



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 22 OCTOBER 2015 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
Stuart Crickmar, Head of Strategy and Customer Services
Val de Souza, Head of Social Services (Items 1-16)
Sharon Johnstone, Assistant Head of Education (Items 1-11)
Kevin Kelman, Assistant Head of Education (Items 1-11)
Ahsan Khan, Head of Housing and Community Safety (Items 1-20)
Gordon McNeil, Head of Development and Environment
Alan Milliken, Assistant Head of Education (Items 1-11)
Shiona Strachan, Chief Officer, Health and Social Care Integration (Items 1-15)
Chris Alliston, Senior HR Adviser (Items 1-13)
Julie Hamilton, Development Services Manager
Lindsay Sim, Team Leader, Finance
Andrew Wyse, Team Leader, Legal Services (Clerk to the Council)

Urgent Business

In terms of Standing Order 11.6, the Provost intimated that an item of urgent business had been submitted for consideration. This item would be taken at the end of the public agenda and in terms of Standing Order 11.7, reasons for discussing this as a matter of urgency would be given at that point in the proceedings.

CC.342 APOLOGIES

None.

CC.343 DECLARATIONS OF INTERESTS

None.

CC.344 CLACKMANNANSHIRE COUNCIL: MINUTES OF MEETINGS

(i) Minutes of Meeting held on Thursday 13 August 2015

The minutes of the Meeting of the Clackmannanshire Council held on Thursday 13 August 2015 were submitted for approval.

Decision

The minutes of the Meeting of the Clackmannanshire Council held on Thursday 13 August 2015 were agreed as a correct record of proceedings and signed by the Provost.

(ii) Minutes of Special Meeting held on Thursday 10 September 2015

The minutes of the Special Meeting of the Clackmannanshire Council held on Thursday 10 September 2015 were submitted for approval.

Decision

The minutes of the Special Meeting of the Clackmannanshire Council held on Thursday 10 September 2015 were agreed as a correct record of proceedings and signed by the Provost.

(iii) Minutes of Special Meeting held on Thursday 17 September 2015

The minutes of the Special Meeting of the Clackmannanshire Council held on Thursday 17 September 2015 were submitted for approval.

Decision

The minutes of the Special Meeting of the Clackmannanshire Council held on Thursday 17 September 2015 were agreed as a correct record of proceedings and signed by the Provost.

CC.345 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 13 AUGUST 2015

The Council agreed to note the committee meetings and special meetings that had taken place since the last ordinary Council meeting on 13 August 2015.

- (a) Enterprise and Environment Committee 20/08/15
- (b) Regulatory Committee 25/08/15, 04/09/15, 22/09/15 & 06/10/14
- (c) Planning Committee 27/08/15 and 08/10/15
- (d) Housing, Health and Care Committee 03/09/15
- (e) Education, Sport and Leisure Committee 10/09/15
- (f) Clackmannanshire Licensing Board 15/09/15
- (g) Resources and Audit Committee 24/09/15
- (h) Resources and Audit Sub Committee 07/10/15

CC.345 PROPOSED CHANGE TO STANDING ORDERS

A proposal to amend Standing Orders was placed on the agenda by Councillor Graham Watt.

Motion

Standing Order 1.5 bullet point 3 - The Resources and Audit Committee *may* appoint a Vice Convenor without having to get approval or ratification from the Council.

Delete the word "may" in line 1 and insert "shall".

Moved by Councillor Graham Watt. Seconded by Councillor George Matchett, QPM.

Decision

The Council agreed unanimously to amend Standing Order 1.5 bullet point 3 to read:

"The Resources and Audit Committee shall appoint a Vice Convenor without having to get approval or ratification from the Council."

Action

Head of Resources and Governance

CC.346 WORKFORCE COMMITTEE

A report was submitted by the Chief Executive which asked Council to agree how the hearing of appeals by employees and disputes raised by recognised trade unions are heard in future in light of the decision of the main Opposition not to serve on the Workforce Committee.

Motion

That Council agrees Approach 2, Option 2d to reduce the size of Committee to three and draw attendees from a pool of members willing to serve. Political balance in this option could vary from meeting to meeting of the Committee.

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

Amendment

That Council agrees Approach 3, Option 3 - it is not a requirement that a committee of the Council undertakes the remit of hearing employee appeals and disputes. Accordingly, the Workforce Committee could be disestablished, with appeals and disputes being heard in future by a small panel of chief officers rather than by elected members. This would require a change in Standing Orders (to remove the provision for the Workforce Committee), in the Scheme of Delegation and consultation with the trade unions.

Moved by Councillor Bobby McGill. Seconded by Councillor Graham Watt.

Voting

For the amendment 8 votes
Against the amendment 9 votes
Abstain from voting 1 abstention

On a division of 8 votes to 9 with 1 abstention, the amendment was defeated.

In terms of Standing Order 14.7, Councillor Graham Watt asked for a roll call vote on the motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Motion (Option 2(d)) (9 votes)

Provost Tina Murphy
Councillor Les Sharp
Councillor Donald Balsillie
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Craig Holden

Councillor Walter McAdam
Councillor Gary Womersley
Councillor Archie Drummond

Abstain (9 abstentions)

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

For the motion	9 votes
Against the motion	0 votes
Abstain from voting	9 abstentions

On a division of 9 votes to 0 with 9 abstentions, the Motion was carried.

Decision

On a division of 9 votes to 0 with 9 abstentions, the Council agreed Approach 2, Option 2d to reduce the size of Committee to three and draw attendees from a pool of members willing to serve. Political balance in this option could vary from meeting to meeting of the Committee.

Action

Chief Executive

CC.347 CHANGES IN COMMITTEE MEMBERSHIP

A report which asked Council to note changes advised to the Chief Executive by the main Opposition Group in its representation on three of the Council's committees was submitted by the Chief Executive.

Motion

That Council agrees to note the changes in committee membership as set out in the report.

Moved by Councillor Bobby McGill. Seconded by Councillor Graham Watt.

Decision

The Council agreed to note the changes in Committee membership as follows:

- (a) Education Sport and Leisure Committee - Councillor Cadenhead replaces Councillor McGill.
- (b) Enterprise and Environment Committee - Councillor McGill replaces Councillor Watt.
- (c) Housing, Health and Care Committee - Councillor Watt replaces Councillor Cadenhead.

Action

Chief Executive

**CC.348 COUNCIL REPRESENTATIVES ON INTEGRATION JOINT BOARD
(HEALTH AND SOCIAL CARE INTEGRATION)**

A report was submitted by the Chief Executive which asked Council to appoint a representative from the main Opposition to sit on the Clackmannanshire and Stirling Integrated Joint Board (IJB) as Councillor Cadenhead had now tendered her resignation from the IJB.

Motion

That Council appoints Councillor Kathleen Martin from the main Opposition Group to sit on the Clackmannanshire and Stirling Integrated Joint Board.

Moved by Councillor Bobby McGill. Seconded by Councillor Derek Stewart.

Voting

In terms of Standing Order 14.7, Councillor Graham Watt 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 (10 votes)

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

Abstain (8 abstentions)

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

For the motion 10 votes
Against the motion 0 votes
Abstain from voting 8 abstentions

On a division of 10 votes to 0 with 8 abstentions, the motion was carried.

Decision

On a division of 10 votes to 0 with 8 abstentions, the Council agreed to appoint Councillor Kathleen Martin from the main Opposition Group to sit on the Clackmannanshire and Stirling Integrated Joint Board.

Action

Chief Executive

CC.349 LEADER'S BRIEFING

A report was submitted by the Leader of the Council, the purpose of which was to inform all elected members of a range of issues and activities in which the Leader of the Council had been engaged with in the past quarter. The report was also intended 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.350 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations which have been made by committees during the August-October 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 3 September 2015 in relation to the report entitled "*Housing and Community Safety Finance and Performance Report 2015/16 Quarter 1*"
 - To approve the virement of £100k from the capital kitchen replacement budget (2014-18) to the capital bathroom renewals to be carried out by the in-house contractor Property Contracts Unit (PCU).
2. From the Housing, Health and Care Committee of 3 September 2015 in relation to the report entitled "*Housing Development and Community Safety, Support and Advice Services Update*"
 - To approve to vire £734k (4.3) from the HRA Capital Programme to Off the Shelf Purchases, to ensure that Scottish Government Affordable Housing Supply Grant is maximised for Clackmannanshire.
3. From the Housing, Health and Care Committee of 3 September 2015 in relation to the report entitled "*Clackmannanshire Council Housing Repairs Policy*"
 - To approve the Clackmannanshire Council Housing Repairs Policy.
4. From the Resources and Audit Committee of 24 September 2015 in relation to the report entitled "*External Audit Final Report to Members on the 2014/15 Audit*"
 - To approve the final amended Accounts for 2014/15
5. Arising from the decision of the Regulatory Committee of 22 September 2015 in relation to the report entitled "*Taxi Licensing Unmet Demand*" that "*an unmet demand survey is carried out as soon as possible and that the results of the survey are reported back to Committee at the earliest opportunity within a target timescale of 2 months*".
 - To fund an unmet demand survey from reserves (estimated at between £11,000-£14,000).

- To increase taxi licensing fees to cover the costs of that survey and to apply top-up fees per operator for conducting a survey every four years thereafter.

Action

Chief Executive

CC.351 SHARED EDUCATION AND SOCIAL SERVICES

A report which advised Council of Stirling Council's recent decision to withdraw from shared services for education and social services and to brief members on how matters might progress in light of that decision 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 Ellen Forson.

Decision

The Council agreed unanimously:

- (a) to note that Stirling Council at its meeting on 8 October 2015 agreed to move away from shared services in favour of dedicated Stirling services
- (b) in light of that decision, to give notice to Stirling Council that this Council will end the current shared services arrangements for education and social services as at 31 March 2017 (a financial year being the period required under the Shared Services Partnership Agreement should either partner wish to cease the current arrangements)
- (c) further to that notice having been given, to note that the Chief Executive will commence discussions with the Chief Executive of Stirling Council to progress the managed withdrawal of shared services as per the Strategic Partnership Agreement.
- (d) to note activity which has been undertaken since late September 2015 when Stirling Council's political Administration made its intentions vis-à-vis shared services known; and
- (e) to record its thanks and appreciation to all those staff who have worked to develop and support shared services since late 2010.

Action

Chief Executive

The Provost adjourned the meeting at this point in the proceedings (1206 hrs). When the meeting resumed at 1230 hrs, eighteen (18) members remained present.

CC.352 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, including recent meetings of the MCB elected member and Trade Union (TU) Forums.

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 note:

- (a) that there has been little change to the previously reported financial outlook (paragraphs 3.1-3.3 of the report).
- (b) the three illustrative scenarios provided in relation to the Council's net expenditure and indicative funding gap for the period to 2018/19 (Exhibits 1-4 of the report).
- (c) the rationale for, and impact of, the change to the assumption in respect of the grant income level for the Realistic Scenario (paragraph 4.1 and Exhibit 3 of the report).
- (d) that the Deputy First Minister has indicated his intention to progress the Autumn Spending Review discussions on a themed rather than functional basis (paragraphs 4.4 and 4.5 of the report).
- (e) progress with the preparation and distribution of business cases and the 10% and 15% modelling exercise (paragraphs 4.6-4.9 of the report).
- (f) the classification of Tranche 1 business cases as set out at Appendix A and paragraphs 4.10 and 4.11 of the report.
- (g) the proposed consultation approach in respect of the 2015/16 Budget (paragraphs 4.12-4.16 of the report).

CC.353 MAKING OUR ORGANISATION STRONGER

A report which sought Council approval of key elements of the Making Clackmannanshire Better workstream focused on making our organisation stronger was submitted by the Chief Executive.

The projects within the workstream theme were focused on the establishment and/or embedding of a robust framework for recruiting, retaining and supporting the Council workforce through a period of potentially significant change. The key policy documents submitted for approval were:

- Interim Workforce Strategy
- Organisational Change Procedure
- Severance Policy
- Redeployment Policy

Motion

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

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

Amendment

Council agrees to delete recommendations 2.8, 2.9 and 2.10 and replace with the following:

- 2.8 Agrees to establish a joint working group comprising a representative from each of the political parties and one other in order to review the existing Redeployment and Severance policies of the Council and produce revised policies for the consideration of the Trade Unions.

- 2.9 Agrees that the Trade Unions will be provided with sufficient time to consider/discuss the revised policies with their membership before implementing a consultative process leading to a formal response which will be incorporated into a report to be considered by full Council at a special meeting established for the purpose of approving revised Redeployment and Severance policies.
- 2.10 Agrees that all references to the revised Redeployment and Severance policies of the Council contained within the report "Making Our Organisation Stronger" shall be considered as referring to the Redeployment and Severance policies to be agreed at a future special meeting of the Council and that any recommendations contained therein will supersede those contained within the current report.

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

Voting

The amendment was carried unanimously.

Decision

The Council agreed unanimously to support the motion as amended.

The Council also agreed to the establishment of a Joint Working Group comprising 1 SNP member, 1 Labour member and one other member with senior officers attending in an advisory capacity only.

Action

Depute Chief Executive.

CC.354 JOINT INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE IN CLACKMANNANSHIRE: FOLLOW UP REPORT BY CARE INSPECTORATE

A report to brief Council on the follow up joint inspection of services for children and young people in Clackmannanshire was submitted by the Chief Executive. The Care Inspectorate report entitled 'Services for Children and Young People in Clackmannanshire Community Planning Partnership area' was appended to the Chief Executive's report.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Ellen Forson.

Decision

The Council agreed to note:

- (a) the contents of the Care Inspectorate follow up report.
- (b) that the follow up report describes improvement across the five areas identified by Inspectors in May 2014.
- (c) that overall Inspectors had gained confidence that community planning partners in Clackmannanshire had the capacity to maintain their present rate of progress and, in the future, achieve their goal of sustained improvement and change.

CC.355 PROGRESS TOWARDS INTEGRATION OF HEALTH AND SOCIAL CARE SERVICES (ADULTS)

A report which built on previous reports submitted to Council in relation to the progress and activity being undertaken to prepare for the integration of health and adult social care was submitted by the Chief Officer, Health and Social Care Integration.

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 note:

- (a) the Order of the Scottish Parliament establishing the Integration Joint Board.
 - (b) the progress and activity being undertaken to prepare for the integration of health and adult social care.
 - (c) the establishment of the Strategic Planning Group and the publication time frame for the Strategic Plan in March 2016.
- ***Councillor McAdam withdrew from the meeting during debate on the above item (1401 hrs). Seventeen (17) members remained present.***

CC.356 CLACKMANNANSHIRE ALLIANCE UPDATE

A report which updated Council on recent Community Planning developments in Clackmannanshire, relating to governance arrangements and the most recent data from the 2015 Clacks 1000 citizens panel was submitted by the Head of Strategy and Customer Services.

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 :

- (a) to note proposals for the Alliance Board and Alliance Executive transition agreed by the Alliance in September 2015 including the Alliance's revised Memorandum of Understanding (attached at Appendix 1 of the report).
- (b) that the Leader and Depute Leader of the Administration and the Leader and Depute Leader of the Main Opposition should be the Council's representation on the Alliance Board as set out in the Alliance's revised Memorandum of Understanding.
- (c) to note the latest findings from the Clacks 1000 Citizens Panel survey, having challenged and commented on them.

Action

Head of Strategy and Customer Services

CC.357 8 BANK STREET, ALLOA: OFFICE CLOSURE

A report which sought Council approval for alterations to the Kilncraigs reception to allow the Bank Street, Alloa, office to be closed and advertised for sale on the open market 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 Donald Balsillie.

Decision

The Council agreed to

- (a) to approve a budget of £37k to fund works to the Kilncraigs reception area to allow staff working in the office at 8 Bank Street, Alloa, to be relocated.
- (b) to note the proposals for the transfer of services from 8 Bank Street, Alloa, to the Kilncraigs office.

Action

Head of Housing and Community Safety

CC.358 INSTALLATION OF PHOTOVOLTAIC PANELS

A report which recommended the installation of Photo Voltaic (PV) arrays to up to 500 suitably orientated Council owned houses and informed of a contract with Edison Energy to install up to another 500 PV systems on residential homes (owner-occupied and Council) throughout the County 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 Donald Balsillie.

Decision

The Council agreed:

- (a) to approve borrowing on the Housing Revenue Account (HRA) of up to £1,710,000 from the Government's SPRUCE fund to install photo voltaic (PV) panels on up to a maximum of 500 Council owned homes.
- (b) during the annual rent consultation to seek views on increasing the rental charge for the properties that will benefit from the PV panels.
- (c) to note that an existing contract with Edison Energy to install between 350 and 500 PV systems is about to commence.

Action

Head of Housing and Community Safety.

CC.359 NOTICE OF MOTION IN TERMS OF STANDING ORDER 11.6

A notice of motion was submitted by the Leader of the Council as an item of urgent business.

In terms of Standing Order 11.6, the Provost decided that due to special circumstances, the motion should be discussed as a matter of urgency for the following reason:

CoSLA has announced that all 32 Scottish Local Authorities are opposed to the UK Government's Trade Union Bill. As Clackmannanshire Council has still to agree its position in respect of this legislation, discussion would allow Council to clarify its position in relation to this issue.

Motion

"This Council opposes the UK Government's proposed changes to Trade Union legislation; specifically the introduction of ballot turnout thresholds on all strike ballots, use of agency workers to replace striking staff, criminalisation of striking workers on the picket line and the proposal to place demands upon unions to publish their plans.

Council resolves to work with the unions to stand up for the rights of workers."

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

Voting

For the Motion	16 votes
Against the Motion	1 vote

Decision

On a division of 16 votes to 1, the Council agreed to oppose the UK Government's proposed changes to Trade Union legislation; specifically the introduction of ballot turnout thresholds on all strike ballots, use of agency workers to replace striking staff, criminalisation of striking workers on the picket line and the proposal to place demands upon unions to publish their plans and to resolve to work with the unions to stand up for the rights of workers."

Action

Chief Executive

- ***Councillor Martin withdrew at this point in the proceedings (1455 hrs). Sixteen (16) members remained present.***

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 and 9.

CC.360 GEOGRAPHIC INFORMATION SERVICES

A report was submitted by the Chief Executive which provided an update for Elected Members and sought authorisation of payment.

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 the recommendations set out in the report.

Action

Chief Executive

- ***Councillor Womersley withdrew from the meeting at this point in the proceedings (1508 hrs). Fifteen (15) members remained present.***

CC.361 SALE OF THE FORMER GLENOCHIL PLANT NURSERY BY MENSTRIE

A report was submitted by the Head of Development and Environment which sought to advise the Council on the outcome of marketing activity related to the former plant nursery site at Glenochil and to recommend that one of the bids be accepted to create a tourism related development in Clackmannanshire.

Motion

That Council agrees the recommendations set out in the report and approves the sale of the Glenochil Nursery Site to Bidder No. Four, with the inclusion of an economic development burden to restrict the use of the site to the development proposal submitted by Bidder No. Four

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie

Decision

The Council agreed the recommendations set out in the report and approved the sale of the Glenochil Nursery Site to Bidder No. Four, with the inclusion of an economic development burden to restrict the use of the site to the development proposal submitted by Bidder No. Four

Action

Head of Development and Environment

- ***Councillor Campbell withdrew from the meeting during debate on the above item (1334 hrs). Fourteen (14) members remained present.***

CC.362 TILlicOUNTRY GLEN

A report was submitted by the Head of Development and Environment which updated Council on the work towards the re-opening of Tillicoultry Glen.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed the recommendations set out in the report.

Action

Head of Development and Environment

Ends 1601 hrs

