



**Clackmannanshire
Council**

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Kilncraigs, Alloa, Scotland, FK10 1EB (Tel.01259-450000)

Meeting of Clackmannanshire Council

Thursday 17 December 2015 at 10.00 am.

**Venue: Council Chamber, Patons Building,
Kilncraigs, Greenside Street, Alloa, FK10 1EB**

Contact Strategy and Customer Services, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB
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Date	Time
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Clackmannanshire Council

There are 32 Unitary Councils in Scotland. Clackmannanshire Council is the smallest mainland Council. Eighteen Councillors are elected to represent the views of the residents and businesses in Clackmannanshire. The Council has approved Standing Orders that detail the way the Council operates. Decisions are approved at the 9 weekly meetings of the full Council and at Committee Meetings.

The Council is responsible for approving a staffing structure for the proper discharge of its functions, approving new policies or changes in policy, community planning and corporate governance including standards of conduct.

The Council has further responsibility for the approval of budgets for capital and revenue expenditure, it also has power to make, alter or cancel any scheme made under statute and to make, alter or cancel any orders, rules, regulations or bye-laws and to make compulsory purchase orders. The Council also determines the level of Council Tax and approves recommendations relating to strategic economic development.

Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacksweb.org.uk

If you require further information about Council or Committee meetings, please contact Strategy and Customer Services by e-mail at customerservice@clacks.gov.uk or by telephone on 01259 452106 or 452004.

09 December 2015

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 17 DECEMBER 2015 at 10.00 am.

**ELAINE MCPHERSON
Chief Executive**

B U S I N E S S

	Page No.
1. Apologies	--
2. Declarations of Interest	--
<i>Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.</i>	
3. Confirm Minutes of Meeting of Clackmannanshire Council held on Thursday 22 October 2015 (Copy herewith)	07
4. Committee Meetings Convened Since the Previous Council Meeting on 22/10/15 (<i>For information Only</i>)	- -
(a) Enterprise and Environment Committee 29/10/15	
(b) Regulatory Committee 27/10/15	
(c) Licensing Board 03/11/15 & 08/12/15	
(d) Housing, Health and Care Committee 05/11/15	
(e) Education, Sport and Leisure Committee 12/11/15	
(f) Planning Committee 19/11/15 & 16/12/15	
(g) Local Review Body 19/11/15 & 01/12/15	
(h) Resources and Audit Committee 03/12/15	
(i) Social Services Complaints Review Committee 26/11/15	
(j) Resources and Audit Sub Committee 09/12/15	
5. Leader's Briefing - report by the Leader of the Council (Copy herewith)	21
6. Committee Recommendations Referred to Council - report by the Chief Executive (Copy herewith)	25

	Page No
7. Representation on Outside Bodies - report by the Chief Executive (Copy herewith)	27
8. Budget Strategy Update - report by the Depute Chief Executive (Copy herewith)	39
9. Education and Social Services - Future Management Arrangements - report by the Chief Executive (Copy herewith)	51
10. Use of Overt Surveillance Systems Policy - report by Head of Resources and Governance (Copy herewith)	77
11. Notice of Motion in terms of Standing Order 16.0 - Illegal Parking at Schools - notice of motion submitted by Councillor Craig Holden (Copy herewith)	95

EXEMPT INFORMATION

It is considered that the undernoted reports be treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraphs 8 and 9 of the Local Government (Scotland) Act 1973. It is anticipated, (although this is not certain) that the Council will resolve to exclude the press and public during consideration of these items.

12. Closure of Longannet Power Station - report by the Head of Development and Environment (Copy herewith)	97
13. Capital Investment Fund - Acquisition of Land at North Street and Main Street, Clackmannan - report by the Head of Development and Environment (Copy herewith)	109

Clackmannanshire Council – Councillors and Wards

Councillors

Wards

Provost	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Jim Stalker	1	Clackmannanshire West	LAB
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Archie Drummond	2	Clackmannanshire North	INDP
Councillor	Walter McAdam, MBE	2	Clackmannanshire North	SNP
Councillor	Bobby McGill	2	Clackmannanshire North	LAB
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Graham Watt	3	Clackmannanshire Central	LAB
Councillor	Gary Womersley	3	Clackmannanshire Central	SNP
Councillor	Janet Cadenhead	4	Clackmannanshire South	LAB
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Ellen Forson	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Alastair Campbell	5	Clackmannanshire East	CONS
Councillor	Irene Hamilton	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB



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

CLACKMANNANSHIRE COUNCIL

Date of Meeting: 17 December, 2015

Subject: Leader's Briefing

1.0 Purpose

- 1.1 The purpose of this briefing is to inform all elected members of a range of issues and activities which I have been engaged with in the past quarter. It is 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.
- 1.2 Should any member of the Council wish to discuss any of the issues in this report in more detail, I will be happy to meet with them.
- 1.3 The report covers the period October - December, 2015.

2.0 National Issues Affecting Clackmannanshire

CoSLA

2.1 I attended the following CoSLA Meetings:

CoSLA Convention on 30 October. Items discussed:

- Creating a Fairer Scotland - Report and Presentation from Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
- Child Poverty
- Healthier Scotland National Conversation
- Protection of Local Democracy
- Annual Report on Migration: Enriching Communities. Improving Outcomes
- Local Government Boundary Commission
- Zero Waste Taskforce
- Trading Standards Strategic Review Group
- CoSLA Review

CoSLA Special Leaders' - 30 October. Item discussed:

- Spending Review

CoSLA Leaders' - 27 November. Items discussed:

- Leaders Workplan - a) Climate Change RPP3, b) Appropriate Adult Services
- Spending Review
- Distribution Issues - a) Funding Streams, b) Core Settlement
- National Improvement Framework for Education
- Developing Scotland's Young Workforce
- Consultation on Provisions for a Future Islands Bill
- Local Government Proofing
- Roads Collaboration
- Household Recycling Charter and Code of Practice
- Procurement Reform Statutory Guidance
- National Transport Strategy Refresh

- Independent Review of Planning
- Working Group on Consumer and Competition Policy in Scotland
- Refugee Crisis and Resettlement Programme

2.2 Associated papers for these meetings have been placed on the members' portal for members to access.

3.0 Partnership Working

3.1 I attended the following **NHS FV meetings/events**:

- 27 October - Clackmannanshire and Stirling Integration Joint Board
- 20 November - Clackmannanshire and Stirling Shadow Integration Joint Board Development Session
- 24 November - NHS FV Board Meeting
- 2 December - Clackmannanshire and Stirling Integration Joint Board Pre-Agenda Meeting

3.2 On 18 November, I attended a Board meeting of Clackmannanshire Business. Items discussed were:

- Clackmannanshire Business Going Forward (feedback from Development Session)
- Budget
- Clackmannanshire Council Budget Consultation
- Tourism/Discover Clackmannanshire
- Directors' Reports
- Events

3.3 On 4 December, I chaired a meeting of the **Clackmannanshire Alliance**. Items discussed were:

- Health and Social Care Integration
- SOA Annual Review and Strategic Assessment
- Community Justice Transition Plan 2016/17
- Public Protection Forum
- Children and Young People Strategic Partnership
- Clackmannanshire Third Sector Report
- Community Well-being and Safety Partnership
- Business Jobs and Skills Partnership

3.4 On 7th December, the Chief Executive and I met with the Secretary of State for Scotland. The main items for discussion were Welfare Reform and Employability.

3.5 Associated papers for these meetings have been placed on the members' portal for members to access.

4.0 Staff and Other Visits

4.1 I attended the following meetings/events:

- 28 October - Clackmannanshire and Stirling Environment Trust
- 29 October - Education Briefing
- 29 October - OLP Final AGM
- 8 November - Remembrance Day
- 9 November - Alva Community Action Plan Report Presentation
- 12 November - Clackmannan Development Trust Representatives
- 24 November - Budget Consultation 2016/17 - Alliance Partners (CWPT)

- 25 November - Clackmannanshire Carers' Forum
- 26 November - Budget Consultation 2016/17 - JCCF/Community Councils

4.2 I would be happy to provide additional information on any of the above events.



Councillor Les Sharp
Leader of the Council
December, 2015

Report to: Clackmannanshire Council

Date: 17 December, 2015

Subject: Committee Recommendations Referred to Council

Report by: Chief Executive

1.0 Purpose

- 1.1 The purpose of this report is to seek Council approval of recommendations which have been made by committees during the October - December, 2015 cycle of meetings.
- 1.2 Under the Council's decision-making framework, Council has delegated certain matters to committees and has reserved certain powers. Included in the latter are the approval of main policies and strategies (Scheme of Delegation 3.2), the approval of budgets (Scheme of Delegation 3.19) and the spending of money not budgeted for (Scheme of Delegation 3.20).
- 1.3 Standing Order 8.4 requires that where a committee passes a report to Council, the full committee report shall not be included again on the council agenda and that officers should prepare a brief report that refers to the relevant committee report and recommendation(s).

2.0 Recommendations

2.1 It is recommended that Council:

1. from the **Enterprise and Environment Committee of 29 October, 2015** in relation to the report entitled "*Road Asset Management Plan*"
 - Approves the 2015-18 Roads Asset Management Plan.
2. from the **Education, Sport and Leisure Committee of 12 November, 2015** in relation to the report entitled "*Charging Policy for Additional Nursery Hours*"
 - Agrees the proposed fee structure for additional hours in nursery beyond the statutory entitlement for early learning and childcare.

2.2 The minutes and reports relating to these items are available on the Members' Portal.

3.0 Sustainability Implications

NA

4.0 Resource Implications

4.1. *Financial Detail*

4.2. *Staffing Implications*

There is no impact on the Council's establishment

5.0 Declarations

5.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities

Our communities are more cohesive and inclusive
Vulnerable people and families are supported
The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail) N/A

6.0 Equalities Impact

6.1 N/A

7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes


8.0 Appendices

8.1 None

9.0 Background Papers

- a) Agenda, together with Minute of the Enterprise and Environment Committee of 29 October, 2015
- b) Agenda, together with Minute of the Education, Sport and Leisure Committee of 12 November, 2015

Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	

Report to: Clackmannanshire Council

Date: 17 December, 2015

Subject: Representation on Outside Bodies

Report by: Chief Executive

1.0 Purpose

- 1.1. This report puts forward to Council proposals for future elected member representation on outside bodies.

2.0 Recommendations

- 2.1 It is recommended that Council ceases being formally represented on the outside bodies listed at paragraph 4.2 of this report

3.0 Background

- 3.1 Council has traditionally been invited to nominate members to sit on a wide range of outside bodies. These outside bodies vary considerably in their status and purpose, with some having a statutory basis and others a discretionary basis.
- 3.2 Similarly, some outside bodies are concerned with council, area wide matters or national matters, whereas others have a more specific local (and sometimes narrow) focus. And while the role and purpose of elected members on some outside bodies is clear, on others it appears less clear.
- 3.3 There can sometimes be governance issues around councillor membership of external bodies, particularly in relation to potential conflict of interest. In this regard, guidance provided by the Standards Commission for Scotland states the following:

"Authorities will frequently appoint councillors to outside bodies. When doing so councillors will then have responsibilities as members of those outside bodies. These responsibilities will potentially include personal liabilities and may also raise questions of conflict of interest. Conflicts of interest may arise through competing personal interests, or the competing interests of the respective organisations of which the councillor is a member. Councils will, therefore, require to consider this issue carefully when appointing councillors to outside bodies and individual councillors will require to consider carefully whether they can accept such appointments in each case."

- 3.4 As well as potential governance issues, there may also be issues around the relative prioritisation Council wishes to afford member activity on its behalf on

outside bodies and the extent to which a Council elected member sitting on certain outside bodies does or does not add value to supporting the Council's strategic direction and priorities.

- 3.5 In light of these factors, a review of Council appointed membership of outside bodies has taken place with a view to ensuring that Council is satisfied that all such membership remains appropriate.

4.0 Considerations

- 4.1 Current Council membership of outside bodies is set out in the Appendix to this report.

- 4.2 Having reviewed this membership with the Administration, it is proposed that Council ceases being formally represented on the following outside bodies:

- Central Scotland Regional Equality Council Ltd
- Central Sporting Partnership
- Clackmannanshire Access Forum
- Clackmannanshire Bowls Group
- Clackmannanshire Football Partnership
- Clackmannanshire Rugby Partnership
- Clackmannanshire Sports Council
- Clackmannanshire Swim Group
- Ochil Landscape Partnership Scheme (OLP)
- Paragon Housing Association Ltd
- Scottish Councils Committee on Radioactive Substances
- Scottish Enterprise - East Regional Advisory Board

- 4.3 This would not preclude Council members attending certain groups in an individual capacity at the request of the group; however, any such attendance would not be on a representative basis.

5.0 Sustainability Implications

NA

6.0 Resource Implications

- 6.1. *Financial Detail - N/A*

- 6.2. *Staffing Implications - N/A*

7.0 Declarations

- 7.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities

The Council is effective, efficient and recognised for excellence

- (2) **Council Policies** (Please detail) N/A

8.0 Equalities Impact

8.1 N/A

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes


10.0 Appendices

10.1 Current representation on outside bodies

11.0 Background Papers

None

Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	

Membership of Organisations

Association for Public Service Excellence (APSE)

Title	First Name	Surname	Position Held
Cllr	Les	Sharp	Member

Central Scotland Joint Valuation Board

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Board Member
Cllr	Ellen	Forson	Substitute Board Member
Cllr	Irene	Hamilton	Board Member
Cllr	Craig	Holden	Board Member
Cllr	Walter	McAdam MBE	Substitute Board Member
Cllr	Les	Sharp	Substitute Board Member

Central Scotland Regional Equality Council Ltd

Title	First Name	Surname	Position Held
Cllr	Irene	Hamilton	Committee Member

Central Sporting Partnership

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member

Children's Hearing Scotland, Clackmannanshire Area Support Team

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Committee Member

Clackmannanshire Access Forum

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Committee Member
Cllr	Derek	Stewart	Committee Member

Clackmannanshire Alliance Board

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Board Member
Cllr	Bobby	McGill	Board Member
Cllr	Les	Sharp	Chairperson
Cllr	Graham	Watt	Board Member

Clackmannanshire and Stirling Environmental Trust

Title	First Name	Surname	Position Held
Cllr	Irene	Hamilton	Trustee
Cllr	Les	Sharp	Trustee
Cllr	Graham	Watt	Trustee

Clackmannanshire and Stirling Integration Joint Board

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Board Member
Cllr	Kathleen	Martin	Board Member
Cllr	Les	Sharp	Co-Chairperson

Clackmannanshire Bowls Group

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member

Clackmannanshire Business Ltd

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Director
Cllr	Les	Sharp	Director

Clackmannanshire Football Partnership

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member

Clackmannanshire Heritage Trust

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Trustee
Provost	Tina	Murphy	Trustee
Cllr	Derek	Stewart	Trustee

Clackmannanshire Rugby Partnership

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member

Clackmannanshire Sports Council

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member
Cllr	Walter	McAdam MBE	Member
Cllr	Tina	Murphy	Member

Clackmannanshire Swim Group

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Member

CoSLA Convention

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Member
Cllr	Archie	Drummond	Member
Cllr	Les	Sharp	Member

CSBP Clackmannanshire Developments Ltd

Title	First Name	Surname	Position Held
Cllr	Bobby	McGill	Director
Cllr	Les	Sharp	Director

CSBP Clackmannanshire Investments Ltd

Title	First Name	Surname	Position Held
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Cllr	Bobby	McGill	Director
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Cllr	Les	Sharp	Director
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Dollar Academy Trust

Title	First Name	Surname	Position Held
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Cllr	Alastair	Campbell	Trustee
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Dollar Museum

Title	First Name	Surname	Position Held
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Cllr	Irene	Hamilton	Trustee
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Edinburgh Airport Consultative Committee

Title	First Name	Surname	Position Held
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Cllr	Alastair	Campbell	Committee Member
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Falkirk Council Pension Fund

Title	First Name	Surname	Position Held
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Cllr	Archie	Drummond	Panel Member
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Fife & Forth Valley Community Justice Authority

Title	First Name	Surname	Position Held
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Cllr	Tina	Murphy	Substitute Member
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Cllr	Les	Sharp	Committee Member
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Forth Valley Tourism Partnership

Title	First Name	Surname	Position Held
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Cllr	Donald	Balsillie	Member
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Highland Reserve Forces & Cadets Association

Title	First Name	Surname	Position Held
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Cllr	Tina	Murphy	Member
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NHS Forth Valley (NHS Board)

Title	First Name	Surname	Position Held
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Cllr	Les	Sharp	Board Member
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Ochil Landscape Partnership Scheme (OLP)

Title	First Name	Surname	Position Held
Cllr	Les	Sharp	Member

Order of Malta Dial-a-Journey

Title	First Name	Surname	Position Held
Cllr	Walter	McAdam MBE	Director

Paragon Housing Association Ltd

Title	First Name	Surname	Position Held
Cllr	Tina	Murphy	Member

Scotland Excel

Title	First Name	Surname	Position Held
Cllr	Archie	Drummond	Member

Scottish Councils Committee On Radioactive Substances - SCCORS

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Member

Scottish Enterprise - East Regional Advisory Board

Title	First Name	Surname	Position Held
Cllr	Archie	Drummond	Board Member

Scottish Schools Equipment Research Centre (SSERC)

Title	First Name	Surname	Position Held
Cllr	Ellen	Forson	Substitute Member
Cllr	Walter	McAdam MBE	Director

SESTRAN Regional Transport Partnership

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Member
Cllr	Irene	Hamilton	Member

Trust - Alloa Day Home Trust

Title	First Name	Surname	Position Held
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Cllr	Kenny	Earle	Trustee
Cllr	Ellen	Forson	Trustee
Provost	Tina	Murphy	Trustee
Cllr	Graham	Watt	Trustee
Cllr	Gary	Womersley	Trustee

Trust - Clackmannan District Brass Band Trust

Title	First Name	Surname	Position Held
Cllr	Kenny	Earle	Trustee
Cllr	Craig	Holden	Trustee
Cllr	Derek	Stewart	Trustee
Cllr	Gary	Womersley	Trustee

Trust - Clackmannan District Charitable Trust

Title	First Name	Surname	Position Held
Cllr	Archie	Drummond	Trustee
Cllr	Ellen	Forson	Trustee
Cllr	Kathleen	Martin	Trustee
Provost	Tina	Murphy	Trustee

Trust - Comrie Trust

Title	First Name	Surname	Position Held
Cllr	Donald	Balsillie	Trustee
Cllr	Archie	Drummond	Trustee
Cllr	Walter	McAdam MBE	Trustee
Provost	Tina	Murphy	Trustee

Trust - Spittal Trust

Title	First Name	Surname	Position Held
Cllr	Kenny	Earle	Trustee
Cllr	Craig	Holden	Trustee

Provost	Tina	Murphy	Trustee
Cllr	Graham	Watt	Trustee
Cllr	Gary	Womersley	Trustee

Tullibody Healthy Living Initiative

Title	First Name	Surname	Position Held
Cllr	George	Matchett	Director
Cllr	Tina	Murphy	Director
Cllr	Les	Sharp	Director
Cllr	Jim	Stalker	Director

University of Stirling Conference

Title	First Name	Surname	Position Held
Cllr	Walter	McAdam MBE	Member

CLACKMANNANSHIRE COUNCIL

Report to Council

Date of Meeting: 17th December 2015

Subject: Budget Strategy Update

Report by: Depute Chief Executive

1.0 Purpose

- 1.1. The purpose of this report is to maintain Council's regular update on the Council's Budget Strategy. This report also provides an update on progress with the *Making Clackmannanshire Better* programme, including updates on Budget preparation and the recent Comprehensive Spending Review.

2.0 Recommendations

2.1 It is recommended that Council notes:

- a. the key announcements from the Comprehensive Spending Review (CSR) on 25th November 2015 (paragraphs 3.2, 3.3 and 3.6)
- b. the impact of the UK CSR on Scottish funding (paragraph 3.4 and Table 1)
- c. the planned announcement of the Scottish Budget and individual council settlement figures on the 16th December (Paragraph 3.5)
- d. the modelling of the impact of variation in the assumed level of funding reduction applied to the Council's grant income (Table 2) and on the previously anticipated indicative funding gap (paragraph 4.3)
- e. the intention to provide a verbal update to Council at its meeting, following the announcement of the Scottish Budget on the 16th December (paragraph 4.6)
- f. the classification of Tranche 1 and Tranche 2 Business cases set out at Appendix A and paragraph 4.10
- g. the 'live' consultation activities underway in respect of the 2016/17 Budget (paragraphs 4.11 to 4.15).

2.2 It is recommended that Council:

- a. from the Resources and Audit Committee of 3 December 2015, in relation to the report entitled "Strategy and Customer Services Performance Report, 2nd Quarter 2015/16"

- Approves to vire £203k within Strategy and Customer Services to cover the reported overspend of £203k within Leisure Services (paragraph 4.16)

3.0 Comprehensive Spending Review

- 3.1 On the 25th November, the UK Chancellor announced the Comprehensive Spending Review.
- 3.2 In Scotland, whilst there is an increase of £1billion funding by 2019/20 (cash), this equates to a real terms reduction of over £1.2billion. Within this overall real terms reduction of around 4.1%, the Scottish Government estimates that Scotland's Resource (day to day revenue) Budget will reduce by 5.7% over the next four years.
- 3.3 In respect of capital, there is an increase in funding of £1.9 billion for Scotland. In addition, the Scottish Government is able to borrow up to £2.2bn for capital investment. Therefore, the previously reported trend of continuing pressure on day to day revenue expenditure looks set to continue for the duration of the Spending Review period.
- 3.4 Table 1 shows the impact of the Spending Review funding changes when the Scottish Budget is allocated between the main area of protection (NHS revenue Budget) and all other budgets (including local government). The overall fall of 2.1% over the four years to 2019/20 in the unprotected budget is equivalent to a reduction of almost 10% in real terms.

Table 1: Changes to the Scottish Budget, cash terms

Measure	2015/16	2016/17	2017/18	2018/19	2019/20	2015/16-2019/20
Total Budget (£m)	30,167	30,667	30,867	30,967	31,167	1,000
Change (%)		1.7%	0.7%	0.3%	0.6%	3.3%
NHS Revenue	9,626	10,168	10,503	10,749	11,054	1,428
Change (%)		5.6%	3.3%	2.3%	2.8%	14.8%
Unprotected	20,541	20,499	20,364	20,218	20,113	-428
Change (%)		-0.2%	-0.7%	-0.7%	-0.5%	-2.1%

Source: Fiscal Affairs Scotland, November 2015

- 3.5 The Scottish Budget and individual council settlement figures are due to be published on the 16th December. It is anticipated that only one year's figures will be published at that time. The preceding paragraphs set out the position prior to the policy prioritisation of funding allocations by the Scottish Government.
- 3.6 Other points of relevance to Scotland from the Chancellor's announcement included:
- Tax credit changes will not go ahead. Universal Credit remains unchanged.
 - Department of Work and Pensions budget to be cut by 14% (potential implications for Housing Benefit Administration Subsidy for Scottish Local Authorities).

4.0 Budget Strategy Implementation

- 4.1 In the October Council Budget Strategy Update report, elected members were provided with three potential scenarios when considering the Council's level of net expenditure in the next few years. These scenarios suggested a potential range in the forecast gap of between £8.5m and £11.5m in 2016/17 and £15.5m to £25.3m cumulatively over the period to 2018/19.
- 4.2 Given the potential impacts of announcements made in the CSR (as outlined above), for this report, greater emphasis has been placed on reviewing the potential impacts for 2016/17 in the first instance. Following the CSR, Scottish councils are anticipating potential reductions in funding of up to 5% for 2016/17. This is significantly higher the Council's previously anticipated reduction of 1.3% in 2016/17. The potential range of impacts for Clackmannanshire are summarised in Table 2 below:

Table 2: Variation in 2016/17 indicative funding gap relative to percentage funding reduction

% reduction in revenue funding	2.00%	2.50%	3.00%	3.50%	4.00%	5.00%
Indicative funding gap in 2016/17	11,272	11,738	12,203	12,668	13,133	14,064

- 4.3 Table 2 indicates that if the Council received a 5% reduction in funding in 2016/17, this would equate to an indicative funding gap in the year of £14.064 million which is £3.443million more than the previously forecast gap of £10.621 million for 2016/17.
- 4.4 Further detail on prioritisation and the incidence and level of reductions in the local government revenue budgets is required to prepare accurate medium term forecasts for future years. In addition, as further information is available from the Scottish Government's Autumn Spending Review, this will potentially provide a more reliable indication of planned prioritisation and also allow forecasts to be rolled out to cover the period to the end of 2019/20.
- 4.5 In the previous report to Council, the Deputy First Minister's indication of his intention to undertake a themed rather than functional approach to the budget was highlighted, with early themes proposed as follows:
- opportunities from the integration of health and social care
 - the learning journey, including schools education, tackling inequality, early years/ childcare
 - further reform of the Justice system
 - Employability programmes delivered by multiple agencies and portfolios, and
 - Efficiency and prioritisation within renewables and energy efficiency programmes.
- 4.6 No additional information has been provided on this prior to issuing Council papers. However, following announcement of the Council's settlement figure on the 16th December, a verbal update will be provided to Council at its meeting on the 17th December.

Making Clackmannanshire Better (MCB)

- 4.7 Since the October Council meeting, there has been one further round of MCB Forums for both elected members and Trade Union representatives. At the meeting which took place on the 3rd November 2015, key agenda items included:
- update on Business Case refinement
 - update on 10% and 15% modelling exercise refinements
 - overview of strategic developments relating to workforce planning and the development of Community hubs
 - update on the consultation approach, including timescales.
- 4.8 At these meetings, copies of all Tranche 1 and 2 Business Cases and the full 10% and 15% modelling exercise were also circulated and both elected members and TU representatives have been encouraged to review these and seek further clarity/information and provide feedback as appropriate. During December and early January, a series of meetings have been set up between the main Opposition members and chief officers to facilitate understanding of individual service proposals in advance of budget setting.
- 4.9 A demonstration of the Delib consultation tool for Derby City Council was also provided to highlight how the Council's own tool was being developed, highlighting some of the key features and benefits of the tool.
- 4.10 In the October Budget Strategy Update report to Council, a more refined classification of the Tranche 1 Business case proposals was provided. This has now been updated to include Tranche 2 Business cases and the finalised classifications are attached at Appendix A. A key objective of this classification activity has been to provide a clear focus on those priority and policy decisions which would be required should individual Business Cases be progressed/ accepted by Council.

Consultation

- 4.11 As previously indicated to Council, this year, efforts have been made to sustain contact with key partners, service users and stakeholders with regards business case developments and budget proposals. There has also been ongoing engagement with staff who can submit efficiency/savings proposals via their line management at any time. It is not intended that a schedule of individual officer proposals will form the basis of this year's consultation. However during the Autumn, further targeted activity has been scheduled and this is detailed in the following paragraphs.
- 4.12 Three broad tranches of consultation activity are in place for:
- Clackmannanshire Residents
 - Targeted Service user groups/ communities
 - Staff.
- 4.13 The consultation objectives were reported to Council in October, and these are:

- to raise awareness of the Council's current and forecast financial context and the ambitions of Making Clackmannanshire Better
- to establish the relative priorities of services, based on feedback from our residents and service users
- to consider relevant business cases with specific service user groups and/or communities of interest to raise awareness of what is being considered
- to provide information about potential impacts of proposals for service users and/or communities. Such engagement would also seek to understand whether there are measures that can be taken to mitigate potential impacts and still realise the necessary reductions in expenditure
- to provide the opportunity for key stakeholders and staff to clarify their understanding of the financial context and specific proposals and make additional suggestions for where savings and efficiencies can be made
- to consider workforce planning proposals and impacts with staff
- to provide the opportunity for staff to consider the potential for redesigning how services are delivered, consider new models of working and consider staff terms and conditions.

4.14 The Consultation activity went 'live' on the 26th November and will run until 24th January 2016. All activities are prominently headlined on Clacksweb and staff have access via CONNECT. Key activities include:

- a timetable of the key stakeholder meetings is in place. These started on November 24th and are currently scheduled to run to December 18th 2015. These meetings are informed by summary Business Cases which are available on Clacksweb, and the face to face discussions are being augmented by reference to the full Business Cases which are most relevant to the target audience for each session
- the Council has developed and launched its own Budget Simulator tool. As well as residents and stakeholders being able to access this through Clacksweb, officers are facilitating and encouraging service users and stakeholders to complete it through our routine engagement/ meetings.
- staff consultation sessions involving management and trade union representatives have been scheduled for January 2016.

4.15 Following the close of these specific consultations activities, elected members will be briefed and receive details of all of the consultation feedback received in advance of the Budget setting meeting in order that this can be taken into account prior to Council taking decisions.

Budget Virements

4.16 As reported to Resources and Audit Committee on 3 December 2015, the outturn position projected to the end of the financial year 2015/16 for Leisure Services as at August was an overspend of £203k. It was referred to in the report (paragraph 3.4)

that this overspend is unlikely to be reduced and would be referred to Council for consideration. Council is requested to approve to vire £203k from within Strategy and Customer Services to cover this overspend in the current financial year. Strategy and Customer Services as a whole is currently projecting an underspend of £222k of which the overspend in Leisure is included. Further actions to reduce this overspend in future years are being developed by the Service.

5.0 Conclusions

- 5.1 The key features of the UK Government's CSR announcement are summarised in the report, alongside the impact on the Scottish Budget. Whilst the details of the Scottish Government's prioritisation of their spending plans will not be known until the 16th December, it seems likely that the levels of reduction in funding to Scottish councils will be greater than originally anticipated. The report sets out the potential impact of differing levels of reduction in grant income to assist elected members with planning and decision making.
- 5.2 Significant work continues to provide a sustainable approach to the Council's financial planning. Recent activity has focused on reviewing and distributing the final Tranche 1 and Tranche 2 Business cases and the 10% and 15% modelling exercise to elected members and trade union representatives..
- 5.3 The report also sets out the reclassification of the Tranche 1 and 2 Business cases to provide clarity over where future governance may be required and where management efficiencies are currently already being progressed. The schedule also highlights those business cases which were found not to deliver material savings.
- 5.4 Consultation remains a significant priority focus of budget preparations. This year's approach is now 'live' and a range of significant activity is planned over the next two months to augment the engagement which has already taken place during the year.
- 5.5 Within Strategy and Customer Services, Leisure Services is reporting a projected underspend of £203k. A virement is requested from within the Service to cover this overspend.

6.0 Sustainability Implications

- 6.1. The Council's budget and its approval will allow services to deliver against sustainable outcomes.

7.0 Resource Implications

7.1. Financial Details

- 7.2. Finance have been consulted and have agreed the financial implications as set out in the report. **Yes**

7.3. Staffing

as above

8.0 Exempt Reports

8.1. Is this report exempt? **No**

9.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Council Policies (Please detail)

Financial Strategy

10.0 Equalities Impact

10.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? **N/A**

11.0 Legality

11.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. **Yes**

12.0 Appendices

12.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix A Schedule of Reclassified MCB Projects

13.0 Background Papers



13.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Council Budget 2015/16	February 2015
Fiscal Affairs Scotland	November 2015
COSLA Spending Review	November 2015
MCB Forums	November 2015
MCB Business Cases	November 2015
10% and 15% exercise	November 2015

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Depute Chief Executive	
Elaine McPherson	Chief Executive	

Summary of MCB Programme at 7 November 2015

1.1 Policy decision required

001	Comprehensive review of high cost care packages
002	Review of Day Care Provision and Community Supports for Older People
003	Re-design of Intermediate and Residential Care Services for Older People
005	Feasibility Study for a Shared Residential Child Care Facility
006	Development of settlement hubs (inc. utilisation of CAPs)
008	Redesign sport and youth services
012	Shared Regulatory Services
013	Realignment of Secondary School timetables
014	Review of third sector commissioning (grant funded)
019	Roads & Transportation Future Delivery Model
022	Review of Fleet
024	Review of Social Services Equipment
029	Review of community meal service
032	Review the scheme for devolved school management
039	Review of working week, role flexibility and other terms and conditions
051	Homelessness Security and Access
052	Housing stock options
053	Renewable Energy
057	Secondary Management Review
058	ABC Nursery Income Generation
061	Secondary Pupil Bus Transfer
065	Roads - Capitalisation Options
066	Roads - Advertising Hoardings
067	Assets Review - Cleaning Service
071	External Foster Care Options Appraisal
074	Implementation of Multi-Systemic Therapy
078	Homeless Temporary Accommodation

1.2 Implemented, Underway or Completed

021	Develop cemetery strategy (underway)
026	Review of waste collection service (underway)
033	Review of staff efficiency proposals (completed)
034	Review of surplus assets and disposal strategy (underway)
035	Workforce Development Strategy and Supporting Policies (underway)
050	Review of social services commissioning (completed)

1.3 Management Efficiency / Activity

016	Review of school crossing patrols
018	Options appraisals for Resources & Governance delivery models and structures
036	Social Services Workforce Strategy
037	Review of telephone and mobile device provision
038	Increasing digital transactions and workflows
040	Review of equipment and information management
042	Review of advice, information and guidance
046	Income optimisation
048	Maximise staff attendance
049	Pursuit of Debtors
054	Energy costs and awareness-raising
055	Review of printing
063	Digital Learning Technology Options
070	Social Services Charging and Recovery

1.4 Accommodated elsewhere

004	Business case for Housing with care in Tillicoultry (003)
007	Review of leisure services (006)
009	Safer routes for communities (006)
015	Joint resourcing and service redesign by Clacks Alliance (014)
020	Review of street lighting management and operations (019)
023	Review of social services transport (022)

MCB-PMO-02b MCB Programme of Review Log	Status:	Active	Version 0.1
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030	Maximise use of current annual investment in PPP schools (006)
031	Review of (PPP) Financing Model of Secondary Schools (007)
041	Review of School Estate (006)
043	Update approach to customer contact management (006)
044	Develop approach to open data (038)
045	Review of management tiers (035)
047	Implement approach to corporate funding (018 and 035)
059	Join / Coordinate with Social Services re Children's Residential Unit (005)
060	Sports and Youth (008)
068	Asset Review (007)
069	Asset Review unknown (018)
075	Review of Education Transport (022)
076	Increase availability of pool vehicles (022)
077	Fleet workshop (022)

1.5 For future consideration

010	Maximise options for redesign from health and care integration
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1.6 No savings identified

017	Review of respite for children
027	Review of enforcement activity (litter, dog fouling)

1.7 Unachievable

011	Shared education and social services
025	Review of play areas and development of strategy
062	Shared Service Redesign Options (Education)
072	Shared Service Redesign Options (Social Services)

MCB-PMO-02b MCB Programme of Review Log

Status:

Active

Version 0.1

Report to: Council

Date of Meeting: 17 December, 2015

Subject: Education & Social Services - Future Management Arrangements

Report by: Chief Executive

1.0 Purpose

1.1 The purpose of this report is to update members on developments in shared services since the last meeting of Council in October and to seek members' approval of matters relating to the future management of school education in Clackmannanshire.

2.0 Recommendations

2.1 It is recommended that Council:

- a) notes the work which has been undertaken since 22 October, 2015, in response to Stirling Council's decision to move away from shared services;
- b) notes the externally commissioned paper (Appendix 1 to this report) on strategic options for the future management of school education in Clackmannanshire;
- c) agrees that the Council should pursue the cluster-based management approach going forward;
- d) agrees to establish the post of Chief Education Officer and to recruit to that post in the new year as set out in paragraphs 4.7 & 4.8 of this report;
- e) nominates six members to sit on the Appointments Committee for the chief officer post as set out at paragraph 4.9 of this report;
- f) agrees to vire £150,000 from the education service's projected underspend in 2015-16 to fund the recruitment process for the chief education officer, to resource any future externally commissioned work which may be required between now and the chief officer taking up post and any other activities related to arrangements for withdrawing from shared services (the unspent allocation of this overall resource at the end of March 2016 to be carried forward into 2016-17 and earmarked for those same purposes);

- g) agrees to establish an Attainment & Improvement Sub-Committee of the Education, Sport & Leisure Committee as set out at paragraphs 4.14-4.17 of this report
- h) subject to agreeing the above recommendation and noting that the Sub-Committee will be chaired by the Convenor of the Education, Sport & Leisure Committee, nominates three other members to sit on the Sub-Committee as set out at paragraph 4.15 of this report;
- i) notes that proposals for new management arrangements for social services will come forward to Council at a future meeting.

3.0 Background - Update

- 3.1 At its meeting on 22 October, 2015, Council agreed to give notice to Stirling Council of the ending of the current arrangements for education and social services in light of Stirling's decision to withdraw from shared services.
- 3.2 The Chief Executive wrote to the Chief Executive of Stirling Council on 22 October and acknowledgement of that letter was received on 3 November, together with notice from Stirling Council of its intention to withdraw from shared services as at 31 March, 2017.
- 3.3 The two Chief Executives had a meeting on 26 October, 2015, and began discussions about progressing the managed withdrawal of shared services. It was agreed at that meeting that a jointly agreed baseline position of the extent of shared services was required and the chief officers for social services and education are taking that forward.
- 3.4 As well as confirming those posts which are formally part of the shared services (i.e. which are co-funded) and the extent of integration, the chief officers are also outlining where there exist informal arrangements which are not reflected in the financial arrangements.
- 3.5 Preliminary assessments suggest the following summary baseline position of formally shared posts:

Education

- Shared posts are predominantly management and central teams
- 25 fte shared posts (19 employed by Stirling, 6 employed by Clackmannanshire)
- Almost all senior management (ex schools) employed by Stirling

Social Services

- Shared posts predominantly senior management of service, adult care management at team leader level and the Strategy & Partnership section
- 44 fte shared posts (36 employed by Clackmannanshire, 8 by Stirling)

- All senior management employed by Clackmannanshire.
- 3.6 This balance of staffing reflects the strategic approach the councils adopted for shared services where each organisation was the lead authority for a particular service. Most of the jointly funded staff work in equal part across both authorities although there also is a small number of individuals who while employed by one authority work predominantly in the other (further to the joint commitment in 2014 to deeper integration).
- 3.7 This presents a somewhat unique situation: as things stand, and in the absence of any alternative agreed proposals, most staff who work equally across both authorities would likely default to their employing authority once shared services cease as that is the legal basis of their employment.
- 3.8 In that context, given that Clackmannanshire is the lead authority for social services and employs all of the senior management of that service, initial priority has been given to consideration of the future management of the education service, with a particular focus at this stage on school education.

4.0 Considerations - Education Service - School Education

Strategic Management Options

- 4.1 Immediately following the announcement by Stirling Council that it intended to withdraw from shared services, the Chief Executive commissioned external support to undertake a study of how the education service might be managed in the future.
- 4.2 An initial paper was produced which set out four strategic options, summarised as follows:
- i) *traditional model* - this would be similar to the current management model where there is a sufficiently large management team to allow the service to be managed from the centre;
 - ii) *cluster-based approach* - this approach would establish the cluster as a significant tier of management, with a smaller team at the centre. Certain responsibilities and powers would be devolved from the centre to the clusters;
 - iii) *charitable trust* - one or more charitable trusts would be established for the management and delivery of school education. A small central team would be retained by the council, mainly to perform client functions. The trust(s) would be largely independent of the council;
 - iv) *out-sourcing options* - the council could outsource the management of its service to an external agency. A small council-controlled central team would be needed, largely to perform client functions.
- 4.3 Further to discussions with the Administration group, options i) and ii) were then more fully worked up. The detail of those options is contained in the paper appended to this report and was also due to be discussed at an all member briefing on 14 December. The appended paper was informed by

discussions with headteachers from all sectors, central education staff, chief officers and members of the Council's political Administration.

- 4.4 Taking into account the pros and cons of the two options set out in the externally commissioned paper, and considering those options in the Council's wider corporate strategic contexts, it is recommended that Council agrees to develop the cluster-based approach to the future management of school education.

Future Leadership

- 4.5 As members will have noted in the appended paper, the cluster-based approach described still requires a chief officer to lead the service overall, as well as a small central team.
- 4.6 It is proposed, therefore, that Council establishes the post of chief education officer and openly recruits to that post in the new year.
- 4.7 The appointee in the first instance would:
- i) develop the cluster-based management approach;
 - ii) begin to take forward that approach in shadow form pending the formal ending of shared education services;
- and would then lead the education service when the shared arrangements with Stirling cease.
- 4.8 An outline timetable for the appointment of Chief Education Officer is set out below:

<u>Date</u>	<u>Task</u>
• 17 December 2015	Council authority to appoint
• Early January 2016	Advertise for chief education officer
• Third week January 2016	Closing Date for applications
• Second week in February 2016	Assessment centre
• End February 2016	Appointments Committee
• End May 2016	Chief officer takes up post

- 4.9 As this is a chief officer post, the appointment would be by a committee of Council which, as per Council policy, would have the following political balance:
- SNP - 3 members
 - Labour - 2 members
 - Other - 1 member.

- 4.10 Council is, therefore, invited to nominate six of its members to sit on the Appointments Committee on that basis.
- 4.11 Elected members will note that the appended paper states that there are various structural options within a cluster-based approach. Concurrently with the process of recruiting the chief education officer, therefore, further engagement will take place on the detail of the future structure within the overall cluster model.

Other Matters - Attainment & Improvement

- 4.12 As members will be aware, Clackmannanshire Council is part of Phase 1 of the Scottish Attainment Challenge initiative which targets improvements in literacy, numeracy and health and wellbeing and is focused on primary schools. Clackmannanshire is one of seven local authorities receiving a share of the £100m funding allocated to drive forward these improvements over 4 years; £718,000 has been allocated to this Council for 2015-16.
- 4.13 An officer Attainment Challenge Team has been established to lead the Scottish Attainment Challenge in Clackmannanshire and an Attainment Challenge Management Group has been established to oversee and monitor its work.
- 4.14 In order to enable focused elected member scrutiny of the implementation of the Attainment Challenge, as well as other matters related to attainment and school improvement, it is recommended that a sub-committee of the Education, Sport & Leisure Committee is established. The sub-committee would be called the Attainment & Improvement Sub-Committee and its remit would be to:
- a) monitor the implementation of the Attainment Challenge programme in Clackmannanshire;
 - b) review the effectiveness of the funded activities in meeting the desired outcomes of the Attainment Challenge;
 - c) review the effectiveness of improvement plans of educational establishments;
 - d) make recommendations to the Education, Sport & Leisure Committee on any matters within this remit.
- 4.15 It is proposed that the Attainment & Improvement Sub-Committee would have four members drawn from the Education, Sport & Leisure Committee as follows:
- SNP - 2 members (one of which is the Convenor of the Education, Sport & Leisure Committee)
 - Labour - 2 members

- 4.16 The sub-committee would be chaired by the Convenor of the Education, Sport & Leisure Committee. The sub-committee's quorum would be two.
- 4.17 It is proposed that the sub-committee would meet 2-3 weeks in advance of each full meeting of the Education, Sport & Leisure Committee.

5.0 Considerations - Social Services

- 5.1 With the ceasing of shared services, the Council will also be required to establish a new management structure for social services.
- 5.2 This is currently under preliminary consideration with regards to the following contexts:
- the adoption of the health and care integration (HSCI) scheme and the appointment of the HSCI chief officer for Clackmannanshire & Stirling;
 - the transfer of community justice services back to the Council and the new strategic responsibility the Clackmannanshire Alliance will have for community justice;
 - (as with the education service) the Council's wider strategic corporate contexts of *Making Clackmannanshire Better* and future budget decisions.
- 5.3 In respect of health and care integration, the Integration Joint Board (IJB) has anticipated that the HSCI chief officer will likely at a future (as yet unspecified) point assume responsibility for the direct management of adult care services. There will remain, however, a need for the Council to retain a chief social work officer (CSWO) and to have recourse to advice on adult care matters independent of the IJB. The CSWO will also have responsibility for child care and community justice.
- 5.4 Existing community justice services are due to transfer from the Community Justice Authority back to local councils as of April, 2017, and local community planning partnerships will have new strategic responsibilities for community justice.
- 5.5 It is not anticipated that the new social services arrangements will wholly mirror existing arrangements as the scale of Clackmannanshire-only operations offers opportunities for more tailored local approaches.
- 5.6 A report to Council will come forward in due course with proposals for future arrangements for social services, as well as any proposals for changes in the wider corporate management arrangements further to the decision on shared services and forthcoming budget decisions.

6.0 Conclusions

- 6.1 Progress has been made in since late October in considering and developing new arrangements for Clackmannanshire's education and social services.

- 6.2 Briefing sessions for senior education and social services employees of Clackmannanshire have been led by the Chief Executive, Leader and Convenor; focus groups of headteachers have taken place to inform the thinking on future education management arrangements.
- 6.3 Positivity, commitment and good will have been expressed by staff at all these forums which provides a very encouraging basis for moving forward. While much remains to be done to put in place new arrangements by the end of March 2017, a useful start has been made.

7.0 Sustainability Implications

- 7.1 N/A

8.0 Resource Implications

Financial Details

- 8.1 There are budget implications arising from this report. There is no budget for the post of chief education officer or to commission any further external support for work in connection with arrangements after shared services or to undertake any activities related to withdrawing from shared services.
- 8.2 It is proposed, therefore, that £150,000 is vired from the education service's projected underspend in 2015-16 to fund the recruitment process for the chief education officer, to resource any future externally commissioned work which may be required between now and the chief officer taking up post and to fund any other activities related to arrangements for withdrawing from shared services. It is proposed that the unspent allocation of this overall resource at the end of March 2016 is carried forward into 2016-17 and ear-marked for these same purposes.
- 8.3 The costs of the chief education officer and potentially other management positions will likely also require to be included in the 2016-17 budget as a demand pressure to cover the shadow period.
- 8.4 The Council currently transfers around £538,000 to Stirling Council for the shared education service and once the shared arrangements cease, that resource will return to this Council to fund its own services. This is a gross figure - this Council receives around £240,000 from Stirling for shared posts.
- 8.5 A business case on secondary school staffing has identified that the number of promoted posts in secondary schools in Clackmannanshire is higher than other local authorities to the equivalent value of £260,000 (costs per pupil at secondary level in Clackmannanshire are the eighth highest in Scotland.) This suggests there is some capacity in the secondary sector which could be utilised for any new arrangements.
- 8.6 There is not yet sufficient information overall around staffing to provide firm advice on the net impact of ceasing shared services and moving to new arrangements. Further reports will be submitted to Council as the process of

withdrawing from shared services and developing the proposed new arrangements progress.

Staffing

8.7 This report proposes the establishment of a chief officer post which requires Council approval.

8.8 The report proposes new strategic management arrangements focused on the school education service. While currently part of the education service, youth, sports and adult education services are not incorporated in the appended paper. This is to allow a focus directly on school management and does not at this stage imply anything about the future arrangements for these other services.

9.0 Exempt Reports

9.1 Is this report exempt? No

10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

The Council is effective, efficient and recognised for excellence

11.0 Equalities Impact

11.1 N/A

12.0 Legality

12.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

13.0 Appendices

Options for the Future Management of School Education in Clackmannanshire

14.0 Background Papers

Options for the Future Management of School Education in Clackmannanshire, Interim Report

author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Elaine McPherson	Chief Executive	

**Options for the Future Management of School Education in
Clackmannanshire**

Report of a consultancy undertaken by Keir Bloomer

1. Background

The fundamental statutory responsibility placed on local authorities in relation to school education is set out in Section 1 of the Education (Scotland) Act 1980 where it is stated that "it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education". It is important to note that there is no requirement that councils *provide* school education, merely that they should *ensure* that provision is made. Since December 2010 Clackmannanshire has met its obligations by means of what is usually described as a 'shared service' arrangement with Stirling Council.

This description is open to question. The service in schools has been provided by staff employed by Clackmannanshire Council who have been managed by a senior team employed by Stirling. Thus, so far as young people and their families are concerned, they have continued to receive a service provided by Clackmannanshire staff in Clackmannanshire premises. Senior management, however, has been provided almost entirely by staff employed by Stirling Council. There is no significant element of 'sharing' either of management or of service delivery. It would be more accurate to say that, over the past five years or so, Clackmannanshire Council has outsourced the management of its service to Stirling Council.

Stirling Council decided in October to bring the current arrangements to an end. Clackmannanshire, therefore, has to determine how it would wish to see school education in its area managed in the future. It will also wish to decide whether to hold to the terms of the agreement with Stirling and continue the present arrangements until March 2017 or seek to agree an earlier date from which new ones will come into operation.

2. Remit

I was approached by the Chief Executive in early October and asked to undertake a study of how the management of the school education service could be undertaken after the 'shared service' is dismantled.

Following discussions with the Chief Executive and with the Leader of the Council and the Education Convenor, I understood my remit as being to bring forward a number of possible options for the consideration, firstly of the Administration and subsequently of the council as a whole. I also understood that, although the main focus of these options was to be the future

management of the education service, I was free to bring forward options that would have implications for the running of other council services.

3. The educational context

Over the twenty years since the council last established an education service, thinking in relation to the management of schools and to the processes of bringing about improvement and increasing effectiveness has undergone significant change. Some of these issues are explored in more detail later in this paper. However, the more important features can perhaps be summarised as follows:

- Greater importance is now attached to collaboration among council services and with external partners. Mechanisms to promote collaborative working, such as community planning, have assumed increased significance.
- Schools have come to be seen as having important roles in relation to broader public priorities such as promoting equity and combating disadvantage.
- International research suggests that school systems with higher degrees of autonomy at school level perform better than more highly centralised systems.
- Quality improvement has become increasingly reliant on self-evaluation by schools followed by improvement measures undertaken jointly by schools, the Council and external agencies. External inspection, however, remains an important aspect of the system's quality assurance mechanisms.
- Much of the expertise needed to secure improvement and raise standards lies in schools. Therefore, collaboration among schools has come to be seen as an essential element in supporting school improvement.
- Greater emphasis has been placed on the continuity of education and on facilitating effective transition from one stage of education to the next. School 'clusters' have assumed increasing prominence.
- Local authorities' capacity to support innovation and school improvement has steadily diminished. At the same time, the strategic direction of the system has become increasingly concentrated in the hands of national government.

At the same time, a clear but complex policy agenda has been put in place. The key features are as follows:

- Broad objectives for Scottish education have been set by *Curriculum for Excellence*. These are ambitious, requiring schools to do much more than convey knowledge and basic skills. The extensive agenda of *Curriculum for Excellence* imposes on Directors of Education and other senior figures the responsibility of assisting schools to take on successfully a wide range of new activities.

- Over the past year the Scottish Government has made significant changes to the priorities that councils and schools must pursue. Greatly increased emphasis has been placed on raising attainment for all and narrowing the gap in attainment between poorer and more affluent young people.
- Vocational education, preparation for work and sustainable positive destinations for school leavers have emerged as priorities. The agenda set by *Developing Scotland's Young Workforce* will increasingly influence school education, especially in the senior phase of secondary schooling.

These trends in thinking about processes of change and improvement have important implications for the way in which services should be managed. At the same time, the imperatives of national policy largely prescribe the educational objectives councils have to pursue and the nature of the support that schools will require. In particular:

- Schools must continue to be supported in implementing *Curriculum for Excellence*.
- Emphasis must be placed on raising standards of pupil attainment and achievement and on narrowing the gap in performance between disadvantaged and other young people.
- This will require the senior team to possess expertise in school improvement. The team will need to be able constructively to challenge schools on their performance and to give access to sound advice and support in raising standards.
- There will need to be mechanisms that will assist schools in collaborating with each other and a wide range of partners. The centre will need to promote the sharing of expertise and good practice.
- The senior team will require to have the expertise to build leadership capacity at school and cluster levels. Sufficient resources will need to be available for professional development.
- The team will need wide knowledge of approaches that have been successful elsewhere. They will be required to bring new ideas and impart to the schools a willingness for radical change and carefully considered risk-taking.

The importance of these points cannot be exaggerated. Senior management within local authorities must be capable of assisting the process of school improvement, raising standards of attainment and enhancing the life chances of all young people or it will be judged as having no purpose or value.

A further factor that requires to be taken into consideration is that Clackmannanshire is the smallest mainland authority. This brings both problems and opportunities. On the one hand, it is certainly difficult for the council to assemble the capacity for management and strategic direction that a large and complex service such as education requires. On the other, lines of communication are short. Close collaboration between service management and schools is thus made easier than in larger and geographically more dispersed council areas. It is important that options for

future structures should try to minimise the problems of diseconomies of scale and maximise the advantages of compactness and easy communication.

An important consequence of the small scale of operation is that the senior team will need the knowledge to help schools access external sources of support and expertise. Thus, the senior team will need to be both a provider of advice and support and a broker giving access to expertise possessed by others. This suggests a requirement for a modest research and intelligence function.

Finally – and despite the emphasis placed above on improvement and raising standards – it has to be remembered that local authorities have to fulfill a range of statutory duties and provide schools with a wide array of support functions. These range from duties with great educational significance such as meeting the requirements of young people with additional support needs to more routine tasks including providing school catering, processing placing requests, recruiting staff, purchasing supplies and many more. Some of these functions will be under the control of education senior management while others will be provided by other services of the council. Sufficient resources need to be made available for these tasks.

4. Overview of possible management models

At an early stage of the consultancy, I identified four management models that could potentially meet the requirements set out in the previous section. The table below gives a very brief general description of the four models and some indication of the range of options each could support.

Traditional model	This model would involve establishing a sufficiently large management team to allow the service to be managed effectively from the centre. Account would have to be taken of the increased emphasis on raising standards and school improvement. It would, however, be possible to devolve certain functions to school or cluster level.
Cluster-based approach	This approach would require the establishment of the cluster as a significant tier of management. The team at the centre could be smaller but greater capacity would be required at cluster level. Significant responsibilities and powers would be devolved from the centre. Such an approach could be readily combined with initiatives to develop schools as community hubs. A variety of options could be developed for the management structure and functions of the clusters. The model would empower schools and promote local initiative.
Charitable trust model	One or more charitable trusts would be established for the management and delivery of school education. The trusts could also be involved in other services such as leisure and libraries. A small central team would be retained by the council, mainly to perform client functions. The trust(s) would be largely independent of the council and would give scope for significant community

	empowerment. Again, several options within the framework of trust governance could be developed.
Outsourcing options	The council could outsource the management of its service to an external agency. This model would resemble the arrangements that have been in place over the last five years. However, freed from the language of 'shared services', responsibilities could be more clearly defined. There are widely differing options for external partner, including universities, charities and the private sector. Again a small council-controlled central team would be needed, largely to perform client functions.

Following political guidance, the number of models to be further developed was reduced to two; the traditional model and the cluster-based approach. These are explored in greater detail in sections 6 and 7. In each case, an assessment is made of the ability of the model to meet contemporary requirements as set out in section 3 above.

5. Educational management – some preliminary considerations

Historical context

School education in Scotland has traditionally been managed at three levels: national, local authority (previously, parish school board) and school. Over time, the responsibilities of each level have changed and there has been a shift in the balance of power among them.

Traditionally, schools have enjoyed great autonomy in relation to *inter alia* the organisation of classes, teaching methods and materials, relationships with parents and the curriculum. Parents have seen the school as directly responsible for almost all of the decisions of interest to them. The headteacher has generally been seen as the most significant authority figure in the system. For the most part, parents have valued relatively easy access to a known person who could take decisions of importance to them. Parents' perceptions of the duties and powers of the two other levels have been less clear.

In recent decades, the autonomy of schools has been eroded in some respects by an increased emphasis on policy making at the level of the local authority and, to an even greater extent, national government. Initiatives such as *Curriculum for Excellence* (and other programmes before it) have set school management of the curriculum within a broader policy context. The emphasis on school self-evaluation, although in theory an empowering concept, has established a national template of what constitutes good practice to which schools generally feel a need to conform.

On the other hand, schools have been given some measure of control over their budgets through Devolved School Management schemes. Their ability to move significant sums of money between budget headings, however, remains limited. Greater powers have been devolved in relation to staffing.

The time when all appointments were made centrally has now long gone. In relation to the curriculum, the rhetoric of *Curriculum for Excellence* stresses professional discretion and freedom to initiate but aspects of the implementation programme such as the division of the educational experience into distinct *phases* have imposed increased rigidity. Overall, is open to question whether policy constraints have loosened or tightened.

Councils have the major statutory responsibilities for the delivery of school education. They are obliged to ensure the availability of good quality education for every child whose parents choose to use the council service. Other responsibilities cover a very wide range of functions from the highly strategic to the decidedly mundane. There can be little doubt, however, that council management of education services has been significantly weakened over recent decades. The reorganisation of 1996 created a larger number of smaller authorities with reduced capacity that has been further weakened over the past few years by financial constraints. At the same time, the reach of central government policy making has extended to the point where high-level strategy is effectively a government monopoly.

Leadership of the service

It is vital that the new service should be led effectively and creatively. It will, therefore, require a lead officer of appropriate calibre. The title, salary and responsibilities of the post will need to be determined in the light of the management structure of the Council as a whole. However, for the purposes of this report, the post is referred to as 'Chief Education Officer'.

So far as possible, the salary for the post should be set at a level sufficient to make it attractive to anyone working in schools. Given the small size of the Council, and the level of existing senior manager salaries, this may require some ingenuity. One possibility might be to set a minimum level but indicate a willingness to meet or exceed existing salary in the case of an exceptional candidate.

Given the likelihood of some more general reorganisation of service management within the Council, it will be important to make clear in the job description the possibility that the responsibilities of the post may be extended in the future to include management of other services in addition to education. The job description should also make clear the Council's expectations in relation to the ethos that the Chief Education Officer should establish in the service (see below).

The service requires to have two senior leadership posts. It is important that there are clear arrangements for somebody to deputise for the Chief Education Officer. This will require both a senior status and a whole-service as opposed to a purely school perspective. In addition, and perhaps of even greater significance, well-considered leadership depends on open-minded discussion and a variety of contributions. Whilst much of this can be contributed by headteachers and other staff, the significance of dialogue at the highest levels of the service should not be underestimated.

Later sections of this report set out the format and potential strengths and weaknesses of two management models. Regardless of which approach the Council favours, it is strongly suggested that the service should be led by a small team consisting of a Chief Education Officer and a Depute.

A further issue is the creation of an administrative apparatus to support management. The joint service arrangements did not involve integration of support staff. Administrative functions relating to Clackmannanshire Council functions continued to be carried out by Clackmannanshire staff. While there is a need to investigate this issue in greater detail than has been possible on the basis of the information so far provided, any extra staffing requirements should be very small. All of these considerations apply both to the traditional and the cluster-based models.

Ethos

The remit of this consultancy relates to management structures and arrangements. These are important but another less tangible factor is even more significant. Every service has a distinctive ethos, partly derived from the culture of the Council itself but largely created by the behaviours of people within the service.

The setting up of a new service and the appointment of a new senior team thus offers an opportunity to create a culture of optimism, collaboration, collegiality and empowerment. It will not happen by accident but needs to be consciously cultivated from the outset.

A positive ethos is built on valuing and respecting staff. Staff need to feel empowered and enabled to collaborate with each other. Recent thinking on school improvement and raising standards – not least the experience of the London Challenge – makes such an ethos even more essential. A command and control approach is counter-productive. Success depends on liberating the commitment and creative energy of every member of staff. This is not to deny the importance of policy and guidance but to set the framework within which an empowered workforce must operate.

Whatever structure is adopted, it is vital that the Chief Education Officer sees all staff as colleagues and, in particular, works with headteachers in a collegiate manner. The same, of course, applies at every level in the service. Empowering headteachers does not automatically lead to empowering staff. The same considerations of respect and collegiality that are important at the level of the service as a whole must operate within schools and other branches of the service. And, indeed, within every classroom.

It is also vital - perhaps particularly so for a small service such as Clackmannanshire's - that the ethos should be outward looking. Most of the expertise needed to take on the challenges of the current policy agenda lies in schools. But it does not lie in any single school, nor even necessarily in any

Clackmannanshire school. Therefore, structures have to facilitate collaboration and leaders have to encourage it.

Finally, the ethos needs to be simultaneously supportive and challenging. It should be an important aim of the new senior management to establish the reputation of Clackmannanshire as a place where staff are expected and helped to develop. Even more importantly, senior management must establish a service where the interests of learners come first and where every year is marked by improvement.

6. The traditional model

The management structures of Scottish education services vary but there is a significant degree of similarity in that all rely on a team of senior managers operating at level that is above that of schools and other branches of the service. This team functions from a central location and has responsibilities that are clearly distinct from those of headteachers and other school-based staff. There is an assumption – usually unstated – that any powers not explicitly delegated to school level are retained at the centre.

Under this management model, the central team fulfils six important functions:

1. It provides a channel whereby all parts of the service are made accountable to the Council. Headteachers and others are responsible to the most senior central manager – usually called the Director of Education – and the Director of Education in turn is responsible to the Council.
2. The central team contributes to the corporate working of the Council and represents the education service at the corporate centre. It facilitates the contribution that other services such as finance, HR and legal services, make to the operation of schools and other parts of the education service.
3. The central team represents the service at a national level and is responsible for interaction with government, national agencies and others.
4. It ensures that the Council fulfils its statutory obligations in relation to education and provides (or collaborates with other Council services to provide) a range of services to schools, parents and others.
5. The central team advises the Council on educational matters. It provides strategic direction to schools. It also provides support and advice and gives access to other sources of support.
6. It manages specialist support services such as the Educational Psychologist and Quality Improvement services.

Whilst this list does not exhaust the functions of senior management, it does illustrate the significance and centrality of their activities. The senior team has to have the capacity to carry out these functions at the same time as remaining in close communication with schools.

Some aspects of the role of the central team vary according to the size of the service. It is, for example, clearly a larger task to provide support to 200 schools than to 20. On the other hand, Clackmannanshire's statutory responsibilities are the same as those of Glasgow or Edinburgh. The same functions require to be carried out and the same forms of accountability apply. The requirement to develop policies is the same for both (although the task of implementation increases with scale of operation). Small Councils are thus affected by significant diseconomies of scale that have an impact on the capacity of central management (although not on management at school level).

Small Councils have thus had to engage several very senior staff (although at lower salary levels than in large authorities), a team concerned with supporting and advising schools and a number of senior managers and administrative staff. Over recent years, this model has had to be slimmed down as a result of financial constraints but it has not been fundamentally altered. It remains a command and control approach that has adapted only to a limited extent to the changing context described above. On the other hand, it is a tested method of working that has a strong track record of working in authorities of all sizes and circumstances. For this reason, the Council would need to be confident that any alternative approach offered worthwhile advantages before deciding to depart from the norm.

Were the council to opt for the traditional approach, it would need to ensure that the central team had the capacity to give effective assistance to schools to take forward *Curriculum for Excellence*, raise standards of attainment and narrow the gap. At the same time, building capacity within schools and encouraging collaboration between them would also be essential and would be dependent on support from the centre. This would require an impressive level of expertise at the centre although not necessarily a large group of people. In other words, given the way in which the essential function of the local authority in relation to school education is shifting from administration and operational management to strategic leadership, the key figures in the central team would need to be of a calibre capable of undertaking their roles in the way that contemporary circumstances require.

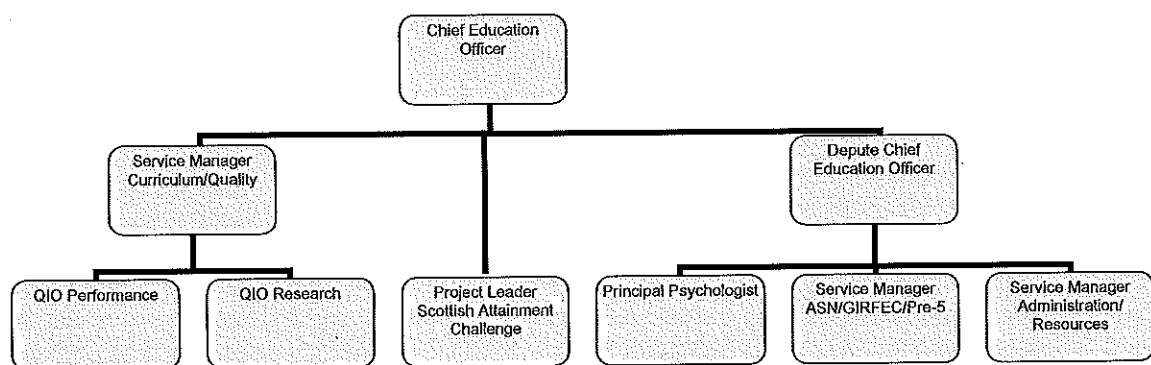
Of course, the traditional model is not incompatible with an increased measure of delegation of powers and responsibilities to school level. For example, the council's scheme of devolved school management could be revised in ways that would give schools increased discretion in relation to matters such as staffing standards. It would, however, be very difficult, if not impossible, within the traditional model to increase the management capacity of small schools. As the policy agenda becomes more complex and demanding, this is likely to limit their capacity to collaborate with other schools and partners, to pursue effectively the full agenda of *Curriculum for*

Excellence or to take the action needed to raise standards while closing the gap.

The current central management structure of the shared service consists of 17 professional staff, excluding clerical and administrative support. These comprise the Director, three Heads of Service, seven Service Managers and six Quality Improvement Officers. There are, in addition, two management posts in the Psychological service and seven less senior managers and project officers.

The total cost of the more senior group is £1.3m of which Clackmannanshire's share is £510k. (The additional group adds £490k and £200k respectively). This share of the total senior group is sufficient to finance around seven posts (although the exact number would be dependent on decisions in relation to the salary levels).

The following table sets out a minimal senior management structure. This consists of nine posts, including a Principal Psychologist included in the additional list above and a Scottish Attainment Challenge (SAC) project leader paid for by the Scottish Government. It would cost approximately £100+k more than Clackmannanshire's current contribution to the shared service.



Bringing costs within the current level of expenditure would involve the deletion of one post and other adjustments. This would further weaken the Council's capacity to support improvement and attainment and would appear an unwise option.

The suggested senior management structure has a number of potential strengths:

- It allows for the appointment of a Chief Education Officer at a reasonably senior level
- There is a second senior post
- There is provision for expertise in relation to ASN and related areas
- The SAC is integrated into the central apparatus

On the other hand, the resource available for advising and supporting schools is small. It is intended that the Chief Education Officer would have direct responsibility for school improvement and raising attainment. However, this would involve only a relatively small part of the Chief Education Officer's

working week. He/she would be supported by a single third tier post with an extensive remit including curriculum, pedagogy, CPD and responsibility for a minimal team of two Quality Improvement Officers (QIOs). The QIOs would be expected to maintain a close knowledge of the schools, to have charge of performance data and to possess the knowledge necessary to provide a kind of brokerage function, locating and putting schools in touch with sources of support and advice outwith the Council as well as supporting internal collaborations. This would be a very demanding role.

Of course, the Council could decide to invest more in its central management structure. It could, for example, pursue an option developed by the shared service management to reduce teacher staffing levels in secondary schools to a level more consistent with much of the rest of Scotland and reorganise and reduce teacher input into nurseries. While this would bring a financial penalty from the Scottish Government, it would yield a net saving of around £280k. This would finance an expansion of about four - five posts in the central team at a cost of around 15 school-based posts. It seems unlikely that this would be perceived as a good bargain either by schools or by the public at large.

In conclusion, it is perfectly possible for Clackmannanshire to establish a workable management structure of a traditional type. Doing so will involve the expenditure of at least £100k over and above the cost of the current commitment to the shared service. At a time of serious financial constraint, this will be unwelcome. However, the scale of additional expenditure is not large. The resulting structure will be modest but larger than those operating to an apparently satisfactory level in the Island authority areas.

7. The cluster-based approach

The Context

Recent years have seen a growth in interest in the notion of the "cluster" of schools, operating to some degree as a unit. The cluster is sometimes seen as the group of primary schools associated with a single secondary school but more often as a cross-sector grouping involving a secondary, the associated primaries and any other schools (such as special schools or free-standing nursery schools) in the area.

The cluster is seen as having a role in promoting coherence and continuity from pre-school until the end of secondary. Clusters are often given responsibility for easing processes of transition, particularly from primary to secondary, but also from the pre-school sector into P1. By promoting closer working among schools, clusters are expected to improve arrangements for the transfer of pupil information and thus improve pastoral care. Clusters can have a role in curriculum planning, creating some degree of commonality of approach among the primary schools and establishing a common baseline for pupils entering S1. Some clusters have developed projects that span P7 and S1, thus creating a degree of curricular continuity.

Cluster groupings offer opportunities for sharing expertise, particularly among the primary schools. Given the emerging consensus on the importance of inter-school collaboration as a tool for school improvement, this is potentially an important function. It must be recognised, however, that it does not serve the needs of collaboration within the secondary sector.

Many education authorities have arrangements whereby headteachers meet regularly on a cluster basis. Sometimes other groups of staff may meet for particular purposes. Clusters may share staff for reasons such as specialist subject provision in primary schools, liaison with parents or coordinating initiatives in literacy and numeracy. Arrangements of this latter kind are a feature of some initiatives within the Scottish Attainment Challenge.

A separate development, mainly in rural areas, has been the growth of "shared headships" in which a single headteacher takes charge of more than one school. The motivation has often been to make savings while keeping open a school that might be threatened with closure. Shared headships may also been seen as a step towards a form of cluster management.

No authority has yet sought to make the cluster its basic unit of management although, at an early stage in its history, South Lanarkshire went some distance in this direction before being required to make savings that put the process into reverse. Nevertheless, the establishment of formal cluster structures can be seen as the logical end point of the current trend towards promoting joint planning and activity among the group of related schools.

Cluster-level management arrangements could, in principle, take any of a wide range of forms. At one end of the spectrum, the cluster could be managed as a unified entity - in effect, a super-school - with a single head teacher and joint management team. At the other end of the spectrum is a variety of federal arrangements with defined responsibilities being attached to the "federation" and to the individual school units.

A cluster-based approach potentially contrasts positively within an intrinsic feature of the traditional model. In that model the respective responsibilities of the centre and the school are sharply demarcated and do not overlap. All the policy making responsibilities are concentrated in the centre. The school has discretion mainly in relation to operational decisions. Furthermore, there is a prevalent assumption that, if it is not clear where decision-making power lies, it is for the centre to decide. All this may make for clarity but it also tends to create a degree of alienation; the development of a sense of "us and them". School-level management does not necessarily feel commitment to decisions made centrally. There is a risk of some antagonism emerging and of a blame culture becoming established.

A major potential benefit of a cluster-based approach to management, therefore, is that managerial responsibility will be more genuinely shared between the centre and the school. Decisions will be informed by an understanding both of the school context and of the external constraints - in terms of finance and policy - within which the system must operate.

There is a further benefit that is of a highly pragmatic character. Emerging from a recent Audit Scotland review, the current shared service senior management team has established that the management structure of Clackmannanshire secondary schools is among the most expensive in Scotland. About 10% extra is currently spent beyond the Scottish average, without any apparent benefit in terms of performance. If this additional resource were kept in place, it would be possible for clusters to make a significant input into the overall management of the system without an adverse impact at school level. In this context it is worth recalling that the entire senior management structure of the joint service amounts to approximately 25 FTE (of which perhaps 9 can be attributed to Clackmannanshire), while more than 120 senior personnel in Clackmannanshire schools hold posts with some degree of management responsibility.

The cluster-based approach thus offers the possibility of integrating school and system management in a positive way that would encourage collegiate behaviour and bring together the perspectives of the school context and of more strategic system-level considerations.

Management at cluster level

Clackmannanshire clearly comprises three school clusters, centred on the three secondary schools. The membership of each cluster consists of the secondary school, the associated primary schools and any pre-5 establishments in the area. The issue of those schools and services dealing with pupils with additional support needs is more complex. Such schools and services obviously serve the whole of Clackmannanshire. While they might benefit from the collegiality of a cluster, they will need to continue to collaborate with schools in all parts of the Council's area. On balance, therefore, it would seem more appropriate to exclude them from any cluster-based management arrangements. Instead, they should link to a senior member of the central staff. The headteachers would have the right to attend cluster meetings as appropriate.

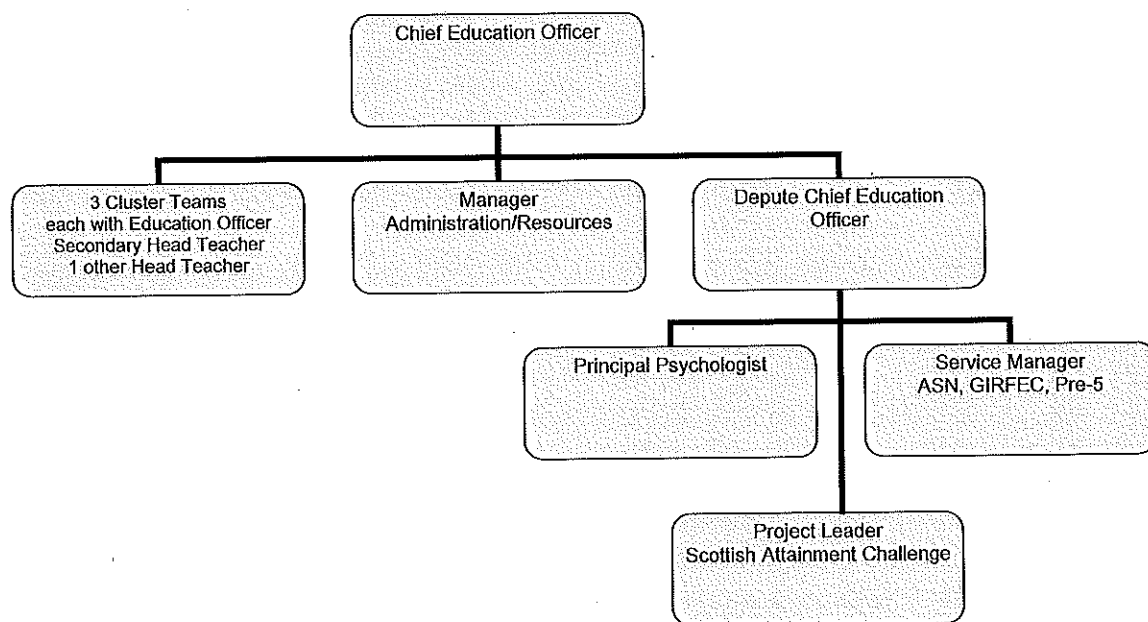
As indicated above, there is a very wide range of possibilities for establishing a significant tier of management at cluster level. In reaching a preferred view, it is necessary to strike a balance between, on the one hand, imposing solutions that may appear logical but would be likely to cause strong opposition and be difficult to implement and, on the other, failing to create a management structure that would be effective and purposeful. The following paragraphs describe a model that is by no means the only possible option but is one that has a good prospect of being found acceptable by senior management, school staff, parents and other stakeholders.

It is suggested that each cluster should have a senior management team consisting of three people; an education officer financed from the resource made available centrally by the termination of the joint arrangements with Stirling, the headteacher of the secondary school and one other headteacher,

appointed from among the group of cluster heads. This team would have significant decision-making responsibilities in relation to the cluster. Its three members would be of equal status, with decisions being made by consensus. In the event of deadlock, the Chief Education Officer would have the right to determine the outcome.

The following table sets out the suggested management structure. The central team is smaller than under the traditional model. Its costs could be sustained within the sum available as a consequence of the termination of the joint service. There would, however, be costs at cluster level to be taken into account. These would mainly relate to the three education officer posts (one per cluster) but there would also be relatively modest costs as a result of small increases in salary for those headteachers involved in the cluster level management and in strengthening support in the schools of the non-secondary headteacher cluster managers.

Overall, the cost of the cluster-based approach will be approximately the same as that of the traditional model. However, it would have the benefit of creating a structure much better attuned to the needs of the contemporary educational agenda. In particular, it would offer much enhanced support for school improvement and raising standards of attainment.



The three members of the cluster team would also all be members of the Senior Management Team (SMT) of the service, along with the Chief Education Officer and his/her depute. This SMT would meet on a regular basis, thus involving the cluster managers closely in the strategic management of the service as a whole. All members of the SMT would carry service-wide functional responsibilities. These could relate to, for example, professional development, *Developing Scotland's Young Workforce*, skills development, the promotion of early language development and so forth.

The question of how the second headteacher would be selected is separate from the issue of the management structure. Several possibilities are

available. It is suggested that the choice be made by inviting expressions of interest from among serving and acting headteachers within the cluster. The appointment would be made following a selection process similar to that currently used for headteachers. The successful candidate, therefore, would normally be a pre-existing member of the cluster but, should this approach not produce a satisfactory outcome, a headteacher could be recruited from one of the other two clusters.

A further separate issue relates to remuneration and support. It is suggested that both headteachers should receive a small salary increase in recognition of the wider responsibilities they would be carrying. In addition, there should be a modest increase in the management capacity of the non-secondary headteacher's school. This might take the form of an addition to the number of promoted posts although probably not the total number of staff.

The cluster would have defined responsibilities. A new Scheme of Delegation would set out the range of functions to be carried out centrally, at cluster level and by schools. The guiding principle would be that each function would be carried out at the most local level consistent with efficiency and coherence.

Thus, though it would be practicable to process placing requests at cluster level, the probability that a number of requests will cross cluster boundaries would indicate that this would be more effectively done at the centre. Conversely, liaison with families is best directed from the school where contact is naturally made and the needs of the individual learner are best understood. Much of the detail of the curriculum is also best decided at school level (or by faculties within secondary schools) but the overall design of the experience from pre-school to the point of transition beyond secondary schooling would be determined at cluster level, subject to a number of service-wide considerations. A general principle should be that control should be delegated from the centre wherever possible and that, to the parent and the learner, management should not seem more remote than at present.

Broader networks

A cluster-based approach would do much to improve communication and collaboration within the primary and pre-5 sectors. Even in these cases, however, it will be important to ensure that nothing is done to artificially limit other networking opportunities. In particular, there should continue to be regular meetings of all headteachers, preferably on a more frequent basis than is currently the case. Informal networks that currently exist across Clackmannanshire and Stirling should continue where the participants find them helpful and there should be nothing to inhibit schools from forming relations with other schools in different parts of the country.

The cluster does not provide networking opportunities within the secondary sector. It will, therefore, be important that the three Clackmannanshire secondary schools continue to act in partnership with each other, in effect constituting a fourth "cluster" of a rather different type. This collaboration will

need to be supported by an infrastructure of meetings, not only of headteachers but also of other groups of staff with interests of common.

Contemporary thinking on school improvement stresses the importance of interschool collaboration. In particular, the experience of the London Challenge, suggests that this is virtually the single most important factor in promoting school improvement. While the cluster has an important part of play in promoting collaboration, wider arrangements are also significant and should be actively developed.

Wider responsibilities

This paper is primarily concerned with the management of education. However, the establishment of a cluster-level tier of management could bring significant benefits in relation to the management of other services and Council activities.

The Council aspires to decentralise important aspects of service delivery to community hubs and to make the facilities at schools, especially secondary schools, as widely available as possible. The implementation of this strategy is closely linked to the development of a long-term estates policy. It appears likely that some primary schools will emerge as community hubs, offering access to a range of public services (not all necessary provided by the Council) while secondary school campuses will be widely used for leisure and other purposes.

Broader use of school premises is readily compatible with the notion of cluster management and, indeed, a broader programme of decentralisation. It is not the purpose of this paper to make specific suggestions in relation to these other issues. However, the Council may wish to see the possible establishment of a cluster-based approach as facilitating later initiatives.

The following sub-section describes a possible model for community governance at a cluster level. The specific proposals are related to the needs of education and it would be necessary to modify them if the responsibilities of clusters were to be expanded. However, the principles are capable of being adapted to fulfill a wider role.

Cluster governance

School education is, in large measure, a local government responsibility. Central Government has had from the outset power to inspect schools and has developed strategic policy functions that have expanded over the years. However, the main channel of democratic accountability lies through Councils.

At school level, Parent Councils exist in some but not all schools. They function mainly as consultative forums providing a channel of communication between school management and the parent body. They are not directly involved in formal governance.

The establishment of a tier of management at cluster level would give the Council an opportunity to review these arrangements if it felt so inclined. It would be possible for the Council to establish in each cluster a Board to which could be delegated stipulated governance functions. Thus, the Board could be given the power to:

- Approve the cluster budget
- Be involved in senior staff appointments
- Consider and comment on school performance information
- Commission from senior management reports on relevant matters
- Make recommendations to Council on matters relating to the running of the cluster

This list is intended as illustrative rather than exhaustive or prescriptive.

The Board could be given responsibilities for ensuring close and productive relationships between schools and communities and vice versa. They would thus have an involvement in community use of school premises, volunteering by school pupils, relations with local businesses and a range of similar activities.

It would be important that Boards were representative of the main stakeholder groups in the community. Parents are the most important of these and all schools would need to have at least one representative. There could be places for senior pupils from the secondary school. Local businesses should be represented, as should teaching and support staff. The Board should have limited powers of cooption. The Council would wish to consider whether local Councillors should be members or, perhaps, have rights of attendance but not for voting.

The establishment of Boards could represent a significant extension of grassroots democracy. Real, if limited, power could be delegated by the Council. Schools could benefit from having access to outside expertise. (This is currently a matter of significant benefit to universities, colleges and independent schools). A Board covering the area of a cluster might be expected to attract a high calibre of participants. This would be in contrast to the experience of individual schools, particularly those in disadvantaged areas, which have found it difficult to attract members for parent councils.

Establishing such Boards is not an intrinsic component of establishing a cluster level tier of management. It is an additional and discretionary element that could be seen as strengthening both the overall approach to educational management and community participation and democracy.

8. Some concluding thoughts

The consultations I have undertaken indicate considerable enthusiasm, for example among headteachers, for a dedicated Clackmannanshire education service. This is a good basis on which to build. However, it means that there

is an expectation that Clackmannanshire Council will take over the management of its schools at an earlier date than 31.3.17. The most logical date might be the start of the new school session in August. It is obviously an empirical question whether such an early transfer of responsibilities is possible. It would clearly require early decisions on a number of matters including at least the outline of the future management structure.

A particular instance of this issue of timing relates to the Scottish Attainment Challenge. Although some progress has been made, developments are at an early stage. It is an initiative that relates only to Clackmannanshire: the shared service management team will have no further involvement in it from a Stirling perspective. While certain management arrangements would need to be put in place, there could be a transfer of responsibilities well in advance of the date on which Clackmannanshire assumes control of the school service as a whole.

Unfortunately, it has to be accepted that, as one of the motivations for setting up a joint service was to make savings, a consequence of again establishing a separate one is to incur costs. I have sought to minimise these.

It is important, however, that the maximum value should be extracted from the investment. The Council will need to decide whether this is best done by adopting a traditional approach which, while tried and tested, is not fully attuned to the agenda of supporting school improvement, raising standards and closing the gap, or whether to take a more innovative approach. Regardless of which approach is adopted, it will be essential to ensure that the new service is focussed on making a success of *Curriculum for Excellence*, raising standards and narrowing the attainment gap.

Keir Bloomer
6.12.15

Report to Council

Date of Meeting: 17th December 2015

Subject: Use of Overt Surveillance Systems Policy

Report by: Head of Resources and Governance

1.0 Purpose

- 1.1. The purpose of this report is for the Council to consider and agree a policy for the use of Overt Surveillance Systems.

2.0 Recommendations

- 2.1. To agree to the adoption of Overt Surveillance Equipment Policy (Appendix A).

3.0 Considerations

- 3.1. The Council already has a number of Closed Circuit Television (CCTV) systems and could, in the appropriate circumstances, utilise other overt surveillance technologies. The use of such technologies may have an impact on people's right to live and work in private as they capture personal information about them and so impact on their privacy. Therefore the Council must have the proper governance arrangements in place via a policy and appropriate guidance to ensure compliance with both the Data Protection Act 1998 and the Human Rights Act 1998.
- 3.2. The use of CCTV has been around for a number of years and the number of related technologies is rapidly increasing. This has been reflected in the Information Commissioner Office recently updating their Code of Practice from its original version in 2008 to capture these developments.
- 3.3. The Council's CCTV systems capture personal images of both employees and members of the public so it must ensure that the appropriate practices are put in place to comply with the eight Data Protection Act principles. While there are a number of local controls and processes in place there is no Council-wide approach and therefore limited controls on the use of overt surveillance systems. Details on the location of the Council's CCTV cameras are proposed to be published on ClacksWeb.
- 3.4. The use of overt surveillance technology provides a number of benefits such as minimising expenditure due to vandalism, protecting staff and customers from criminal activity and effectively and efficiently delivering some services. This policy also links to the council's personal safety and managing unacceptable behaviour policies.

- 3.5. The Information Commissioner has a code of practice for using these types of surveillance systems. The Council's policy and supporting documentation has been designed to comply with this code in practice and spirit.
- 3.6. Prior to the procurement and deployment of any new overt surveillance systems or the deployment of existing technologies to new environments the Policy states that agreement must be sought from the relevant Service Committee to enable elected members to have oversight of the use of overt surveillance in Clackmannanshire.
- 3.7. This policy does not include covert surveillance. The use of covert surveillance is covered by the Council's policy detailing the procedures to be followed and the extent of the Council's powers under the Regulation of Investigatory Powers (Scotland) Act 2000.

4.0 Conclusion

- 4.1. The policy will allow officers the opportunity to use overt surveillance system, where it can be justified, in a safe manner and in line with the Council's statutory requirements. The Policy also takes account of the future deployment of new or emerging technologies. The policy is supported by guidance documents and sets out that each installation or use of a surveillance system must have a management control document in place. The control document sets out the specifics of how the system is used, for what purpose and the controls in place.

5.0 Sustainability Implications

- 5.1. There are no sustainability implications.

6.0 Resource Implications

6.1. Financial Details

- 6.2. There are no financial implications to this policy.

6.3. Staffing

- 6.4. The impact on staffing is minimal in the completion of the appropriate paperwork, both historic as systems are reviewed and prior to any new set up.

7.0 Exempt Reports

- 7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)

The area has a positive image and attracts people and businesses
 Our communities are more cohesive and inclusive

- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

9.0 Equalities Impact

- 9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes
 No

10.0 Legality

- 10.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

- 11.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix A draft Overt Surveillance equipment policy

12.0 Background Papers

- 12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
 Yes (please list the documents below) No

The Information Commissioners Code of Practice on the Use of Overt Surveillance Systems.

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew Hunter	Senior Governance Officer	

Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources & Governance	
Nikki Bridle	Depute Chief Executive	

Appendix A



Clackmannanshire Council

Use of Overt Surveillance Equipment Policy

Introduction

This policy sets out the Council's position in relation to the use of Overt surveillance systems.

Overt surveillance Systems (OSS) used to be restricted to a camera in a fixed point but they now include cameras that can move around the area they cover by remote control, body worn videos (BWV) including audio recording, automatic number plate recognition cameras and unmanned aerial systems (UAS). Additionally other everyday devices can also be used in this manner such as mobile phones and tablets.

The capturing of images by OSS can impact on an individual's right to privacy because of the collection of their personal data.

This policy is designed to ensure that the Council protects data subjects' privacy and complies with its requirements under the Data Protection Act 1998.

This policy and supporting documentation, practices and recommendations have been created in line with the legislation and following the Information Commissioner's Code of Practice on Surveillance Cameras.

While the Council doesn't currently have or deploy all of these types of OSS, the document covers the policy considerations before authorisation is given to their use should such equipment ever be deployed in the future.

1. The Purposes of Overt Surveillance System Deployment

The purpose must be for one of the following reasons:-

- The prevention or detection of crime
- To ensure public and/or staff safety
- The protection of public assets
- To support the Council's regulatory functions

2. System Set Up and Management

Every OSS set up, installation or operational deployment requires to have specific controls in place set out in the Management Control Documents appended to this policy.

Each installation or set up must have a designated responsible officer and service who manage all aspects of the system while it is operational.

Prior to installation and/or when deciding on whether to install/continue to use OSS, an impact assessment (including impacts on privacy) must be carried out and the situation regularly reviewed.

Each Management Control Document must address the following key principles.

- Audio recording should only be used in very limited circumstances and should be clearly set out in both the Management Control Document and any signage.
- Mobile video recorders are likely to also record audio. Given the additional intrusive nature of this type of recording, the management document must detail the circumstances when the camera will be deployed.
- Appropriate signage must be put in place to let people know that they are in an area that is covered by OSS. Again any audio recording must contain additional clear signage.

4. Deployment of Cameras

Every Management Control Document must include where cameras will be sited, what they will cover and why they are located where they are. If the cameras are mobile then consideration of how and where they will be deployed must be considered every time they are used.

5. Procedures on Use, Storing and Viewing

Every OSS must have written procedures on how it will be used and who can use/access the system.

Each set up must have appropriate measures to securely store recordings (both images and audio), destroy after an appropriate time and record who accesses images and at which times. All access to recordings must be shown to be both necessary and proportionate. The designated responsible officer must maintain a record of all access requests.

Images are considered to be personal data and as such, data subjects are entitled to access images about themselves. Any request for images by data subjects should follow the Council's Data Protection Policy and guidance on subject access requests.

How images will be viewed must also be clearly set out, for example, can they be watched live or are they purely recorded. If monitor screens are used it must be ensured that they can't be seen by the general public.

6. Retention and Destruction of Images

There is not a specified minimum or maximum retention period set out in the Data Protection Act. Every installation or setup and its purpose will need to be considered before judging how long images should be retained. Each

Management Control Document must clearly set out how long recordings will be retained and the method for disposal.

7. Security of images

All images should have the appropriate technical, organisational and physical security in place as per current Council standards or the ICO code of practice. All measures should be recorded in the Management Control Document.

8. Staff who access or manage surveillance camera systems

All staff who use or have access to OSS, should ensure they are fully aware of this policy, the Information Commissioner's Code of Practice for Surveillance Cameras and Personal Information, the Council's guidance document and the Management Control Document for their OSS deployment.

They should also know how to handle recordings securely and what to do if requested for images, for example from the police.

Staff should be aware that they could be committing a criminal offence if they misuse surveillance camera recordings.

8. Covert uses of Surveillance Cameras

This policy does not cover covert surveillance which is managed under the Council's policy on covert surveillance.

9. Central Register of Management Documents

Resources and Governance will maintain a central record with a copy of all Management Control Documents on behalf of the Council. These will be managed in accordance with the Council's Records Management Policy.

10. Maintenance and Auditing

Each OSS must have procedures in place to ensure the maintenance and performance of the system, including setting of date/time stamps.

Clear processes are required for the auditing of the system and who this will be done by.

11. Notification to the Information Commissioner

The Council's notification to the Information Commissioner will include details of its uses of OSS to comply with the Data Protection Act 1998.

Resources and Governance will be responsible for ensuring that the Council's notification is kept up to date.

12. Oversight

A proposal to introduce any new form of surveillance technology or to introduce existing technologies to new environments will need to be agreed by the relevant Service Committee prior to deployment. Service Committees should also ensure that they receive reports about the ongoing use of OSS to ensure that their use is proportionate and in line with this Policy.

13. Policy Review and Enquiries

A review of this policy will be completed every three years from the date of first publication.

Enquires should be directed to:

Head of Resources and Governance
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

or e-mail
democracy@clacks.gov.uk

Management Control Document of Surveillance Camera System

Insert Name of System

SERVICE RESPONSIBLE	
DESIGNATED RESPONSIBLE OFFICER	
DATE CREATED	
SYSTEM CONTROLLED BY	EG CLACKMANNANSHIRE COUNCIL

TYPE OF SYSTEM: include make and specifications
<p><i>*Delete as appropriate</i></p> <p>Does the system have facilities for audio recordings - Yes/No</p> <p>Can it be controlled separately or disabled from video recordings - Yes/No</p>

AREA COVERED BY THE SURVEILLANCE SYSTEM

(Insert Plan or Map where appropriate)

POTENTIAL DATA SUBJECTS RECORDED BY THE SURVEILLANCE SYSTEM

PURPOSE OF THE SURVEILLANCE SYSTEM

EG PREVENTION AND DETECTION OF CRIME AND PUBLIC SAFETY WHY IS THIS THE MOST SUITABLE MEDIUM FOR THIS PRUPOSE?

PROCEDURES ON HOW SYSTEM WILL BE USED
--

<i>CAN BE ATTACHED AS AN APPENDIX</i>

MAINTENANCE ARRANGEMENTS

NAME	
ORGANISATION	
ANY CONTRACTUAL ARRANGEMENTS	YES/NO
CONTRACT DETAILS	

LOCATION OF CAMERAS

HOW WILL THE SYSTEM BE USED?

Storing and viewing the images

LOCATION AND DEPLOYMENT OF SIGNAGE

DETAILS OF ANY POTENTIAL COLLATERAL INTRUSION

ACCESS TO IMAGES

REQUESTS MADE TO	
NAME	EMAIL
DESIGNATION	PHONE NUMBER(S)

REQUESTS MADE TO	
NAME	EMAIL
DESIGNATION	PHONE NUMBER(S)

REQUESTS MADE TO	
NAME	EMAIL
DESIGNATION	PHONE NUMBER(S)

RETENTION SCHEDULE

How will the data be stored? For how long? Why it needs to be kept for this length of time? How will it be destroyed?

REVIEW SECTION

Reviews should include compliance checks, eg are retention periods being complied with. The review timescales should be done as often as needed for any particular installation, but should be at least annually.

DATE OF LAST REVIEW	REVIEW CONDUCTED BY

SECURITY MEASURES

List the security measures that are in place with this set up, eg system saves data direct to Council secure network, encryption is automatically installed to the physical set up, devices have password security to any organisational standards, local procedures for staff.

Technical
Organisational
Physical

IMPACT ASSESSMENT

INSERT IMPACT ASSESSMENT

Authorisation

The Management Control Document should be signed by either a Head of Service or appropriately delegated Service Manager.

Signature	
Print	
Date	

The control document also must be signed by the Head of Resources and Governance.

Signature	
Print	
Date	



Clackmannanshire Council

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**THIS PAPER RELATES TO
ITEM 11
ON THE AGENDA**

7th December 2015

MOTION TO COUNCIL MEETING OF 17TH DECEMBER 2015

"Council notes with concern the problem of illegal parking at Schools and the dangers this poses to schoolchildren, parents and the wider community. Council supports the efforts of pupils, parents, Council Officers and the Police to raise awareness of the issue and is fully supportive of enforcement action where necessary."

A handwritten signature in black ink, partially obscured by a black redaction box.

Councillor Craig Holden

