



MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 26 JANUARY 2012 at 9.30 am.

PRESENT

Provost Tina Murphy (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Eddie Carrick
Councillor Kenneth Earle
Councillor Mark English
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Derek Stewart
Councillor Gary Womersley

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Director of Finance and Corporate Services
Garry Dallas, Director of Services to Communities
David Thomson, Solicitor, Legal Services (Clerk to the Council)

Presentation of Awards: Association for Public Service Excellence (APSE)

Before the start of business, the Council congratulated Services to Communities (Property Contracts Unit) in achieving the APSE Best Performer Award for building maintenance.

CC.108 APOLOGIES

None

CC.109 DECLARATIONS OF INTEREST

None

Additional Item

In terms of Standing Order 11.5, the Provost advised that there was an item of urgent business which she had been requested to consider as an item of urgent business prior to the conclusion of the meeting.

"Public Conveniences, Alloa"

Provost Tina Murphy agreed to accept the item onto the agenda. As the Council had previously agreed to close and demolish the public conveniences in Alloa, Council officers required the timeous and explicit authority of the Council not to proceed with the demolition. The Provost confirmed the item would be taken in public as Item 18 on the agenda.

CC.110 MINUTES OF SPECIAL MEETING: CLACKMANNANSHIRE COUNCIL 14 DECEMBER 2011

The minute of the special meeting of the Clackmannanshire Council held on 14 December 2011 was submitted for approval.

Decision

The minute of the special meeting of the Clackmannanshire Council held on 14 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

CC.111 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL 15 DECEMBER 2011

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was submitted for approval.

Decision

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

CC.112 MINUTES OF SPECIAL MEETING: CLACKMANNANSHIRE COUNCIL 6 JANUARY 2012

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was submitted for approval.

CC.106 Councillor Ovens advised that was he was not the Council's representative on NHS Forth Valley Health Board - it was Councillor Janet Cadenhead.

Decision

Subject to the above amendment, the minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

CC.113 QUESTION TO THE PROVOST

In terms of Standing Order 18.1, a Question to the Provost was submitted by Councillor Derek Stewart. In terms of Standing Order 18.7, the question was referred to the Leader of the Council for response. A copy of the response was made available to members at the beginning of the meeting.

Q. Given that the SNP did not support the financial package required to fund the necessary refurbishment of the 1936 Kilncraigs and Paton's former school buildings, will the SNP administration give an assurance that this project will go ahead, given the many local jobs and inwards investments involved?

A. Response from Councillor Womersley, Leader of the Council:

I am delighted to have this opportunity to assure the Council that the SNP-led Administration fully supports the Kilncraigs project.

The project will provide many jobs and represents significant investment in Alloa Town Centre.

It provides an opportunity to cut the costs of running three buildings in Alloa while creating a modern, flexible and efficient working environment for our staff.

Crucially, the Kilncraigs project will create and sustain over 100 local jobs in Clackmannanshire during the construction phase.

The SNP-Led Administration is delighted that a local building contractor has been appointed.

This Administration wants to do everything it can to stimulate the local economy and to ensure that local businesses benefit from opportunities. It is estimated that the appointment of a local contractor will generate a benefit of £9.5m to the Clackmannanshire economy. In addition, over the life span of the project, we expect savings in annual property related running costs exceeding £3m.

In taking over the administration of the Council, I will be ensuring that the project will go ahead without increasing the Council's level of debt and that there will be sound financial stewardship.

I look forward to updating the Council of progress in the project and in bringing forward new proposals which will contribute to the ongoing regeneration of Alloa Town Centre.

Supporting Question from Councillor Stewart (Standing Order 18.6)

Q. Quite surprised to see the comment because only three or four weeks ago, the Leader of the Opposition (at that time) basically did not vote for the paper, did not support the paper and within two weeks, there's been a sudden change of mind. The comment in the Advertiser was quite clear that they hadn't had the time to look at the costs of it. I'd like to get a response back to that if possible?

In terms of Standing Orders 18.3 and 18.7, the Provost referred the question to the Leader of the Council who will respond in writing. Copies of the response will also be made available at the next Council meeting (08/03/12).

CC.114 CORNTON VALE PRISON VISITING COMMITTEE

A report submitted by the Director of Finance and Corporate services sought Council approval of a nomination to fill a vacancy on Cornton Vale Prison Visiting Committee.

Motion

That the Council notes the contents of the report and approves the nomination of Mrs Sharon Mylchreest to serve on the Cornton Vale Prison Visiting Committee.

Moved by Councillor Mark English. Seconded by Councillor Gary Womersley

Decision

The Council agreed unanimously to note the contents of the report and to approve the nomination of Mrs Sharon Mylchreest to serve on the Cornton Vale Prison Visiting Committee.

Action

Director of Finance and Corporate Services.

CC.115 AMENDMENTS TO STANDING ORDERS

A report submitted by the Chief Executive sought Council approval for amendments to Standing Orders.

Motion

That Council agrees to:

- a) the establishment a second position of Depute Provost;
- b) revisions to standing orders to reflect the establishment of this second post as set out in the report; and
- c) Nominate Councillor Eddie Carrick to the second position of Depute Provost.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting (Items a) and b))

The voting on the motion (a and b)was as follows:

For the motion	8 votes
Against the motion	7 votes
Not voting	3 abstentions

Decision

On a division of 8 votes to 7 with 3 abstentions, the Council agreed:

- a) the establishment of a second position of Depute Provost; and
- b) revisions to standing orders to reflect the establishment of this second post as set out in the report.

Voting (Item c)

The voting on the motion (c) was as follows:

For the motion	8 votes
Against the motion	7 votes
Not voting	3 abstentions

Decision

On a division of 8 votes to 7 with 3 abstentions, the Council agreed to the nomination of Councillor Eddie Carrick to the second position of Depute Provost.

Councillor Carrick thanked the elected members and stated that it was his honour and privilege to accept the position of second Depute Provost.

Action

Chief Executive

CC.116 MEMBERS' ALLOWANCES

A report submitted by the Director of Finance and Corporate Services set out the recommendations for the remuneration for senior councillor positions on the Council.

Motion

That Council agrees to pay the recommended senior responsibility payment to the positions detailed within 3.3 of the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting

The voting on the motion was as follows:

For the motion	9 votes
Against the motion	7 votes
Not voting	2 abstentions

Decision

On a division of 9 votes to 7 with 2 abstentions, the Council agreed to pay the recommended senior responsibility payment to the positions detailed within 3.3 of the report.

Action

Director of Finance and Corporate Services

CC.117 POLITICAL BALANCE, COMMITTEE MEMBERSHIP AND APPOINTMENTS

A report submitted by the Chief Executive proposed changes to the political balance of various committees.

Motion

- a) To agree the political balance on various Committees as set out in paragraph 4.1 of the report; and
- b) Assuming a) is agreed, appoints elected members to serve on these committees as set out in paragraph 5.0 of the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Councillor Craig Holden advised he will take up his position on the Scrutiny Committee.

Councillor Ovens advised the undernoted changes in Committee membership for the Labour Group:

Planning Committee appointments (4)

Councillor Derek Stewart (removed)
Councillor Kenneth Earle
Councillor George Matchett QPM
Councillor Bobby McGill
Councillor Harry McLaren

Regulatory Committee appointments (2)

Councillor George Matchett (removed)
Councillor Kenneth Earle
Councillor Derek Stewart

Workforce Committee appointments (2)

Councillor Derek Stewart (Convener)
Councillor Bobby McGill

Petitions Committee appointments (2)

Councillor Bobby McGill (removed)
Councillor Derek Stewart
Councillor Kenneth Earle

Scrutiny Committee appointments (3)

Councillor Ovens advised that the Labour Group members declined to take up their posts on the Scrutiny Committee.

Voting

The voting on the motion was as follows:

For the motion	8 votes
Against the motion	0 votes
Not voting	10 abstentions

Decision

On a division of 8 votes to 0 with 10 abstentions, the Council agreed to the political balance on various Committees as set out in paragraph 4.1 of the report.

The Council further agreed to the appointment of elected members to serve on these committees. The Labour Group appointments are set out above. The SNP Group appointments to serve on these committees are to be notified to the Chief Executive by 3 February 2012.

Action

Chief Executive

CC.118 NOTICE OF AMENDMENTS TO COUNCIL STANDING ORDERS

A report submitted by the Director of Finance and Corporate Services sought Council approval for proposed changes to Standing Orders.

Motion

That the Council notes that:

- a) amendments to Standing Orders will be submitted to the next Council meeting for approval; and
- b) a briefing for all elected members will take place on 30th January 2012 to review the proposed changes.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting

The voting on the motion was as follows (Councillors Holden and McGill were not present in the Chamber during the vote):

For the motion	9 votes
Against the motion	0 votes
Not voting	7 abstentions

Councillors Holden and McGill re-joined the meeting following the vote.

Decision

On a division of 9 votes to 0 with 7 abstentions, the Council agreed to note that:

- a) amendments to Standing Orders will be submitted to the next Council meeting for approval; and
- b) a briefing for all elected members will take place on 30th January 2012 to review the proposed changes.

Action

Director of Finance and Corporate Services

CC.119 REVISIONS TO SCHEME OF DELEGATION

A report submitted by the Chief Executive proposed some amendments to the Scheme of Delegation in response to changes in management arrangements within the Council.

Motion

That the Council approves the amendments to the Scheme of Delegation as set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting

The voting on the motion was as follows:

For the motion	16 votes
Against the motion	0 votes
Not voting	2 abstentions

Decision

On a division of 16 votes to 0 with 2 abstentions, the Council agreed to approve the amendments to the Scheme of Delegation as set out in the report.

Action

Chief Executive

CC.120 CLACKMANNANSHIRE AND STIRLING PARTNERSHIP BOARD

A report submitted by the Chief Executive sought approval for a further elected member to be nominated as a member of the Clackmannanshire and Stirling Partnership Board which has been established by NHS Forth Valley.

Motion

That the Council nominates an additional elected member drawn from the political opposition to sit on the Clackmannanshire and Stirling Partnership Board.

Moved by Councillor Gary Womersley. Seconded by Councillor Irene Hamilton.

Councillor Ovens proposed Councillor Janet Cadenhead as the Council's additional member on the Clackmannanshire and Stirling Partnership Board.

Voting

For the motion	16 votes
Against the motion	0 votes
Not voting	2 abstentions

Decision

On a division of 16 votes to 0 with 2 abstentions, the Council agreed to the appointment of Councillor Janet Cadenhead as the Council's additional elected member drawn from the political opposition to sit on the Clackmannanshire and Stirling Partnership Board.

Action

Chief Executive

CC.121 BUDGET STRATEGY UPDATE

The report submitted by the Director of Finance and Corporate Services updated Council on the Scottish Government's announcement of the detailed Local Government Finance settlement figures for the three years 2012/13 to 2014/15 together with further updates on expenditure forecasts. The impact on the Council's draft budget and funding gap over this period is revised within the report. The report also presented the savings that have been secured for the 2012/13 and 2013/14 financial years which will be included in the draft General Services Revenue Budget that will be presented to Council in February 2012.

Motion

That the Council agrees to note:

- a) The Scottish Government's announcement of the Council's detailed three year funding settlement figures for the period 2012/13 to 2014/15 and the key impacts of the announcement;
- b) The Council's revised potential funding gap based on the latest scenario planning;
- c) The financial impact of implementing the 2011/12 management and policy savings for the 2012/13 and 2013/14 financial years (set out in appendices A and C); and
- d) The financial impact of implementing the additional savings identified for 2012/13 and 2013/14 (set out in appendix B).

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting

For the motion	17 votes
Against the motion	0 votes
Not voting	1 abstention

Decision

On a division of 17 votes to 0 with 1 abstention, the Council agreed to note:

- a) The Scottish Government's announcement of the Council's detailed three year funding settlement figures for the period 2012/13 to 2014/15 and the key impacts of the announcement;
- b) The Council's revised potential funding gap based on the latest scenario planning;
- c) The financial impact of implementing the 2011/12 management and policy savings for the 2012/13 and 2013/14 financial years (set out in appendices A and C); and
- d) The financial impact of implementing the additional savings identified for 2012/13 and 2013/14 (set out in appendix B).

Action

Director of Finance and Corporate Services

CC.122 CORPORATE RECOVERY AND WRITE OFF REPORT

A report submitted by the Revenues and Payment Manager presented the Council's Corporate Recovery and Write Off Policy to members for approval.

Motion

To approve the Corporate Recovery and Write Off Policy attached as Appendix A to the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Decision

The Council unanimously agreed to approve the Corporate Recovery and Write Off Policy attached as Appendix A to the report.

Action

Revenues and Payment Manager

CC.123 CORPORATE PROSECUTION POLICY

A report submitted by the Revenues and Payment Manager presented the Council's Corporate Prosecution Policy to members for approval.

Motion

To approve the Corporate Prosecution Policy attached as Appendix A to the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Decision

The Council unanimously agreed to approve the Corporate Prosecution Policy attached as Appendix A to the report.

Action

Revenues and Payment Manager

CC.124 CLACKMANNANSHIRE BIODIVERSITY ACTION PLAN 2012-2016

A report submitted by the Head of Community and Regulatory Services sought Council approval for the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation. The new CBAP has been produced by the Clackmannanshire Biodiversity Partnership with assistance from the Council's Sustainability Team.

Motion

To approve the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to approve the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation.

Action

Head of Community and Regulatory Services

In line with Standing Order 10.24, the Provost adjourned the meeting at this point in the proceedings (11.40 am). The meeting resumed at 11.50 am and there were 18 members present.

CC.125 FAIR TRADE

A report submitted by the Head of Community and Regulatory Services requested the Council's support for the Clackmannanshire Fairtrade Group's bid to achieve Fairtrade Zone status for Clackmannanshire, by formally declaring its commitment to fair trade, and to purchasing fairly traded goods whenever possible. A resolution declaring the local authority's commitment to fair trade is one of the criteria for achieving Fairtrade Zone status.

Motion

That the Council:

- a) Adopts the following resolution: "Clackmannanshire Council recognises the importance of fair trade and resolves to support the Clackmannanshire Fairtrade Group, Fairtrade Clacks, in its bid to achieve Fairtrade Zone Status for Clackmannanshire by the actions set out in this report." and
- b) Nominates Councillor Janis Paterson, Depute Provost as the Council's representative on the Steering Group.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

Decision

The Council unanimously agreed to:

- a) Adopt the following resolution: "Clackmannanshire Council recognises the importance of fair trade and resolves to support the Clackmannanshire Fairtrade Group, Fairtrade Clacks, in its bid to achieve Fairtrade Zone Status for Clackmannanshire by the actions set out in this report." and
- b) Nominate Councillor Janis Paterson, Depute Provost as the Council's representative on the Steering Group.

Action

Head of Community and Regulatory Services

CC.126 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16 - COUNCIL FINANCES

A notice of motion in terms of Standing Order 16 was submitted by Councillor Bobby McGill.

Motion

"That this Council instructs this Chief Executive to engage a suitable qualified independent auditor to look into allegations of financial mismanagement including inappropriate influences in financial matters involving Elected Members of this Council.

Moved by Councillor Bobby McGill. Seconded by Councillor George Matchett.

Procedural Motion (SO 15.6)

Councillor Holden moved that the matter be put to the vote. Councillor Janis Paterson seconded the motion.

Under Standing Order 15.8, the Provost accepted the motion and the procedural motion was put to the vote.

Voting on the procedural motion

Councillor Womersley asked for a roll call vote on the procedural motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the procedural motion (9)

Councillor Walter McAdam QPM
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Councillor Irene Hamilton
Provost Tina Murphy
Councillor Craig Holden
Councillor John Biggam

Against the procedural motion (2)

Councillor Eddie Carrick
Councillor Alastair Campbell

Not voting (7)

Councillor Derek Stewart
Councillor George Matchett
Councillor Rev Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren

On a division of 9 votes to 2 with 7 abstentions, the Council agreed to proceed to vote on the motion submitted by Councillor Bobby McGill.

Voting

Councillor Holden asked for a roll call vote on the motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the motion (7)

Councillor Derek Stewart
Councillor George Matchett
Councillor Rev Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren

Against the motion (8)

Councillor Walter McAdam QPM
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Councillor Irene Hamilton
Provost Tina Murphy
Councillor Craig Holden

Not voting (3)

Councillor John Biggam
Councillor Eddie Carrick
Councillor Alastair Campbell

The motion was defeated by 8 votes to 7 with 3 abstentions.

Councillor George Matchett QPM and Councillor Bobby McGill withdrew from the meeting prior to the following item of business.

CC.127 PUBLIC CONVENIENCES, ALLOA

A report which sought Council approval to review a Council decision in relation to the provision of public conveniences in Alloa was submitted by the Director of Services to Communities as an item of urgent business.

In terms of Standing Orders 11.5-11.8, the report was taken as a matter of urgent business. As the Council had previously agreed to close and demolish the public conveniences in Alloa, Council officers required the timeous, explicit authority of the Council not to proceed with the demolition.

Motion

That Council

- a) Instructs officers not to proceed with the demolition of the toilet block at Maple Court in Alloa; and
- b) Instructs officers to review the provision of public conveniences in Alloa Town Centre in the context of other agreed developments.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

Voting

Councillor Holden asked for a roll call vote on the motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the motion (12)

Councillor Walter McAdam QPM
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Councillor Irene Hamilton
Provost Tina Murphy
Councillor Craig Holden
Councillor John Biggam
Councillor Eddie Carrick
Councillor Alastair Campbell
Councillor Kenneth Earle

Against the motion (2)

Councillor Rev. Sam Ovens
Councillor Harry McLaren

Not voting (2)

Councillor Derek Stewart
Councillor Janet Cadenhead

Decision

On a division of 12 votes to 2 with 2 abstentions, the Council agreed to:

- a) Instructs officers not to proceed with the demolition of the toilet block at Maple Court in Alloa; and
- b) Instructs officers to review the provision of public conveniences in Alloa Town Centre in the context of other agreed developments.

Action

Director of Services to Communities