



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD on THURSDAY 16 MAY 2013 at 10.00 am.

PRESENT

Provost Tina Murphy
Councillor Donald Balsillie
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Archie Drummond
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Craig Holden
Councillor Kathleen Martin
Councillor George Matchett, QPM
Councillor Bobby McGill
Councillor Les Sharp
Councillor Jim Stalker
Councillor Derek Stewart
Councillor Graham Watt
Councillor Gary Womersley

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Director of Finance and Corporate Services
Garry Dallas, Director of Services to Communities
Stephen Crawford, Head of Facilities Management
Stuart Crickmar, Head of Strategy and Customer Services
John Scott, Interim Head of Social Services
Michael Boyle
Julie Burnett, Senior Support Services Manager
Kevin Kelman
John Munro
David Thomson, Solicitor, Legal Services (Clerk to the Council)

Also in Attendance

Lesley Brown, Education Scotland (Agenda Item 7 - Clacks Council Assurance and Improvement Plan 2013-2016)

Intimations

- (i) Before the start of business, the Provost, on behalf of her family, thanked the Council for its support during their recent bereavement.
- (ii) On behalf of the Council, the Provost extended condolences to Councillor Walter McAdam and his family on their recent bereavement.

CC.105/87 APOLOGIES

Apologies for absence were received from Councillor Walter McAdam, MBE.

CC.106 DECLARATIONS OF INTEREST

None.

CC.107 MINUTES OF MEETING: THURSDAY 14 MARCH 2013

The minutes of the meeting of the Clackmannanshire Council held on 14 March 2013 were submitted for approval.

Page 12 (CC.93) Policing Plan for Clackmannanshire 2013/14)

Councillor Kenneth Earle pointed out that he had abstained from the vote on the amendment and not Councillor Alastair Campbell as indicated in the minutes. Councillor Campbell had voted for the amendment. The vote on the amendment remains as 8 votes for the amendment, 9 votes against and one abstention.

Decision

Subject to the above amendment, the minutes of the meeting of the Clackmannanshire Council held on 14 March 2013 were agreed as a correct record and signed by the Provost.

CC.108 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 14 MARCH 2013

The Council agreed to note the committee meetings that have taken place since the last Council meeting on 14 March 2013:

Housing, Health and Care Committee	21 March 2013
Appointments Committee	27 March 2013
Enterprise and Environment Committee	28 March 2013
Planning Committee	11 April 2013
Education Appeals Committee	19 April 2013
Education, Sport and Leisure Committee	25 April 2013
Resources and Audit Committee	2 May 2013

CC.109 LEADER'S BRIEFING

A briefing report which informed elected members of a range of issues and activities and covered the period from March 2013 to the beginning of May 2013 was submitted by the Leader of the Council.

The Council agreed to note the information set out in the report.

CC.110 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations made by committees during the March/April 2013 cycle of meetings was submitted by the Chief Executive.

Motion

That the Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to approve :

- (1) from the **Housing, Health and Care Committee of 21 March 2013** in relation to the report entitled "Review of Private Sector Housing Assistance Scheme"
 - the revised Private Sector Housing Assistance Scheme.
- (2) from the **Housing, Health and Care Committee of 21 March 2013** in relation to the following motion:

"This Council opposes the bedroom tax. This Council will do everything it can to mitigate the negative effects of bedroom tax. In addition, this Council resolves that for a transitional period of one year, where the appropriate senior officer is satisfied that tenants who are subject to the bedroom tax are doing all they reasonably can to avoid falling into arrears, it will use all legitimate means to collect rent due, except eviction."
- (3) from the **Resources and Audit Committee of 2 May 2013** in relation to the report entitled "Clackmannanshire Council Internal Audit and Fraud Strategies 2013-17 and Annual Plan":
 - the Internal Audit Strategy 2013-17, the Fraud Strategy 2013-17 and the Annual Internal Audit and Fraud Plan 2013-14.
- (4) from the **Resources and Audit Committee of 2 May 2013** in relation to the report entitled "Clackmannanshire Council Data Matching Policy"
 - the Data Matching Policy

Action

Chief Executive

**CC.111 CLACKMANNANSHIRE COUNCIL ASSURANCE AND IMPROVEMENT
PLAN 2013-2016**

A report which advised Council formally of the publication in April by Audit Scotland of the Clackmannanshire Council Assurance and Improvement Plan Update 2013-2016 (attached as an appendix to the report) was submitted by the Chief Executive.

While the Resources and Audit Committee will review the publication in more detail, given the overarching nature and corporate importance of the AIP, it was submitted to full Council for information.

The Council heard a short presentation from Lesley Brown, Education Scotland, Local Area Network (LAN) Lead for Clackmannanshire Council, and had opportunity to put questions to Ms Brown.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to :

- (a) Welcome and note the recent publication by Audit Scotland of the Assurance and Improvement Plan Update 2013-16 for Clackmannanshire.
- (b) note the findings and intended planned scrutiny activity to March 2016; and
- (c) note that the Resources and Audit Committee will consider the document in more detail and make comment as appropriate.

CC.112 BUDGET STRATEGY UPDATE

A report which provided the Council with an update on the medium term financial outlook and provided further details on the Business Improvement Programme, "Making Clackmannanshire Better", was submitted by the Director of Finance and Corporate Services.

Motion

That Council agrees to support the recommendations set out in the report subject to the undernoted amendment.

"That one Administration Representative nomination be deleted to allow nominations from Councillor Alastair Campbell and Councillor Archie Drummond to be agreed (paragraph 4.2 of the report)."

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The report as amended was agreed without division. Accordingly, the Council agreed to:

- (1) Note the challenging financial outlook that faces the Scottish Public Sector over the coming years (Section 3 of the report)

- (2) Note and endorse the Steering Group nominations submitted by the Administration and the main Opposition (Paragraph 4.2 of the report) subject to the deletion of one Administration nomination to allow nominations from Councillors Campbell and Drummond to be accepted.
- (3) Appoint the two elected member representatives nominated from the two elected member nominations received.
- (4) Note the planned date for the first Steering Group meeting on 24 May 2013 (paragraph 4.2 of the report)
- (5) Note the progress made in setting up and developing "Making Clackmannanshire Better" (Paragraph 4.3 of the report)
- (6) Note the intention to present "Making Clackmannanshire Better" to the Alliance meeting on 7 June 2013 (Paragraph 4.5 of the report).

Steering Group Representatives

Administration	Main Opposition	Conservative & Independent
Councillor Womersley	Councillor Cadenhead	Councillor Campbell
Councillor Sharp	Councillor Stalker	Councillor Drummond

Action

Director of Finance and Corporate Services

CC.113 ADDITIONAL GENERAL CAPITAL GRANT 2013-2014

A report which sought approval to amend the approved General Services Capital Programme for 2013/14 by bringing forward spend planned to be incurred in 2014/15 was submitted by the Accountancy Manager. Approval was sought to fulfil the conditions of the grant specified by the Scottish Government in respect of additional grant awarded.

Motion

That Council agrees the recommendation set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to allocate an additional £400k General Capital Grant to bring forward Property Asset Management Improvements from 2014/15 to 2013/14.

Action

Director of Finance and Corporate Services

CC.114 ICT ASSET MANAGEMENT PLAN (ITAMP)

A report which sought approval for the ICT Asset Management Plan (ITAMP) which will guide future investment and support the ICT Strategy approved by Council in October 2012 was submitted by the Director of Finance and Corporate Services.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to :

- (1) Approve the ICT Asset Management Plan (AMP) attached as Appendix A to the report.
- (2) Note that the ICT AMP reflects feedback from the Capital Investment Forum (CIF).

Action

Director of Finance and Corporate Services

CC.115 WELFARE REFORM SUMMARY

A report which provided an overview of the Welfare Reform changes implemented in April 2013 and planned for the future was submitted by the Senior Support Services Manager. The report also summarised the impact of Welfare Reform on Clackmannanshire communities and the way in which the Council provides services.

The Senior Support Services Manager also provided a presentation on real time information live data, copies of which were made available to elected members following the meeting.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to :

- (1) Note the broad range of activity and progress documented in the report.
- (2) Note the current and forecast impact of the Welfare Reforms on Clackmannanshire Council and communities.
- (3) Approve the Discretionary Housing Policy as set out in Appendix F of the report which will provide assistance and protection to the most vulnerable groups of residents in Clackmannanshire.
- (4) Reaffirm the existing debt recovery policy agreed in January 2012 as the mechanism for recovering all debts.
- (5) Note the current financial impact position.

- (6) Note the key issues under consideration for the future.
- (7) Endorse the intention to bring regular update reports to Council.

Action

Director of Finance and Corporate Services

CC.116 REDWELL PRIMARY SCHOOL

A report which sought approval to enter into the Design and Build Development Agreement and associated documents with Hub East Central Scotland Limited for the construction of the new Redwell Primary School was submitted by the Head of Facilities Management. Due to the value of the contract, Contract Standing Orders approved by Council on 20 December 2012, require that Council approves the award of contract prior to execution of the project documents.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to :

- (1) Approve the award of the contract in the sum of £8.32m to Hub East Central Scotland Limited for the design and build of the new Redwell Primary School.
- (2) Authorise the Director of Services to Communities to execute the Guaranteed Maximum Price Design and Build Development Agreement and all such ancillary contracts within the scope, specification and budget.

Action

Director of Services to Communities

The meeting adjourned at 12.20 pm and resumed at 12.48 pm

When the meeting resumed, seventeen (17) members remained present.

CC.117 SPEIRS CENTRE REFURBISHMENT

A report which sought approval to enter into the Design and Build Development Agreement and associated documents with Hub East Central Scotland Limited for the refurbishment of the Speirs Centre was submitted by the Head of Facilities Management. Due to the value of the contract, Contract Standing Orders approved by Council on 20 December 2012, require that Council approves the award of contract prior to execution of the project documents.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to :

- (1) Approve the award of the contract in the sum of £3.129m to Hub East Central Scotland Limited for the refurbishment of the Speirs Centre.
- (2) Authorise the Director of Services to Communities to execute the Guaranteed Maximum Price Design and Build Development Agreement and all such ancillary contracts within the scope, specification and budget.

Action

Director of Services to Communities

CC.118 REPORT FOLLOWING CONSULTATION ON THE REVIEW OF LADYWELL NURSERY SCHOOL PRE-SCHOOL PROVISION

A report which provided information on the outcome of the consultation review on the pre-school provision at Ladywell Nursery School and sought a decision from Council on the recommendation to merge the nursery with St Serf's Primary School was submitted by the Head of Education.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Ellen Forson.

Decision

The Council agreed unanimously to :

- (1) Note the outcome of the consultation.
- (2) Merge Ladywell Nursery School with St Serf's Primary School with effect from 28 June 2013.
- (3) Rename Ladywell Nursery School as St Serf's Primary School Nursery Class.
- (4) Notify Scottish Ministers of the decision to merge Ladywell Nursery School and St Serf's Primary School.

Action

Head of Education

CC.119 POLLING DISTRICT AND POLLING PLACE REVIEW 2012

A report which brought back recommendations on suggested polling places and districts was submitted by the Director of Finance and Corporate Services. Proposals were originally put before Council on 20 December 2012 and at that meeting the Council agreed to defer consideration of this item to seek clarification on the implications of potential changes to the polling places.

Following an introduction by the Director of Finance and Corporate Services, Councillor George Matchett gave notice of an amendment.

In terms of Standing Order 10.23, the Provost adjourned the meeting 1.20 pm to allow members the opportunity to consider the amendment.

When the meeting resumed at 1.35 pm, seventeen (17) members remained present.

On the advice of the Returning Officers, the Provost ruled the amendment incompetent because it was not clear from the amendment how the ward should be divided

Councillor Matchett asked that his disagreement with the decision be recorded in the minutes.

In terms of Standing Order 10.5, Councillor McGill, seconded by Councillor Matchett, challenged the decision of the Provost. The Clerk advised that the challenge could not be put to the vote as the Provost's ruling on the amendment was on a matter of competency and not a question of procedure, order, relevancy or following standing orders.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Voting

Councillor George Matchett 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 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Motion (8)

Councillor Archie Drummond
Councillor Les Sharp
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Craig Holden
Councillor Gary Womersley
Provost Tina Murphy

Against the Motion (9)

Councillor George Matchett
Councillor Bobby McGill
Councillor Jim Stalker
Councillor Kathleen Martin
Councillor Janet Cadenhead
Councillor Graham Watt
Councillor Derek Stewart
Councillor Kenneth Earle
Councillor Alastair Campbell

The motion was defeated by 9 votes to 8.

Decision

Accordingly, on a division of 9 votes to 8 the motion was defeated.

EXEMPT INFORMATION

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 9.

CC.120 CAPITAL STIMULUS INITIATIVE, ALVA

At its meeting on 14 March 2013, Council noted progress in formulating a major capital investment project and requested that a further report be presented to today's meeting. A report which provided an update and presented an options appraisal was submitted by the Director of Services to Communities.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to approve the recommendations set out in the report and to approve Option (c) (paragraph 6.1 of the report) subject to confirmation of the assumptions and business case set out in the report and all necessary consents.

Action

Director of Services to Communities

EXEMPT INFORMATION

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 9 and 13.

CC.121 ALVA GLEN HOTEL, STIRLING STREET, ALVA

A report which updated Council on progress since the Council meeting on 20 December 2012 and sought approval to proceed to the next step in the acquisition process was submitted by the Head of Community and Regulatory Services.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to :

- (1) Note that attempts to date to acquire the property voluntarily have failed as have attempts to secure action by the owners to address the condition of the property and the adverse effect it continues to have on the locality
- (2) Formally resolve:
 - (i) that the property sometimes known as the Alva Glen Hotel be acquired by compulsory purchase in exercise of its powers under section 189 of the Town and Country Planning (Scotland) Act 1997.
 - (ii) to make a Compulsory Purchase Order entitled "The Clackmannanshire Council (Alva Glen Hotel, Alva) Compulsory Purchase Order 2013" in respect of the premises and associated land identified on the plan appended to the report, and
 - (iii) that the Order be duly published and that the statutory procedure following thereon be duly implemented.

Action

Director of Services

ENDS 3.17 pm

