



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 15 MAY 2014 at 10.00 am

PRESENT

Provost Tina Murphy (In the Chair)
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
Councillor Walter McAdam
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
Stuart Crickmar, Head of Strategy and Customer Services
David Leng, Head of Education (AM only)
Cherie- Ann Jarvie, Strategy and Performance Manager (AM only)
Liz Shaw, Chief Accountant
Val De Souza, Head of Social Services (AM only)
Andrew Wyse, Solicitor, Clerk to the Council
Susan Mackay (PM only)
LSO Kenny Rogers, Stirling and Clackmannanshire, Scottish Fire and Rescue Service (Item 6)
Chief Superintendent David Flynn, Divisional Commander, Police Scotland (Item 7)
Jim Cattanach, Divisional Business Assurance Officer, Police Scotland (Item 7)

CC.199 APOLOGIES

None

CC.200 DECLARATIONS OF INTEREST

None

**CC.201 MINUTE OF MEETING OF CLACKMANNANSHIRE COUNCIL HELD ON
THURSDAY 13 MARCH 2014**

The minutes of meeting of the Clackmannanshire Council held on 13 March 2014 were submitted for approval.

CC.190 (page 8) Minute of Meeting: Thursday 19 December 2013 (Notice of Amendments to Council Standing Orders)

Councillor Watt advised that there had been no report on amendments to standing orders on the agenda for the meeting held on 19 December 2013. Following a point of order raised by Councillor Watt, notice was given verbally that amendments to Standing Orders would be reported to the next full Council meeting for approval (15/05/14).

Decision

Subject to the above amendment, the minutes of the meeting of the Clackmannanshire Council held on 13 March 2013 were agreed as a correct record and signed by the Provost.

**CC.202 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL
MEETING ON 13 MARCH 2014**

The Council agreed to note the committee meetings that have taken place since the last Council meeting on 13 March 2014.

Housing, Health and Care Committee	20/03/14
Enterprise and Environment Committee	27/03/14
Regulatory Committee	08/04/14
Education, Sport and Leisure Committee	24/04/14
Resources and Audit Committee	01/05/14
Planning Committee	08/05/14

CC.203 LEADER'S BRIEFING

A briefing report which informed elected members of a range of issues and activities and covered the period from March 2014 to May 2014 was submitted by the Leader of the Council.

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

CC.204 LOCAL FIRE PLAN FOR CLACKMANNANSHIRE 2014/17

The purpose of the report was to present to Council the Local Fire Plan for Clackmannanshire for the period 2014/17.

Motion

That Council approves the Fire Plan for Clackmannanshire for 2014/17.

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

Decision

The Council agreed unanimously to approve the Fire Plan for Clackmannanshire for 2014/17.

Action

Head of Strategy and Customer Services

CC.205 POLICING PLAN FOR CLACKMANNANSHIRE 2014/17

The purpose of the report was to present to Council the Policing Plan for Clackmannanshire 2014/17.

Motion

That Council approve the Policing Plan for Clackmannanshire 2014/17.

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

Decision

The Council agreed unanimously to approve the Policing Plan for Clackmannanshire for 2014/17.

Action

Head of Strategy and Customer Services

CC.206 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations made by committees during the March to April 2014 cycle of meetings was submitted by the Chief Executive.

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 :

- (1) from the Resources and Audit Committee of 11th March 2014 in relation to the report entitled "Clackmannanshire Council Internal Audit and Fraud Annual Plan 2014/15", to ratify the decision of the Committee to:
 - approve the Clackmannanshire Council Internal Audit and Fraud Annual Plan 2014/15.

- (2) from the Resources and Audit Committee of 11th March 2014 in relation to the report entitled "Resources and Audit Forward Plan" to ratify the decision of the Committee to:

- approve the Forward Plan for 2014/15, as set out in Appendix 1 in the report.

Action

Chief Executive/Directors

CC.207 SENIOR COUNCILLOR POSITIONS AND APPOINTMENTS

A report which invited Council to appoint a new Depute Leader and a New Depute Provost and to agree changes to the list of senior councillor positions which attract a responsibility payment was submitted by the Chief Executive.

Motion

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

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

Amendment

"Amendment to 2.1c:

That Council on recommendation 2.1c does not establish a new Senior Councillor post which has special responsibility for Partnership, Equality and Diversity.

Subsequent to this amendment being accepted, items d) and e) would fall."

Moved by Councillor Bobby McGill. Seconded by Councillor Jim Stalker.

Voting on the Amendment

For the amendment	9 votes
Against the amendment	9 votes

On a division of 9 votes to 9, the amendment was defeated on the casting vote of Provost Tina Murphy.

Voting on the Motion

For the motion	9 votes
Against the motion	9 votes

The motion was carried on the casting vote of the Provost.

Decision

Accordingly, on the casting vote of the Provost (Standing Order 14.4), the Council agreed to:

- a. appoint a new Depute Leader;
- b. appoint a new Depute Provost;
- c. establish a new senior councillor post which has special responsibility for Partnership, Equality & Diversity and to make the necessary consequential amendments to Standing Orders;
- d. appoint an elected member to the role of Portfolio Holder for Partnership, Equality & Diversity;
- e. approve the amendments to the roles which are awarded senior councillor responsibility payments as set out at paragraphs 3.3 and 3.4 of the report.

Appointment of Depute Leader of the Council

The Provost invited nominations for the appointment of Depute Leader of the Council.

Councillor Womersley moved that Councillor Donald Balsillie is appointed as Depute Leader. Seconded by Councillor Craig Holden.

There being no other nominees, the Council agreed to appoint Councillor Donald Balsillie as Depute Leader of the Council.

Appointment of a Depute Provost

The Provost invited nominations for the appointment of a Depute Provost.

Councillor Womersley moved that Councillor Les Sharp is appointed as a Depute Provost. Seconded by Councillor Donald Balsillie.

There being no other nominees, the Council agreed to appoint Councillor Les Sharp as a Depute Provost.

Appointment of Portfolio Holder for Partnership, Equality and Diversity

The Provost invited nominations for the appointment of Portfolio Holder for Partnership, Equality and Diversity.

Councillor Womersley moved that Councillor Craig Holden is appointed as Portfolio Holder for Partnership, Equality and Diversity. Seconded by Councillor Donald Balsillie.

Councillor McGill moved that Councillor Kenneth Earle is appointed as Portfolio Holder for Partnership, Equality and Diversity. Seconded by Councillor Derek Stewart.

The Clerk advised that under Standing Order 14.15 if the number of councillors nominated to be appointed to any office or position to be filled by the Council is higher than the number of vacancies, there will be a vote.

Voting

For Councillor Earle to be elected as Portfolio Holder 9 votes

For Councillor Holden to be elected as Portfolio Holder 9 votes

The Clerk advised that under Standing Order 14.19 if only one vacancy needs to be filled and there are two candidates with an equal number of votes, the appointment will be decided by drawing lots. The Clerk advised the procedure for drawing lots by cutting the cards.

The Director of Finance, as the independent person, was invited forward to open the sealed pack of playing cards; removed the jokers and shuffled the pack of 52 card 7 times; and placed the cards face down on the table.

The Clerk advised that there is no distinction between suits; aces shall be "high", counting more than any other card; and suggested that the draw be made in alphabetical order.

Councillor Earle and Councillor Holden were invited forward and agreed to cutting the cards in alphabetical order. Councillor Earle cut the cards first and displayed the card to the Chief Executive. Councillor Holden then cut the cards and displayed his card to the Chief Executive.

The Chief Executive announced the outcome:

Councillor Kenneth Earle drew the 9 of spades

Councillor Craig Holden drew the 2 of diamonds

The Council agreed to appoint Councillor Kenneth Earle as Portfolio Holder for Partnership, Equality and Diversity.

Action

Chief Executive

CC.208 AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2014

The purpose of the report, submitted by the Chief Executive, was to advise Council of the publication by the Accounts Commission of "An Overview of Local Government in Scotland, 2014", and to bring to Council's attention some of the key messages and recommendations contained in that report.

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:

- a. note the publication by the Accounts Commission of "An Overview of Local Government in Scotland, 2014", and the key messages and recommendations it contains;
- b. note the high level commentary offered at section 5 of the report;
- c. note that the Overview report will be considered by the Clackmannanshire Alliance at its next meeting; and
- d. encourage all elected members to familiarise themselves with the Overview report, in particular, those matters which relate to elected member training, development, support and conduct.

CC.209 BUDGET STRATEGY UPDATE

The purpose of the report was to maintain Council's regular update on the medium term financial outlook and indicative funding gap. The report also set out the new Budget Challenge process to better align and integrate with "Making Clackmannanshire Better" (MCB) and also submitted for approval the core principles for assessing eligibility for the new Community Development Grants (CDG) approved by Council as part of the 2014/15 Capital Budget.

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 the financial outlook set out in paragraphs 3.1 to 3.6 of the report, including information on the implementation of the benefits cap in 2015/16 (Appendix A);
2. note the revised indicative funding gap to 2017/18 of £19.3M (Exhibit 2 of the report) based on the assumptions set out in paragraph 4.2 of the report;
3. note the factors influencing the indicative funding gap since February 2014 (paragraph 4.3 of the report);
4. note the redesigned Budget Challenge process to improve alignment with MCB and further prioritise the Council's medium term sustainability (paragraph 4.8 of the report);
5. agree the core principles to underpin the production of eligibility guidance in respect of Community Development Grants (paragraph 4.11 and Appendix B of the report);
6. note the establishment of the officer Capital Investment Group and associated remit (paragraphs 4.13 and 4.14 of the report);
7. note the Council's forecast outturn (Exhibit 3 of the report) as reported to the Resources and Audit Committee on the 1st May 2014; and

8. note the outcome of the Trade Union ballot on proposed changes to staff Terms and Conditions (Exhibit 4 of the report) and the ongoing work to finalise the implementation date for the change.

Action

Director of Finance and Corporate Services

CC.210 MAKING CLACKMANNANSHIRE BETTER - UPDATE

The report maintained the Council's regular update on the development and implementation of the Council's business transformation programme, Making Clackmannanshire Better (MCB).

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 progress made since the last update report; and
2. note the planned activity in the coming months.

In line with Standing Order 10.25, the meeting adjourned at 12.25 pm.

When the meeting resumed at 12.55 pm, eighteen (18) members remained present.

CC.211 TREASURY MANAGEMENT STRATEGY STATEMENT 2014-2015

The report presented the Council's Treasury Management Strategy Statement for 2014/15.

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 Treasury Management Strategy Statement for 2014/15.

Action

Director of Finance and Corporate Services

CC.212 AMENDMENTS TO STANDING ORDERS

The purpose of the report was to submit to Council revised Standing Orders for approval.

Motion

That Council agrees the recommendations set out in the report.

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

The Clerk advised that as notice had been given of six amendments to the report, these would be taken in the order they appear in Standing Orders.

Amendment 1

Amendment to Standing Order 9.21 (page 167) at the end add:

"The term no other ward should not apply to issues relating to education where the school catchment covers more than one ward."

Moved by Councillor George Matchett QPM. Seconded by Councillor Jim Stalker.

Voting on the Amendment 1

For the amendment	9 votes
Against the amendment	9 votes

On a division of 9 votes to 9, **Amendment 1 was defeated** on the casting vote of Provost Tina Murphy.

Amendment 2

At 12.1 Agenda Page 173 Line 1

Delete "may" and insert "will"

At 12.2 Agenda Page 273 Line 1

Delete "may" and insert "will".

Moved by Councillor Bobby McGill. Seconded by Councillor Janet Cadenhead.

Voting on the Amendment 2

In terms of Standing Order 14.7, Councillor Bobby McGill asked for a roll call vote. 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 amendment (10 votes)

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

Against the amendment (8 votes)

Councillor Craig Holden
Councillor Walter McAdam, MBE
Councillor Les Sharp
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Gary Womersley
Provost Tina Murphy

On a division of 10 votes to 8, **Amendment 2 was carried.**

Amendment 3

Amendment to Standing Order 13.10 (page 174)

Line 1 delete "Except in exceptional circumstances" and insert "Where possible".
Line 4 delete "meeting" and insert "matter to be discussed".

Moved by Councillor Graham Watt. Seconded by Councillor Derek Stewart.

Voting on the Amendment 3

In terms of Standing Order 14.7, Councillor Janet Cadenhead asked for a roll call vote. 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 amendment (8 votes)

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

Against the amendment (10 votes)

Councillor Alastair Campbell
Councillor Archie Drummond
Councillor Craig Holden
Councillor Walter McAdam, MBE
Councillor Les Sharp
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Gary Womersley
Provost Tina Murphy

On a division of 8 votes to 10, **Amendment 3 was defeated.**

Amendment 4

Proposed new Standing Order 13.10a (page 174)

"The mover and seconder of a motion cannot move or second an amendment to that motion."

Moved by Councillor Graham Watt. Seconded by Councillor Kenneth Earle.

Voting on the Amendment 4

For the amendment	8 votes
Against the amendment	10 votes

On a division of 8 votes to 10, **Amendment 4 was defeated**

Councillor Walter McAdam MBE withdrew from the meeting at this point in the proceedings (2.00 pm). Seventeen members remained present.

Amendment 5

Standing Order 16.3 (Agenda page 180)

Delete:

16.3 A motion must be directly relevant to matters in respect of which :

- a. we have a power or powers which may be exercised or in respect of which we have a statutory or other lawful duty or duties which we are required to carry out; or
- b. it involves an issue that will have a direct and material or substantive effect on the people of Clackmannanshire.

The Head of Resources and Governance in consultation with the Governance Manager may refuse to accept any notice of motion which (due to any enactment, rule of law or any provision of these standing orders), should not be considered. In these circumstances, the Head of Resources and Governance in consultation with the Governance Manager will (within two working days of receiving the notice of motion) tell the member putting forward the motion of this decision and, if asked to do so, will set out reasons in writing.

Insert:

16.3 Every motion must be relevant to matters within our powers and duties or involve an issue that will affect, or is of interest to the people of Clackmannanshire.

The Head of Resources and Governance in consultation with the Governance Manager may refuse to accept any notice of motion which (due to any enactment, rule of law or any provision of these standing orders), should not be considered. In these circumstances, the Head of Resources and Governance in consultation with the Governance Manager will (within two working days of receiving the notice of motion) tell the member putting forward the motion of this decision and, if asked to do so, will set out reasons in writing.

Moved by Councillor Archie Drummond. Seconded by Councillor Ellen Forson.

Voting on the Amendment 5

For the amendment	10 votes
Against the amendment	5 votes
Abstain from voting	2 abstentions

On a division of 10 votes to 5 with 2 abstentions, **Amendment 5 was carried.**

Amendment 6

Amendment to Standing Order 20.7 (page 184)

Line 3 after "meeting" add "and regardless of circumstances must appear as an item on the agenda of that meeting."

Moved by Councillor Graham Watt. Seconded by Councillor Kenneth Earle.

Voting on the Amendment 6

For the amendment	9 votes
Against the amendment	7 votes
Abstain from voting	1 abstentions

On a division of 9 votes to 7 with 1 abstention, **Amendment 6 was carried.**

Decision

The Council agreed unanimously to approve the motion as amended by Amendments 2, 5 and 6 (as above):

- a. to approve the Standing Orders attached as Appendix 1 to the report which incorporate the changes set out in 4.1 of the report as amended by Amendments 2, 5 and 6;
- b. to agree that in any interim period between adoption of the revised Standing Orders and the post holders for the new posts designated by the new establishment structure being in place any amendment to the Standing Orders referring to the new post holder shall not take effect until such post holder is in place; and
- c. to note that copies of the updated documents as approved by Council will be placed on Members' Portal and circulated within the Council;

Action

Director of Finance and Corporate Services

Under Standing Order 20.7, Councillor Gary Womersley and Councillor Bobby McGill both gave notice of changes to Standing Orders which will be brought to the next meeting of Council.

CC.212**WELFARE REFORM UPDATE**

The report provided an update on the impact of the Welfare Reforms changes both nationally and locally and outlined the actions being undertaken to continue to mitigate the impact on individuals, local communities and the Council.

Motion

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

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

Decision

The Council agreed unanimously to:

- a. note the continued impact of the Welfare Reform changes on residents in Clackmannanshire;
- b. note the forecast impact of the Welfare Reforms on the financial position of Clackmannanshire Council in 2014/15; and
- c. note the actions planned and currently being undertaken to continue to mitigate the impact of welfare changes.

CC.213**SCHOOL HOLIDAY LUNCH CLUBS**

The report provided Council with proposals to provide a scheme for the provision of meals during the summer school holidays over a period of 7 weeks from 30th June 2014 to the 18th August 2014 to children who ordinarily receive free school meals.

Motion

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

Moved by Councillor George Matchett QPM. Seconded by Councillor Craig Holden.

Amendment

Amendment to 2.1

- c. agrees in the first instance, to pursue option b in this report and allocates any additional funding required (potentially circa £22,000) from reserves should other funding streams not be secured;
- d. agrees to commence/continue engagement with parents of those children entitled to free school meals in order to further ascertain the potential need and likely take-up of any initiative, together with preferred options of parents;
- e. agrees to continue engagement with potential community partner organisations across Clackmannanshire to seek to ensure the most cost effective delivery by the Council (working in partnership with such potential community partner organisations) through utilisation/modification of such vehicles as are currently run already in order to meet, insofar as possible, the potential need, likely take-up and preferred options as referred to in b) above;
- f. provides an update on progress of the tasks/scoping referred to above at the Council meeting in June.

- g. there is an agreed commitment from Council to pursue School Holiday Lunch Clubs and a further commitment from Council to have the option in place for the start of this years' School Summer Holiday.

Moved by Councillor Ellen Forson. Seconded by Councillor Bobby McGill.

Decision

The Council agreed unanimously to approve the motion as amended:

- a. to note the work which has been undertaken to explore the potential for enhanced partnership working with local good banks and other voluntary organisations to support vulnerable people and families by providing meals during the school holidays to children who ordinarily receive free school meals;
- b. to note the options that have been considered to establish such a provision and that the costs of these options exceeds the £5,000 allocated in the budget in February;
- c. to agree in the first instance, to pursue option b in this report and allocates any additional funding required (potentially circa £22,000) from reserves should other funding streams not be secured;
- d. to agree to commence/continue engagement with parents of those children entitled to free school meals in order to further ascertain the potential need and likely take-up of any initiative, together with preferred options of parents;
- e. to agree to continue engagement with potential community partner organisations across Clackmannanshire to seek to ensure the most cost effective delivery by the Council (working in partnership with such potential community partner organisations) through utilisation/modification of such vehicles as are currently run already in order to meet, insofar as possible, the potential need, likely take-up and preferred options as referred to in b) above;
- f. to provide an update on progress of the tasks/scoping referred to above at the Council meeting in June; and
- g. that there is an agreed commitment from Council to pursue School Holiday Lunch Clubs and a further commitment from Council to have the option in place for the start of this years' School Summer Holiday.

Ends 3.45 pm