the decision taken on 2 March 2005 to have common membership on both the Licensing Board and the Civic Licensing Committee given the similarities and synergies inherent in the approach to decision making in both licensing arenas. Reduction in the size of the Licensing Board, even if only to 10 members, means that the Board and the Civic Licensing Committee can no longer have a membership wholly in common, albeit it will still be possible, if members so wish, to have a significant crossover of membership.

## **8. RECOMMENDATION**

### **8.1 It is recommended that Council:-**

- (1) determines its political composition for the purposes of Committee membership;**
- (2) appoints Members to the Committees detailed in Appendix 1, as required;**
- (3) appoints Conveners and Depute Conveners to the Committees detailed in Appendix 1;**

- (4) considers the proposal to introduce compulsory training for Members appointed to the Appeals Committee, Appointments Committee, Civic Licensing Committee, Investment Committee and Regulatory Committee;
- (5) appoints Members to the Joint Boards and CJA as detailed in Appendix 2, and
- (6) determines the size of Licensing Board to be appointed and the membership thereof.

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**Acting Director of Law and Administration Services**

**Date: 8 May 2007**

**Contact Officer: Rose Mary Glackin , ext 6076/Iain Tough, ext 6110**

## APPOINTMENTS TO COMMITTEES ETC

<u>Committee</u>	<u>Membership</u>	<u>Convener</u>	<u>Dep. Convener</u>
Policy and Resources	8		
<b>Scrutiny Committees</b>			
Community Health and Safety	12		
Economic Development	12		
Education and Leisure	12		
Environment and Heritage	12		
Housing and Social Services	12		
<b>Other Committees</b>			
Appeals	8		
Appointments	6 (Plus the Convener of the relevant Scrutiny Committee on an ad hoc basis where he/she is not already a Member of the Committee)		
Civic Licensing	12		
Common Good Fund Committees ○ Bo'ness ○ Denny ○ Falkirk ○ Grangemouth	The Provost, Depute Provost and Members of the former Burghal areas	Provost	Dep. Provost
Emergency	8 (Same Members as P&R)	Convener of P&R	Dep. Convener of P&R
Investment	6		
Joint Consultative	10		Appointed by the staff side.
Regulatory	12		

<b>Other bodies</b>			
Complaints Review Committee (Social Work)*	Pool of Members from Housing & Social Services Committee from which 2 are taken as required (under review)	Independent Chair	n/a
Education Appeals Committee*	Pool of Members from Education and Leisure Committee which 1 is taken as required	Independent Chair	n/a
Civic Events Panel	Provost, Depute Provost and 1 additional Member from other than the largest political group of the Council.	Provost	Dep. Provost

### APPOINTMENTS TO JOINT BOARDS AND CJA

<u>Title</u>	<u>Falkirk Council Places</u>	<u>Total membership</u>	<u>Convener</u>	<u>Dep. Convener</u>
Central Scotland Joint Fire and Rescue Board	<b>6</b> (Plus up to 6 named substitute members)	<b>11</b> Clacks – 2 Falkirk – 6 Stirling – 3	Appointed by the Board	Appointed by the Board
Central Scotland Joint Police Board	<b>6</b> (Plus up to 6 named substitute members)	<b>11</b> Clacks – 2 Falkirk – 6 Stirling – 3	Appointed by the Board	Appointed by the Board
Central Scotland Valuation Joint Board	<b>8</b> (Plus up to 8 named substitute members)	<b>15</b> Clacks – 3 Falkirk – 8 Stirling – 4	Appointed by the Board	Appointed by the Board
Fife and Forth Valley Community Justice Authority (CJA)	<b>3</b> (Plus up to 3 named substitute members)	<b>10</b> Clacks – 1 Falkirk – 3 Fife – 4 Stirling – 2	Appointed by the CJA	Appointed by the CJA

## LICENSING BOARD

<u>Title</u>	<u>Membership</u>	<u>Convener</u>	<u>Dep. Convener</u>
Falkirk Council Licensing Board	<b>Minimum of 5 to maximum of 10</b>	Appointed by the Board	Appointed by the Board

<b>Number On Board</b>	<b>Allocation</b>	
5	Labour	2.19
	SNP	2.03
	Con	0.31
	Ind	0.16 (x 3)
6	Labour	2.63
	SNP	2.44
	Con	0.38
	Ind	0.19 (x 3)
7	Labour	3.06
	SNP	2.84
	Con	0.44
	Ind	0.22 (x 3)
8	Labour	3.5
	SNP	3.25
	Con	0.5
	Ind	0.25 (x3)
9	Labour	3.94
	SNP	3.66
	Con	0.56
	Ind	0.28 (x 3)
10	Labour	4.38
	SNP	4.06
	Con	0.62
	Ind	0.31 (x 3)



**Disqualifications from being a Member of the Licensing Board  
under the Licensing Scotland Act 1976**

**“Disqualification of interested persons**

- 2(1) A person who is, or who is in partnership with any person as, a brewer, maltster, distiller or dealer in or retailer of alcoholic liquor, shall not act as a member of a licensing board for any purpose under this Act.
- (2) A member of a licensing board who holds a disqualifying interest in a company shall not take part in any proceedings before the board in which that company is an applicant or an objector, and in this subsection “disqualifying interest” means a beneficial interest in shares or stocks of a close company within the meaning of section 282 of the Income and Corporation Taxes Act 1970 which have a total nominal value exceeding £50 or which amount to more than one hundredth part of the nominal value of the issued share capital, or stock, as the case may be, of the company or any class of such capital or stock.
- (3) A person who is an employee of a holder of a licence under this Act and any other person engaged in a business which deals in alcoholic liquor, including directors, officers and employees of companies so engaged shall not act as a member of licensing board for any purpose under this Act.
- (4) A member of a licensing board shall not act in the granting of a licence in respect of premise of which he is the proprietor, tenant or sub-tenant.
- (5) If any person knowingly and wilfully contravenes this section, he shall be guilty of an offence.
- (6) Anything done by any person in contravention of this section shall be void: Provided that the grant of a new licence under this Act shall not be liable to objection on the ground that the members of the licensing board, or any of them, were not qualified to grant a licence.
- (7) A person shall not be disqualified from acting as a member of a licensing board in relation to any matter by reason only that as a member of a committee constituted under section 47 of this Act he was concerned with the matter in question.”

**Disqualifications from being a Member of the Licensing Board  
under the Licensing Scotland Act 2005**

**“3. Disqualification from membership**

- (1) A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:
- (a) a premises licence holder,
  - (b) an employee of a premises licence holder and works as such in licensed premises,
  - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
  - (d) a director or other officer of a company so engaged, or
  - (e) an employee of any person so engaged and works as such in that business.
- (2) A councillor who knowingly acts or purports to act as a member of a Licensing Board at a time when the councillor is disqualified from being such a member by virtue of sub-paragraph (1) commits an offence.
- (3) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”



## AGENDA ITEM

### FALKIRK COUNCIL

**Subject:** LOCAL GOVERNANCE (SCOTLAND) ACT 2004 –  
REMUNERATION  
**Meeting:** FALKIRK COUNCIL  
**Date:** 18 MAY 2007  
**Author:** ACTING DIRECTOR OF LAW & ADMINISTRATION  
SERVICES

#### 1. INTRODUCTION

- 1.1 The purpose of this report is to outline the statutory remuneration regime as it relates to members of local authorities and to invite members to determine a remuneration framework for Falkirk Council.
- 1.2 Members may recollect my report to Policy and Resources Committee on 16 January, 2007, summarising the terms of two draft Statutory Instruments (SIs) issued for consultation under the Local Governance (Scotland) Act 2004, namely,
- The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, and
  - The Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007.

For ease of reference, a copy of that report is attached as an appendix hereto.

- 1.3 Following the consultation period, some amendments were made to the draft SIs, particularly with regard to remuneration for conveners and vice conveners of Joint Boards with the finalised SIs being made in March and brought into force on 2 May 2007.
- 1.4 As a matter of interest, members may wish to note that the proposal in the draft remuneration SI to reduce a member's salary following suspension by the Standards Commission does not appear in the final SI.
- 1.5 A further SI has been brought into force (The Local Government Pensions etc. (Councillors and Visit Scotland (Scotland) Amendment Regulations 2007) which gives members, for the first time, the right to join the local government pension scheme. Advice on the pension scheme was included with the information pack issued to all members and further advice is available to any member from the Pensions Section situated within Finance Services.

## 2. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (REMUNERATION) REGULATIONS 2007

- 2.1 The remuneration Regulations provide for different levels of payment to councillors:-
- (a) £15,452 p.a. basic payment for each councillor.
  - (b) £30,905 p.a. for the leader of the Council. The Council's Standing Orders define this position as "the Leader of the group or groups which form the administration of the Council".
  - (c) £23,179 p.a. for the Council's civic head – see item 2 on today's agenda.
  - (d) Up to £23,179 p.a. for senior councillors of which the Council is restricted to a maximum of 14.
  - (e) For the Fire and Police Joint Boards, the Convener is entitled to £23,179 p.a. and one Vice-Convener would receive £17,385. The Convener and Vice Convener of the Valuation Joint Board are entitled to £19,316 p.a. and £18,350 p.a. respectively.
- 2.2 As noted above, the Council is entitled to designate up to 14 of its Members to be "senior" councillors. Senior councillors are those who carry significant additional responsibility. It is, however, entirely a matter for Council to decide which positions, and how many of them (up to the maximum) will be so designated.
- 2.3 The Council's leader and civic head together with any members of the Council elected as convener or vice convener of a Joint Board are additional to the number of senior councillors and so do not need to be included in the quota of 14.
- 2.4 The level of payment made to each senior councillor also lies within the Council's discretion, between the parameters of £15,452 p.a. and £23,179 p.a. provided the total amount paid to all senior councillors does not exceed £270,424.
- 2.5 The Regulations provide that any remuneration requires to be paid either calendar monthly or every four weeks. Fiscal efficiency suggests that payment should be made monthly, on the same day on which payment is made to Council employees, i.e. on the 28<sup>th</sup> day of each month.

**4. RECOMMENDATION**

**4.1 Members are invited to consider the remuneration Regulations with a view to:-**

- (a) designating a member as leader of the Council, and**
- (b) determining the number of senior councillors, their positions and the level of remuneration to be paid to each.**

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**Acting Director of Law and Administration Services**

**Date: 14 May 2007**

**Contact Officer: Rose Mary Glackin, ext 5076/Iain Tough Ext 6110**



## AGENDA ITEM

### FALKIRK COUNCIL

**Subject:** LOCAL GOVERNANCE (SCOTLAND) ACT 2004 – SALARIES,  
ALLOWANCES AND EXPENSES  
**Meeting:** POLICY & RESOURCES COMMITTEE  
**Date:** 16 JANUARY 2007  
**Author:** ACTING DIRECTOR OF LAW & ADMINISTRATION  
SERVICES

#### 1. INTRODUCTION

- 1.1 The purpose of this report is to bring to the attention of members two draft Statutory Instruments (SIs) issued by the Scottish Executive in terms of the Local Governance (Scotland) Act 2004, being
- (a) The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, and
  - (b) The Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007.
- 1.2 The provisions contained in each of the SIs are intended to take effect from the date of the forthcoming election, 3 May 2007. They have been issued in draft at this stage, however, and are open for comment to the Scottish Executive, albeit we are advised that the key principles are unlikely to be revisited.

#### 2. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004

- 2.1 Members will recall my report to this Committee on 7 February 2006 outlining recommendations from the Scottish Local Authorities Remuneration Committee (SLARC) on a range of issues including allowances paid to members, expenses, training and severance proposals.
- 2.2 The severance arrangements were taken forward in the Local Governance (Scotland) Act 2004 (Severance Payments) Regulations 2006. Of the existing complement of Falkirk Council members, twelve have made application under these Regulations.
- 2.3 The two SIs which are the subject of this report take forward the Executive's response to the SLARC recommendations dealing with salaries, allowances and expenses. Existing arrangements dealing with such matters will be revoked.

### **3. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (REMUNERATION) REGULATIONS 2007**

- 3.1 These Regulations provide for four levels of payment to councillors:-
- (a) £15,452 p.a. for each of what the Regulations refer to as a “basic councillor”.
  - (b) £30,905 p.a. for the leader of the Council. This amount varies according to the size of Council. Falkirk, along with another thirteen Councils, is in Band B. Payments range from £25,754 in Band A Councils to £46,357 in Band D Councils (City of Edinburgh and Glasgow City Councils only).
  - (c) One civic head receiving a payment up to the maximum level available for senior councillors - £23,179 p.a. for Falkirk’s civic head.
  - (d) Senior councillors are eligible for payments up to a maximum of 75% of the amount paid to the Council leader. In Falkirk this would mean a maximum amount of £23,179 p.a. for the Council’s senior members
- 3.2 The amount of basic payment and payment for the leader are prescribed in the Regulations but there is local discretion to determine payment levels for other posts up to the specified maximum and within a defined cost envelope. There is, additionally, provision in the Regulations for members to opt not to receive a salary.

#### **Senior Councillors**

- 3.3 The number of senior councillors which an authority can appoint is restricted. The number varies among Councils depending on their size, ranging from 8 (for Clackmannanshire and Midlothian Councils) to 24 for the two largest City Councils. Falkirk’s maximum is 14. This number is in addition to the leader and the civic head.
- 3.4 The exact remuneration payable to senior councillors is a matter for the Council’s discretion between the parameters of £15,452 and £23,179. The amount payable to each senior councillor may be the same or may vary but must not exceed a total amount which is determined according to a specified formula. In Falkirk’s case, the formula produces a maximum amount of £270,424 which averages out at £19,316 over fourteen councillors.
- 3.5 Determining how to exercise the statutory discretion in setting up a payment framework which suits Falkirk Council’s requirements will be the matter for the new Council and a report will be produced for the statutory meeting for members’ consideration.

### **Civic Head**

- 3.6 The Regulations authorise payment to one civic head of the Council up to a maximum amount of £23,179 p.a. They also authorise reimbursement of receipted expenditure incurred by the civic head to enable him/her to carry out his/her civic duties, up to a maximum of £3,000 in Band B.

### **Joint Boards**

- 3.7 The SLARC report recommended that Joint Boards should be able to determine the salaries paid to their Conveners and Vice Conveners. This would require a change in primary legislation to take forward, however. As an interim measure, therefore, the Executive is proposing that the Regulations prescribe certain payments. These would cover the Convener and one Vice Convener for each Joint Board and would be in addition to the number of senior councillors authorised to be appointed within a Council. Sums due under these proposals would be paid by the office bearer's own authority and reimbursed from Joint Board funds. Payment in respect of these positions would be excluded from the maximum amount referred to in paragraph 3.4.
- 3.8 The amount payable to the Convener would be 75% of the amount payable to the leader of the highest banded Council forming part of the Board. For Joint Boards on which Falkirk Council sits (Police, Fire and Valuation), Falkirk is the highest banded Council and so the remuneration due to each of the three Conveners would be £23,179 p.a. Vice Conveners (one per Board) would be entitled to a payment of £17,385 p.a. (75% of the Convener's payment).

### **Suspension**

- 3.9 The SLARC report also recommended empowering the Standards Commission to direct that a councillor's salary should be reduced or not paid in certain circumstances. That, too, would need a change in primary legislation to bring into effect. As an interim measure, the Executive is proposing that, in the event of a councillor being suspended for more than two months following a hearing by the Standards Commission, his/her salary should be reduced by 50%.

## **4. THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (ALLOWANCES AND EXPENSES) REGULATIONS 2007**

- 4.1 These Regulations limit the number of allowances to which members will be entitled to two; a mileage allowance and an allowance for the civic head. All other allowable expenses will be paid on a "receipted and reasonably incurred" basis.

### **Civic Head**

- 4.2 There is repeated in the Regulations the provision contained in the Remuneration Regulations, and outlined in paragraph 3.6 above, authorising

an allowance of up to £3,000 for the Council's civic head. The reference will be removed from one set of the Regulations but it has not yet been decided which. It would seem, however, to sit more comfortably within the Allowances and Expenses Regulations.

### **Mileage**

4.3 Payment of a mileage allowance is authorised in respect of travelling which is reasonably incurred by a member for the purpose of enabling him/her to perform any approved duty as a member of the authority. Rates are prescribed, as follows:

- car or van - 49.3 pence per mile
- motorcycle - 24 pence per mile
- bicycle - 20 pence per mile
- passenger travelling allowance (where both the member and the passengers are carrying out any approved duty) – 5 pence per mile per passenger.

### **Reimbursement**

4.4 Reimbursement of travel, subsistence or other expenditure is authorised if the following requirements are met:

- the expenditure is reasonably incurred by the member for the purpose of enabling him/her to perform any approved duty;
- the expenditure is of a type specified in schedule 2 of the Regulations (which is appended to this report) up to any maximum specified in the schedule; and
- the expenditure is receipted.

4.5 The Regulations do not provide for reimbursement of meals taken either at council offices or within the member's own ward.

### **Claims and publication**

4.6 Prescribed claim forms are included in the Regulations. The Council is obliged to keep a record of payments made and to publish that record on the Council website at least annually, and in such other manner as the Council thinks fit.

## **5. CONCLUSION**

5.1 As noted above, the draft SIs are open for comment in terms of their detail. The Executive is seeking views, in particular, on the proposals in the Remuneration Regulations regarding payments for Joint Boards and for reducing the salary payable to suspended members (paragraphs 3.7 to 3.9).

- 5.2 An issue which will require to be raised is the definition of “leader of the Council”. The Reumeration Regulations define the term as being the Convener of the Council. This term is itself defined in the Local Government etc. (Scotland) Act 1994 and in most if not all Scottish local authorities refers to the post of Provost, i.e. to the Council’s civic rather than political head. The term “leader of the Council” is nowhere else defined in legislation and tends to find its role outlined in a Council’s Standing orders. The definition section of the Regulations will therefore require to be amended.
- 5.3 Members may also wish to highlight the limitation on the number of vice conveners of Joint Boards. Both the Police and Fire Boards locally have two vice conveners while the Regulations would permit only one to be paid.

**6. RECOMMENDATION**

- 6.1 Members are invited to note the terms of the Regulations outlined in this report and to identify any aspects on which they would wish to comment to the Scottish Executive.



.....  
**Acting Director of Law and Administration Services**

**Date: 5 January 2007**

Background Papers

None



## AGENDA ITEM

### FALKIRK COUNCIL

**Subject:** APPOINTMENT OF MEMBERS TO OUTSIDE ORGANISATIONS  
**Meeting:** FALKIRK COUNCIL  
**Date:** 18 May 2007  
**Author:** ACTING DIRECTOR OF LAW AND ADMINISTRATION

#### 1. INTRODUCTION

1.1 The appendix to this report provides information on external bodies which have expressed a wish to have representation from elected Members of Falkirk Council.

#### 2. NATURE OF OUTSIDE ORGANISATIONS

2.1 The external bodies included in the Appendix comprise;

- External public agencies concerned with public services
- Outside organisations partly funded by Falkirk Council; and
- Voluntary organisations

2.2 The Appendix provides information about each organisation including whether the representation has voting rights, the purpose of the organisation, the function expected of the elected member and information with regard to frequency of meetings.

2.3 Members appointed to organisations with particular status (e.g. companies) must ensure that they adhere to all the requirements and obligations of the particular organisation, especially where issues of company law are involved. Again, the Appendix indicates the status of each organisation. Further advice will be provided for members appointed to external bodies.

#### 3. CORNTON VALE OVER 21's PRISON VISITING COMMITTEE

3.1 The Council has 6 places on the Cornton Vale Over 21's Prison Visiting Committee. Council appointments to the Visiting Committee are not restricted to elected members and the Council has adopted a practice in the past of appointing both elected members and lay people to the Committee.

3.2 At the meeting of Falkirk Council on 6 December 2006, when being advised of a vacancy on the Committee, Members agreed to proceed with a recruitment process to draw up a panel of interested lay people for future appointments. This resulted in 2 applications being received. Both applicants are considered suitable for appointment.

3.3 The lay people appointed previously by the Council have been contacted to establish if they wish to be re-appointed. Of these 2 people, only one wishes to be re-appointed. Therefore, the 6 places available on the Committee could be filled as follows:-

- re-appointment of 1 lay person, Mr Bill Strathearn;
- appointment of the 2 new lay people (Miss Jill MacIntosh and Miss Lindsay Drummond) who applied following the recruitment process, and
- Council to nominate 3 Members to the remaining 3 places or alternatively, look to recruit more lay people

#### **4. REGISTER OF INTERESTS**

4.1 Sections 4 and 5 of the Code of Conduct for Councillors relate to the Registration and Declaration of Interests. Members appointed to external bodies are required by the terms of the Code to include such appointments in their Register of Interests and consider declaring those interests in any context where there is any link between a matter which requires the attention of that Member and the registered interest. Members' interests may be governed by the General Dispensation issued by the Standards Commission provided certain criteria are met. Guidance on registration and declaration of interests and on the General Dispensation has been issued by the Standards Commission and all Members were provided with a copy shortly after being elected along with the Code of Conduct. Further information can be found in the FAQs issued to members with their Registration of Interests form.

#### **5. RECOMMENDATION**

5.1 It is recommended that Council:-

- (a) **considers the nomination and appointment of elected Members to the organisations as detailed in the Appendix to this Report; and**
- (b) **notes the requirements upon Members to record any appointments to outside bodies in their Register of Interests in accordance with the terms of the Ethical Standards in Public Life (Scotland) Act 2000.**

.....  
**Acting Director of Law and Administration**

**Date: 11 May 2007**

**Contact Officer: Andrew Rose, ext 1277**

#### **LIST OF BACKGROUND PAPERS**

1. Information supplied by external organisations.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 501277 and ask for Andrew Rose.

## Falkirk Council – Elected Member Representation on Outside Bodies/Organisations

### Key:

AB = Advisory Body  
 Co = Company Limited by Guarantee  
 CB = Co-ordinating Body  
 FN = Forum or Network

JC = Joint Committee  
 MB = Monitoring Body  
 P = Partnership  
 SP = Statutory Partnership

RC = Registered Charity  
 SJC = Statutory Joint Committee  
 VO = Voluntary Organisation

Name of Organisation	Representation Requested	Purpose of organisation	Voting rights?	Frequency of meetings	No. of meetings per annum	When meetings held	Function / duty of elected member representative
Age Concern Falkirk  VO	1 elected member	Voluntary organisation managed by a committee of volunteers.	✓	Monthly	8 – 9	3 <sup>rd</sup> Wednesday in month	<ul style="list-style-type: none"> <li>• Participate fully as a member of the voluntary committee</li> <li>• Act as conduit of information between Council &amp; Age Concern Falkirk</li> <li>• Support fund raising activities</li> <li>• Assist with the review of Age Concern Falkirk's function in the future</li> </ul>
Alcohol Support & Counselling  VO	1 elected member	To provide a range of services to clients with alcohol and/or drug issues from prevention and education through to rehabilitation.	✓	6 weekly	8	Tuesday evenings	<ul style="list-style-type: none"> <li>• To be a member of the Board of Directors</li> </ul>

Argyll, Loch Lomond & Forth Valley (ALLFV) Tourism Partnership  P	1 elected member	To identify local issues (tourism related) along with the needs and priorities within the ALLFV region and deliver actions identified to meet the Tourism Framework. Review local alignment and provide feedback on national tourism strategy.	✓	Quarterly	4 - 8	Unknown	<ul style="list-style-type: none"> <li>• Contribute ideas to enhance tourism growth</li> <li>• Review &amp; Challenge partnership priorities based on the regions' "highest commercial imperative".</li> <li>• Champion &amp; drive the delivery of Projects</li> <li>• Report on performance</li> <li>• Contribute to a unified regional tourism voice.</li> </ul>
Association for Public Service Excellence (APSE)  FN	Up to a max of 10 elected members (one to sit on each Forum and Group)	<p>a. To promote the public provision of high quality local services and to support authorities in their efforts to deliver continuous improvement and to oppose any unreasonable restrictions in achieving such aims.</p> <p>b. To co-ordinate the activities of direct frontline services to exchange information and experience, and to make recommendations to such bodies, with a view to identifying and disseminating best practice.</p> <p>c. To work in partnership with any organisation which shares the aims and philosophies of the Association, Scottish region in the promotion of the future well being of direct frontline services, their employees and the communities who are served by them.</p> <p>d. To monitor present legislation and any changes proposed thereto, to understand the implications, representing members and lobbying government and other bodies as appropriate.</p> <p>-----</p> <p>The authority is entitled to be represented on each Thematic Forum and each Service Group. Each authority can choose different representatives for each Forum and each Group, or can choose to have the same representative on all, or a mixture.</p> <p>-----</p>	✓	Forums - 2 times annually  Groups - 3 times annually Plus AGM for each	2 or 3 + AGM	Calendar sent out in June	Each member to sit on a Forum and/or Service Group (or all groups).

		The 3 Thematic Forums are: Healthy Communities The Environment Community Regeneration	The 7 Service Groups are: Building & Housing Roads & Lighting Parks, Grounds & Street Transport & Mechanical Waste & Recycling Soft FM Sports, Leisure & Culture					
Braveheart Association RC	1 elected member	A voluntary organisation which runs self help support groups for adults with heart problems. Volunteers are recruited and trained to run groups encouraging participants to discuss and implement changes to their lifestyle in a positive manner through sessions on healthy eating, medication, heart health, physical activity, stress and smoking cessation.		✓	6 weekly	9 + AGM	Monday 2pm – 4pm:  May 28; Jul 9; Aug 27 (AGM); Oct 8; Nov 26	To help ensure that support and funding provided by the Council are used to the maximum effect in the delivery of Scottish Executive guidelines in primary and secondary health care.
Central Scotland Institute of Sport P	1 elected member	To develop athletes with the potential to succeed on the world stage by supporting their development so they can progress to the Scottish Institute of Sport.		✓	6 monthly	2	June & December	To approve policies and resources to meet the aims of the Central Scotland Institute of Sport.

Central Scotland Racial Equality Council (CSRECL)  VO	1 elected member	<p>CSRECL is an autonomous voluntary organisation which works towards a racism-free Central Scotland which gives everyone an equal chance to learn, work and live free from discrimination and prejudice and from the fear of racial harassment and violence</p> <p>CSRECL is opposed to all forms of discrimination and oppression and actively promotes racial justice and equality of opportunity for all. Committed to plan and deliver services in a manner which is transparent, professional, sensitive and values diversity.</p> <p>CSRECL promotes equality of opportunity and good relations between persons of different racial groups without distinction on grounds of colour, race, nationality, ethnic or national origin, gender, marital status, disability, sexual orientation, age and creed.</p>	x	Quarterly	4 + AGM	Tuesday evenings but dates agreed at 1 <sup>st</sup> meeting after AGM	Support work of CSRECL, advise governing body when necessary and act as a link between CSRECL and Falkirk Council.
Citizens Advice Bureau (Denny & Dunipace)  RC	1 elected member	<ol style="list-style-type: none"> <li>1. General advice agency</li> <li>2. To ensure individuals do not suffer through lack of knowledge of their rights and responsibilities or of the services available or through an inability to express their needs effectively and equally.</li> <li>3. To exercise a responsible influence on the development of social policies and services locally and nationally.</li> </ol>	✓	Bi-monthly	6 + AGM	2 <sup>nd</sup> Wednesday of month	<ul style="list-style-type: none"> <li>• Two way exchange of information and representation of views.</li> <li>• Management Committee members are responsible for ensuring CAB meets the standards of membership scheme and all legal obligations.</li> <li>• Councillor role includes communicating at an executive level to aid better understanding of the CAB role to the community and CAB needs to the service.</li> </ul>
Citizens Advice Bureau (Grangemouth & Bo'ness)  RC	1 elected from Grangemouth and 1 elected member from Bo'ness	No request for representation has been received from Falkirk Citizens Advice Bureau.	✓	6 weekly	10	Thurs @ 5.30pm	
Cornton Vale Over 21s Visiting Committee  SJC	As outlined in paragraph 4 of the report	<ol style="list-style-type: none"> <li>1. To provide a necessary outside perspective on the life and work of a prison or young offenders institution.</li> <li>2. Act as an independent observer on behalf of the Scottish Executive to whom it is responsible. If there are matters which are of concern to a committee, it is its duty to report them to the Governor. Where the Governor does not take appropriate remedial action, the committee may bring the matters to the attention of the Scottish Executive.</li> </ol>	✓	6 weekly	9	Alternate between Tues pm & Fri am	Undertaking visits to various parts of the prison, writing a report of the visit for the visit book and attending the Visiting Committee meetings.

Council for Voluntary Sector (CVS) RC	1 elected member	Umbrella and support body for charity & voluntary sector	✓	Bi-monthly	6 + AGM	3 <sup>rd</sup> Wed in month (evening)	Contribute to developing strategic leadership of the organisation. To act in the best interests of the CVS as a Board member.
East of Scotland European Consortium JC	1 elected member	To represent and promote the interests of member authorities with regard to European policy development and implementation.	✓	Quarterly	4	Jun 25, Oct 8, Dec 10 (in Brussels)	Elected members are the decision making bodies whom comprise the policy board.
Edinburgh Airport Consultative Committee AB	1 elected member	To advise the managing Director of Edinburgh Airport about issues which concern the local communities, travellers and other users of the airport.	✓	Quarterly	4	2 <sup>nd</sup> Monday of month	Attendance at meetings to represent the Council and the wider community.
Falkirk Enterprise Action Trust (FEAT) Co	1 elected member	To assist people in the Falkirk Council area to start up, develop and grow businesses contributing to the economic performance of the area.	✓	Quarterly	4	Unknown	Member of Board of Trustees
Falkirk Environment Trust (FET) RC & Co	1 elected member	To distribute landfill tax monies and other sources of funding in the Falkirk Council area.	✓	6 weekly	6-8	Unknown	Attendance at meetings to represent the Council and the wider community.

<p>Falkirk Sports Council</p> <p>VO</p>	<p>2 elected members</p>	<p>a) To promote interest and participation in sport in the Falkirk Council area;</p> <p>b) Encourage work of various sports clubs and organisations in Falkirk area both generally and in relation to specific projects;</p> <p>c) To examine the available sports facilities in the Falkirk area as against current and anticipated needs and to make recommendations to Falkirk Council and any other appropriate body;</p> <p>d) To promote or support competitions, championships and social events as considered desirable;</p> <p>e) To assist local sports clubs and organisations and individuals, by arranging courses and displays, for the improving of personal performance and for the training of leaders, coaches, referees and judges;</p> <p>f) To assist in the formation of sports clubs where none exists, or where existing clubs are unable to fulfil current needs;</p> <p>g) To encourage, with the assistance of the Education Authorities, schools pupils and school leavers to take up sporting activities;</p> <p>h) To receive reports and recommendations from local sports clubs and organisations on all matters concerning sport and to take appropriate action thereon;</p> <p>i) To publish and distribute, as considered desirable, up to date information on local sports clubs, organisations, activities and facilities;</p> <p>j) To foster in the field of amateur sport, the twinning links between the Council and twin towns; and;</p> <p>k) To further the foregoing objects by organising such activities and taking such other actions as the Sports Council may deem appropriate.</p>	<p>✓</p>	<p>Monthly</p>	<p>9</p>	<p>3<sup>rd</sup> Monday in month</p>	<p>Inform Sports Council Members of Falkirk Council's plans for sports and facilities. Also, to take communication and information back to Falkirk Council.</p>
<p>Falkirk &amp; District Arts &amp; Civic Council</p> <p>VO</p>	<p>Provost (Honorary President) and 2 elected members</p>	<p>To encourage and stimulate interest in the promotion, understanding, performance and appreciation of the arts and related cultural and civic activities within the Falkirk Council area.</p>	<p>✓</p>	<p>Monthly (Sept – June only except May)</p>	<p>9</p>	<p>3<sup>rd</sup> Friday in Month</p>	<ul style="list-style-type: none"> <li>• To represent Falkirk &amp; District Arts &amp; Civic Council views to the Council</li> <li>• To share Council Policy with the Falkirk &amp; District Arts &amp; Civic Council</li> <li>• Work with the other members to achieve the Falkirk &amp; District Arts &amp; Civic Council aims and objectives.</li> </ul>

Falkirk & District Community Safety Panel  VO	1 elected member	To reduce the potential for crime/fear of crime in the area.	✓	6 weekly	3	Every 6 <sup>th</sup> Tuesday	Input on policy development and take back information to inform Council policy.
Falkirk & District Town Centre Management LTD  Co	1 elected member	Management of the town centres in the Falkirk Area (Falkirk, Grangemouth, Bo'ness, Denny and Stenhousemuir).	x	Quarterly	4 + AGM	Last Friday in Jan, Apr, Jul & Oct	Official liaison between the board of Directors and Falkirk Council.
Falkirk & District Twinning Assoc.  CB	Provost (ex-officio) and 2 elected members	To promote twinning links and cultural exchanges with Creteil, France.	✓	Approx quarterly	4-5	Unknown	To advise assoc. with regards to the Council's position on twinning arrangements.
Falkirk Women's Technology Centre  RC & Co	A maximum of 2 elected members	To provide IT training to women and girls within the Falkirk/Forth Valley area.	✓	Monthly	12	Alternate Mon/Tues/ Wed on 3 <sup>rd</sup> week each month	To manage the business of the company who may exercise all the powers of the company.
Forth Valley Economic Forum  FN	1 elected member	Economic Development	x	Every 2-3 months	Max 5	May 29, Sept 11, Nov 6	Participate in discussions regarding economic development and strategic issues pertaining to the Forth Valley Area.

Forth Valley Joint Member Officer Group - Scottish Environment Protection Agency (SEPA) JC	2 elected members	To gain agreement on strategic waste management decisions within the Forth Valley.	✓	Quarterly	4	Unknown	To sit on the Joint Member Officer Group
Forth Valley NHS Board JC	1 elected member	To ensure the continuing improvement in the health of the population of Forth Valley and to develop effective, integrated services to meet the needs of individuals and to provide reassurance that resources are utilised effectively and efficiently and targeted at the areas of greatest need.  <b>This position attracts remuneration from FVNHS and the Council's appointment requires to be approved by Scottish Ministers.</b>	✓	Bi-monthly	6	Last Tuesday of month	To be a Board Member and to attend up to 12 Board Seminars annually.
Forth Valley NHS Community Health Partnership JC	2 elected members	To scrutinise the process of enhancing health and improving health and related services across health, local authorities, voluntary organisations and communities. A key role in making local policy decisions, influencing national priorities and identifying opportunities for further integration of healthcare & partnership services.	✓	Bi-monthly	6	June 26, Aug 21, Oct 30, Dec 18.	Participate as member of Community Health Partnership Committee.
Highland Reserve Forces' And Cadets' Assoc. CB	1 elected member	Representing the reserve forces and the 3 service cadet organisations (Sea, Army and Navy) in the area north of the Forth/Clyde line. Provides accommodation, support to recruiting, support to employers of reservists and support to cadets and wider youth initiatives.	✓	3	3	2 x May (1 evening + 1 all day) 1 x Oct (evening)	To inform the Association about local issues that affect the organisation and bring back to the Council issues which may be relevant.
Joint Children's Panel Advisory Committee (JCPAC) SJC	1 elected member	To monitor the work of Falkirk, Stirling and Clackmannanshire Children's Panels. To lead on recruitment of new Panel Members and to stay aware of changes to the Children's Panel system.  <b>Elected Members <u>MUST</u> complete statutory training. Membership of this committee is also a childcare position under the Protection of Children (Scotland) Act 2003. Consequently, disclosure checking will be required.</b>	✓	Approx. bi-monthly	5	June 18 (Alloa), Aug 20 (Falkirk), Nov 5 (Stirling) @ 2pm	To take a full part in JCPAC meetings, to participate in the recruitment of new panel members, to become involved in any sub-committees established and to represent the JCPAC when necessary.

Linked Work & Training Trust Co	1 elected member	To deliver a programme of education and work based learning to degree level.	✓	Bi-monthly	6	Last Friday bi-monthly	<ul style="list-style-type: none"> <li>• Vice-Chairperson.</li> <li>• Attend meetings.</li> <li>• Responsibility in terms of company law and members have delegated power to the board to take management decisions.</li> </ul>
Local Authority Fairtrade Forum FN	1 elected member	To take forward Fairtrade Nation status and share information and best practice on Fairtrade issues to feed into the Fairtrade Forum.	✓	Annually or bi annually	1 or 2	Not yet known	Help share experiences in taking forward the Fairtrade Nation Local Government Agenda.
National Association of Councillors FN	A maximum of 3 elected members to sit on the UK National Management Committee and a maximum of 3 elected members to sit on the Scottish Regional Committee.	<ul style="list-style-type: none"> <li>• To facilitate the coming together of members on a regular basis</li> <li>• To extend and strengthen the links between all local authorities and to enhance friendship and co-operation</li> <li>• To address and understand matters of common and mutual interest</li> <li>• To promote civic leadership and political dialogue</li> <li>• To promote equality of opportunity, combat discrimination and embrace diversity in both the work of the Association and its membership</li> <li>• To provide a forum for councillors to research, discuss and progress political issues and a means whereby joint views may be formulated and expressed.</li> <li>• To provide for the training and education of members on national issues</li> <li>• To co-operate with and promote goodwill with members' organisations in the members states of the EU</li> <li>• To maintain and develop the association on a structured basis</li> <li>• To provide information on the Association to members, to ensure that members are afforded the opportunity to contribute to the Association's activities and to the development of policies which represent consensus as far as possible</li> <li>• To promote the policies of the Association by providing information to local authorities, bodies representing members of local authorities, the public, the media and outside organisations.</li> </ul>	✓	Quarterly	4 + AGM	Varies.	To attend association meetings on a national and Scottish level.

		<ul style="list-style-type: none"> <li>To develop relations with other organisations and bodies, as appropriate</li> <li>To promote the status of elected members and to put forward the case for adequate remuneration (including pension rights)</li> </ul>					
Order of Malta Dial – a – Journey LTD and Shopmobility Ltd Co	1 elected member to serve of both bodies	<p>Order of Malta deals with the provision of wheelchair accessible transport for disabled people.</p> <p>Shopmobility lends electric wheelchairs etc for disabled shoppers in Town Centres.</p> <p>The appointment to Shopmobility will be short term as the organisation will be dissolved later in 2007 and integrated with Order of Malta.</p>	✓	Bi - monthly	6	Last Tuesday every 2 <sup>nd</sup> month	To be a director of the companies and attend meetings of the Boards as required.
Paragon Housing Association LTD Co	1 elected member	<ol style="list-style-type: none"> <li>Registered social landlord</li> <li>Provision of social rented housing</li> </ol>	✓	Monthly	10-12	PM on 3 <sup>rd</sup> Wed. each month	Responsibility of Registered Social Landlord committee member in accordance with statutory and regulatory provisions.
Scottish Accident Prevention Council CB	3 elected members	Co-ordinates and stimulates the work of Accident Prevention across Scotland.	✓	Quarterly	5	1 <sup>st</sup> Wed of month	Attend and participate in meetings and activities.
Scottish Enterprise Forth Valley CB	1 elected member	Economic development in Forth Valley	✓	Bi-monthly	6	4 <sup>th</sup> Mon. in Jan, March, May, Jun, Sep & Nov	Act as Board Member and probably member of one or more sub-committees.
Scottish Joint Council (COSLA)	1 elected member	To negotiate salary and terms & conditions of employment with the Trades Unions representing SJC staff on behalf of Scottish Local Authorities.	✓	Quarterly	4 - 6	Unknown	<ul style="list-style-type: none"> <li>Represent Falkirk on the employers side of the SJC.</li> <li>Serve as an employers' representative on SJC working groups, appeals panels as required.</li> </ul>

Scottish Liaison Group on Radioactive Waste Management FN	1 elected member	<ul style="list-style-type: none"> <li>provide a mechanism to identify a common, Scottish local authority viewpoint on radioactive waste management issues</li> <li>act as an interface with the Scottish Executive, Scottish Parliament and regulatory bodies as they consult on radioactive waste management and clean-up policy and practice; and</li> <li>influence national policy on radioactive waste management in the interests of the communities affected</li> </ul>	✓	This is a new group and has not yet met. It is proposed that a steering group will be created following the establishment of its membership to determine meeting frequency.			To attend Liaison Group meetings.
Scottish Local Government Forum Against Poverty FN	1 elected member and 1 named substitute elected member	<ul style="list-style-type: none"> <li>Campaigning and lobbying for action</li> <li>Providing Councils with a common voice</li> <li>Influencing local, national and European Union Policy</li> <li>Promoting initiatives to alleviate poverty/social exclusion</li> <li>Sharing information on 'best practice'</li> <li>Co-operating on joint projects and commissioning research</li> <li>Working with other organisations on issues of common concern</li> <li>Liaising and engaging in the processes developed by the Scottish Parliament and its committees in relation to relevant policy</li> <li>Further consolidating relations with relevant Westminster Select Committees and All Party Parliamentary Groups</li> </ul>	✓	Six weekly	8 +	A minimum of 8 annually	The Forum is a network of Scottish local authority elected members who annually elect a committee which is responsible for the development of policy and priority issues for the Forum. Executive Committee meets as required.
Scottish Museums Council RC & Co	1 elected member	Lead strategic body for museums and galleries in Scotland.	✓	Annual (AGM)	1	Nov.	Represent the interests of Falkirk Council in issues relating to museums and galleries.
Scottish National Federation for the Welfare of the Blind RC	1 elected member	To promote the well being, education and employment of blind and partially sighted people in conjunction with various affiliated bodies.	✓	Bi-monthly	5	1 <sup>st</sup> Thurs. of month	Member of Executive Committee of Federation and would participate in discussion and assist in formulating policy.

Scottish Railway Preservation Society RC & Co	1 elected member	The advancement of railway heritage through the creation of a nationally significant museum of Scottish Railways and the operation of the Bo'ness & Kinneil Railway as a visitor attraction.	✓	Approx. 6 weekly	1 - 4	Friday evenings	<ul style="list-style-type: none"> <li>To serve as a trustee of the Society.</li> <li>To play a full role in establishing the Society's strategic direction and ensuring alignment of the Society's objectives with those of Falkirk Council.</li> <li>To provide complete transparency to Falkirk Council in all matters relating to the use of funds provided by grants and the Service Level Agreement.</li> </ul>
Scottish Schools Equipment Research Centre (SSERC) Co	1 elected member	A not-for-profit research centre and advisory body providing technical support to schools and colleges in Scotland.  The affairs of the Centre are governed by SSERC LTD, a company limited guarantee, which is also a registered charity.	✓	4-5 annually	Min. 3	Variable	To be a corporate member of SSERC LTD.
South East of Scotland Transport Partnership (SESTran) SP	2 elected members and 2 named substitute elected members	Regional Transport Partnership Authority  <b>N.B. It is a statutory requirement that these appointments are made at the first meeting of the new Council.</b>	✓	Monthly	12	Fri.	Member of statutory transport body
Standing Conference of Local Government in the Forth Estuary MB	2 elected members	To co-ordinate monitoring of radioactivity and similar effects in the Forth Estuary.	✓	Annually	1	Not known	Represent the local authority's interests.
Stirlingshire Educational Trust RC	7 elected members	Charitable trust awarding educational grants.	✓	Quarterly	4	Jun 6, Sept 5, Dec 5, Nov, Mar 3 2008	To act as a trustee in running a charitable trust

University of Stirling Conference MB	Provost plus 1 elected member	Higher education	✓	Annual	1	March	To attend and hear a report on the work of the University over previous year and comment as appropriate.
WESLO Housing Management Co	1 elected member	Provide affordable, good quality rented housing. To exercise local control over housing stock to enable tenants to have a greater say in policies affecting their housing and environment.	✓	6 weekly	8	9 May, 13 June, 1 August, 12 Sept, 24 Oct, 5 Dec.	General representation of Falkirk Council on governing body of WESLO.
Workers' Educational Association (WEA) RC & Co	1 elected member	A national, democratic adult education provider which produces community and work place based adult learning.	x	6 monthly	2	Sat.	To be a key contact for the WEA and to provide information to the WEA to ensure WEA services complement council strategies.



## AGENDA ITEM

### FALKIRK COUNCIL

**Subject: APPOINTMENT OF EX OFFICIO JUSTICES OF THE PEACE**  
**Meeting: FALKIRK COUNCIL**  
**Date: 18 May 2007**  
**Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES**

#### **1. INTRODUCTION**

- 1.1 The purpose of this Report is to advise Members of the provisions of the Criminal Proceedings etc (Reform) (Scotland) Act which received Royal Assent in February 2007 and the effect this has on the appointment of ex officio justices of the peace.

#### **2. DISTRICT COURTS (SCOTLAND) ACT 1975**

- 2.1 In terms of Section 11 of the District Courts (Scotland) Act 1975, the Council has power to nominate up to one quarter of its members (8) to serve as ex officio justices of the Peace for its area. These appointments are not subject to Scottish Ministers' approval, although the Council must intimate its nominations to the Ministers and new ex officio appointments begin on the date on which that intimation is made. Once appointed, ex officio Justices are bound by the same statutory and ethical obligations as Justices of Peace appointed by the Scottish Ministers under Section 9 of the 1975 Act, including the provisions covering removal from office, except that ex officio Justices cease to hold office when they are no longer a member of the Council or if their nomination is terminated by the Council.
- 2.2 The Secretary of Commissions for Scotland has recommended that where a local authority decides that members who were ex officio justices prior to the local elections on 3 May 2007 should remain in office, these individuals be re-nominated after the election.

#### **3. CURRENT EX OFFICIO JUSTICES**

- 3.1 Prior to the election there were 8 ex officio justices nominated by Falkirk Council, namely:-

John Constable, Bo'ness  
Dennis Goldie, Falkirk\*  
Gerald Goldie, Falkirk  
Lynda Kenna, Larbert & Stenhousemuir  
Craig Martin, Carronshore  
Robert Spears, Grangemouth  
Alexander Fowler, Maddiston\*  
James Wilson, Denny\*

\*Did not stand for re-election on 3 May 2007.

- 3.2 The location of these ex officio justices assisted in providing adequate geographical coverage throughout the Commission area.

#### **4. CRIMINAL PROCEEDINGS ETC (REFORM) (SCOTLAND) BILL**

- 4.1 On 23 February 2007 the Criminal Proceedings etc (Reform) (Scotland) Act received Royal Assent. The lay justice provisions of this Act are expected to come into force in December 2007. At the same time, the lay justice provisions of the 1975 Act (including section 11) will be repealed. The effect of these changes will be that the position of ex officio justice will cease to exist, as will the position of signing justice more generally. The Act's provisions also mean, however, that all local authority members, from December 2007 onwards, will be able to perform the signing duties that ex officio justices currently carry out. The Scottish Executive anticipates providing guidance to local authority members on these signing powers closer to the time of the Act's provisions coming into force. Signing duties for current ex officio justices are restricted to:-

- Signing any document for the purpose of authenticating another person's signature
- Taking and authenticating by his/her signature any written declaration, and
- Giving a certificate of facts within his/her knowledge or of his/her opinion as to any matter.

- 4.2 The Council can of course decide not to nominate any ex officio justices to hold office during the seven month period after May 2007. However, if the Council decides to nominate up to a quarter of its councillors to serve as ex officio justices between May and December 2007, then it should inform the Scottish Executive of those nominations as soon as possible. It should be noted that ex officio justices hold office from the date when their nomination is intimated to Ministers, rather than from the date on which they are nominated.

#### **5. GENERAL CRITERIA FOR SCOTTISH MINISTERS' APPOINTMENTS**

- 5.1 Should the Council decide to nominate Members as ex officio justices, it may be helpful for the Council to be aware of the general criteria to which Scottish Ministers have regard in considering candidates for appointment as Justices and, in particular, those factors which could disqualify a person from appointment either absolutely or conditionally. The main consideration is that a candidate should be personally suitable in point of character, integrity and understanding, and should be generally recognised as such by those among whom he/she lives and works. Ministers will, however, also have regard to a person's capacity to be aware that personal views may be a potential danger to impartiality and their willingness and ability to overcome this danger. Ministers do not regard the appointment of a candidate as a Justice of the Peace as, in any way, a reward for services rendered. Political affiliation is not a primary consideration, although such affiliation requires to be stated for statistical purposes.

## 6. DISQUALIFICATIONS

6.1 The disqualifications for appointment may be summarised as follows:

### 6.2 Residential Disqualification

Under Section 9(3) of the 1975 Act a person who resides more than 15 miles from the boundary of the commission area shall not be appointed, or act, as a Justice of the Peace. This residential requirement shall not apply in any case where it appears to the Scottish Ministers to be in the public interest that the requirement should not apply and they so direct

### 6.3 Age Limits

The normal age limit for appointment is 60, but Ministers will consider an older candidate who has not yet attained the age of 64 years if he/she is exceptionally well qualified or has had previous judicial experience.

### 6.4 Sequestration

Under Section 13A of the 1975 Act, a person whose estate has been sequestrated in Scotland or who has been adjudged bankrupt elsewhere than in Scotland is disqualified from being appointed or acting as justice of the peace until the award of sequestration is recalled or reduced or he is discharged under or by the virtue of the Bankruptcy (Scotland) Act 1985; or the adjudication of bankruptcy against him is annulled or he is discharged.

### 6.5 Convicted Persons

Ministers will not appoint candidates who have been convicted of serious offences or of repeated minor offences which imply lack of respect for the law.

### 6.6 Persons Active in National or European Politics

Ministers will not appoint a member of the Scottish Parliament, United Kingdom Parliament or of the European Parliament, a candidate formally adopted for election to either of those Parliaments, or a whole-time paid party political agent where the area in which the justice would serve covers any part of the constituency.

### 6.7 Physical Disability

Ministers will not appoint a person who by reason of infirmity cannot carry out all the duties of a justice of the peace.

### 6.8 Police etc

Ministers will not appoint police officers, members of the special constabulary, traffic wardens or civilians employed by the police, as justices of the peace. Close relatives of

anyone in these categories will not be appointed for a Commission Area in which their relative serves or works.

6.9 HM Forces

Ministers will not appoint a serving member of HM Forces as a Justice of the Peace.

6.10 Court Officials etc

Ministers will not appoint as justices of peace persons serving in the district court or persons who regularly appear before it, such as members of the prosecution service or officers of the social work department. Section 13 of the 1975 Act disqualifies solicitors who are justices of the peace (and members of their firms) from acting in any proceedings before the district court for their area, but this does not apply to justices on the supplemental list. Ministers will not appoint serving members of children's panels as justices undertaking court duties although previous experience as a panel member is regarded as relevant.

6.11 Others

These disqualifications (apart from those of age and infirmity) normally apply also to a candidate whose spouse would be disqualified. Close relatives may similarly be disqualified. Persons who are not of British Nationality will not be appointed if they are unable to take the oath of allegiance and judicial oath required by law.

**7. REPUTATION OF THE DISTRICT COURT**

7.1 The selection criteria are intended to maintain the reputation of the district court and the confidence which members of the public should have in justices of the peace as people of integrity.

**8. OATHS**

8.1 Under statute, a person re-nominated to serve as an ex officio justice immediately after the expiry of a previous term as such is not required to take again the oath of allegiance and judicial oath taken at the outset of a period of continuous service. New ex officio justices must take the oath of allegiance and judicial oath.

**9. RECOMMENDATION**

- 9.1 It is recommended that Council considers whether or 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 take effect.**

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**Acting Director of Law and Administration**

**Date: 27 April 2003**

**Contact Officer: Iain Tough Ext. 6110**



FALKIRK COUNCIL

**Subject: PROGRAMME OF MEETINGS – JUNE – DECEMBER 2007**  
**Meeting: FALKIRK COUNCIL**  
**Date: 18 May 2007**  
**Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES**

**1. INTRODUCTION**

- 1.1 At the last scheduled meeting of Falkirk Council held before the May elections, Members considered the attached Programme of Meetings for the period June to December 2007. This was based on the Council's established eight-week committee cycle. Members agreed at that time to note the programme as a provisional list of dates that would be subject to final approval by the new Council. Accordingly, the purpose of this report is to present the provisional programme of meetings for consideration by Members.
- 1.2 When considering the programme of meetings, Members should also note that there may be a requirement to call special meetings in addition to those shown in the appendix.

**2. RECOMMENDATION**

- 2.1 Council is asked to consider the provisional Programme of Meetings for June to December 2007 as detailed in the Appendix to this Report and to note that Special meetings may be called if necessary.

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Acting Director of Law and Administration Services

Date: 23 April 2007

Contact Officer: Iain Tough, ext 6110

LIST OF BACKGROUND PAPERS

1. Report to meeting of Falkirk Council held on 7 March 2007.



**FALKIRK COUNCIL - PROGRAMME OF MEETINGS**

**JUNE 2007 TO DECEMBER 2007 – ALL MEETINGS WILL COMMENCE AT 10.30 AM UNLESS OTHERWISE STATED**

WEEK	COMMITTEE		CYCLE 1	CYCLE 2
1	Policy & Resources Committee Civic Licensing	Tues 12 June	Tues 14 Aug Wed 15 Aug - 9.30am	Tues 9 Oct Thurs 11 Oct - 9.30am
2	Community Health & Safety Committee		Tues 21 Aug	Tues 23 Oct
3	Education and Leisure Committee Regulatory Committee	Tues 19 June	Tues 28 Aug Wed 29 Aug	Tues 30 Oct Wed 31 Oct
4	Housing and Social Services Committee Joint Consultative Committee		Tues 4 Sept Wed 5 Sept	Tues 6 Nov Wed 7 Nov
5	Policy & Resources Committee Civic Licensing		Tues 11 Sept Wed 12 Sept – 9.30am	Tues 13 Nov Thurs 15 Nov – 9.30am
6	Environment & Heritage Committee Investment Committee		Tues 18 Sept Thurs 20 Sept	Tues 20 Nov Thurs 22 Nov
7	Economic Development Committee Regulatory Committee		Tues 25 Sept Wed 26 Sept	Tues 27 Nov Wed 28 Nov
8	Falkirk Council	Wed 27 June	Wed 3 Oct	Wed 5 Dec

**Public Holiday:** Monday 10 September 2007  
Tuesday 25 December 2007  
Wednesday 26 December 2007

**Licensing Board:** Wednesday 20 June 2007 at 10.00am  
Wednesday 24 October 2007 at 10.00am and  
Wednesday 16 January 2008 at 10.00am