



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 23 OCTOBER 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, QPM
Councillor Walter McAdam, MBE
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, Depute Chief Executive
Stephen Coulter, Head of Resources and Governance
Stuart Crickmar, Head of Strategy and Customer Services
Val de Souza, Head of Social Services
Ahsan Khan, Head of Housing and Community Safety
David Leng, Head of Education
Gordon McNeil, Head of Development and Environment
Andrew Wyse, Solicitor, Clerk to the Council
Alan Milliken, Assistant Head of Education
Liz Shaw, Chief Accountant

Before the start of business, on behalf of the Council, the Provost welcomed Stephen Coulter, as the Council's recently appointed Head of Resources and Governance, to his first meeting of the Clackmannanshire Council.

In terms of Standing Order 11.6, the Provost intimated that an item of urgent business in relation to the appointment of the Leader of the Council had been submitted by the Chief Executive. In terms of Standing Order 11.7, the Provost intimated that this matter would be accepted onto the agenda and would be considered after agenda item 14 for the following reason. The item in question, which had been formally intimated to the Chief Executive, relates to the recent resignation of the Leader of the Council and in order to ensure continued leadership of the Council, the matter would be considered as an item of urgent business.

CC.244 APOLOGIES

None

CC.245 DECLARATION OF INTERESTS

None

**CC.246 MINUTES OF MEETING OF THE CLACKMANNANSHIRE COUNCIL HELD
ON THURSDAY 14 AUGUST 2014**

The minutes of the meeting of the Clackmannanshire Council held on Thursday 14 August 2014 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on Thursday 14 August 2014 were agreed as a correct record of proceedings and signed by the Provost.

**CC.247 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL
MEETING ON 14 AUGUST 2014**

The Council agreed to note the committee meetings that had taken place since the last Council meeting on 14 August 2014:

- Housing, Health and Care Committee 21/08/14
- Regulatory Committee 02/09/14
- Enterprise and Environment Committee 04/09/14
- Planning Committee 11/09/14
- Appointments Committee 24/09/14
- Resources and Audit Committee 25/09/14
- Education Sport and Leisure Committee 02/10/14
- Local Review Body 09/10/14

CC.248 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations made by committees during the August to October 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:

- (1) From the Housing, Health and Care Committee of 21 August 2014 in relation to the report entitled "Strategy and Regeneration Update " to ratify the decision of the Committee to:
 - Approve the sale of the garage site at Redwell Place, Alloa, to Kingdom HA at a value agreed in consultation with the District Valuer Service.

- (2) From the Housing, Health and Care Committee of 21 August 2014 in relation to the report entitled "Implementation of the Social Care (Self-Directed Support) (Scotland) Bill" to ratify the decision of the Committee to:
- Approve the revised eligibility framework, including the introduction of financial thresholds and appeals process, for operational implementation
- (3) From the Resources and Audit Committee of 25 September 2014 in relation to the report entitled "External Audit Final Report to Members on the 2013/14 Audit" to ratify the decision of the Committee to:
- Approve the final amended Accounts for 2013/14

CC.249 LEADER'S BRIEFING

A briefing report which informed elected members of a range of issues and activities which the Council Leader has been engaged with in the past quarter was submitted by the Leader of the Council. The intention of the report was to assist in raising awareness amongst elected members of a number of matters which affect the Council or the area and, as such, future workstreams.

Councillor Womersley pointed out an error in the report at paragraph 4.1; Councillor Womersley did not attend the official opening of Redwell Primary School on 30 September 2014 as indicated in the report.

The Council agreed to note the information set out in the report as amended at paragraph 4.1.

CC.250 CHANGES TO COMMITTEE APPOINTMENTS AND CONSEQUENT RESIGNATION OF VICE-CONVENOR OF THE PLANNING COMMITTEE

A report was submitted by the Governance Manager which resulted from the intimation from Councillor Graham Watt of intended changes to representatives of the Main Opposition on two standing committees and the consequent resignation of Councillor Watt as Vice Convenor of the Planning Committee and Local Review Body.

Councillors Watt and Martin had confirmed that they would simultaneously resign from the Planning Committee and the Resources and Audit Committee respectively in the event of Council agreeing their respective appointments to the Resources and Audit Committee and the Planning Committee.

Motion

That in the event of Councillor Watt ceasing to be a member of the Planning Committee, that Council appoints a member of the Planning Committee to be the Vice Convenor of the Committee and the Local Review Body and agrees the intended changes to representatives of the Main Opposition Group on the two standing committees.

Moved by Councillor Bobby McGill. Seconded by Councillor Graham Watt

Councillors Watt and Martin confirmed their resignations from the Planning Committee and the Resources and Audit Committee respectively.

Appointment to the Planning Committee

Councillor Watt nominated Councillor Kathleen Martin, seconded by Councillor Cadenhead.

Appointment to the Resources and Audit Committee

Councillor McGill nominated Councillor Graham Watt, seconded by Councillor Cadenhead.

Appointment of Vice Convenor of the Planning Committee and Local Review Body

Councillor McGill nominated Councillor George Matchett, seconded by Councillor Watt.

Decision

There being no other nominations following the resignation of Councillors Watt and Martin from the Planning Committee and the Resources and Audit Committee, the Council agreed unanimously to appoint Councillor Martin to the Planning Committee, and Councillor Watt to the Resources and Audit Committee and the consequent appointment of Councillor Matchett as the Vice Convenor of the Planning Committee and Local Review Body.

Action

Governance Manager

CC.251 NOTIFICATION OF CHANGES TO STANDING ORDERS - CHANGE OF MEETING CYCLE TO EIGHT WEEK PERIOD

Notice was given at the Council meeting on 14 August 2014 of the intention to bring forward amendments to Standing Orders and a report which followed on from that notice was submitted by Councillor Graham Watt.

Changes are required to Standing Orders 6.2 and 6.3 to give effect to the proposal to alter the timetable of Council and Committee meetings to an eight week cycle from nine weeks.

Motion

That Council agrees to:

Delete existing Standing Order 6.2 and insert:

- 6.2 Ordinary meetings will usually be held every eight weeks in the Council Chamber. Such meetings will be postponed or cancelled only if there is insufficient business or some other exceptional circumstances. The consent of the Provost will be required for any change of date or venue. An annual programme of meeting dates will be submitted to the appropriate meeting of the Council in the previous year.

Delete existing Standing Order 6.3 and insert:

- 6.3 Subject to there being business for the Committee, the Planning Committee will usually be held every four weeks in the Council Chamber, normally on a Tuesday, or at such other places and on such other dates and at such other times as the Convenor may set.

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

Amendment

Standing Order 6.3 to be amended to read as follows:

"Subject to there being sufficient business, the Planning Committee may meet more than once in an eight week cycle in the Council Chamber, not necessarily on a Thursday. Times and dates will be agreed with the Convenor.

The Local Review Body will normally be held on the same day as a Planning Committee according to the demands of business."

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 the Provost.

Voting on the Motion

For the motion	9 votes
Against the motion	9 votes

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

Accordingly, on the casting vote of the Provost both the motion and the amendment seeking to change Standing Orders fell resulting in no further action.

At this point in the proceedings, Councillor Womersley gave formal notification of potential changes to Standing Orders to be submitted to the next meeting of the Council (18 December 2014).

CC.252 BUDGET STRATEGY UPDATE

A report which maintained Council's regular updates on the medium term financial outlook and indicative funding gap was submitted by the Depute Chief Executive. The report also provided an update on the latest financial outturn for the Council, progress with budget preparation and the new Community Development Grants (CDG) process.

Motion

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

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

Decision

The Council agreed unanimously to note:

- (1) the Draft Scottish Budget announcement and the further information which follows in early December 2014 (as set out in paragraphs 3.1-3.4 of the report).
- (2) the revised indicative funding gap scenarios to 2017/18 of £21.85 (Exhibit 2 of the report) and £22.24m (Exhibit 3 of the report) based on pay inflation rates of 1.5% and 2.0% respectively.
- (3) the amendments to financial planning assumptions detailed in paragraph 4.5.
- (4) the work undertaken by management to improve the outturn position reported to the Resources and Audit Committee on 25 September 2014 (paragraphs 4.10 and 4.11 of the report).
- (5) the improved outturn position from £1.854m to £0.281m overspend since the Resources and Audit Committee on 25 September 2014 (paragraph 4.13 of the report).

- (6) the importance of robust financial monitoring by both elected members and management to sustain or further improve upon the current outturn position (paragraph 4.14 of the report).
- (7) that additional savings for 2014/15 are not proposed at this time but that other precautionary management measures are being progressed (paragraph 4.15 of the report).
- (8) progress with the implementation of the redesigned Budget Challenge process and the next scheduled briefings for elected members and trade unions in December 2014 (paragraphs 4.16 and 4.17 of the report).
- (9) progress in the implementation of the Community Development Grant scheme under the administration of the Capital Investment Group (paragraph 4.18 of the report).

CC.253 DEVELOPMENTS IN COMMUNITY PLANNING

A report which brought the Council up to date with a number of important developments within community planning in Clackmannanshire following the latest meeting of Clackmannanshire Alliance held on 5 September 2014, was submitted by the Head of Strategy and Customer Services.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

Having commented on and challenged the report, the Council agreed to note the developments within community planning in Clackmannanshire.

CC.254 BUS SERVICES TO FORTH VALLEY ROYAL HOSPITAL

A report which updated Council on the agreement to continue the H1 and H2 bus services between Clackmannanshire and Forth Valley Royal Hospital (FVRH) until 31 March 2018, further to the report to the Enterprise and Environment Committee in March 2013, was submitted by the Head of Development and Environment.

Motion

That Council notes and welcomes the proposal to continue the H1 and H2 bus services until 31 March 2018 and the renewed opportunity for partnership working between the Council and NHS Forth Valley which results.

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

Decision

The Council agreed unanimously to note and welcome the proposal to continue the H1 and H2 bus services until 31 March 2018 and the renewed opportunity for partnership working between the Council and NHS Forth Valley which results.

The Provost adjourned the meeting at this point in the proceedings (1203 hrs).

When the meeting resumed at 1237 hrs, 18 members remained present.

CC.255 REVIEW OF LEISURE SERVICES

A report which presented Council with the findings of the externally commissioned review of Leisure Services and sought Council's views on key matters going forward in respect of the longer term provision of leisure services in Clackmannanshire 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 Ellen Forson.

Decision

The Council agreed unanimously to:

- (a) note the Review of Clackmannanshire Leisure Services, its overall findings and recommendations.
- (b) agree to develop a ten year Leisure Strategy for Clackmannanshire by December 2015 when the existing strategy expires.
- (c) note the Review's finding that the overall service provided by Wasp Leisure represents good value for money.
- (d) agree to continue its contract with Wasp Leisure to the end of September 2019 (subject to satisfactory negotiation of terms and conditions with the contractor), to ensure there is no loss of leisure provision while the Council develops a long term strategy and that there is continuity of leisure provision pending decisions which may flow from such a strategy and their implementation.

Action

Chief Executive

CC.256 AUTHORISATION OF TRADING STANDARDS SCOTLAND

A report was submitted by the Head of Development and Environment which informed Council of the establishment of a Scotland-wide trading standards team, Trading Standards Scotland (TSS) forming part of CoSLA. The team will complement the work of local trading standards services throughout Scotland dealing with national and cross border issues as well as crimes of a specialist nature such as illegal money lending and e-crime.

The report also sought Council's approval of the proposed mechanisms for delegating the Council's functions and powers under trading standards and consumer protection legislation to Stirling Council who carry out the Trading Standards service for Clackmannanshire Council and further authorise Stirling Council to delegate the appropriate powers in respect of Clackmannanshire to TSS staff.

Council was invited to approve changes to the Scheme of Delegation to give effect to the necessary delegation of functions and powers to Stirling Council and consequently to TSS

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 appoint Stirling Council to discharge Clackmannanshire Council's relevant trading standards and consumer protection functions as enabled by section 56(1) of the Local Government (Scotland) Act 1973; and further authorises them to appoint Trading Standards Scotland to discharge the functions under the relevant trading standards and consumer protection legislation falling within the remit of Trading Standards Scotland on behalf of this authority.

The Council also agreed to approve the proposed changes to the Scheme of Delegation as set out in Appendix A of the report.

Action

Head of Development and Environment

CC.257 ADDITIONAL CAPITAL FUNDING - KELLIEBANK

A report which sought approval for the additional spend of £300k required to complete the Kelliebank Capital project was submitted by the Chief Accountant.

Motion

That Council approves £300k from the current General Fund Capital Programme underspend of £2.956m (as set out in Appendix A of the report) to complete programmed works at Kelliebank.

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

Decision

On a division of 17 votes to one, the Council agreed to approve £300k from the current General Fund Capital Programme underspend of £3.956m (as set out in Appendix A of the report) to complete programmed works at Kelliebank.

Action

Chief Accountant

CC.258 APPOINTMENT OF COUNCIL LEADER

In terms of Standing Order 11.7 the Provost admitted this report onto the agenda as a matter of urgent business in order to ensure continued leadership of the Council.

A report was submitted by the Chief Executive which invited Council to appoint a new Leader further to notification by Councillor Gary Womersley of his intention to resign as Leader of the Council with effect from 3 November 2014.

Motion

That Council appoints Councillor Les Sharp as Leader of the Council with effect from 3 November 2014 and notes that the new Leader will take the place of Councillor Womersley on the outside bodies set out in paragraph 3.3 of the report.

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

Decision

The Council agreed unanimously :

- (a) to appoint Councillor Les Sharp as Leader of the Council with effect from 3 November 2014, and
- (b) to note that Councillor Sharp as Leader of the Council will take the place of Councillor Womersley on the following outside bodies:
 - Clackmannanshire and Stirling NHS Forth Valley Partnership Board
 - Clackmannanshire Alliance
 - Clackmannanshire Business Ltd
 - CoSLA Leaders
 - CSBP Clackmannanshire Developments Ltd
 - CSBP Clackmannanshire Investments Ltd

On behalf of the Council, the Provost thanked Councillor Womersley and wished him well and offered congratulations to Councillor Sharp on his appointment as Leader of the Council.

Action

Chief Executive

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 items of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 8 (CC.259) and 9 (CC.260).

C.259 GEOGRAPHIC INFORMATION SERVICES

A report which updated Council on the position in respect of the company thinkWhere (formerly Forth Valley GIS) and made recommendation was submitted by the Chief Executive.

As one of the recommendations in the report sought to alter a Council decision made within the past six months (26 June 2014), as per Standing Order 17.1, the Provost had been consulted on the matter and was satisfied that circumstances had changed in a relevant way in light of updated financial information and responses received to date on the matter.

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 support the recommendations set out in the report.

Action

Chief Executive

CC.260 ALVA GLEN HOTEL, STIRLING STREET, ALVA

A report was submitted by the Head of Development and Environment which sought to update Council on progress regards the Alva Glen Hotel building.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

That paragraphs 2.2-2.5 are removed and new paragraphs 2.2 and 2.3 as detailed in the submitted amendment are inserted.

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

Procedural Motion 1

Councillor Womersley moved that the matter is put to the vote. The Provost accepted the procedural motion and the matter was voted on as follows:

For the motion to move to the vote on the amendment	9 votes
Against the motion to move to the vote on the amendment	9 votes

Accordingly, on the casting vote of the Provost the matter was put to the vote.

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 the Provost.

Procedural Motion 2

Councillor Womersley moved that the matter is put to the vote. The Provost accepted the procedural motion and the matter was voted on as follows:

In terms of Standing Order 14.7, Councillor 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 motion to move to the vote on the substantive motion (9 votes)

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

Against the motion to move to the vote on the substantive motion (9 votes)

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

Accordingly, on the casting vote of the Provost the matter was put to the vote.

Voting on the Substantive Motion

In terms of Standing Order 14.7, Councillor Womersley 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 substantive motion (10 votes)

Councillor Gary Womersley
Councillor Donald Balsillie
Councillor Les Sharp
Councillor Craig Holden
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Walter McAdam

Councillor Archie Drummond
Councillor Alastair Campbell
Provost Tina Murphy

Against the substantive motion (8 votes)

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

Decision

Accordingly, on a division of 10 votes to 8 the Council agreed the recommendations set out in the report.

Action

Head of Development and Environment

Ends 1455 hrs