

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 25 JUNE 2015 at 10.00 am.

PRESENT

Provost Tina Murphy (In the Chair)
Councillor Donald Balsillie
Councillor Janet Cadenhead
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, Depute Chief Executive
Garry Dallas, Executive Director
Stephan Coulter, Head of Resources and Governance
Stuart Crickmar, Head of Strategy and Customer Services
Kevin Kelman, Assistant Head of Education
Ahsan Khan, Head of Housing and Community Safety
Gordon McNeil, Head of Development and Environment
Lindsay Sim, Chief Accountant
Andrew Wyse, Team Leader, Legal Services (Clerk to the Council)

In terms of Standing Order 11.6, the Provost intimated that an item of urgent business in relation to the Local Government Pensions Scheme had been submitted by the Head of Resources and Governance. In terms of Standing Order 11.7, the Provost intimated that this matter would be accepted onto the agenda and would be considered as agenda item 16A for the reason that it relates to the statutory requirement under Regulation 58 of the Local Government Pension Scheme (Scotland) Regulations 2014 that the Council as a Scheme Employer publishes a Pensions Discretionary Functions Policy before 1 July 2015. To ensure compliance with that statutory timescale, the matter requires to be considered at this meeting of the Council.

CC.309 APOLOGIES

Apologies for absence were received from Councillor Alastair Campbell.

CC.310 DECLARATIONS OF INTERESTS

Councillor Bobby McGill and Councillor Gary Womersley declared an interest in agenda item 17 (Sale of Land - Dumyat Business Park) as Directors (non remunerated) of CSBP Clackmannanshire Development Ltd. Councillor Craig Holden also declared an interest in this item.

CC.311 MINUTE OF MEETING OF THE CLACKMANNANSHIRE COUNCIL HELD ON 14 MAY 2015

The minutes of the Meeting of the Clackmannanshire Council held on 14 May 2015 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on Thursday 14 May 2015 were agreed as a correct record of proceedings and signed by the Provost.

CC.312 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 14 MAY 2015

The Council agreed to note the committee meetings that had taken place since the last Council meeting on 14 May 2015.

- (a) Enterprise and Environment Committee 21/05/15
- (b) Licensing Board 26/05/15
- (c) Planning Committee 28/05/15
- (d) Housing, Health and Care Committee 04/06/15
- (e) Education Appeals Committee 09/06/15, 22/06/15 & 23/06/15
- (f) Resources and Audit Sub Committee 10/06/15
- (g) Education, Sport and Leisure Committee 11/06/15
- (h) Resources and Audit Committee 18/06/15

CC.313 NOTIFICATION OF CHANGES TO STANDING ORDERS

Notice was given by Councillor Les Sharp at the meeting of the Council on Thursday 14 May 2015 under Standing Order 20.7, of intention to bring to Council proposals to amend Standing Orders.

No such proposals have been submitted and, therefore, no substantive report was submitted to this meeting.

CC.314 LEADER'S BRIEFING

A briefing report was submitted by the Leader of the Council which covered the period from May 2015 to June 2015. The purpose of the report was to inform all elected members of a range of issues and activities which the Council Leader had been engaged with in the past quarter and to assist in raising awareness amongst members of a number of matters which affect the Council or the area and, as such, inform future workstreams.

The Council agreed to note the information set out in the Leader's briefing report.

CC.315 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations which have been made by committees during the April-June 2015 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 agreed:

1. From the Housing, Health and Care Committee of 4th June 2015 in relation to the report entitled "*Autism Strategy and Action Plan for Stirling and Clackmannanshire*"
 - To approve the Stirling and Clackmannanshire Autism Strategy and Action Plan.
2. From the Resources and Audit Sub Committee of 10 June 2015 in relation to the report entitled "*Forward Plan 2015/16*"
 - To approve the Forward Plan for 2015/16.

Action

Chief Executive

CC.316 DRAFT FINANCIAL STATEMENTS 2014/15

A report was submitted by the Depute Chief Executive which indicated that by law, the Council is required to prepare a statement of accounts in accordance with "proper practices" which set out its financial position at the end of each financial year. This is defined as meaning compliance with the terms of the Code of Practice on Local Authority Accounting in the United Kingdom prepared by the CIPFA/LASAAC Joint Committee.

The Depute Chief Executive advised the Council of a correction to the report on page 27 at paragraph 3.7 (second sentence). This should be amended to read, "The surplus achieved in the year compared to budget was £1.977m which is an increase in the surplus of £1.207m reported to the Resources and Audit Committee in April." The Depute Chief Executive confirmed that this figure was quoted correctly in the management commentary on page 12 of the Draft Accounts.

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 to:

- (1) note the new requirement to produce a management commentary in place of the Explanatory Foreword as an introduction to the Council's financial statements.
- (2) approve the 2014/15 draft Financial Statements as presented to the 19 June 2015 elected member briefing and summarised in the report.

- (3) approve the 2014/15 Clackmannanshire Council Sundry Trust Funds Draft Report and Financial Statements as presented to the 19 June 2015 elected member briefing and summarised in the report.
- (4) approve the submission of the draft Financial Statements to the Controller of Audit no later than 30 June 2015.
- (5) note that finalised audited financial statements will be presented to the Resources and Audit Committee in September 2015.
- (6) otherwise note the contents of the report.

In relation to the Sundry Trust Funds in respect of Tillicoultry Old Age Pensioners Outing Fund and Old Folks Welfare Fund. Councillor Archie Drummond proposed that given that these funds are specific to Tillicoultry and district, the Council invites Tillicoultry, Coalsnaughton and Devonside Community Council to take over the administration of these funds.

The Clerk advised that officers would require to look at the terms of the original documents that set up these Funds to ensure that this proposal was competent.

Action

Head of Resources and Governance

CC.317 ANNUAL TREASURY REPORT 2014/15

A report which detailed Treasury Management activities for the Council for 2014/15 was submitted by the Depute Chief Executive.

Motion

That Council notes and considers the Annual Report 2014/15 of the Council's Treasury Management activities.

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

Decision

Having commented on and challenged the report, the Council agreed to note and consider the Annual Report 2014/15 of the Council's Treasury Management activities.

CC.318 ANNUAL REVIEW OF DEBTORS 2014-15

A report which provided Council with an update on income collection and made proposals to write off those arrears classified as irrecoverable or 'bad debts' was submitted by the Head of Housing and Community Safety. The report also set out the main improvement actions currently being undertaken to improve performance.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

Having commented on and challenged the matters raised in the report, the Council agreed to:

- (1) note the trends in income collection levels and the related arrears position.
- (2) approve the write off of £436,793 which represents 0.6% of the total Council income raised in the year (reference Table 3 of the report)
- (3) note that ongoing monitoring of performance is being undertaken through the respective Service Committee and through the Resources and Audit Committee.

Action

Head of Housing and Community Safety

CC.319 BUDGET STRATEGY UPDATE

A report which maintained Council's regular update on the medium term financial outlook was submitted by the Depute Chief Executive. The report also provided an update on progress with the Making Clackmannanshire Better programme of activity and the revised engagement and implementation arrangements which were implemented in April 2015.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

Having commented on and challenged the report, the Council agreed to note:

- (1) the key political commitments arising from the outcome of the UK Government election in May 2015.
- (2) the prevailing ongoing uncertainty impacting medium to long term financial planning and forecasting (paragraphs 3.3 to 3.8 of the report) and the consequent intention to provide a range of financial planning 'scenarios' for Council.
- (3) the 4 June 2015 announcement by the UK Chancellor indicating a further £107m reduction in the Scottish Budget in the current financial year (2015/16).
- (4) updates on discussions with elected members and trade unions in MCB Forums held in May 2015 and June 2015 (paragraphs 4.1 to 4.3 and Appendix A of the report).
- (5) update on progress and plans for scheduled MCB Challenge sessions in June and July 2015 (paragraphs 4.4 and 4.5 of the report).

CC.320 HEALTH AND SOCIAL CARE INTEGRATION SCHEME

A report which sought Council's approval of the revised draft Health and Social Care Integration Scheme for Clackmannanshire Council, Stirling Council and NHS Forth Valley was submitted by the Chief Executive.

The Council noted that Standing Order 17 ("the six month rule") applied to this report. Under this Standing Order, where a decision is required by law it is permitted to bring forward a motion which would alter a Council decision which has been taken within the previous six months.

The Chief Executive pointed out a correction to Appendix 2 (page 143) Section 4 (Local Delivery Arrangements); paragraph 3 to be amended to read, "Clauses 4.9.6 - 4.9.12 have

more detail on how the Board will approach the development of performance targets for non-integrated functions."

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:

- (1) to note that the Transitional Integration Joint Board signed off the revised Integration Scheme at a special meeting held on 3 June 2015; and
- (2) to approve the revised Integration Scheme for submission to the Scottish Government.

Action

Chief Executive

CC.321 INTEGRATED CHILDREN'S SERVICES PLAN

A report which presented the final plan of the Integrated Children's Services Plan for 2015-2018 and the associated consultation and engagement report, was submitted by the Head of Education. The plan is the first joint Integrated Children's Services Plan developed on behalf of Clackmannanshire and Stirling Community Planning Partnerships and meets the requirements under the Children and Young Persons (Scotland) Act 2014 to set out plans for the provision of Children's Services in Clackmannanshire.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

Decision

Having commented on and challenged the report, the Council agreed:

- (1) to approve the Joint Integrated Children's Services Plan (Appendix 1 of the report)
- (2) to note the information set out in the consultation and engagement summary report (Appendix 2 of the report).

Action

Head of Education

CC.322 CLACKMANNANSHIRE GAELIC LANGUAGE PLAN 2015-2020

A report which presented Clackmannanshire's Gaelic Language Plan for 2015-2020 was submitted by the Head of Education and Head of Strategy and Customer Services. The plan set out how Clackmannanshire Council will support the development of Gaelic culture and language under the Gaelic Language (Scotland) Act 2005.

Motion

That Council approves Clackmannanshire's Gaelic Language Plan 2015-2020.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

The Provost adjourned the meeting at this point in the proceedings (1210 hrs). The meeting resumed at 1235 hrs. Sixteen (16) members remained present.

Voting

In terms of Standing Order 14.7, Councillor Archie Drummond asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Motion (9)

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

Against the Motion (5)

Councillor Kenneth Earle
Councillor Derek Stewart
Councillor Janet Cadenhead
Councillor Bobby McGill
Councillor George Matchett, QPM

Abstentions (2)

Councillor Kathleen Martin
Councillor Graham Watt

Accordingly, the motion was carried by 9 votes to 5 with 2 abstentions.

Decision

On a division of 9 votes to 5 with 2 abstentions, the Council agreed to approve Clackmannanshire's Gaelic Language Plan 2015-2020.

Action

Head of Education/Head of Strategy and Customer Services

CC.323 OCHILS LANDSCAPE PARTNERSHIP

A report which updated the Council on the progress made by the Ochils Landscape Partnership (OLP) and proposals for a successor organisation, Enabling Projects in Clackmannanshire, Supporting Communities (EPIC) was submitted by the Head of Development and Environment. The report described the proposed purpose of EPIC, building on the OLP approach of increasing access to the Ochils, and the proposed use of Section 75 funding from the Burnfoot Hill Windfarm over the next year.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Irene Hamilton.

Decision

The Council agreed to:

- (a) support the principle to establish a successor organisation (EPIC) whose purpose is set out in paragraph 3.12 of the report.
- (b) approve the allocation of Burnfoot Hill Section 75 windfarm money for the next year to:
 - Maintain completed OLP projects
 - Fund a Project Manager and related support to maintain OLP projects, support and develop business plan proposals for EPIC, and continue to take forward access to the Ochil Hills.
- (c) consider a future report setting out proposals for the Council's plan to utilise the S75 windfarm money until 2020, including consideration of EPIC's business plan proposal to access a proportion of that S75 funding.

Action

Head of Development and Environment

CC.324 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 - WORKFORCE ATTENDANCE COMMITTEE

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Bobby McGill.

In terms of Standing Order 10.9, Councillor Gary Womersley raised a point of order regards the competency of the motion and sought to enquire as to the interpretation of the motion. The Clerk advised that the motion was accepted on the basis of enabling the Council to consider the principle of what was put forward. Against that background, and should the motion be carried, there would require to be a more detailed report back to Council on the implications of establishing a Workforce Attendance Committee, including the impact on the Council's existing Standing Orders.

Motion

That this Council organises a new Workforce Attendance Committee with elected members, pro rata Unions and management with this committee reporting to the Resources and Audit Committee.

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

Voting

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 16 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Motion (8)

Councillor George Matchett, QPM

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

Against the Motion (8)

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

Decision

On a division of 8 votes to 8, the motion was defeated on the casting vote of the Provost.

CC.325 LGPS - EMPLOYER'S DISCRETIONARY FUNCTIONS POLICY

A report which sought approval from Council to the Pensions Discretionary Functions Policy and its publication before 1 July 2015 in line with the statutory requirements of the Local Government Pension Scheme (Scotland) Regulations 2014 ("the Regulations") was submitted by the Head of Resources and Governance as an urgent item of business.

In terms of Standing Order 11.7, the Provost intimated the reasons for urgency are detailed in paragraph 3.4 of the report which relate to the statutory requirement under Regulation 58 of the Local Government Pension Scheme (Scotland) Regulations 2014 that the Council as a Scheme Employer publishes a Pensions Discretionary Functions Policy before 1 July 2015. To ensure compliance with that statutory timescale, the matter required to be considered at this meeting of the Council.

Motion

That Council agrees the revised policy and its subsequent publication by 30 June 2015.

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

Decision

The Council agreed the revised policy and its subsequent publication by 30 June 2015.

Action

Head of Resources and Governance

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 6.

Having earlier declared a non-financial interest in the following item, Councillors McGill, Womersley and Holden withdrew from the Chamber during consideration of and voting on this item. Thirteen member remained present.

CC.326 SALE OF LAND - DUMYAT BUSINESS PARK

A report which provided details of an offer that has been received for an area of land at Dumyat Business Park in Tullibody, was submitted by the Head of Development and Environment.

Motion

That Council agrees the recommendation set out in the report.

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

Decision

The Council agreed the recommendations set out in the report.

Action

Head of Development and Environment

Councillors McGill, Womersley and Holden rejoined the meeting at this point in the proceedings. Sixteen (16) members remained present.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting during consideration of the following item of business on the grounds that it involved disclosure of confidential information as detailed in paragraph 43 of the Public Contracts (Scotland) Regulations 2006 and s50A(2) of the Local Government (Scotland) Act 1973.

CC.327 NATIONAL HOUSING TRUST INITIATIVE

A report which sought Council approval for the extension of the existing National Housing Trust (NHT) scheme was submitted by the Head of Housing and Community Safety.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Bobby McGill.

Decision

The Council agreed the recommendations set out in the report.

Action

Head of Housing and Community Safety

Ends 1335 hrs