



**Clackmannanshire
Council**

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**THIS PAPER RELATES TO
ITEM 03 (i)
ON THE AGENDA**

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 12 MAY 2016 at 10.00 am.

PRESENT

Provost Tina Murphy
Councillor Donald Balsillie
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Craig Holden
Councillor Kathleen Martin
Councillor George Matchett QPM
Councillor Bobby McGill
Councillor Walter McAdam MBE
Councillor Les Sharp
Councillor Jim Stalker
Councillor Derek Stewart
Councillor Graham Watt
Councillor Gary Womersley

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Depute Chief Executive
Garry Dallas, Executive Director
Stephen Coulter, Head of Resources and Governance
Stuart Crickmar, Head of Strategy and Customer Services
Val de Souza, Head of Social Services
Ahsan Khan, Head of Housing and Community Safety
David Leng, Head of Education
Gordon McNeil, Head of Development and Environment
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)
Gillian White, Business Support to Council

The Provost intimated that former Councillor, Jim Watson had passed away. Councillor Bobby McGill will be attending the funeral service.

CC(16)01 APOLOGIES

None.

CC(16)02 DECLARATIONS OF INTEREST

None

CC(16)03 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL

(i) Minutes of Special Meeting held on 23 February 2016 (Lime Tree House)

The minutes of the Special meeting of the Clackmannanshire Council held on Tuesday 23 February 2016 were submitted for approval.

Decision

The minutes of the Special meeting of the Clackmannanshire Council held on Tuesday 23 February 2016 were agreed as a correct record of proceedings and signed by the Provost.

(ii) Minutes of Special Meeting held on 23 February 2016 (Budget)

The minutes of the Special meeting of the Clackmannanshire Council held on Tuesday 23 February 2016 were submitted for approval.

Decision

The minutes of the Special meeting of the Clackmannanshire Council held on Tuesday 23 February 2016 were agreed as a correct record of proceedings and signed by the Provost.

(iii) Minutes of Meeting held on 3 March 2016

The minutes of the meeting of the Clackmannanshire Council held on Thursday 3 March 2016 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on Thursday 3 March 2016 were agreed as a correct record of proceedings and signed by the Provost.

CC(16)04 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 3 MARCH 2016

The Council agreed to note the Committee meetings that had taken place since the last ordinary Council meeting on 3 March 2016.

- (i) Clackmannanshire Licensing Board on 29/03/16, 08/04/16 & 26/04/16
- (ii) Regulatory Committee on 22/03/16
- (iii) Housing, Health and Care Committee on 31/03/16
- (iv) Planning Committee on 19/04/16
- (v) Attainment and Improvement Sub Committee 20/04/16
- (vi) Resources and Audit Committee on 21/04/16
- (vii) Education, Sport and Leisure Committee on 28/04/16

CC(16)05 LEADER'S BRIEFING

A briefing report which covered the period from February 2016 to April 2016 was submitted by the Leader of the Council. The purpose of the report was to inform all elected members of a range of issues and activities which the Leader of the Council had been engaged with in the past quarter. The briefing was intended to assist in raising awareness amongst elected members of a number of matters which affect the Council or the area and, as such, inform future workstreams.

The Leader of the Council advised that he did not attend the event on 23 April 2016.

The Council agreed to note the information set out in the report.

CC(16)06 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report was submitted by the Chief Executive which sought Council approval of recommendations which have been made by Committees during the February 2016 to April 2016 cycle of meetings.

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 Resources and Audit Committee of 25 February 2016 in relation to the report entitled "Clackmannanshire Council Internal Audit and Fraud Annual Plan 2016/17"
 - To approve the Internal Audit and Fraud Annual Plan 2016/17 as set out in Appendix A of the report.
- (2) From the Resources and Audit Committee of 25 February 2016 in relation to the report entitled, "Resources and Audit Forward Plan"
 - To approve the Forward Plan for 2016/17 as set out in the Appendix 1 to the report.

Action

Chief Executive

CC(16)07 APPOINTMENT TO OUTSIDE BODY – PENSIONS BOARD

A report, submitted by the Depute Chief Executive sought nominations for the appointment of an elected member as the Clackmannanshire representative on the Pensions Board following the receipt of the resignation of the current representative, Councillor Drummond.

Motion

That Council agrees the recommendations set out in the report and nominates Councillor Donald Balsillie as the Council's representative on the Pensions Board with Councillor Gary Womersley as substitute..

Moved by Councillor Les Sharp. Seconded by Councillor Ellen Forson.

Decision

The Council agreed to the appointment of Councillor Donald Balsillie as the Clackmannanshire representative on the Pension Board with Councillor Gary Womersley as substitute.

Action

Depute Chief Executive

CC(16)08 REPRESENTATION ON OUTSIDE BODIES – CLACKMANNANSHIRE HERITAGE TRUST

The report, submitted by the Chief Executive, advised Council of a change to the constitution of the Clackmannanshire Heritage Trust (CHT, “the company”) which impacts on Council’s representation on this outside body.

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 to note that it no longer had entrenched membership of the CHT and rights of nomination; and given changes in circumstances from when the CHT was established, agreed to terminate its membership of the company.

Action

Chief Executive

CC(16)09 AMENDMENTS TO STANDING ORDERS

Notice was given by Councillor Watt at the Meeting of Council on 3 March 2016 of the intention to bring forward amendments to Standing Orders and the report followed on from that notice.

The purpose of the report, submitted by Councillor Bobby McGill, proposed the amendment of Council’s Standing Orders for which notice was given, to enable to Council to consider and decide upon the proposed changes.

At this point in the proceedings, Councillor McGill gave notice of amendment to Standing Orders at the next meeting of the Council.

Motion

That Council agrees the recommendation set out in the report.

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

Amendment

That Council discuss each of the proposed amendments to standing orders individually to enable better discussion on the implications of each.

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

The amendment was agreed.

Councillor Womersley asked for a fifteen minute adjournment. The Provost adjourned the meeting at this point in the proceedings (10.20 hrs). When the meeting resumed at 10.30 hrs, seventeen (17) members remained present.

Voting

In terms of Standing Order 14.7, Councillor Gary Womersley 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 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Motion

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

Against the Motion

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

For the motion 9 votes
Against the motion 8 votes

On a division of 9 votes to 8, the Motion was carried.

Decision

On a division of 9 votes to 8, the Council agreed::

- a) in Standing Order 1.5 (Page 7) to insert a new bullet point 3 - "The Convenor of Resources and Audit Committee shall be a member of the main Opposition Group.";
- b) in Standing Order 1.5 (Page 7) to insert in the final bullet point after the word "by-election" insert "or arising as a result of a vacancy";
- c) in Standing Order 3.4 (Page 9) at bullet point four to delete the words " and sub-committee" and to make any further required consequential amendments to Standing Orders (e.g. to the list in Standing Order 3.5);
- d) in Standing Order 3.6 (Page 10) to insert after "Enterprise and Environment Committee" "unless appointed as a full member of the Committee. No other member or substitute may be appointed for this ex-officio membership.";
- e) to delete Standing Order 3.8 (Page 10);
- f) in Standing Order 10.5 (Page 25) to insert after "reasons for the decision." "The reasons will be recorded in the Minute of the Meeting.";
- g) in Standing Order 10.6 (Page 25) to insert after "reasons for the decision." "The reasons will be recorded in the Minute of the Meeting.";

- h) to delete the existing Standing Order 12.2 (Page 29) and substitute "The Provost will then give members the opportunity to ask relevant questions of, and request explanations or more information from, that officer or any other officer at the meeting who holds relevant information, or to ask relevant questions where appropriate of the Leader of the Council or a Convener;
- i) to insert new Standing Order 13.9 (Page 30) "An amendment may not be moved or discussed until the original report has been moved and seconded.";
- j) in Standing Order 13.10 (Page 30) to delete "must" and insert "should normally";
- k) to delete existing Standing Order 13.22 (Page 31) and substitute "Once a motion or amendment has been moved and seconded, it can be withdrawn only by a decision of the majority of members present and entitled to vote"
- l) to insert new Standing Order 19.10 (Page 39) " A Convenor of a committee may be requested to attend Resources and Audit Committee to answer questions on matters relevant to that committee's remit which are under consideration by Resources and Audit Committee. The committee Convenor will be given as much notice as is reasonably practicable of the requirement to attend and the issue to be discussed."

Action

Chief Executive

Councillor Womersley asked for a fifteen minute adjournment. The Provost adjourned the meeting at this point in the proceedings (11:00 hrs). When the meeting resumed at 11:13 hrs, seventeen (17) members remained present.

On returning to the Chamber, the Leader of the Council, Councillor Sharp made the statement, "Provost, given the decision made today in connection with what we feel are the vital importance of standing orders, this administration no longer feels in command of the majority of this Council and therefore resigns the administration of this Council with immediate effect."

The Provost stepped down from the Chair.

The Clerk advised that as the meeting remains quorate, the first step, as set out in Standing Order 9.2, was for the Councillors present to decide who would Chair the meeting.

Councillor McGill asked for a ten minute adjournment. The Clerk adjourned the meeting at this point in the proceedings (11:15 hrs). When the meeting resumed at 11:25 hrs, seventeen (17) members remained present.

Motions to Appoint a Chair

Councillor George Matchett QPM moved that Bobby McGill is appointed as Chair of the Meeting. Seconded by Councillor Janet Cadenhead.

Councillor Craig Holden moved that Councillor Les Sharp is appointed as Chair of the Meeting. Seconded by Councillor Ellen Forson.

Voting

In terms of Standing Order 14.7, Councillor Craig Holden asked for a roll call vote on the motions to appoint a Chair. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For Councillor Sharp as Chair

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

Against Councillor Sharp as Chair

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

For Councillor Sharp	8 votes
Against Councillor Sharp	9 votes

On a division of 8 votes to 9, the Motion to appoint Councillor Sharp as Chair was defeated.

For Councillor McGill as Chair

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

Against Councillor McGill as Chair

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

For Councillor McGill	9 votes
Against Councillor McGill	8 votes

On a division of 9 votes to 8, the Motion to appoint Councillor McGill as Chair was carried.

Accordingly, Councillor McGill was appointed as Chair for the remainder of the Meeting of the Council.

The Chair, Councillor McGill, asked for the meeting to be suspended for a period of two weeks to give the Labour Group the opportunity to discuss the situation and the options for taking the Council forward.

The Clerk advised that there is an inconsistency in Standing Orders around postponing the meeting.. Standing Order 15.17 states that we may postpone a meeting in accordance with Standing Order 15.12. However, 15.12 refers to a Provost's motion that has been put to the vote and not seconded or defeated, so that Standing Order of itself is inconsistent. The Clerk advised that if he had to make a submission in terms of a court ruling on it, then the words which were inconsistent would be deleted. Standing Order 15.17 would then appear to give the Council the opportunity to postpone a meeting if Council were so minded.

The Chair adjourned the meeting at this point in the proceedings (11:30 hrs). When the meeting resumed at 11:40 hrs, seventeen (17) members remained present.

On returning to the Chamber, the Clerk confirmed that his ruling would be that the intention of Standing Orders is that there is a power to postpone the meeting. Standing Order 15.17 is a straight vote that we may postpone a meeting, so to state that it's in accordance with Standing Order 15.12 is a slight inconsistency that will need clarified in a future version of Standing Orders.

Motion to Continue the Meeting

Councillor Sharp moved to continue the meeting and take forward the business in accordance with the agenda. Seconded by Councillor Donald Balsillie.

Amendment

Councillor Cadenhead moved, that given the unexpectedness of the circumstances, and having had no time to consider how to present the papers, that it would be both politic and wise to postpone the meeting in the best interests of the business and of this Council. Seconded by Councillor George Matchett QPM.

Voting on the Amendment

In terms of Standing Order 14.7, Councillor Gary Womersley asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the amendment

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

Against the amendment

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

For the amendment	9 votes
Against the amendment	8 votes

On a division of 9 votes to 8, the amendment to postpone the meeting was carried.

Decision

The remainder of the business to be considered at the Meeting of Clackmannanshire Council was postponed to a reconvened meeting to be held at a later date.

Ends 1200 hrs

