

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 18 DECEMBER 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
Garry Dallas, Executive Director
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, Legal Services Team Leader, Clerk to the Council
Liz Shaw, Chief Accountant

In terms of Standing Order 11.6, the Provost intimated that an item of urgent business in relation to the Tillicoultry Town Centre Regeneration had been submitted by the Head of Housing and Community Safety. 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 5 for the following reason:- As it is intended to have the contracts signed and a site start date prior to the end of March 2015 (which would enable the draw down of available grant funding), the matter would be considered as an item of urgent business.

CC.261 APOLOGIES

None

CC.262 DECLARATION OF INTERESTS

None

**CC.263 MINUTES OF MEETING OF THE CLACKMANNANSHIRE COUNCIL HELD
ON THURSDAY 23 OCTOBER 2014**

The minutes of the meeting of the Clackmannanshire Council held on Thursday 23 October 2014 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on Thursday 23 October 2014 were agreed as a correct record of proceedings and signed by the Provost.

**CC.264 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 23 October 2014:

- Regulatory Committee 28/10/14 & 25/11/14
- Resources and Audit Sub Committee 29/10/14 & 10/12/14
- Planning Committee 30/10/14
- Housing, Health and Care Committee 30/10/14
- Enterprise and Environment Committee 06/11/14
- Licensing Board 13/11/14 & 11/12/14
- Education Sport and Leisure Committee 20/11/14
- Resources and Audit Committee 04/12/14

CC.265 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations made by committees during the October - December 2014 cycle of meetings was submitted by the Chief Executive.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

The Council unanimously agreed:

1. from the **Housing, Health and Care Committee of 30th October, 2014** in relation to the report entitled "*Fostering and Kinship Rates*"
 - to increase the Kinship Care Allowances to reflect an equivalency level with foster care payments.
2. from the **Housing, Health and Care Committee of 30th October, 2014** in relation to the report entitled "*Strategic Housing Investment Plan 2014-2019* "
 - to approve the Strategic Housing Investment Plan (SHIP), including the 5 year programme of housing sites that will provide the basis of the Strategic Local Program (SLP).
3. from the **Housing, Health and Care Committee of 30th October, 2014** in relation to the report entitled "*Proposed Town Centre Regeneration Project*"
 - to transfer the Tillicoultry Community Centre land from the General Fund to the Housing Revenue Account at a value agreed in conjunction with the District Valuer Services.
 - to approve the funding arrangements for the Council to support the housing development at the Tillicoultry Community Centre by bringing the approved capital spend forward from 2016/17 to 2015/16.
 - that Tillicoultry be the next phase of the Village and Small Town Centre initiative in order to support a wider regeneration of Tillicoultry town centre.

Action

Chief Executive

CC.266 TILlicoulTRY TOWN CENTRE REGENERATION PROJECT

The report, submitted by the Head of Housing and Community Safety sought approval to further progress the Tillicoultry Town Centre Regeneration Project.

A separate report by the Chief Executive (CC.265 paragraphs 2 and 3) had invited Council to approve recommendations from the Housing, Health and Care Committee of 30th October 2014 to approve the Strategic Housing Investment Plan (SHIP), and inter alia the transfer of Tillicoultry Community Centre to the Housing Revenue Account and the funding arrangements to support the housing development at the Tillicoultry Community Centre, and had just been approved.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Archie Drummond.

Decision

The Council unanimously agreed :

1. that Kingdom Housing Association provide development agent and clerk of works services as required for the construction of 21 homes on the site of the former Tillicoultry Community Centre subject to compliance with the Council's public procurement requirements and Contract Standing Orders;

2. to approve the construction of 17 (of 21) homes funded by the Scottish Governments Town Centre Regeneration fund of £0.782m and £1.3005m of Council HRA borrowing;
3. to approve the construction of 4 (of 21) homes funded by the Government's Affordable Housing Supply Program (AHSP) and supported by Council borrowing (indicated at paragraph 5.1. of the report);
4. the appointment of Hub East Central Scotland Limited (Hubco) as developers;
5. that a further report is prepared for Council seeking approval of a phase two to provide up to an additional 8 units, with recommendations on the management and ownership for the 12 units funded by the Government's Affordable Housing Supply Program. These units will either be owned and managed by Kingdom Housing Association or Clackmannanshire Council (equivalent to the value at paragraph 5.1. of the report)

Action

Head of Housing and Community Safety

CC.267 QUESTION TO THE PROVOST FROM COUNCILLOR DRUMMOND - COUNCIL POLICY ON FRACKING

A question was submitted by Councillor Archie Drummond:

Question:

"In light of the increasing likelihood of local applications for the commercial extraction of unconventional gas by fracking, evidence of growing public concerns over possible adverse impacts on our communities and the absence of any reference to policy on this issue in the recently adopted Local Development Plan, how does the Council propose to address the omission and provide public assurance of robust planning powers?"

"Will the Council make early arrangements to provide members with currently available evidence on any adverse health and environmental impacts that have arisen from fracking and coal bed methane extraction?"

The Provost provided a written response to the question:

"The Local Development Plan (LDP) has been approved by Council. It includes policies on mineral extraction and coal bed methane. There is no specific policy on unconventional shale gas or coal gas gasification, nor therefore any reference to fracking as a method of extraction. It was hoped that these issues would be explained in detail in the Scottish Planning Policy and National Planning Framework 3 both published by Scottish Government on 23 June 2014, but this did not happen. In these circumstances, officers intend to bring forward further policy guidance before March 2015, and include this as supplementary guidance to the LDP.

It is intended that this supplementary guidance will be prepared in consultation with neighbouring authorities, some of whom have already had experience of planning proposals and who will have learned much about the technical and regulatory issues to have emerged from the assessment of the planning applications and associated environmental impact assessment. Appropriate public consultation will be carried out to help provide public assurance from the outset.

The Council has not received any planning applications for unconventional gas extraction. Equally, there have been no pre-application consultations on development proposals as would be required for any category of Major Development. If either of these were to be submitted to the Council, officers will provide members with advice on the key health and environmental issues that may be associated with such proposals.

Current UK Government Guidance issues by the Department of Energy and Climate Change in February 2014 can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283832/Planning_v3.pdf

In line with Standing Order 18.6, Councillor Drummond submitted two additional questions:

1. *"The annual report of the London government's Chief Scientific officer, published only a few weeks ago in November includes a paragraph that sets consideration of fracking in an interesting, and I believe valid, context. It states, "History presents plenty of examples of innovation trajectories that later proved to be problematic - for instance involving asbestos, thalidomide, dioxins" and a few other examples are listed before the conclusions that "innovations reinforcing fossil fuel energy strategies - such as hydraulic fracturing - arguably offer a contemporary prospective example." So my first question is:- Can the Council give assurance to the community that no proposed extraction will be permitted that fails to meet fully the requirements of Policy EA11 - Environmental Quality; EA12 - Water Environment and EP13 - Coal Bed Methane with particular reference to adverse impacts on communities?*
2. *Provost, my second question relates to adverse impacts on communities. While I welcome the commitment in Mr Duguid's answer that officers will provide members with advice on health and environmental impacts, I also recognise that even highly motivated planning officers can very quickly find themselves out of their depth on matters such as the health implications of unconventional gas extraction. So can I ask that the Council looks further afield for more expert briefing to members, and indeed to officers, on existing, available research information on the adverse health impacts of this applied technology?"*

The Provost advised that a written response to Councillor Drummond's two supplementary questions would be provided and incorporated in this Minute..

The answers to the two additional questions provided in writing subsequent to the Meeting in accordance with Standing Orders 18.6 and 18.8 are:-

1. *Section 25 of the Town and Country Planning (Scotland) Act 1997 indicates that where any Council is determining an application for planning permission, that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The emphasis therefore is a presumption in favour of proposals that comply with the Development Plan. If the conclusion of any assessment of a proposal was that it did not meet the requirements of one or more Local Development Plan policies such as EA 11 - Environmental Quality; EA 12 - Water Environment; or EP13 - Coalbed Methane, it would be for the Council to determine whether compliance with other policies or any other material considerations were of sufficient weight to overturn the failure to comply with the Local Development Plan policies. Ultimately, a planning authority has to make a balanced judgement on not only single or collective policies, but also the broad aims and strategic objectives of the Plan, considerations such as the number, nature, and relevance of representations for and against the development, national planning guidance, and the advice of consultees or other advisers.*

Accordingly, and against that background, it would be premature and inappropriate legally to be offering an unequivocal assurance of this precise nature at this very early stage, where we have not been presented with any application or enquiry.

2. *This question properly acknowledges the potential complexities associated with proposals for unconventional gas exploration. The planning function is one part of a wider regulatory framework. Any planning application is likely to be accompanied by environmental information, possibly in the form of an Environmental Statement. This information will cover a breadth of topics, some of which may indirectly relate to matters of public health, such as noise and air quality. It will be for officers to decide whether this information, coupled with comments from third parties, and information from other sources, can be relied upon to make a full planning assessment of Development Plan policy and bring a competent report and recommendation to Members. If officers encounter difficulties in this respect, a decision can be taken on other methods to fulfil the Council's statutory duties, including as necessary the appointment of specialist advisors in key areas of environmental management or control, to provide independent expert advice on Environmental information submitted by applicants, or briefings to officers and/or elected members on technical aspects of developments associated with the unconventional gas exploration industry. That would supplement advice already provided by agencies such as SEPA, Scottish Water and The Coal Authority, as consultees on any planning application*

Action

The Provost

CC.268 RESIGNATION OF A DEPUTE PROVOST

The report, submitted by the Chief Executive, notified Council of the resignation of Councillor Les Sharp as one of the Council's two Depute Provosts further to his recent appointment as Council Leader.

Motion

That Council notes the resignation of Councillor Les Sharp as one of the Council's two Depute Provosts and nominates Councillor Craig Holden for the post of Depute Provost.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to note the resignation of Councillor Les Sharp as one of the Council's two Depute Provosts and appointed Councillor Craig Holden to the post of Depute Provost.

Action

Chief Executive

In terms of Standing Order 11.6, the Provost intimated that an item of urgent business in relation to appointments to outside bodies 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 7 for the following reason:- To ensure the Council is represented, membership of both CoSLA and the Board of NHS Forth Valley must be confirmed before the next full meeting of the Council, therefore, the matter would be considered as an item of urgent business.

CC.269 APPOINTMENTS TO OUTSIDE BODIES

The report, submitted by the Chief Executive, invited Council to appoint and nominate representatives to two outside bodies further to the resignation from those bodies of the Council's previously appointed representative.

Motion

That the Council:

1. appoint the Leader of the Administration Group to the vacant Council place on the CoSLA Convention; and
2. agrees that the Leader of the Administration Group should be the Council's nominated postholder to sit on the Board of NHS Forth Valley.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Voting on Part 1 of the Motion

There was no voting on Part 1 of the Motion. The Council agreed unanimously to appoint the Leader of the Administration Group to the vacant Council place on the CoSLA Convention.

Voting on Part 2 of the Motion

The Clerk confirmed that as this part of the motion related to the appointment of a Council postholder to serve on an outside body and not to a choice to appoint an individual Councillor to a post, Standing Orders 14.18 and 14.19 (which refer to decision by drawing lots) do not apply.

For the motion	9 votes
Against the motion	9 votes

On a division of 9 votes to 9, Part 2 of the Motion was carried on the casting vote of the Provost.

Decision

The Council agreed unanimously to appoint the Leader of the Administration Group to the vacant Council place on the CoSLA Convention.

On the casting vote of the Provost, the Council agreed to appoint the Leader of the Administration Group to sit on the Board of NHS Forth Valley.

Action

Chief Executive

CC.270 BUDGET UPDATE

A report which updated Council on the financial outlook, indicative funding gap and proposals for taking forward the 2015-16 budget, was submitted by the Chief Executive and the Depute Chief Executive.

Motion

That Council agrees to the recommendations set out in the report subject to the removal of recommendations e) and h) and consequently not to approve paragraphs 4.18 and 8.3 within the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously :

- a. to note the financial outlook (paragraphs 3.1 to 3.12 of the report);
- b. to note the revised cumulative indicative funding gap of approximately £22 million to 2017/18 (Tables 1 and 2 in the report);
- c. to note progress with the Budget Challenge process (Section 5 of the report);
- d. to note that the officer savings proposals identified to date (paragraph 5.3 of the report) do not close the funding gap in any future years;
- e. not to approve recommendation (e) and consequently paragraph 4.18 of the report referring to it;
- f. to agree to undertake public consultation on the alternative operational model and the illustrative officer savings proposals (sections 4 and 6 and Appendix B of the report);
- g. to note that some of the illustrative officer savings proposals for 2015-2016 would require a reduction in staff numbers for them to be achieved'; and
- h. not to approve recommendation (h) and consequently paragraph 8.3 of the report referring to it

Action

Chief Executive and Depute Chief Executive

The Provost adjourned the meeting at this point in the proceedings (1220 hrs).

When the meeting resumed at 1225 hrs, 18 members remained present.

CC.271 TREASURY MANAGEMENT UPDATE AT 30TH SEPTEMBER 2014

The report, submitted by the Chief Accountant, presented an update of Treasury Management activity for the period to 30th September 2014.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

Having considered the report, the Council agreed to note the mid year review of the Council's Treasury Management activities.

CC.272 HEALTH AND SOCIAL CARE INTEGRATION

A report, submitted by the Chief Executive and Head of Social Services, provided Council with an update on progress towards health and social care integration and sought Council's approval of a number of issues which had been discussed at recent Partnership Boards involving the Council, Stirling Council and NHS Forth Valley.

Motion

That Council agrees the recommendations set out in the report and agrees the undernoted nominations:

Integration Joint Board: Councillor Les Sharp, Councillor Donald Balsillie and Councillor Janet Cadenhead.

Appointments Panel for the post of Chief Officer for Health and Care Integration: Councillor Janet Cadenhead and Councillor Les Sharp.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously :

- a. to note the progress in taking forward health and care integration in Clackmannanshire;
- b. that the composition of the Integration Joint Board should be three elected members from each of Clackmannanshire and Stirling Councils and six representatives of the Board of NHS Forth Valley;
- c. that the Council's three representatives will comprise two members from the political administration and one from the main opposition;
- d. that Councillor Les Sharp, Councillor Donald Balsillie and Councillor Janet Cadenhead be the three representatives from Clackmannanshire Council on the Integration Joint Board;
- e. that these individuals will also be the Council's representatives on the Transitional Board which will operate until such time as ministerial approval is given to the Integration Scheme and the Integration Joint Board can be legally established;
- f. that the Appointments Panel for the post of Chief Officer for health and care integration comprises two elected members from each of the two councils and four representatives from the Board of NHS Forth Valley;

- g. that the Council's representatives on the Appointments Panel should comprise one elected member from the Administration and one from the main Opposition;
- h. that Councillor Janet Cadenhead and Councillor Les Sharp be the Council's representatives on the Appointments Panel; and
- i. to note that the final draft Integration Scheme will come to Council for approval in March 2015.

Action

Chief Executive and Head of Social Services

CC.273 ALVA SWIMMING POOL - OCHIL LEISURE ENTERPRISES LIMITED

A report, submitted by the Head of Strategy and Customer Services, updated Council on the current position following the fire and consequent closure of the Alva Swimming Pool and leisure facility and the outcome of discussions between council officers and representatives of Ochil Leisure Enterprises to determine the way forward.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously:

- 1. to note that OLE have confirmed to the Council that they are not in a position to continue to operate the Pool as a swimming and leisure facility;
- 2. to note that OLE have agreed that as a consequence, the Pool now falls to be transferred back to the Council without any payment being made to OLE and that officers are currently progressing this;
- 3. to note that no further payments will be due to OLE under the Service Level Agreement between the Council and OLE, such payments being conditional upon the active operation of the swimming pool facility; and
- 4. that the Pool is declared surplus to operational requirements and that officers examine the options for the future redevelopment of the property including the demolition of the Pool buildings.

Action

Chief Executive

CC.274 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 - POST OFFICE SERVICES IN ALLOA

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Donald Balsillie:

Motion

In response to the recent consultation on Post Office Services in Alloa. Clackmannanshire Council objects to the removal of Crown Post Office status for Alloa and the resultant implications for service delivery. The Council is concerned about the proposal to relocate the post office to within a local store and the likelihood that this will result in the reduction of staff numbers and the current level of service. Unlike the current post office we understand that the loss of crown post office status means that there would be no obligation to continue postal services in Alloa if the store decides to give up this aspect of its business.

Moved by Councillor Donald Balsillie. Seconded by Councillor Craig Holden.

Decision

The Council agreed unanimously to support the motion.

Action

Chief Executive

Councillor Matchett QPM withdrew from the meeting prior to the following item of business.

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.275 CAPITAL INVESTMENT FUND - ACQUISITION OF LAND AT 35 PRIMROSE STREET, ALLOA

The report, submitted by the Head of Development and Environment reported on negotiations and sought approval for the acquisition of land at 35 Primrose Street, Alloa through the Capital Investment Fund to be used for the development of affordable housing along with adjacent Council owned land.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Craig Holden.

Councillor Holden withdrew from the meeting during debate on this item.

Decision

The Council agreed unanimously to support the recommendations set out in the report.

Action

Head of Development and Environment

Ends 1345 hrs

