



**Clackmannanshire
Council**

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

Meeting of Clackmannanshire Council

Thursday 11 August 2016 at 10.00 am.

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

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.

3 August 2016

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 11 AUGUST 2016 at 10.00 am.

**ELAINE McPHERSON
Chief Executive**

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2. Declaration of Interests 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.	--
3. Confirm Minutes of Meetings of Clackmannanshire Council (Copies herewith):	
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Clackmannanshire Council – Councillors and Wards

Councillors

Wards

Councillor	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 (Suspended w.e.f. 25/04/16)	2	Clackmannanshire North	INDP
Councillor	Walter McAdam, MBE	2	Clackmannanshire North	SNP
Councillor	Bobby McGill	2	Clackmannanshire North	LAB
Provost	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 SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within
the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 2
JUNE 2016 at 9.30 am.**

PRESENT

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 Walter McAdam
Councillor Bobby McGill
Councillor Tina Murphy
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
Kevin Kelman, Assistant Head of Education
Ahsan Khan, Head of Housing and Community Safety
Gordon McNeil, Head of Development
Shiona Strachan, Chief Officer, Health and Social Care Integration
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)

The Chief Executive advised that in terms of Standing Order 6.5, today's Special Meeting had been called to consider the appointment of Provost and three other posts. To get Council to that point procedurally, Council was asked to consider two available options and to intimate how it wished to proceed:

- (1) Either in the same way as after an election where there is no political administration and no Council appointees to positions of responsibility, the Chief Executive may take the chair until the Provost is appointed; or
- (2) Council may appoint one of its own members to chair the meeting for the first three items until the Provost is appointed.

The Council agreed that the Chief Executive take the Chair until the Provost is appointed.

Accordingly, the Chief Executive took the Chair at the commencement of the special meeting.

CC(16)10 APOLOGIES

None

CC(16)11 DECLARATIONS OF INTEREST

None

CC(16)12 APPOINTMENT OF PROVOST

The Chief Executive invited nominations from Council for the appointment of Provost of Clackmannanshire Council.

Nominations

- (1) Councillor Bobby McGill, seconded by Councillor Graham Watt, nominated Councillor Derek Stewart as Provost of Clackmannanshire Council.
- (2) Councillor Les Sharp, seconded by Councillor Donald Balsillie, nominated Councillor Tina Murphy as Provost of Clackmannanshire Council.

There were no other nominations.

Voting

In terms of Standing Order 14.8, Councillor Bobby McGill, asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the Nomination of Councillor Derek Stewart as Provost (9 votes)

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

For the Nomination of Councillor Tina Murphy as Provost (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed to elect Councillor Derek Stewart as Provost of Clackmannanshire Council.

Accordingly, the Chief Executive declared Councillor Derek Stewart duly elected as Provost of Clackmannanshire Council.

The Provost accepted the chain of office and took the chair at this point in the proceedings.

Councillor Stewart thanked the Council and paid tribute to former Provost, Councillor Tina Murphy.

CC(16)13 APPOINTMENT OF A DEPUTE PROVOST

The Provost invited nominations from Council for the appointment of Depute Provost of Clackmannanshire Council.

Nominations

Councillor George Matchett, QPM, seconded by Councillor Graham Watt, nominated Councillor Jim Stalker as Depute Provost of Clackmannanshire Council.

There were no other nominations.

Decision

The Council agreed to elect Councillor Jim Stalker as Depute Provost of Clackmannanshire Council.

CC(16)14 APPOINTMENT OF A COUNCIL LEADER

The Provost invited nominations from Council for the appointment of Leader of Clackmannanshire Council.

Nominations

Councillor Janet Cadenhead, seconded by Councillor George Matchett, QPM, nominated Councillor Bobby McGill as Leader of Clackmannanshire Council.

There were no other nominations.

Decision

The Council agreed to elect Councillor Bobby McGill as Leader of Clackmannanshire Council.

CC(16)15 APPOINTMENT OF DEPUTE COUNCIL LEADER

The Provost invited nominations from Council for the appointment of Depute Leader of Clackmannanshire Council.

Nominations

Councillor Kathleen Martin, seconded by Councillor George Matchett QPM, nominated Councillor Graham Watt as Depute Leader of Clackmannanshire Council.

There were no other nominations

Decision

The Council agreed to elect Councillor Graham Watt as Depute Leader of Clackmannanshire Council.

Ends 0940 hrs

**MINUTES OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within
the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 2
JUNE 2016 at 9.45 am.**

PRESENT

Provost Derek Stewart (In the Chair)
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 Walter McAdam
Councillor Bobby McGill
Councillor Tina Murphy
Councillor Les Sharp
Councillor Jim Stalker
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
Kevin Kelman, Assistant Head of Education
Ahsan Khan, Head of Housing and Community Safety
Gordon McNeil, Head of Development
Shiona Strachan, Chief Officer, Health and Social Care Integration
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)

CC(16)16 APOLOGIES

None

CC(16)17 DECLARATIONS OF INTEREST

None

CC(16)18 THE COUNCIL'S DECISION MAKING FRAMEWORK

A report was submitted by Councillor Bobby McGill which sought approval from Council to change the decision making framework which was put in place by Council in June 2012. In response to a point of order regarding the competency of consideration of the paper, the Clerk advised that a decision on the principles proposed by the subject matter of the paper

substance was necessary before it would then be appropriate to make consequential changes to Standing Orders. Notice to amend Standing Orders was given at the meeting on 12/05/16. The current meeting was a special meeting called specifically to deal with the matter in the paper which advised that if the paper was approved changes to standing orders would be required and as such the requirements for consideration of the item had been met. The Clerk confirmed that the Chair of the Licensing Board was a Board appointment in terms of Schedule 1 of the Licensing (Scotland) Act 2005 and there could be no appointment made by Council in relation to the Chair of the Licensing Board. As the Chair of the Planning Committee was already filled there was no proposal to appoint a Chair of the Planning Committee.

The Provost indicated that he would accept the advice given by the Clerk.

Motion

That Council agrees

- (a) the principles set out in recommendation 2.1(a) of the report; and
- (b) if Council agrees the changes to the decision making framework then:
 - (i) approves the remits of the new committees as set out in the appendix to the report
 - (ii) appoints an elected member from the main Opposition to chair the Scrutiny Committee
 - (iii) appoints an elected member to chair the Audit and Finance Committee
 - (iv) appoints members to sit on the Scrutiny and Audit and Finance Committees on the basis of the Council's agreed approach to political balance.
 - (v) appoints members to the new spokesperson positions.
 - (vi) Approves the positions which are awarded senior councillor responsibility payments as set out in paragraph 6.1 of the report.
 - (vii) Notes that revisions to Standing Orders which include these consequential changes will be brought to the next Council meeting.

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

Voting

Vote on recommendation 2.1 (a)

For the motion	9 votes
Against the motion	0 votes
Abstentions	8

The motion to agree the principles set out in recommendation 2,1(a) of the report was carried on a division of 9 votes to 0 with 8 abstentions.

Decision

Accordingly, the Council agreed the proposals set out in the report to change the Council's decision making framework as set out at sections 4, 5 and 6 of the report.

Appointments

Scrutiny Committee

Administration members: (3)

Councillor Bobby McGill, Councillor Janet Cadenhead and Councillor Graham Watt.

Other member (1)

Councillor Alastair Campbell

Opposition Members (4)

To be advised

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

Audit and Finance Committee

Administration members (4)

Councillor Bobby McGill, Councillor Janet Cadenhead, Councillor Graham Watt and Councillor Jim Stalker

Other member (1)

Councillor Alastair Campbell

Opposition Members (3)

To be advised

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

Special Areas of Responsibility

Spokesperson for Education – Councillor George Matchett, QPM

Spokesperson for Health and Social Work – Councillor Graham Watt

Spokesperson for Environment and Housing – Councillor Kathleen Martin

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

Committee Chairs

Chair of the Scrutiny Committee – Opposition Member to be advised

Chair of the Audit and Finance Committee – Councillor Janet Cadenhead

Chair of Planning – No vacancy (Councillor Alastair Campbell)

Chair of Clackmannanshire Licensing Board – as set out in Schedule 1 of the Licensing (Scotland) 2005 Act

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

Vote on recommendation 2.1(b)

Councillor Irene Hamilton asked for a roll call vote. At this point there were 17 members present who were eligible to vote. On the roll being called the members presented voted as follows:

For (9 votes)

Councillor Derek Stewart

Councillor George Matchett, QPM

Councillor Bobby McGill

Councillor Janet Cadenhead

Councillor Jim Stalker

Councillor Kathleen Martin

Councillor Graham Watt

Councillor Kenneth Earle

Councillor Alastair Campbell

Abstain (3 non-voting)

Councillor Gary Womersley

Councillor Tina Murphy

Councillor Walter McAdam, MBE

Against (5 votes)

Councillor Craig Holden

Councillor Irene Hamilton

Councillor Ellen Forson

Councillor Donald Balsillie

Councillor Les Sharp

Decision

On a division of 9 votes to 5 with 3 abstentions, the Council agreed:

- (i) To approve the remits of the new Committees as set out in the appendix to the report.
- (ii) To be advised of an elected member from the main Opposition Group to chair the Scrutiny Committee
- (iii) The appointment of Councillor Janet Cadenhead to chair the Audit and Finance Committee
- (iv) The appointment of members to sit on the Scrutiny and Audit and Finance Committees (as set out above) on the basis of the Council's agreed approach to political balance.
- (v) The appointment of members to the new spokespersons positions (as set out above)
- (vi) To approve the positions which are rewarded senior councillor responsibility payments as set out in paragraph 6.1 of the report.
- (vii) To note that revisions to Standing Orders which include these consequential changes will be brought to the next Council meeting.

Action

Chief Executive

Ends 1030 hrs



**MINUTES OF RECONVENED MEETING of the CLACKMANNANSHIRE COUNCIL held
within the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on
THURSDAY 2 JUNE 2016 at 10.40 am.**

PRESENT

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 Walter McAdam
Councillor Bobby McGill
Councillor Tina Murphy
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
Kevin Kelman, Assistant Head of Education
Ahsan Khan, Head of Housing and Community Safety
Gordon McNeil, Head of Development
Shiona Strachan, Chief Officer, Health and Social Care Integration
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)

CC(16)19 APOLOGIES

None

CC(16)20 DECLARATIONS OF INTEREST

None

CC(16)21 BUDGET STRATEGY UPDATE

A report which maintained Council's regular update on the Council's Budget Strategy was submitted by the Depute Chief Executive. The report also provided an update on progress with the implementation of workforce related savings agreed in the Council's Budget on 23 February 2016.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed to note:

- (a) The economic and fiscal outlook detailed in section 3 of the report.
- (b) The revised indicative funding gap and underlying assumptions (table 2 and paragraphs 4.1 and 4.2 of the report)
- (c) Progress in implementing workforce related savings agreed within the 2016/17 Budget (paragraphs 4.3 to 4.9 of the report)
- (d) The intention to progress formal discussions with trade union representatives in respect of maximising redeployment opportunities (paragraph 4.6 of the report)
- (e) The current position with regards expressions of interest received in respect of both Targeted Voluntary Redundancy and Voluntary Severance (paragraphs 4.5 and 4.8 and Exhibits 1-4 of the report)
- (f) That an update on savings delivered by Targeted Voluntary Redundancy and Voluntary Severance, compared with those planned, will be made available to elected members and other key stakeholders as soon as acceptance and pension cost information is available (paragraph 4.7 of the report)
- (g) Progress in establishing consistent corporate arrangements for monitoring the delivery of agreed budget savings (paragraph 4.9 of the report).

CC(16)22 TRIPARTITE REMIT

A report was submitted by the Head of Resources and Governance which sought Council approval of the terms of reference for the Tripartite Group.

Motion

That Council adopts the terms of reference for the Tripartite Group.

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

Decision

The Council agreed to adopt the terms of reference for the Tripartite Group

Action

Head of Resources and Governance

CC(16)23 STANDARDS COMMISSION FOR SCOTLAND: DECISION OF THE HEARING PANEL IN RESPECT OF COUNCILLOR A DRUMMOND

A report was submitted by the Monitoring Officer to have Council consider the decision of the Standards Commission for Scotland ("the Commission") dated 20 April 2016 in respect of Councillor A Drummond.

Motion

That Council notes the recommendations set out in the report.

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

Amendment

Regarding Appendix 3:

That Council agrees to impose a further suspension of Councillor A Drummond from all the highlighted vacancies until the end of the Council term in May 2017.

Moved by Councillor Craig Holden. Seconded by Councillor Ellen Forson.

The Provost adjourned the meeting at this point in the proceedings (1205 hrs). The meeting resumed at 1210 hrs. Seventeen (17) members remained present.

Vote on the amendment

Councillor Craig Holden asked for a roll call vote. The Council agreed that a vote be taken by calling the roll. On calling the roll there were 17 members present who were eligible to vote.

Against the amendment (10 votes)

Councillor Les Sharp
Councillor Donald Balsillie
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Craig Holden
Councillor Walter McAdam, MBE
Councillor Tina Murphy
Councillor Gary Womersley
Councillor Alastair Campbell
Councillor Kenneth Earle

Abstain (not voting 7)

Councillor Graham Watt
Councillor Kathleen Martin
Councillor Jim Stalker
Councillor Janet Cadenhead
Councillor Bobby McGill
Councillor George Matchett, QPM
Councillor Derek Stewart

Decision

On a division of 10 votes to 0 with 7 abstentions the amendment was defeated.

Accordingly, the Council agreed to support the recommendations set out in the report:

- (a) To note the decision of the Standards Commission for Scotland attached as Appendix 1 of the report.

- (b) To consider appointing other councillors to the vacancies on committees or sub committees and to any other body where Councillor Drummond has been the Council's representative or nominee consequent on the suspension of the councillor.
- (c) To note that any actions the Council may decide to take having considered the decision are to be reported back to the Standards Commission.

CC(16)24 NOTICE OF MOTION: NOTICE OF CENSURE

"That Clackmannanshire Council censures Councillor Archie Drummond for failing to comply with the provisions of the Councillors Code of Conduct in that he contravened paragraphs 3.3, 3.4 and 3.5 relating to relationships with Council Employees, as well as paragraph 2 of Annex C which deals with the protocol for relationships between Councillors and Employees in Scottish Councils".

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

Voting

Councillor Craig Holden asked for a roll call vote. The Council agreed that a vote be taken by calling the roll. On calling the roll there were 17 members present who were eligible to vote

For the motion (9 votes)

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

Against the motion (8 votes)

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

Decision

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

Accordingly, the Council agreed to censure Councillor Archie Drummond for failing to comply with the provisions of the Councillors Code of Conduct in that he contravened paragraphs 3.3, 3.4 and 3.5 relating to relationships with Council Employees, as well as paragraph 2 of Annex C which deals with the protocol for relationships between Councillors and Employees in Scottish Councils.

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, Paragraph 9.

CC(16)25 ANNUAL PROPERTY REVIEW

A report was submitted by the Head of Development and Environment which provided an overview of progress on the disposal of surplus property assets since approval by Council of the previous annual review on 14 May 2015.

The Director pointed out a correction to Table 2 (Property Ref DW352)(page 87) the £40k figure has not been progressed; an alternative offer of £35k has been received.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

An amendment was moved by Councillor Graham Watt. Seconded by Councillor Ellen Forson.

Councillor Watt accepted a proposal from Councillor Holden that the first 8 words of the amendment be deleted "Prior to a sale or lease being concluded"

Decision

The motion as amended to include the deletion of the first 8 words was approved without division.

Action

Executive Director

CC(16)26 TILlicOUNTRY GLEN

A report was submitted by the Head of Development and Environment which followed on from a report to Council in October 2015.

Councillor Womersley asked that it be recorded in the minute that "Tillicoultry Glen" is in fact "Mill Glen, Tillicoultry"

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Bobby McGill. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed the recommendations set out in the report.

Action

Head of Development and Environment

**CC(16)27 ECONOMIC STIMULUS INITIATIVE – DUMYAT BUSINESS PARK AND
LOCHIES ROAD, CLACKMANNAN**

A report was submitted by the Executive Director which sought Council approval to assist the relocation of an expanding business to a business development site at Dumyat Business Park.

The Executive Director pointed out a typographical error at recommendation 2.1(a); this should read 2.7 acres and not 2.9 as indicated in the report.

Motion

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

Moved by Councillor Kathleen Martin. Seconded by Councillor Irene Hamilton.

Decision

The Council agreed the recommendations as corrected set out in the report.

Action

Executive Director

Ends 1.30 pm



**Clackmannanshire
Council**

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

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Patons Building, Kilncraigs, ALLOA, FK10 1EB, on THURSDAY 23 JUNE 2016 at 10.00 am.

PRESENT

Provost Derek Stewart (In the Chair)
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 Walter McAdam, MBE
Councillor Bobby McGill
Councillor Tina Murphy
Councillor Les Sharp
Councillor Jim Stalker
Councillor Graham Watt
Councillor Garry Womersley

Religious Representatives

Pastor David Fraser, Appointed Member (Scottish Baptist Church) (Items 1-9)
Rev Sang Y Cha, Appointed Member (Church of Scotland) (Items 1-9)

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Depute Chief Executive (Items 1-14 and 17-20)
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 (Items 1-16)
David Leng, Head of Education (Items 1-9)
Gordon McNeil, Head of Development and Environment
Anne Pearson, Chief Education Officer (Items 1-9)
Sharon Evenden, Manager, Early Years (Items 1-14)
Murray Sharp, Service Manager, Strategy and Revenues (Items 1-15)
Lindsay Sim, Chief Accountant

Before the start of business, the Council observed a minute's silence for Jo Cox, MP, who was killed in her constituency a week ago.

On behalf of the Council, the Provost welcomed Anne Pearson, Chief Education Officer, to her first meeting of the Clackmannanshire Council and wished her well in her new post.

CC(16)28 APOLOGIES

None.

CC(16)29 DECLARATIONS OF INTERESTS

None.

CC(16)30 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL 12 MAY 2016

The minutes of the meeting of the Clackmannanshire Council held on Thursday 12 May 2016 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on Thursday 12 May 2016 were agreed as a correct record of proceedings and signed by the Provost.

CC(16)31 MINUTES OF MEETINGS: DISESTABLISHED COMMITTEES

The Council agreed to note the information set out in the minutes of the final meetings of the now disestablished committees set out below:

- (i) Resources and Audit Sub Committee held on 17/02/16
- (ii) Housing, Health and Care Committee held on 31/03/16
- (iii) Resources and Audit Committee held on 21/04/16
- (iv) Education, Sport and Leisure Committee held on 28/04/16 – Councillor Campbell's name to be recorded as being present.
- (v) Enterprise and Environment Committee held on 19/05/16
- (vi) Attainment and Improvement Sub Committee held on 19/05/16

CC(16)32 OTHER COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 12 MAY 2016

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 12 May 2016.

- (i) Clackmannanshire Licensing Board on 24/05/16
- (ii) Planning Committee on 26/05/16
- (iii) Education Appeals Committee on 31/05/16 and 07/06/16
- (iv) Regulatory Committee on 14/06/16

CC(16)33 COMMITTEE APPOINTMENTS AND MEMBERSHIP

A report was submitted by the Chief Executive which asked Council to appoint to three Committee vacancies and to note the changes in the membership of the Regulatory and Planning Committees consequent on the change in Administration.

Motion

- (a) That Councillor Kenneth Earle is appointed to be chair of the Regulatory Committee.
Moved by Councillor Bobby McGill, seconded by Councillor George Matchett, QPM.
- (b) That Councillor Bobby McGill is appointed to be the vice-chair of the Audit and Finance Committee.

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

(c) That Councillor Les Sharp is appointed to be the chair of the Scrutiny Committee.

Moved by Councillor Donald Balsillie, seconded by Councillor Bobby McGill.

(d) That Council notes the changes in membership of the Regulatory and Planning Committees.

Decision

The Council agreed without division the appointments to three Committee vacancies and agreed to note the changes in the membership of the Regulatory and Planning Committees consequent on the change in Administration:

(a) Regulatory Committee – Councillor Kenneth Earle, Chair.

(b) Audit and Finance Committee – Councillor Bobby McGill, Vice Chair

(c) Scrutiny Committee – Councillor Les Sharp, Chair

(d) Regulatory Committee – Councillor Janet Cadenhead replaces Councillor Les Sharp.

Planning Committee – Councillor Derek Stewart replaces Councillor Ellen Forson.

Action

Chief Executive

CC(16)34 CONSEQUENTIAL AMENDMENTS TO STANDING ORDERS

A report was submitted by the Chief Executive the purpose of which was to submit revised Standing Orders as a consequence of the decisions taken by Council on 2 June 2016 in relation to the report “The Council’s Decision Making Framework”.

Motion

That Council agrees the amendments which have been made to Standing Orders as a consequence of Council decisions taken on 2 June 2016 in relation to the report “Council’s Decision-Making Framework”.

Moved by Councillor Graham Watt. Seconded by Councillor Kenneth Earle.

Voting

For the motion 9 votes

Against the motion 8 votes

Decision

On a division of 9 votes to 8, the motion was carried. Accordingly, the Council agreed the amendments to Standing Orders as a consequence of Council decisions taken on 2 June 2016 in relation to the report “Council’s Decision Making Framework”:

Reference	Detail
Page 7, SO1.5, bullet point 2	Delete “Convenor” and insert “Chair”. Delete “Vice Convenor” and insert “Vice Chair”
Page 7, SO1.5, bullet point 3	Delete “Resources and Audit” and insert “the Scrutiny”
Page 7, SO 1.5, bullet point 3	Delete “Resources and Audit” and insert “Scrutiny”. Delete “Convenor” and insert “Chair”
Page 8, SO 2.4	Delete “Provost(s)” and insert “Provost” Delete “Convenor” and insert “Chair” Delete “Vice Convenor” and insert “Vice Chair”
Page 8, SO 2.5	Delete “Provost(s)” and insert “Provost” Delete “Convenor” and insert “Chair”

	Delete "Vice Convenor" and insert "Vice Chair"
Page 8, SO 2.6	Delete "Provost(s)" and insert "Provost" Delete "Convenor" and insert "Chair" Delete "Vice Convenor" and insert "Vice Chair"
Page 8, SO 2.7	Delete "Provost(s)" and insert "Provost" Delete references to "Convenor" and insert "Chair" Delete references to "Vice Convenor" and insert "Vice Chair" Delete "a" and insert "the"
Page 9, SO 3.2	Delete references to "Convenor" and insert "Chair" Delete references to "Vice Convenor" and insert "Vice Chair"
Page 9, SO 3.4	Delete bullet point 1 "Housing, Health and Care Committee" Delete bullet point 2 "Education, Sport and Leisure Committee" Delete bullet point 3 "Attainment and Improvement Sub Committee" Delete bullet point 4 "Enterprise and Environment Committee" Delete bullet point 5 "Resources and Audit Committee" Insert bullet point "Scrutiny Committee" Insert bullet point "Audit & Finance Committee"
Page 9, SO 3.5	Delete all references to: "Housing, Health and Care Committee" "Education, sport and Leisure Committee" "Attainment and Improvement Sub Committee" "Enterprise and Environment Committee" "Resources and Audit Committee" Insert: "Scrutiny Committee" members = "8", quorum = "4" "Audit & Finance Committee" members = "8", quorum = "4"
Page 11, SO 3.6	Delete Standing Order 3.6
Page 11, SO 3.7	Delete Standing Order 3.7
Page 12, SO 4.0	In the table, delete "Education, Sport and Leisure Committee" and insert "Council"
Page 13, SO 4.10	Delete "the Education, Sport and Leisure Committee. The appointments are made" and insert "Council."
Page 14, SO 5.2	Insert: The Spokesperson's role in respect of Services includes: <ul style="list-style-type: none"> • monitoring service performance in accordance with Council policies and procedures • leading on service issues at a political level
Page 14, SO 4.17	In the table at 18.2, delete "business of the Education, Sport and Leisure Committee to the Convenor" and insert "Council to the Provost"
Page 15, SO 5.1	In row 3 of the table insert "Spokesperson for Education", "Spokesperson for Health and Social Work", "Spokesperson for Environment and Housing", "Chair of Scrutiny Committee", "Chair of Audit & Finance Committee", and "Chair of Planning Committee"
Page 15, SO 5.1	In rows 4-7 of the table, delete reference to the positions, Council Services and Policy Areas for: "Convenor of Housing, Health and Care" "Convenor of Education, Sport and Leisure" "Convenor of Enterprise and Environment" "Portfolio Holder for Partnership, Equality and Diversity"
Page 16, SO 5.2	Delete "Convenor's" and insert "Chair's"
Page 17, SO 6.2	Delete "nine weeks" and insert "calendar month"
Page 17, SO 6.3	Delete "Convenor" and insert "Chair"
Page 23, SO 9.2	At line 1 and 2, delete "a" and insert "the"

	In line 4, delete "Provosts" and insert "Provost"
Page 23, SO 9.3	Delete 5 references to "Convenor" and insert "Chair"
Page 23, SO 9.6	Delete all references to: "Education, sport and Leisure Committee" "Attainment and Improvement Sub Committee" "Enterprise and Environment Committee" "Housing, Health and Care Committee" "Resources and Audit Committee" Insert: "Scrutiny Committee" quorum = "4" "Audit & Finance Committee" quorum = "4"
Page 23, SO 9.7	Delete "Convenor" and insert "Chair"
Page 24, SO 9.8	Delete two references to "Convenor" and insert "Chair"
Page 27, SO 10.1	Delete "Convenors" and "and other chairs" and insert "Chairs"
Page 32, SO 12.2	Delete "Convenor" and insert "Spokesperson"
Page 35, SO 14.0	In paragraph 4 in the table, delete "Convenor or"
Page 35, SO 14.2	Delete "Convenor (or--)", leave "Chair"
Page 41, SO 18.7	Delete "Convenor of the". Delete "committee" and insert "spokesperson"
Page 42, SO 19.0	Delete "Convenors" and insert "Chairs"
Page 42, SO 19.1	Delete "Convenor" and insert "Chair"
Page 42, SO 19.5	Delete two references to "Convenor" and insert "Chair"
Page 42, SO 19.6	Delete "Convenor" and insert "Chair"
Page 42, SO 19.7	Delete "Convenor" and insert "Chair"
Page 42, SO 19.8	Delete "Convenors" and insert "committee Chairs"
Page 42, SO 19.9	Delete "Convenor" and insert "Chair"
Page 42, SO 19.10	Delete two references to "Convenor" and insert "Chair" Delete two references to "Resources and Audit" and insert "Scrutiny"

Action

Chief Executive

CC(16)35 REPRESENTATION ON OUTSIDE BODIES AND APPOINTMENT OF CHAMPIONS

A report was submitted by Councillor Bobby McGill which sought approval to change Council representation on a number of outside bodies in light of the change in the political Administration of the Council. In addition, Council was requested to nominate 'Champions for various issues'.

Motion

That Council agrees the proposals in relation to representation on outside bodies as set out in the Appendix to the report and nominates specific Champions as set out in paragraph 3.3.

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

Nominations/Decisions

Appointment of Champions

Motion

In line with Council's previous decision of 28 June 2012 in respect of the appointment of Champions that Council agrees the most relevant political postholders as follows:

Champion for Carers – Spokesperson for Health and Social Work – Councillor Graham Watt

Champion for Veterans – Provost – Provost Derek Stewart

Champion for Armed Forces – Provost – Provost Derek Stewart

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

Decision

The Council agreed the appointment of Champions as:

Champion for Carers – Spokesperson for Health and Social Work – Councillor Graham Watt

Champion for Veterans – Provost – Provost Derek Stewart

Champion for Armed Forces – Provost – Provost Derek Stewart

Representation on Outside Bodies

(1) Association for Public Service Excellence (APSE) – 1 Representative

Motion

Remove Councillor Les Sharp and appoint Councillor Jim Stalker.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

Councillor George Matchett, QPM

Councillor Bobby McGill

Councillor Janet Cadenhead

Councillor Jim Stalker

Councillor Kathleen Martin

Councillor Graham Watt

Councillor Kenneth Earle
Councillor Alastair Campbell
Provost Derek Stewart

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Jim Stalker be appointed as the Council's representative on the Association for Public Service Excellence (APSE).

(2) Central Scotland Joint Valuation Board – 3 Board Representatives

Motion

Remove Councillors Craig Holden, Donald Balsillie and Irene Hamilton and appoint Councillors Kenneth Earle, Jim Stalker and Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillors Kenneth Earle, Jim Stalker and Derek Stewart be appointed as Board Members on the Central Scotland Joint Valuation Board.

(3) Clackmannanshire and Stirling Integrated Joint Board

Motion

Appoint Councillor Bobby McGill and Councillor Kathleen Martin with Councillor Graham Watt as substitute and remove one member of the SNP Group.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillors Bobby McGill and Kathleen Martin be appointed as the Council's representatives on Clackmannanshire and Stirling Integrated Joint Board and that Councillor Graham Watt is a substitute member and that one member of the SNP Group is removed.

(4) Clackmannanshire and Stirling Environment Trust

Motion

Remove one SNP Member and appoint Provost Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Provost Derek Stewart be appointed as the Council's representative on the Clackmannanshire and Stirling Environmental Trust.

(5) Clackmannanshire Fairtrade Steering Group

Motion

Remove Councillor Tina Murphy and replace with Provost Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Provost Derek Stewart be appointed as Clackmannanshire Council's Representative on the Clackmannanshire Fairtrade Steering Group.

(6) CoSLA Convention

Following discussion, Councillor McGill agreed to remove the word "main" from the proposal.

Motion

Remove Councillor Archie Drummond and replace with a member of the Opposition and appoint Councillors Bobby McGill and Graham Watt.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (17 votes)

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

Decision

The Council agreed unanimously to remove Councillor Archie Drummond and replace him with a member of the Opposition and to appoint Councillors Bobby McGill and Graham Watt as Clackmannanshire Council's representatives on CoSLA Convention.

Opposition member to be advised.

(7) Fife and Forth Valley Community Justice Authority

Motion

Remove Councillor Les Sharp and appoint Councillor Graham Watt.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Graham Watt be appointed as the Council's representative on the Fife and Forth Valley Community Justice Authority.

(8) Forth Valley Tourism Partnership

Motion

Remove Councillor Donald Balsillie and appoint Councillor Jim Stalker.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

Councillor Garry Womersley

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Jim Stalker be appointed as Clackmannanshire Council's representative on the Forth Valley Tourism Partnership.

(9) Highland Reserve Forces and Cadets Association

Motion

Remove Councillor Tina Murphy and replace with Provost Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Provost Derek Stewart be appointed as Clackmannanshire Council's Representative on the Highland Reserve Forces and Cadets Association.

(10)Children’s Hearing Scotland, Clacks Area Support Team

Motion

Remove Councillor Ellen Forson and appoint Councillor Janet Cadenhead.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Janet Cadenhead be appointed as Clackmannanshire Council’s Representative on the Children’s Hearing Scotland, Clacks Area Support Team.

(11)NHS Forth Valley (NHS Board)

Motion

Remove the requirement for this to be the Council Leader and change it to being either Council Leader or Spokesperson for Health and Social Work.

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

Voting

In terms of Standing Order 14.7, Councillor Craig Holden 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 Motion (9 votes)

Councillor George Matchett, QPM

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed to remove the requirement for this to be the Council Leader and change it to being either the Council Leader or Spokesperson for Health and Social Work.

Motion

That Councillor Graham Watt be nominated as the Council's representative on NHS Forth Valley (NHS Board).

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Graham Watt be appointed as the Council's representative on NHS Forth Valley (NHS Board).

(12)Order of Malta Dial-a-Journey

Motion

Remove Councillor Walter McAdam and appoint Provost Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Provost Derek Stewart be appointed as Clackmannanshire Council's Representative (Director) on the Order of Malta Dial-a-Journey.

(13)Scotland Excel

Motion

Remove Councillor Archie Drummond and appoint Councillor Bobby McGill.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Bobby McGill be appointed as Clackmannanshire Council's representative on Scotland Excel.

(14) Scottish Schools Equipment Research Centre (SSERC)

Motion

Remove Councillor Walter McAdam and Councillor Ellen Forson and appoint Councillor George Matchett and Councillor Jim Stalker.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

Councillor Garry Womersley
Councillor Walter McAdam
Councillor Craig Holden

Councillor Tina Murphy
Councillor Irene Hamilton
Councillor Ellen Forson
Councillor Donald Balsillie
Councillor Les Sharp

Decision

On a division of 9 votes to 8, the Council agreed that Councillor George Matchett, QPM, and Councillor Jim Stalker be appointed as Clackmannanshire Council's representatives on the Scottish Schools Equipment Research Centre (SSERC)

(15)SESTRAN Regional Transport Partnership

Motion

Remove Councillor Donald Balsillie and Councillor Irene Hamilton and appoint Councillor Kenneth Earle and Provost Derek Stewart.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Kenneth Earle and Provost Derek Stewart be appointed as Clackmannanshire Council's representatives on SESTRAN Regional Transport Partnership.

(16)University of Stirling Conference

Motion

Remove Councillor Walter McAdam and appoint Councillor Graham Watt.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Graham Watt be appointed as Clackmannanshire Council's representative on the University of Stirling Conference.

(17)CoSLA Executive Group - Community Safety

The Council noted that the CoSLA Executive Group (Community Safety) is no longer operational.

(18)CoSLA Executive Group - Community Well-being and Safety

Motion

Remove Councillor Les Sharp and appoint Councillor Kenneth Earle.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

Councillor George Matchett, QPM
Councillor Bobby McGill
Councillor Janet Cadenhead

Councillor Jim Stalker
Councillor Kathleen Martin
Councillor Graham Watt
Councillor Kenneth Earle
Councillor Alastair Campbell
Provost Derek Stewart

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Kenneth Earle be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Community Well-being and Safety.

(19)CoSLA Executive Group - Education, Children and Young People

Motion

Remove Councillor Ellen Forson and appoint Councillor Jim Stalker.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Jim Stalker be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Education, Children and Young People.

(20)CoSLA Executive Group - Community Well-being

Motion

Remove Councillor Les Sharp and appoint Councillor Graham Watt.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Graham Watt be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Community Well-being.

(21)CoSLA Executive Group – Development, Economy and Sustainability

Motion

Remove Councillor Donald Balsillie and appoint Councillor Bobby McGill.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Bobby McGill be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Development, Economy and Sustainability.

(22)CoSLA Executive Group – Resources and Capacity

Motion

Remove Councillor Les Sharp and appoint Councillor Janet Cadenhead.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Provost Derek Stewart

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Janet Cadenhead be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Resources and Capacity.

(23)CoSLA Executive Group – Strategic Human Resources Management

Motion

Remove Councillor Archie Drummond and appoint Councillor Graham Watt.

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

Voting

In terms of Standing Order 14.7, Councillor Les Sharp 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 Motion (9 votes)

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

Against the Motion (8 votes)

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

Decision

On a division of 9 votes to 8, the Council agreed that Councillor Graham Watt be appointed as Clackmannanshire Council's representative on the CoSLA Executive Group – Strategic Human Resources Management.

The Opposition Group indicated that they would provide their nominees and removals in due course.

Action

Chief Executive

CC(16)36 CESSATION OF SHARED SERVICES

(a) Cessation of Shared Services - General Update

A report which, together with two others on the agenda, provided members with an update on further progress towards the winding up of shared services and the establishment of new arrangements was submitted by the Chief Executive. Previous reports to Council in October and December 2015 provided information about the cessation of shared services and initial proposals for taking forward new arrangements.

Motion

That Council notes the work which has taken place and is ongoing to manage the cessation of shared services.

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

Decision

The Council agreed to note the work which has taken place and is ongoing to manage the cessation of shared services.

(b) Cessation of Shared Services - Education Services

A report which updated Council on considerations for education services in the context of the cessation of shared services was submitted by the Chief Executive.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Jim Stalker.

Voting

In terms of Standing Order 14.7, Councillor Janet Cadenhead 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 elected members and 2 appointed members present who were eligible to vote. On the roll being called, the elected members and appointed members present voted as follows:

For the Motion (11 votes)

Councillor George Matchett, QPM
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Jim Stalker
Councillor Kathleen Martin
Councillor Graham Watt
Councillor Kenneth Earle
Councillor Alastair Campbell
Provost Derek Stewart
Pastor David Fraser, Religious Representative
Reverend Sang Y Char, Religious Representative

Abstain (Not voting)(8 abstentions)

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

There were 11 votes for the motion and 8 abstentions.

Decision

Accordingly, on a division of 11 votes with 8 abstentions, the Council agreed to:

- (a) Note the contents of the report; and
- (b) Establish three central management posts in the education service as set out in the report.

Action

Chief Executive

(c) Cessation of Shared Services - Social Services

A report which updated Council on considerations for social services in the context of the cessation of shared services was submitted by the Chief Executive.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Graham Watt. Seconded by Councillor Janet Cadenhead.

Decision

The Council agreed to:

- (a) Establish the post of Head of Social Services/Chief Social Work Officer to be responsible for social services in Clackmannanshire once shared services cease;
- (b) Recruit openly to that post, establishing an Appointments Sub-Committee with the membership as set out at paragraph 3.11 of the report.
- (c) Appoint members to sit on the Sub-Committee according to the political balance set out at paragraph 3.11 of the report; and
- (d) The principle that the line management and operational responsibilities for those council services which fall within the scope of health and care integration should at an appropriate time in the future transfer from the Head of Social Services to the Chief Officer for Health and Social Care Integration.

Membership of the Appointments Sub-Committee

In line with paragraph 3.11 of the report (decision (c)), the Council agreed the following nominations to the Appointments Sub-Committee:

Councillor Graham Watt, Councillor Janet Cadenhead, Councillor Kathleen Martin.

Councillor Les Sharp, Councillor Tina Murphy
Councillor Alastair Campbell

The Provost adjourned the meeting at this point in the proceedings (1245 hrs). When the meeting resumed at 1315 hrs, sixteen (16) members remained present. (Councillor McAdam withdrew from the meeting at 1245 hrs).

CC(16)37 BUDGET STRATEGY UPDATE

A report was submitted by the Depute Chief Executive which maintained Council's regular update on the Council's Budget Strategy. The report also provided an update on progress with the implementation of workforce related savings agreed in the Council's Budget on the 23 February 2016 and the development of Business Case proposals in support of the next budget setting round.

Motion

That Council notes the recommendations set out in the report.

Moved by Councillor Janet Cadenhead. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed to note :

- (a) the potential impacts on revenue funding based on Fiscal Affairs Scotland analysis in section 3.
- (b) the revised indicative funding gap scenarios, should Fiscal Affairs Scotland assumptions on key variables be applied for a High, Realistic and Low scenario (Tables 3 to 6 and paragraphs 4.2 to 4.4 of the report)
- (c) the timing of the Scottish Spending Review in the early Autumn 2016 (paragraph 4.5 of the report).
- (d) the development of management information arrangements to monitor and track the delivery of 2016/17 agreed budget savings (paragraph 4.6 and 4.7 of the report).
- (e) work to develop savings proposals and Business Cases in support of the 2017/18 Budget preparation process (paragraph 4.8 of the report).
- (f) ongoing discussion with trade union representatives in respect of maximising redeployment opportunities (paragraph 4.9 of the report).
- (g) the current position with regards expressions of interest received in respect of both targeted voluntary redundancy and voluntary severance (paragraphs 4.10 to 4.12 of the report).

**Councillor Womersley withdrew at this point in the proceedings (1340 hrs). Fifteen (15) members remained present.*

CC(16)38 ANNUAL REVIEW OF DEBTORS 2015-16

A report was submitted by the Head of Housing and Community Safety which provided Council with an update on income collection and proposed the "write off" of those arrears considered irrecoverable or "bad debts". The report also set out the main improvement actions being undertaken to either sustain or improve performance.

The presentation of the report was a key milestone in the preparation of the Council's financial statements which require approval by the end of June each year.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Janet Cadenhead. Seconded by Councillor George Matchett, QPM.

Decision

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

- (a) Note the trends in income collection levels and related arrears positions.
- (b) Amend the Corporate Recovery and Write Off Policy to allow the Service Manager to approve the write off of small council tax balances under £20, where the debt is over two financial years old and all recovery action has been exhausted (paragraph 5.5 of the report)
- (c) Approve the write off of 252 Council tax accounts, totalling £5,941 (paragraph 5.6 of the report).
- (d) Approve the proposed write off of £774,444 which represents 1.06% of the total Council income raised in the year (Table 2 of the report).

Action

Head of Housing and Community Safety

CC(16)39 DRAFT FINANCIAL STATEMENTS 2015-16

A report was submitted by the Depute Chief Executive which indicated that Council is required by law to prepare a statement of accounts in accordance with 'proper practices' which set out its financial position at the end of each financial year.

A revised report was submitted by the Depute Chief Executive on 22 June 2016 in accordance with paragraph 2.5 of the original report which asked Council to note that a revised report would be circulated prior to the Council meeting. The revised report set out the Revenue Outturn at paragraphs 3.2 to 3.8 of the report; these paragraphs were marked "to follow" in the original report issued with the agenda.

Councillor Forson indicated that she could not take a view on the paper as she had been unable to access the revised report that had been issued.

Motion

That Council agrees the recommendations set out in the report.

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

*Councillor Craig Holden gave notice to amend Standing Orders at this point in the proceedings in relation to the delivery of agenda papers.

Voting

For the motion	9 votes
Against the motion	0 votes
Abstain (not voting)	6 abstentions

Decision

On a division of 9 votes to 0 with 6 abstentions, the Council agreed to approve:

- (a) the 2015/16 draft Financial Statements
- (b) the 2015/16 Clackmannanshire Council Sundry Trust Funds draft Report and Financial Statements.
- (c) The submission of these draft Financial Statements to the Controller of Audit no later than 30th June 2016; and to
- (d) Note that finalised audited financial statements will be presented to the Audit and Finance Committee in September 2016.

Action

Depute Chief Executive

CC(16)40 ANNUAL TREASURY REPORT 2015-16

A report was submitted by the Chief Accountant which detailed the Treasury Management activities for the Council for 2015/16.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed to note and consider the Annual Report 2015/16 of the Council's Treasury Management activities.

CC(16)41 ALLOA FAMILY CENTRE

A report was submitted by the Head of Social Services which provided an update and summary of the nature of services provided by Alloa Family Centre in Clackmannanshire and the proposed redesign and associated budget costs of those services going forward.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Graham Watt. Seconded by Councillor Jim Stalker.

Councillor McGill asked for a short adjournment at this point in the proceedings. The Provost adjourned the meeting at 1455 hrs. When the meeting resumed at 1500 hrs, fifteen (15) members remained present.

Amendment

Given members' concerns about a lack of consultation with users of Alloa Family Centre, that the matter be deferred to allow consultation to take place.

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

Decision

The motion as amended was agreed without division.

Accordingly, the Council agreed that the matter be deferred pending consultation with users of Alloa Family Centre.

Action

Head of Social Services

CC(16)42 AFFORDABLE HOUSING PROGRAMME

A report was submitted by the Head of Housing and Community Safety which recommended continuing the “off the shelf” house purchase programme in order to maximise the take up of additional affordable housing grant funding from the Scottish Government.

Motion

That Council agrees the recommendation set out in the report.

Moved by Councillor Kathleen Martin. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed to approve the transfer of £1.53m from the 2017/18 HRA Capital Budget (the development of 20 properties on lock-up sites) to “Off the Shelf” House Purchases in 2016/17 to maximise the take up of Scottish Government Affordable Housing Supply Grant for Clackmannanshire.

Action

Head of Housing and Community Safety.

CC(16)43 CLACKMANNANSHIRE LOCAL SCRUTINY PLAN 2016-17

A report was submitted by the Chief Executive which advised Council of the publication by Audit Scotland of the Clackmannanshire Council Local Scrutiny Plan for 2016-17 and summarised the key areas of scrutiny activity.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed to note:

- (a) the recent publication by Audit Scotland of the 2016-17 Local Scrutiny Plan for Clackmannanshire; and
- (b) the intended planned scrutiny activity in 2016-17

**Councillor Martin withdrew at this point in the proceedings (1550 hrs). Fourteen (14) members remained present.*

**Councillor Holden withdrew during questions to the Officer on the following item of business (1605 hrs). Thirteen (13) members remained present.*

**Councillor Cadenhead withdrew during questions to the Officer on the following item of business (1610 hrs). Twelve (12) members remained present.*

CC(16)44 BANDEATH STRAY DOG SHELTER

A report was submitted by the Head of Development and Environment which updated Council on the current review being undertaken by partners jointly funding the operation of the Bandeath stray dog facility. The report presented a proposal that affirms Clackmannanshire Council's ongoing commitment to fund the stray dog facility.

Motion

That Council agrees the recommendations in the report.

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

Councillor Ellen Forson and Councillor George Matchett, QPM, withdrew from the Chamber briefly. On their return to the meeting, the following amendment was proposed:

Amendment

To delete paragraph 2.1(c) and replace with Councillor Forson's motion submitted as agenda item 18 and incorporate the amendment submitted by Councillor Matchett to agenda item 18 as paragraph 2.1(d).

Moved by Councillor Ellen Forson. Seconded by Councillor George Matchett, QPM.

Decision

The motion as amended was agreed without division. Accordingly, the Council agreed:

- (a) to rescind the notice of intention to withdraw from the Bandeath stray dog kennel partnership, subject to there being no increase to the Council's current funding contribution.
- (b) to note that officers will actively pursue a reduction in the Council's contribution (to reflect a likely reduction in demand and the average unit cost paid by other Local Authorities) in order to achieve best value.
- (c) to recognise the good work carried out by staff and volunteers at the Bandeath Dog Shelter; recognises that Bandeath is much more than a dog shelter as it is used to improve the health and wellbeing of vulnerable adults and children; notes that no decision was made by Clackmannanshire Council to reduce funding levels for Bandeath; agrees that the facility must be retained and commits to working with all partners involved – Police Scotland, Stirling Council and Falkirk Council as well as the Buddies of Bandeath – to ensure the continuation of this valued service in the future.
- (d) In light of recent correspondence from Police Scotland indicating their intention to exit this partnership, to contact CoSLA, Scottish Government and Police Scotland to assist in resolving the financial consequences that the Police Scotland decision places on the partnership.

Action

Head of Development and Environment

**Councillor Alastair Campbell gave notice to amend Standing Orders at this point in the proceedings in relation to questions to officers.*

CC(16)45 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 – BANDEATH DOG SHELTER

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Ellen Forson.

Motion

“That Council recognises the good work carried out by staff and volunteers at the Bandeath Dog Shelter, recognises that Bandeath is much more than a dog shelter as it is used to improve the health and wellbeing of vulnerable adults and children; notes that no decision was made by Clackmannanshire Council to reduce funding levels for Bandeath; agrees that the facility must be retained; and commits to working with all partners involved – Police Scotland, Stirling Council and Falkirk Council, as well as the Buddies of Bandeath – to ensure the continuation of this valued services in the future.”

The notice of motion submitted by Councillor Forson was incorporated into agenda item 17 (report on Bandeath Stray Dog Shelter) and was, therefore, not considered as agenda item 18.

An amendment, submitted by Councillor George Matchett, QPM, to the notice of motion, was also incorporated into agenda item 17 (report on Bandeath Stray Dog Shelter) and was, therefore, not considered with agenda item 18.

CC(16)46 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 – ENERGY DRINKS

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Ellen Forson.

Motion

“That Council notes the growing evidence that more young people are consuming excess quantities of energy drinks, which often contain extremely high quantities of caffeine and sugar; notes that 10 to 18 year-olds consume the highest level of these drinks in the population; acknowledges growing concerns from parents and teachers about the effect on children of consuming such drinks – which includes disruptive behaviour, cardiac problems, nervousness, insomnia, headaches and anxiety, further notes with interest the Can It campaign being launched across Tayside and Fife by The Courier which aims to prevent schoolchildren from consuming excess quantities of energy drinks and the Responsible Retail of Energy Drinks (RRED) campaign which seeks to secure a ban on the sale of energy drinks to under-16s; considers how it can engage with local retailers to sign up to the RRED’s scheme which encourages a voluntary ban on the sale of energy drinks to under-16s; and agrees that with the aim of promoting young people’s health, concentration and education to direct the education authority to work with schools, pupils and parents to reduce the consumption of such drinks across Clackmannanshire.”

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

Amendment

Provost Derek Stewart moved an amendment to defer this item in order to seek the views of local retailers and teachers, but failed to find a seconder.

Councillor Forson agreed to accept a proposal from Councillor George Matchett, QPM, to amend the wording of the final sentence of her motion to read “considers and consults with the general public on how it can engage with local retailers “

Decision

The motion as amended to include the additional wording proposed by Councillor George Matchett, QPM, was agreed without division. Accordingly, the Council agreed to:

Note the growing evidence that more young people are consuming excess quantities of energy drinks, which often contain extremely high quantities of caffeine and sugar; notes that 10 to 18 year-olds consume the highest level of these drinks in the population; acknowledges growing concerns from parents and teachers about the effect on children of consuming such drinks – which includes disruptive behaviour, cardiac problems, nervousness, insomnia, headaches and anxiety, further notes with interest the Can It campaign being launched across Tayside and Fife by The Courier which aims to prevent schoolchildren from consuming excess quantities of energy drinks and the Responsible Retail of Energy Drinks (RRED) campaign which seeks to secure a ban on the sale of energy drinks to under-16s; considers and consults with the general public on how it can engage with local retailers to sign up to the RRED's scheme which encourages a voluntary ban on the sale of energy drinks to under-16s; and agrees that with the aim of promoting young people's health, concentration and education to direct the education authority to work with schools, pupils and parents to reduce the consumption of such drinks across Clackmannanshire.

Action

Chief Executive

EXEMPT INFORMATION

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 6.

CC(16)47 SALE OF LAND – DUMYAT BUSINESS PARK

A report which sought Council approval for the sale of land at Dumyat Business Park was submitted by the Head of Development and Environment.

Motion

That Council agrees the recommendation set out in the report.

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

Decision

The Council agreed unanimously to approve the sale of land at Dumyat Business Park as detailed in the report.

Action

Head of Development and Environment.

Ends 1700 hrs

Report to: Clackmannanshire Council

Date of Meeting: 11 August 2016

Subject: Outcome of Consultation on Tullibody South Campus Development

Report by: Chief Education Officer

1.0 Purpose

- 1.1. This report provides information on the outcome of the formal consultation on the Tullibody South Campus comprising of the new build relocated St Bernadette's and the new build Abercromby.
- 1.2. It seeks Council approval on the location of the new Abercromby and St Bernadette's campus and authority for officers to progress the project as set out in this report.

2.0 Recommendations

It is recommended that the Council:

- 2.1.1. agrees to the construction of a Tullibody South Campus, incorporating a new build of Abercromby PS and a relocation and new build of St Bernadette's PS within the grounds of Abercromby Primary school (Option A),
- 2.1.2. subject to approval of 2.1.1, agrees to declare the existing St Bernadette's PS as surplus to requirements and
- 2.1.3. notes that a further report will be brought to Council in January 2017 providing information on the outcome of the further stakeholder engagement, and outlining design proposals.

3.0 Considerations

3.1. Background

- 3.1.1. At the Council meeting on 4 February 2016, the Council approved consultation on two options for the location of Tullibody South Campus.

Option A

The Campus be located within the grounds of the present Abercromby Primary School.

Option B

The Campus be located within the grounds of the present Tullibody Civic Centre.

As both options involved the relocation of St Bernadette's RC Primary school and Option B also included the relocation of Abercromby Primary school, the consultation required to be a formal consultation under the Schools Consultation (Scotland) Act 2010 and focused on the educational benefits of either proposal.

- 3.1.2 Following the Council decision on 4 February, the Council undertook a formal consultation on the preferred site for the new Tullibody South Campus.
- 3.1.3 Copies of the consultation document were distributed to all parents and staff at the two schools and Abercromby Nursery. Copies were also made available locally within Tullibody as well as the Speirs Centre and at the Council headquarters in Kilncraigs.
- 3.1.4 In addition, the consultation document was emailed to 190 users of the Tullibody Civic Centre. The document was also sent to Community Planning Partners, Community Councils and the constituency MSP. The Roman Catholic Diocese of Dunkeld and the parishioners of St Bernadette's in Tullibody and St John Vianney in Alva were also consulted.
- 3.1.5 Consultation meetings were held with the staff in both schools and the parent Councils. Pupils were also consulted using the principles contained within the "Participants not Pawns" guidance provided by the Children and Young People Commission for Scotland.
- 3.1.6 In addition to the meetings with the Parent Councils of both schools and pupils, officers attended a consultation event organised by the Catholic Church in St Bernadette's RC church.
- 3.1.7 As required by the Act, two formal consultation events were held to which Education Scotland were invited and proceedings of the meetings were recorded verbatim and a transcript was published. These recordings took place on 15 March, 2016 in St Bernadette's RC Primary School and 22 March, 2016 in Abercromby Primary School. 58 people attended the meeting in St Bernadette's RC Primary School and 42 attended the meeting in Abercromby Primary School.

3.2 Outcome of the consultation

- 3.2.1 Copies of feedback forms were made available at the meetings and respondents were also encouraged to respond via Clackmannanshire Council's online consultation database Citizen Space.
- 3.2.2 434 responses were received, both online and in paper. 81.3% of respondents supported the creation of a campus and 17.7% did not.
- 3.2.3 79% of respondents said they preferred the present Abercromby site and 11% the Civic Centre site, with a further 10% not expressing any view.
- 3.2.4 412 responses were submitted by pupils at both schools. 299 (73%) of the pupils supported the concept of a Tullibody campus with 113 (27%) against.
- 3.2.5 353 pupils submitted responses to the preferred site of the new campus, of 231 (65%) of whom expressed a preference for it to be built within the grounds of Abercromby Primary and 122 (35%) on the Civic Centre site.
- 3.2.6 The consultation also gave people an opportunity to respond to a range of open-ended questions; these responses are set out in Appendix 2.

3.3 Education Scotland report

- 3.3.1 As part of the statutory consultation, officers from Education Scotland attended one of the public meetings and visited both schools. Following this they prepared a report on the consultation which is contained on Appendix 1.
- 3.3.2 The summary of the report by Education Scotland concludes that the proposal to relocate educational provision at Abercromby Primary school and St Bernadette's RC Primary school to a new campus, on the most appropriate site has "clear educational benefits". The proposal has the potential to provide a high quality learning environment. The report also recommends that the Council should fully involve stakeholders including the Diocese of Dunkeld and community groups in the design process of the new accommodation.

3.4 Response from Diocese of Dunkeld

- 3.4.1 As the proposal involved formal relocation of St Bernadette's PS, a formal response was provided by the Roman Catholic Diocese of Dunkeld. The church indicated that it would support the creation of a joint campus provided that the Council involved the church in the consultation over the detailed design of the new school and that the design conditions laid down by the Bishops of Scotland for shared campuses be followed.

3.4.2 It is recommended that the Council engage with key stakeholders, including the Diocese of Dunkeld, to progress outline design of the new campus on the site of Abercromby Primary school grounds, and that a further report be brought back to Council in January 2017 providing further information on the outcome of the stakeholder engagement, and sets out final design proposals.

3.5 Further Stakeholder Engagement

3.5.1 Further Stakeholder Engagement will take place in Autumn 2016 in order to address the issues outlined at 3.16. Officers will bring back a report to Council in January 2017 providing information on the outcome of this engagement, and outline design proposals

3.5.2 It is anticipated construction would commence in Autumn 17.

4 Sustainability Implications

4.1 The creation of a new campus will allow the school to move from an existing energy inefficient building to be a modern efficient building.

5.0 Resource Implications

5.1 The estimated cost of the recommended option is £15.35m (as set out in report to special Council meeting of 4 February, 2016). Funding of £5.35m has been secured through the Scottish Government Schools for the Future fund. Clackmannanshire Council agreed as part of its budget in February 2016 to allocate £11.25m for the project.

5.2 The full financial implications of the recommendations are set out in the report. This includes a reference to the full life cycle costs where appropriate. Yes ✓

5.4 Finance have been consulted and have agreed the financial implications as set out in the report Yes ✓

5.5 Consultations will take place with Trade Unions over any staffing implications of creating the campus.

6.0 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No ✓

7.0 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)

Our schoolchildren are successful learners

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ✓ No

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 Appendix 1 Report by Education Scotland

10.2 Appendix 2 – Consultation Report on The Creation of a Tullibody South Campus June 2016

11.0 Background Papers

11.1 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

Consultation report on the Creation of Tullibody South Campus June 2016

4 February 2016, Proposed Tullibody South Campus Development



10 September 2014, Consultation Process for Tullibody South Proposal

23 April 2015, Consultation Process for Tullibody South Proposal

Author(s)

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Report by Education Scotland addressing educational aspects of the proposal by Clackmannanshire Council to relocate education provision at Abercromby Primary School and St Bernadette's RC Primary School to a new campus in Tullibody South and to consult on the most appropriate site for the campus.

1. Introduction

This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Clackmannanshire Council's proposal to relocate education provision at Abercromby Primary School and St Bernadette's RC Primary School to a new campus in Tullibody South and to consult on the most appropriate site for the campus. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.1 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.2 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 15 March 2016 in connection with the council's proposals;

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Abercromby Primary School and Nursery Class and St Bernadette's RC Primary School, including discussion with relevant consultees.

2. Consultation Process

2.1 Clackmannanshire Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 Clackmannanshire Council undertook an informal consultation from 12 May to 3 July 2015 on three options in relation to a campus for Tullibody South. The analysis of responses led to the proposal to develop a campus incorporating Abercromby Primary School and Nursery Class, St Bernadette's RC Primary School and a Locality Hub which would integrate existing public services onto one site. Two alternative site options emerged from the informal consultation. Option A: a new Tullibody South Campus within the grounds of the present Abercromby Primary School and Option B: a new Tullibody South campus located within the grounds of the present Tullibody Civic Centre.

2.3 The statutory consultation ran from 22 February to 22 April 2016. Notices about the proposal were placed on the council's website and copies of the proposal were widely available to stakeholders. Children attending Abercromby and St Bernadette's RC Primary Schools were given good opportunities to give their views. As part of its consultation arrangements the council held public meetings on 15 March 2016 in St Bernadette's RC Primary School and 22 March 2016 in Abercromby Primary School.

2.4 The council received 438 responses to its proposal of which 81.8% were in favour of a Tullibody South Campus. In response to the question regarding which site option they preferred, 81.3% of those who responded were in favour of Option A, 10.8% preferred Option B and 10.3% chose not to answer the question.

2.5 The written submission from the Diocese of Dunkeld indicated that in principle it would support the creation of a joint campus provided the council adhered to the conditions and assurances laid down by the Bishops Conference of Scotland.

3. Educational Aspects of Proposal

3.1 This proposal offers clear educational benefits for the children of Tullibody South. As a result of the proposal, children will have access to modern school buildings which offer a range of flexible learning spaces and fully equipped to deliver Curriculum for Excellence. The council's proposal will ensure each school retains its own separate identity while offering many opportunities to work and learn together on the one campus. It will be easier for staff from both schools to work together and

to use these opportunities to develop further the curriculum and learning. The proposal has the potential to strengthen community links which already exist between the schools, the church and the various groups which access the Tullibody Civic Centre and Heritage Centre.

3.2 Most of the stakeholders who met with HM Inspectors supported the proposal and agreed that the children needed more modern school accommodation and improved outdoor sporting facilities. Almost all children who met with HM Inspectors viewed the proposal positively. They were keen to help design a new school that would include a large outdoor space where they could play and take part in a wider range of outdoor activities.

3.3 The few stakeholders who oppose the proposal were more focused on the possible loss of a community resource and were seeking assurance from the council that community groups and the Heritage Centre would be protected should the proposal go ahead. In taking this proposal forward the council should reassure stakeholders that it will, as outlined in the consultation documentation, involve them fully in the design and other aspects of the development of the campus.

4. Summary

Clackmannanshire Council's proposal to relocate educational provision at Abercromby Primary School and St Bernadette's RC Primary School to a new campus in Tullibody South on the most appropriate site has clear educational benefits. The proposal has the potential to provide the children with a high-quality learning environment. In taking this proposal forward, the council should continue, as planned, to fully involve all stakeholders, including the Diocese of Dunkeld and community groups, in the design process for the new school accommodation.

**HM Inspectors
Education Scotland
April 2016**

Making Clackmannanshire Better

Consultation report on



The Creation of a Tullibody South Campus

June 2016

Better Services

Better Opportunities

Better Communities



**Clackmannanshire
Council**

www.clacksweb.org.uk

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Purpose of this Consultation

We are consulting on the relocation of education provision at Abercromby Primary School and St Bernadette's Primary School to a new campus in Tullibody South. We are also consulting on the most appropriate site for the campus. The feedback obtained from this consultation will inform the Council's decision on both the creation and site of the new Tullibody South Campus.

List of Consultees and Methodology

As part of the public consultation, the Education Authority consulted with pupils, parents and staff.

In addition to the above, the following bodies were also consulted in writing.

Roman Catholic Diocese of Dunkeld
St Bernadette's Parish
St John Vianney Parish
Abercromby Parent Council
St Bernadette's Parent Council
EIS
Unison
Tullibody Cambus and Glenochil Community Council
Menstrie Community Council
Alva Community Council
Police Scotland
Fire Scotland
NHS Forth Valley
Constituency MSP
Members of the communities of Tullibody and surrounding area.

Methodology

Pupil Consultation

Pupils from both schools across all year stages were consulted on whether they were in favour of a new community campus, and their preference over the location of a campus. This was undertaken by staff from who have substantial experience in seeking the views of children. The consultation took place after the spring holiday break and involved visits to both schools. The pupil consultation followed the principles contained within "Participants not Pawns." Which is the guidance provided by the Children and Young People's Commissioner for Scotland on consulting with young people. In addition pupils had previously participated in workshop sessions as part of the informal consultation.

Parent Consultation

All parents received a copy of the consultation document. This was provided both as a printed copy and also by a text message with a link to the documentation on Clackmannanshire Council's website. Meetings were held with both parent councils prior to the public meetings, offering parents the opportunity to hear about the consultation process and ask any questions. A number of parents attended both the parent council meetings and subsequent public meetings.

Staff Consultation

Copies of the consultation document were provided to all staff in both schools. A meeting was organised specifically for staff to allow them the opportunity to ask any questions of the Head of Education and officers from the Education service prior to the public meeting. These were held at the end of the school day with all teaching and support staff being invited. Copies of the consultation document were also sent to representative unions Clackmannanshire Council Branch Officials.

Community Consultation

As the proposal includes the proposal to integrate community facilities into the new Tullibody South Campus, a substantial amount of wider community consultation was undertaken. Copies of the consultation document were made available at Clackmannanshire Council Headquarters, the Speirs Centre, Abercromby Primary School, St Bernadette's RC Primary School and at Tullibody Civic Centre. In addition, the consultation document was emailed to 190 users of the Tullibody Civic Centre.

Schedule of Meetings

St Bernadette's Parents Council Briefing 7th March
Parish Meeting (St Bernadettes & St John Vianney Parishes) 9th March 2016
St Bernadette's Staff Meeting 15th March 2016
St Bernadette's Public Meeting 15th March 2016
Abercromby Parent Council 16th March 2016
Abercromby Staff Meeting 22nd March 2016
Abercromby Public Meeting 22nd March 2016

Responses to the Consultation

Public Meetings

The attendance log for the St Bernadette's Primary Public Meeting lists a total of 58 attendees.

The breakdown of which is 17 Parents, 5 Staff, 10 Community representatives and 26 'Others'.

The attendance log for the Abercromby Primary Public Meeting lists a total of 42 attendees. The breakdown of which is 16 Parents, 11 Staff, 0 Community and 15 'Others'.

Feedback Forms were made available at both public meetings; those physical copies; received were added to those received electronically via the Council's online consultation system. A substantial amount of respondents responded via Clackmannanshire Council's online Consultation Database on Citizen Space. An analysis of the electronic submissions is shown under Public Consultation – Submissions.

A transcript of the oral representations made and the authority's responses are available on Clackmannanshire Council's website
<http://www.clacksweb.org.uk/site/documents/consultation/tullibodysouthcampusconsultationpublicmeetingtranscriptions/>

Summary of Pupil Consultation

A total of 412 responses were submitted by pupils at both schools.

299 (73%) expressed a preference for a Tullibody South Campus, with 113(27%) against the creation of a campus.

A total of 353 pupils submitted responses to the preferred site of a new campus. Of these 231 (65%) expressed a preference for Site A (existing Abercromby Primary School Site) and 122 (35%) expressed an interest in site B (Civic Centre Site).

Comment from pupils

A number of the pupils cited the size of the school, and the opportunities that this would create. These included having a bigger playground, the opportunity to make more friends and also to have access to more facilities.

"We are rebuilding the school because it is too small and if it is bigger more people can join and then more people will get good education."

"We will have a big school and I want to make new friends to play with."

"We will get a bigger playground to play in."

"..it will mean we get to make more friends."

"I'll meet my friends"

"I want to make more friends and more places to see for the school."

"Abercromby is quite old and it will be quite a change to have a different school."

There will be more space for two school and a large gym hall as it is bigger."

A number of the views on location mirrored the stated opinion of some respondents to the public consultation. They did not wish their school on the civic centre site as they enjoyed clubs that ran at the civic centre, they used the existing park or they liked the current location of the school.

"it is not fair to get rid of the park as it is fun"

"I think we should just make a school on the same bit."

"So we can keep the civic centre."

"I do not want the civic centre knocked down."

"I do not want to move, too much change."

"The park is a good place to have fun."

Public Consultation - Submissions

The consultation ran from 22/02/2016 to 22/04/2016. This report provides the summary results from the online consultation which was hosted on Clackmannanshire Council's online Citizen Space Consultation Database. All paper copies of the online survey submitted have been included in the analysis below.

Overall there were 438 responses to the public consultation survey. Not all questions were completed by each respondent and therefore for each question there are results denoted as 'not answered'.

For questions 3-5 (open ended questions) there are a significant number of comments. These have been themed for the purposes of analysis below but are provided in full at Appendices 1-3 of this report.

1) Name:

There were 322 responses to this question (**73.5%**)

2) Address:

There were 247 responses to this question (**56.4%**).

3) Postcode:

There were 381 responses to this questions (**87 %**). Of those providing a post code **65.6%** reside in Tullibody; **16.2%** reside elsewhere in Clackmannanshire and **3.1%** reside outwith Clackmannanshire. **14.9%** chose not to provide a postcode.

4) Gender:

There were 421 responses to this question (**96.1 %**). **35.8 %** were Males; **60.2 %** were Females and **3.8 %** chose not to answer.

5) Age:

There were 391 responses to this question (**89.3%**). The age groups for those who responded are below. The largest majority of respondents are within the 45-60 age group, closely followed by those in the 31-45 age group;

Table 1

Age Group	% of Response
<18 years	2.09%
18 - 30 years	10.47%
31 - 45 years	36.1%
46 - 60 years	36.3%
65+ years	14.9%

6) Religion:

There were 113 responses to this question (**25.8%**).

7) Active Interest or Role in Primary School:

There were 409 responses to this question (**93.4%**).

Table 2

Option	Number	%
Abercromby	152	41.19%
St Bernadette's	48	13.01%
None	149	40.38%
Not Answered	20	5.42%

Question 1: Do you support the development of a Tullibody South Campus?

There were 434 (99.1%) responses to this question. 81.3% responded yes and 17.8% responded no. Under 1% chose not to answer this question.

Question 2: If yes, which option do you prefer?

There were 383 responses to this question (87.4%).

78.8% prefer option A Building on the current Abercromby Site
 10.8% prefer option B Building on the Civic Centre Site
 10.3% chose not to answer the question.

The proportion of participants choosing option A and B by school is set out below:

Table 3

School	% Option A	% Option B	Did not Answer
Abercromby	87.13%	10.53%	2.3%
St Bernadette's	40.58%	8.6%	50.7%
No School	85.21%	9.4%	5.3%

Open Ended Questions - Summary of Results

If yes, why do you prefer your chosen option?

There were **256** responses to this part of the consultation.

Main themes from Question

- Save the park
- Preserve green space for children, families and those wanting to enjoy the outdoors - this fits with the health and wellbeing agenda.
- Option A allows residents to keep the park
- In this day and age schools should be multi-denominational and fully integrated
- Keep the school and park where they are
- Keep the Civic Centre for the community
- Option B would impair the park
- Option A would cause least disruption to education/families and residents
- An upgrade or replacement of Abercromby is necessary
- Visual representations of options would have been useful.

If no, what are your concerns?

There were **57** responses to this part of the consultation.

Main themes from Question

- Keep separate facilities – the school and civic centre have different purposes and should exist separately
- Findings from the information consultation seem to have been disregarded
- The park is well used – it needs to be kept for everyone to enjoy/use
- The civic centre is well used – it is important for Tullibody residents.
- Mixed/balanced views on joint campus for both schools – some in support of integration others concerned about the protecting the differences in both schools.
- Abercromby needs a new school but leave St Bernadettes where it is – it is fit for purpose
- Don't want large campus/school in Tullibody

Do you have any general comments or questions about the proposals?

There were **127** responses to this part of the consultation.

Main themes from Question

- Could the civic centre and park be taken into community ownership.
- What are the plans for traffic and parking and minimising disruption for local residents
- Concerns that green space will be lost for development in Tullibody
- The park should be improved for local residents
- Separate community facilities
- Feeling that this consultation does not fit with previous meetings, discussions and consultations on the school estate in Tullibody (ie no building on park ground) - confusion over the role of the informal and formal part of the consultation.
- Support the development of a new campus - need improved facilities and would encourage integration and closer communities.
- Need fit for purpose community facilities that are the right size for the community
- What are the plans for the sites of the old schools
- Keep the school and community separate.
- Keep the park.

Of the common questions or statements raised as written representations.

- What are the plans for traffic and parking and minimising disruption for local residents?

There will be opportunities for stakeholders to input into the traffic management plan at the design stage. In addition both schools will work on a travel plans as part of the planning application.
- Concerns that green space will be lost for development in Tullibody

The decision over vacated site/s will be made by Council as a separate process.

- Separate community facilities

At the design stage further discussions and work will be undertaken to identify the accommodation requirements for community use and timetabling.

- Feeling that this consultation does not fit with previous meetings, discussions and consultations on the school estate in Tullibody (ie no building on park ground) - confusion over the role of the informal and formal part of the consultation.

The Council has to work within the statutory process when it is undertaking the formal part of the consultation, this does not allow us the flexibility that we were able to have in the process prior to the formal consultation. Consultation over the design is not prescribed under legislation and will be informal.

- Support the development of a new campus - need improved facilities and would encourage integration and closer communities.

The design stage is key to getting the brief and specification of the facilities correct. Facilities will support closer integrating the delivery of services in line with council policy.

- Need fit for purpose community facilities that are the right size for the community

The council will explore the range of facilities that are available for the community including the facilities within the new campus.

- What are the plans for the sites of the old schools?

Sites that are not used to build the new campus on will be subject to a separate decision by the council as to their usage. This consultation did not consult on the future use of any vacated site.

- Keep the school and community separate. Keep the Park.

The council recognised the desire to retain public access to open space and took forward proposals that did not build on the park.

- Keep separate facilities – the school and civic centre have different purposes and should exist separately

As part of the consultation Council Officers have demonstrated how a campus with integrated facilities could work. This would give access to modern facilities to school and community users.

- Findings from the information consultation seem to have been disregarded

A decision was taken by the council on the option to take to public consultation, which was one of the options highlighted at the informal consultation. The initial consultation helped shape both the elements of the campus and potential sites.

- Mixed/balanced views on joint campus for both schools – some in support of integration others concerned about the protecting the differences in both schools.

The council has throughout the consultation highlighted that the identity and ethos of both schools will be protected, but also recognises that at present the schools share a community and work together. Sharing a campus will support joint working through the facilities of a campus, but respect the identities of the schools.

- Abercromby needs a new school but leave St Bernadette's where it is – it is fit for purpose

Abercromby is in the poorest condition rating, but the council believes that the campus provides wider benefits to the community and includes St Bernadette's within these developments. Providing a new build without both schools may lead to changes in migration between both schools, where new facilities are shown against the existing facilities at St Bernadette's. The council is committed to providing 21st century learning facilities across the council area.

- Don't want large campus/school in Tullibody

Forming a campus will create a state of the art learning environment: internally and externally with a holistic learning environment, from age 2 to 12. This will support a collaborative working environment for children and staff, giving enhanced opportunities for parents and carers to be involved in the life of the Schools and integrated community facilities which will support learning opportunities

As part of the statutory consultation process Education Scotland prepare a report on the consultation undertaken by Clackmannanshire Council. A copy of the Education Scotland Report is attached below and is also available on both the Education Scotland and Clackmannanshire Council website.

Report by Education Scotland addressing educational aspects of the proposal by Clackmannanshire Council to relocate education provision at Abercromby Primary School and St Bernadette's RC Primary School to a new campus in Tullibody South and to consult on the most appropriate site for the campus.

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- attendance at the public meeting held on 15 March 2016 in connection with the council's proposals;

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2. Consultation Process

2.1 Clackmannanshire Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 Clackmannanshire Council undertook an informal consultation from 12 May to 3 July 2015 on three options in relation to a campus for Tullibody South. The analysis of responses led to the proposal to develop a campus incorporating Abercromby Primary School and Nursery Class, St Bernadette's RC Primary School and a Locality Hub which would integrate existing public services onto one site. Two alternative site options emerged from the informal consultation. Option A: a new Tullibody South Campus within the grounds of the present Abercromby Primary School and Option B: a new Tullibody South campus located within the grounds of the present Tullibody Civic Centre.

2.3 The statutory consultation ran from 22 February to 22 April 2016. Notices about the proposal were placed on the council's website and copies of the proposal were widely available to stakeholders. Children attending Abercromby and St Bernadette's RC Primary Schools were given good opportunities to give their views. As part of its consultation arrangements the council held public meetings on 15 March 2016 in St Bernadette's RC Primary School and 22 March 2016 in Abercromby Primary School.

2.4 The council received 438 responses to its proposal of which 81.8% were in favour of a Tullibody South Campus. In response to the question regarding which site option they preferred, 81.3% of those who responded were in favour of Option A, 10.8% preferred Option B and 10.3% chose not to answer the question.

2.5 The written submission from the Diocese of Dunkeld indicated that in principle it would support the creation of a joint campus provided the council adhered to the conditions and assurances laid down by the Bishops Conference of Scotland.

3. Educational Aspects of Proposal

3.1 This proposal offers clear educational benefits for the children of Tullibody South. As a result of the proposal, children will have access to modern school buildings which offer a range of flexible learning spaces and fully equipped to deliver Curriculum for Excellence. The council's proposal will ensure each school retains its own separate identity while offering many opportunities to work and learn together on the one campus. It will be easier for staff from both schools to work together and to use these opportunities to develop further the curriculum and learning. The proposal has the potential to strengthen community links which already exist between the schools, the church and the various groups which access the Tullibody Civic Centre and Heritage Centre.

3.2 Most of the stakeholders who met with HM Inspectors supported the proposal and agreed that the children needed more modern school accommodation and improved outdoor sporting facilities. Almost all children who met with HM Inspectors viewed the proposal positively. They were keen to help design a new school that would include a large outdoor space where they could play and take part in a wider range of outdoor activities.

3.3 The few stakeholders who oppose the proposal were more focused on the possible loss of a community resource and were seeking assurance from the council that community groups and the Heritage Centre would be protected should the proposal go ahead. In taking this proposal forward the council should reassure stakeholders that it will, as outlined in the consultation documentation, involve them fully in the design and other aspects of the development of the campus.

4. Summary

Clackmannanshire Council's proposal to relocate educational provision at Abercromby Primary School and St Bernadette's RC Primary School to a new campus in Tullibody South on the most appropriate site has clear educational benefits. The proposal has the potential to provide the children with a high-quality learning environment. In taking this proposal forward, the council should continue, as planned, to fully involve all stakeholders, including the Diocese of Dunkeld and community groups, in the design process for the new school accommodation.

HM Inspectors
Education Scotland
April 2016

Statement on how Clackmannanshire Council has complied with the Education Scotland Report.

In reviewing the Education Scotland Report, Clackmannanshire Council will:-

- Continue to involve stakeholders in the design process of the new Tullibody South Campus.
- Work with both schools to design the outdoor space at the new school.

Next Stages

Following the publication of this report, Clackmannanshire Council requires to allow time for further consideration. This requires three weeks to lapse before taking a final decision on whether to implement a final proposal. A decision on this consultation is due to be taken by Clackmannanshire Council on 11th August 2016.



**Clackmannanshire
Council**

www.clacksweb.org.uk

Report to: Council

Date of Meeting: 11 August 2016

Subject: Alloa Family Centre

Report by: Head of Social Services

1.0 Purpose

- 1.1 The purpose of this report is to give an update on the information previously provided in the report that was presented to Council on 23rd June 2016 on the proposed redesign of the day care service at Alloa Family Centre.
- 1.2 Alloa Family Centre sits within the Social Services Childcare Service. The work of Alloa Family Centre sits robustly within our Single Outcome Agreement (SOA) priorities, national policies including Getting it Right For Every Child (GIRFEC), Early Years Framework (EYF), the Early Years Collaborative (EYC) the Integrated Children's Services Plan and the Parenting and Family Support Strategy. Governance and oversight of this work is also enhanced by the Early Years Collaborative.
- 1.3 On the 17th December 2015 Clackmannanshire Council approved the Education Service moving to a cluster model of delivery. The move to a cluster model of delivery of Education has important implications on how the Social Services Childcare Service redesigns services for children and families, whilst ensuring we have an effective workforce with the mix and range of skills to deliver the required services across Clackmannanshire.

2.0 Recommendations

- 2.1 Council is asked to note the content of the report and the range of work currently being undertaken by Alloa Family Centre.
- 2.2 Council is asked to approve the proposed redesign of services, with the specific movement of the day care provision to the Education Service and to note the associated budget savings.

3.0 Considerations

- 3.1 Clackmannanshire Community Planning Partnership agreed that it would work to better enable parents, families and communities to raise healthy, fulfilled children and young people through the provision of quality information and advice and accessible and effective supports shaped by the needs of parents, children, families and their communities.
- 3.2 Clackmannanshire Community Planning Partnership finalised this commitment through the Parenting and Family Support Strategy.
- 3.3 Alloa Family Centre works closely with a range of partners in Health, Housing, Integrated Mental Health, Education and Third sectors and provides a range of services to meet the ongoing needs of our families with young children aged 0-8 years.
- 3.4 Alloa Family Centre works practically with families and parents in the Family Centre, Community Centres, Town Halls, and other settings for groups within communities throughout Clackmannanshire, as well as in their home and home type settings. This continues to remain key in changing parental behaviours through modelling and direct practical support and interventions.
- 3.4 The aim of Alloa Family Centre services in working with families with children is to support children and their families to remain within the (universal pathway) wherever possible bringing in targeted or specialist provision only where appropriate.
- 3.6. Alloa Family Centre has an outreach service which delivers a range of parenting support groups and services. All groups run by Alloa Family Centre and parenting programmes are designed to help parents identify positive ways of dealing with challenging situations and behaviours. The service also works closely with Speech and Language Therapy, Education and Clinical Psychology services as well as money advice and Housing support.
- 3.7 It is proposed that in line with the development of the Council wide move to a cluster/hubs model of service delivery going forward that the staff in the outreach service should be realigned across the three clusters within the Social Services Childcare Service, as it is felt that going forward this will continue to support and enhance the delivery of the additional parenting needs across the whole of Clackmannanshire.
- 3.8 The Alloa Family Centre also provides an assessment and contact service, working with families in an intensive and highly focussed way. The assessment part of this service is targeted at families who require very specific intensive interventions to support parenting capacity assessments, linked to permanence planning and are often referred for this service through the Courts or the Children's Hearing System. The service also covers the increasing number of supervised contacts, which once again are also often at the direction of the Courts or the Children's Hearing System. To date over 2000 contacts have taken place in Alloa Family Centre.

- 3.9 The contact service is used on a daily basis, including the weekends. The Alloa Family Centre is the main family contact venue in Clackmannanshire with a smaller number of contacts also taking place in Tullibody Family Centre and the Ben Cleuch Centre in Tillicoultry.
- 3.10 It is noted that without this provision there would be a significant and serious risk to the Council in failing to meet its legal obligations for the provision of Supervised Contacts in appropriate/safe/child/family friendly environments which Alloa Family Centre building currently provides.
- 3.11 It is proposed that the Alloa Family Centre should continue to build on these existing areas of good practice, in relation to the integrated parenting capacity assessments, permanence planning and the provision of a contact venue, but that staff will also be more closely aligned to, and work more closely alongside, the social work staff based in Kilncraigs, whilst still delivering these services from the Alloa Family Centre.
- 3.12 The Alloa Family Centre also currently provides a day care service to children who do not access nursery provision in their local community across Clackmannanshire. However, due to the considerable expansion and capital investment in the last two years in Education Early Learning nursery provision across Clackmannanshire the number of children accessing this day care service in the Alloa Family Centre has decreased significantly.
- 3.13 The Scottish Government has strongly stated the importance of children having their early learning and childcare in their local nurseries in their communities wherever possible, whilst supporting the need to ensure children and their families experience continuity of childcare and the minimum number of transitions in education
- 3.14 Following discussions with colleagues in the Education Service, it is noted that they have capacity within their own nursery provision to provide an early learning childcare nursery placement for all the children currently being provided a day care service at the Alloa Family Centre.
- 3.15 Building on from the normal Family Centre consultations that regularly take place with parents/carers, 15 individual consultations have also taken place with parents, carers and the Manager for Early Years/Alloa Family Centre over June and July who have children who will be moving into the Education service. Parental, carer feedback to the Manager for Early Years/Alloa Family Centre in those consultations has been very positive with comments including, “as a single mum I will be able to get back to work and off benefits and support my family,” “it will be good having them in the same nursery”, “that’s great the nursery will get to know my wee boy and his special needs earlier,” “would be amazing to get them in nursery together as it will give me so much opportunity to get a part-time job and back to work”. Parents have commented on how they have appreciated being spoken with individually about the proposed changes.
- 3.16 Consultation has also taken place with staff members and the Trade Unions, the staff members are looking forward to working in the nurseries where their skills and knowledge will complement those of the staff already working in the nursery establishments.

- 3.17 Consultation has also taken place with the Care Inspectorate and the Scottish Government on Realigning Children's Services (RCS). The Care Inspectorate have confirmed that the change is very similar to what is already happening in other Local Authority areas in Scotland. The Scottish Government Programme Manager and the Development Advisor for Realigning Children's Services have confirmed that our change in delivery model for the day care service is very much in keeping with the Realigning Children's Services ethos and as such there would be no requirement to wait on the outcome of the RCS consultation data for this change to proceed.
- 3.18 The Scottish Government RCS Team advised that it was clear that moving to this model will enable the Authority and partners to be even more responsive to meeting the local needs in responding to the Scottish Government drive for Early Learning and Childcare. In addition they felt that the move of day care to Education will put the local Authority in a much stronger position to meet not just local but National priorities for children and families by providing improved experiences as well as the additional space being available to do more parenting work and increased space to facilitate more supervised contacts. They advised that this was a clear strength for the authority.
- 3.19 It is therefore proposed, that in line with Scottish Government guidance, and the available capacity within the Education Service, that the day service currently provided at the Alloa Family Centre should cease, with the staff currently providing this service also moving across to join the children in the Education Service. Staff members will be located to vacant posts within ABC Nursery, Park Nursery Class, Clackmannan Nursery Class, and Sauchie Nursery. Staff will remain on their existing terms and conditions and provide a 52 week service. This will also support the increased provision of nursery places for 2 year olds and the developing need for family support within the nursery as well as the delivery of flexibility for parents in their pre-school education provision. The Education service vacancies are due to the expansion of the services in Early Learning and Childcare and 0-3 years as well as the increase in the number of eligible 2 year olds in Clackmannanshire as part of meeting the Scottish Government Early Learning and Childcare expansion programme.
- 3.20 Transport will continue to be provided by the Alloa Family Centre mini bus service as required for identified children and families and for supporting the ongoing delivery of the range of parenting support services and groups across Clackmannanshire. The changes to the day care service will provide part year savings from (17/10/16 to 31/03/17) of £90,841.

4.0 Sustainability Implications

- 4.1 Staff will be required to move to a different area of Service (Education) to meet the important local and National delivery of Early Learning and Childcare across Clackmannanshire. Full time staff in the nurseries will locate to ABC nursery as their working base during the school holiday periods.

5.0 Resource Implications

5.1 Financial Details

5.2 The full financial implications of the recommendations are set out in the appendix to this report. This includes a reference to full life cycle costs where appropriate.

5.3 Financial implications. Yes

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

5.5 Staffing
Within existing resources.

6.0 Exempt Reports

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

7.0 Declarations

7.1 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 | <input type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input checked="" type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input checked="" type="checkbox"/> |
| Our communities are safer | <input checked="" type="checkbox"/> |
| Vulnerable people and families are supported | <input checked="" type="checkbox"/> |
| Substance misuse and its effects are reduced | <input checked="" type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input checked="" type="checkbox"/> |
| The environment is protected and enhanced for all | <input type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input checked="" type="checkbox"/> |

(2) Council Policies (Please detail)

8.0 Equalities Impact

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

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

Appendix 1 - Business Case- Redesign of Services Alloa Family Centre.

11.0 Background Papers

- 11.1 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)

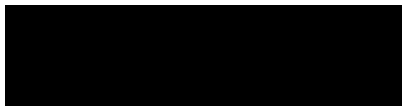
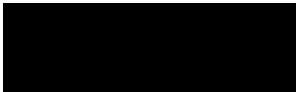
Yes (please list the documents below) No

Integrated Children's Services Plan 2015-2018

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Sandy Sneddon	Service Manager Childcare	01259-225010
Sharon Evenden	Team Manager Childcare	01259-225099

Approved by

NAME	DESIGNATION	SIGNATURE
Val de Souza	Head of Social Services	
Nikki Bridle	Depute Chief Executive	

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Project Title	Redesign of Services- Alloa Family Centre	Project ID	Appendix 1 001
		MCB ID	
Accountable Service	SOCIAL SERVICES-CHILDCARE		
Accountable Person	Sandy Sneddon		
Project Status	Business Case		
CMT Approval Date			
Date Created	24/06/16		
Political or Policy Implications	Local Service response and delivery of meeting better Early Intervention Services, Early Learning and Childcare and Improved Permanence Planning for Children and Families in Clackmannanshire. The Proposal sits robustly within our Single Outcome Agreement priorities, National policies including GIRFEC, Early Years Framework, The Early Years Collaborative, the Integrated Children's Services Plan and the Parenting and Family Support Strategy.		

Convenor's Comments	
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1. Executive Summary

<p>Summarise the scope, objectives and options considered as part of this project.</p> <p>Include the recommended option / preferred solution, the benefits and financial benefits associated with the change initiative, along with any consequences of not undertaking this initiative.</p>	<p>Budget 2016/17: This option transfers 8 posts and a budget for Day Care provision (£7,483) to support 52 week provision/family support from the Alloa Family Centre to Education Service.</p> <p>There remains then overall part year savings from (17/10/16-31/03/17) of £ 90,841 associated with this Business Case.</p> <p>Day Care Provision budget part year savings from (17/10/16 -31/03/17) -£90,841</p> <p>Ledger code: 1002 1040</p> <p>Spend-to-save?: No Spend-to-save investment required: Spend -to-save comments:</p> <p>The proposal is to redesign the provision of service for Children and Families in Clackmannanshire with a particular focus on the move to the agreed cluster model of delivery for Education services going forward.</p> <p>Demand for day care in the Family Centre has reduced with the increase in availability of nursery provision in Education services.</p>
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	<p>This is to ensure the Authority is meeting the Scottish Government priority to ensure seamless Early Learning and Childcare and to make Scotland the Best Place in the world to grow up.</p> <p>The recommended option is to transfer the Day Care service to Education Service with workers filling vacant posts in Education. This would leave the Outreach and Assessment & Contact services remaining within Social Services.</p>
--	--

2. Background

Summarise the project and driver for the change initiative, such as budgetary saving, regulatory, legal, financial, strategic, increasing efficiency, resilience, stability, etc., and outline problems, issues and impacts that the initiative will solve.

This information may be pulled in from the associated *Change Proposal, section on Description of Change Proposal*

Include the details, including financial, of other options considered and reasons why these are not recommended.

- *Clearly set out in bullet format*

On the 17th December 2015 Clackmannanshire approved the Education service moving to a cluster model of delivery. The move to a cluster model supports the need to redesign services for children and families whilst ensuring we have an effective workforce with the mix and range of skills to deliver the required services across Clackmannanshire.

Day care provision: due to the considerable physical expansion and capital investment in the last 2 years in nursery provision the number of children accessing day care in Alloa Family Centre has reduced significantly. There is now physical capacity in the nurseries to deliver early learning, childcare, day care for all of the children currently accessing day care in Alloa Family Centre whilst also supporting families who need additional family support in the nursery. To deliver on this it will involve the transfer of 8 day care staff and a budget of £7,483 to Education services. This will ensure that the day care staff are able to provide additional family support to identified families over the school holiday periods.

- Outreach Provision: The Family Centre provides a range of Outreach supports to families within their homes and out in the community. To work on the Community cluster, cluster /hubs model of service delivery going forward the Early Years & Family Workers would be realigned across the three clusters within the Social Services childcare service. This will continue to support and enhance the delivery of the additional parenting needs across all of Clackmannanshire.
- Assessment and Contact: The Assessment & Contact service works with families in an intensive and highly focussed way. Targeted at families who require specific intensive interventions to support their parenting capacity as decided through Statutory Social work Childcare service. Parenting Capacity Assessments to support improvements in Permanence Planning and Supervised Contacts.

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To support the effective delivery of more integrated Assessments and supervised contacts the Staff involved in this area of the service will be aligned to Childcare Teams.

- The Alloa Family Centre building is heavily used as a contact venue on a daily basis and it is also used for this purpose at weekends. The Family Centre is also used for a large number of Team Around the Child (TAC) meetings and reviews.
- The Alloa Family Centre is the main family contact provision in Clackmannanshire and there would be a significant and serious risk to the Social work childcare service and the Council of failing to meet its legal obligations for the provision of supervised contacts in appropriate/safe/child/family friendly environments if this building were not to remain providing this essential service.
- Moving day care into the Education service will provide additional capacity to meet the statutory delivery of the increasing number of supervised contacts and increased parenting capacity assessments and parenting support groups across all of Clackmannanshire.
- There is a shortage of other appropriate safe/child/family friendly venues in Clackmannanshire.

3. Dependencies, Assumptions or Constraints

Project Name	Reason for Dependency
<i>e.g. Advice & Guidance</i>	<i>e.g. Need to implement in parallel with TOM 2 & TOM 3</i>
Accessing alternative provision through the Cluster model of delivery	Dependency relies upon the movement of services to the Education Custer model as alternative model of delivery. Retaining the Alloa Family Centre as a Family Centre to support parenting work and groups across all of Clackmannanshire whilst also remaining as a contact and parenting assessment provision.

4. Stakeholder Impact

Stakeholder	Key area of interest	How the change will affect them
<i>e.g. Service users</i>	<i>e.g. Finding service hard to access</i>	<i>e.g. Improved ease of access via new technologies</i>
Service users	Quality of provision	Improved and joined up service delivery
Carers	Access to quality Early Learning & Childcare	Optimises choice and enables greater availability of services and family support

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		Clackmannanshire wide
Staff	Job security and access to workforce development opportunities	Greater opportunities for workforce/personal development through the diversity of services being delivered.

5. Identification & Evaluation of Options

The options under consideration are, as follows:

Transfer staffing and the Day Care element of service from Alloa Family Centre to the Education Service. £7,483 day care budget to transfer to Education to fund the staff cover costs non-term time where full time staff will locate to ABC nursery to provide additional Family Support services to identified families.

The Outreach and Assessment and Contact Services and remaining Family Centre budgets to remain with Social Services.

The Alloa Family Centre building to remain within Social Services for continued use as a Family Centre delivering and supporting the range of parenting work and groups across all of Clackmannanshire whilst also remaining as a contact and assessment venue.

5.1

Description of current state

Current service provision will not meet the arrangements going forward in moving to a cluster model of delivery. The current day care service has seen a significant reduction in demand with the increase in availability of Local Authority Education places. Nurseries have been adapted to take on additional children and offer flexible and seamless delivery across Clackmannanshire.

Benefits	Disbenefits
Highlight the benefit(s) of maintaining current state e.g. Maintain status quo / known delivery model	Highlight risks or disbenefits / disadvantages of maintaining current state e.g. Unsustainable costs will lead to loss of service
Maintain status quo as service users are familiar with this model.	The reduced numbers of children in day care in Alloa Family Centre means that the service will become unviable with many of the children taking up their provision in Education establishments and within local communities.

5.2

Description of change

Current services require to be rationalised to meet the changing needs of children and families and communities across Clackmannanshire. The move to a cluster model in Education will enable services to work much closer together in a targeted and efficient way. This would also

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result in savings whilst building community capacity in the clusters to meet the Councils Statutory requirements to provide Early Learning and Childcare and meet the Family Support and Parenting Strategy and Integrated Children's Services priorities. By Rationalising buildings, resources and staffing the services delivered will also support the Councils commitment to Early Intervention and improve Permanence Planning.

Benefits	Disbenefits
Highlight the benefit(s) of maintaining current state	Highlight risks or disbenefits / disadvantages of maintaining current state
e.g. Maintain status quo / known delivery model	e.g. Unsustainable costs will lead to loss of service

5.3

Description of change

Benefits	Disbenefits
Highlight the benefit(s) of maintaining current state	Highlight risks or disbenefits / disadvantages of maintaining current state
e.g. Maintain status quo / known delivery model	e.g. Unsustainable costs will lead to loss of service

5.4

Description of change

Benefits	Disbenefits
Highlight the benefit(s) of maintaining current state	Highlight risks or disbenefits / disadvantages of maintaining current state
e.g. Maintain status quo / known delivery model	e.g. Unsustainable costs will lead to loss of service

6. Options Appraisal

6.1 Cost / Benefit Analysis

Financial Benefits

Revenue Savings (A)	Option A	Option B	Option C	Option D
Total (A) (i.e. budgetary saving as an operating cost reduction / ongoing benefit)	£90,841			
Revenue Costs (B)	Option A	Option B	Option C	Option D
Total (B)	£7,483			
Capital Costs (C)	Option A	Option B	Option C	Option D
Assets				
Housing				

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IT				
Land				
Roads				
Total (C)	0			
Total Costs (B) + (C)	£7,483			
Net Benefit	Option A	Option B	Option C	Option D
((A) - (B+C))	£90,841			

Complete Section 7 onwards for the recommended option only

7. Impact Analysis

7.1 Equality Impact (Stage 1: Equality Impact Assessment)

Describe any foreseen impact on Service Users and what can be done to mitigate it:

Gauge the type of impact - either *Positive (1)* *Negative (-1)* or *Neutral (0)* for each of the protected characteristic below:

Characteristic	Impact
Gender	0
Age	0
Disability	0
Religion	0
Race	0
Sex	0
Pregnancy & Maternity	0
Sexual Orientation	0

If the preferred solution will potentially negatively impact any of the protected characteristics, a full Stage 2 *Equality Impact Assessment (EQIA)* is required.

7.2 Sustainability Impact

Gauge the type of impact - either *Positive (1)* *Negative (-1)* or *Neutral (0)* for each of the protected characteristic below:

Characteristic	Impact
Climate Change	0
Greenhouse Gas	0
Community Environmental Activity	0
Outdoor Access	0
Fuel Poverty	0
Wildlife Habitats	0
Pollution	0
Landscape	0
Historic Environment	0

7.3 Community Impact

Describe any foreseen impacts on the Council's priority outcomes, and what can be done to mitigate any negative impact:

Gauge the type of impact - either *Positive (1)* *Negative (-1)* or *Neutral (0)* for each of the protected characteristic below:

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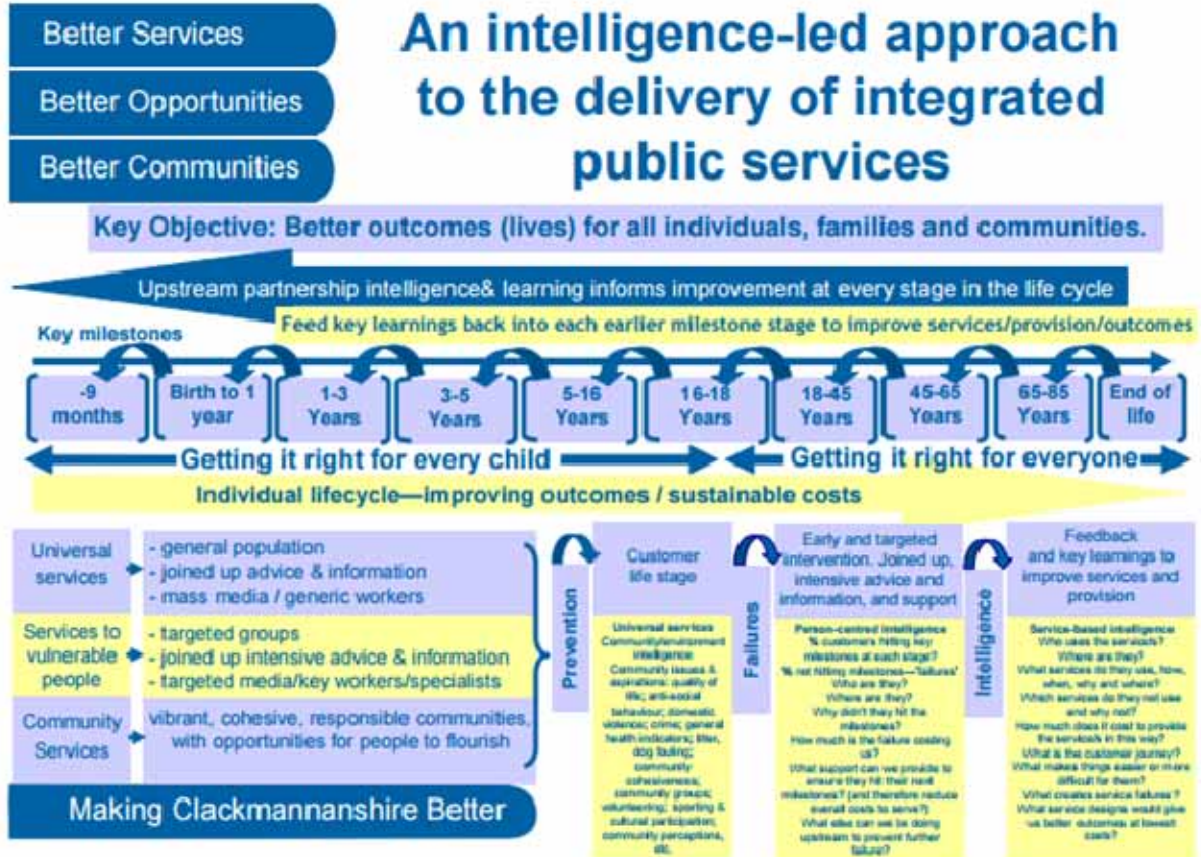
Priority	Impact
The area has a positive image, and attracts people and businesses	0
Our communities are more cohesive and inclusive	1
People are better skilled, trained and ready for learning and employment	0
Our communities are safer	0
Vulnerable people and families are supported	1
Substance misuse and its effects are reduced	1
Health is improving, and health inequalities are reducing	0
The environment is protected and enhanced for all	0
Our public services are improving	1

7.4. Performance Impact

Describe any foreseen impacts on relevant Performance Indicators, and what can be done to mitigate any negative impacts:

The impact on relevant performance indicators would only be positive:

- Improved coordination of services for whole family which may reduce family breakdowns and children being accommodated (improved parenting capacity/early intervention through informed TAC).
- Services are more accessible to those who need them.
- Closer working with social workers around parenting capacity in relation to reports to SCRA
- Closer working with Education staff to reduce the number of inappropriate CP referrals that divert resources
- A focus on improving outcomes for children, young people and their families based on a shared understanding (GIRFEC)
- Maximising the skilled workforce within universal services to address concerns at the earliest point (GIRFEC)
- A coordinated and unified approach to identifying concerns, assessing needs, agreeing actions (GIRFEC)
- Streamlined planning, assessment and decision making processes that lead to the right help at the right time for the child (GIRFEC)
- A more confident and competent workforce in the statutory universal services (GIRFEC)
- Resources are more effectively focused on agreed shared priorities, including prevention and early intervention.(SOA)
- Strategic fit with the 'intelligent-led approach' to the delivery of integrated public services (SOA)



- Works towards the Community Planning vision “We have in place a model and approaches that enables partners resources to be focussed on prevention and early intervention and our GIRFEC and Early Years frameworks are streamlined, integrated and evidenced as highly effective.” (SOA)

Gauge the type of impact - either *Positive* (1) *Negative* (-1) or *Neutral* (0) for each of the protected characteristic below:

Indicator	Impact
(1) % children (looked after) at home with parents	(1)
(2) % children (looked after and accommodated) with foster carers or prospective adopters	(1)
(3) Proportion of children seen by a supervising officer within 15 working days	(0)
(4) % SBRs to the Children's Reporter (on time)	(1)
(5) Child Protection referrals to Social Work (appropriate)	(1)
(6) Number of Looked After & Accommodated Children at end of month	(1)
(7) Permanence Prospective carer assessment completed within 6 months	(1)
(8) % of children aged 0-5 are referred to reporter on grounds of lack of parental care	(1)
(9) Number of children on the Child Protection register	(1)
(10) % of all children will have reached all expected developmental milestones at the time the child starts primary school.	(1)

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(11) All children and young people who have been in Foster Care for 6 months or more should have a clear permanency plan.	(1)
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8. Recommendation - Preferred Solution

<p>Based on strengths, weaknesses, costs and benefits, detail your recommendations for the preferred solution (recommended option) to take forward.</p> <p>Also give reasons why the other options you have given are not deemed as appropriate.</p>	<p>Transfer staff in day care and a budget of £7,483 to Education Service to enable the full time staff to provide nursery family support to identified families throughout school holiday periods.</p> <p>The Outreach and Assessment & Contact staffing and Family Centre budgets to remain within Social Services.</p> <p>Retain Alloa Family Centre as a Family Centre and touch down/cluster hub for Clackmannanshire wide family, parenting support work. Retain the Family Centre as a venue for supervised contacts and parenting capacity assessments.</p> <p>Retain within Social Services the Alloa Family Centre mini bus service for identified children and families and for supporting the ongoing delivery of the range of parenting support services and groups across Clackmannanshire.</p>
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9. Impact of Change

Outline risks identified at this stage for the recommended option - as per corporate matrix 5=HIGH, 1=LOW and how to address it.

Description of Risk	Impact 1 - 5	Likelihood 1 - 5	Action to Mitigate Risk
Public perception	3	2	Effective consultation and engagement.
Financial viability	2	1	Ensure that efficiencies can be made whilst moving services to the cluster model.

10. Financial Benefits for Recommended Option

Detail here anticipated financial benefits (i.e. savings) for the recommended option, by category, by year.

Benefit ID	Benefit Name	2015/16	2016/17	2017/18	2018/19	Total
	Total savings (cumulative)	0	£90,841	£199,742	0	0

11. Outcome Benefit(s) or Performance Improvements for Recommended Option

Proposals will work towards key outcomes and priorities within the current [Integrated Children's Services Plan](#), and [Single Outcome Agreement](#):

- ICSP Outcome 2: Improved Support for Vulnerable People and Families Are Supported (SOA)
- ICSP Priority for improvement 1: Improve support in early years so that all children reach appropriate

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developmental and social milestones

- ICSP Priority for Improvement 3: Improve processes for assessing risks to ensure that all children and young people are afforded timely protection and support needed.

BENEFITS

Benefit ID	Benefit Name	Measure	Current Performance	Target Performance
	Ensure all children and young people who have been in Foster Care for 6 months or more should have a clear permanency plan.	Integrated Children's Services Plan indicator	Baseline to be established.	100%
	% of all children will have reached all expected developmental milestones at the time the child starts primary school.	Single Outcome Agreement indicator	75% (Forth Valley)	90% by end of 2016
	Number of children and young people referred to the Reporter on non-offence grounds	Integrated Children's Services Plan indicator	185	Reduction in the long term trend through prevention and early intervention.

12. Cost / Benefit for Recommended Option

Financial Benefit

Revenue Savings (A)	2015/16	2016/17	2017/18	2018/19	Total
Employee		£90,841	£199,742		
IT					
Premises					
Supplies and Services					
Third Party Payments					
Transport					
Other - Specify					
Total (A) (i.e. budgetary saving as an operating cost reduction / ongoing benefit)		£90,841	£199,742		
Revenue Costs (B)	2015/16	2016/17	2017/18	2018/19	Total
Employee		£7,483	£16,453		
IT					
Premises					
Supplies & Services					
Third Party Payments					
Transport					
Other - Specify					

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Total (B)		£7,483	£16,453		
TOTAL REVENUE BENEFIT					
Capital Costs (C)	2015/16	2016/17	2017/18	2018/19	Total
Assets					
Fleet					
Housing					
IT					
Land					
Roads					
Total (C)		0	0		
Total Costs (B+C)					
		£7,483	£16,453		
Net Benefit (A-(B+C))					
	2015/16	2016/17	2017/18	2018/19	Total
		£90,841	£199,742		

13. Resources

13.1 Internal resources required to deliver the change

Project Stage	Resource in Service area		Resource from other Service area	
	Role	Days	Role	Days
Initiate (analysis)				
Design				
Delivery				
Complete (review)				
Other -				
Total	n/a	n/a	n/a	n/a

13.2 External/specialist resources required to deliver the change

Skill	Activity	Effort / Duration
n/a	n/a	n/a

14. Milestones

#	Description	Planned Due Date
1	8 Early Years & Family Workers move to Education Service	17 th October 2016
2		
3		



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4		
5		
6		



MCB-PMO-03 Project Outline

Status: Draft

Version 0.1

CLACKMANNANSHIRE COUNCIL

Report to: Clackmannanshire Council

Date of Meeting: 11 August, 2016

Subject: Committee Matters & Spokespersons

Report by: Chief Executive

1.0 Purpose

1.1 The purpose of this report is to ask Council to take decisions on various matters relating to committee appointments and membership, as well as to appoint two further spokespersons.

2.0 Recommendations

2.1 It is recommended that Council:

- a) notes the members of the main Opposition who will sit on the Scrutiny and Audit & Finance Committees;
- b) notes the resignation of Councillor Derek Stewart from the Regulatory Committee;
- c) appoints a member of the Administration to replace Councillor Stewart on the Regulatory Committee;
- d) appoints a new Vice Chair of the Regulatory Committee; and
- e) agrees to create two new spokesperson roles and to appoint to these roles as set out at paragraph 3.8 of this report.

3.0 Background & Considerations

Membership of Committees

3.1 Further to previous decisions of Council, the Leader of the main Opposition has advised that the following members of his Group will sit on Committees as per:

Scrutiny

Councillor Sharp
Councillor Balsillie
Councillor Forson
Councillor Holden

Audit & Finance

Councillor Hamilton
Councillor Murphy

Councillor Womersley

- 3.2 Council is asked to note these nominations to the two committees.

Regulatory

- 3.3 Councillor Stewart has intimated his resignation from the Regulatory Committee further to his appointment as Provost. As Councillor Stewart is the Vice-Chair of the Regulatory Committee, too, Council is asked not only to appoint a member of the Administration Group to replace Councillor Stewart but also to appoint a new Vice Chair.

Spokespersons

- 3.4 The Administration Group has advised that it wishes to appoint two further spokespersons for the following:

- a) Business & Enterprise
- b) Voluntary Sector

and that those spokesperson duties should be carried out by the Depute Provost and the Chair of the Audit & Finance Committee respectively.

- 3.5 Council is asked to agree those roles and appointees. There will be no additional costs from creating the two new roles.

4.0 Sustainability Implications - N/A

5.0 Resource Implications – N/A

6.0 Exempt Reports

- 6.1 Is this report exempt? No

7.0 Declarations

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

8.0 Equalities Impact

- 8.1 N/A

9.0 Legality

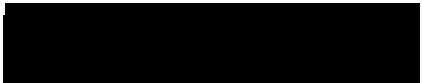
- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendix - None

11.0 Background Papers –

- letter from Councillor Stewart dated 13 July, 2016
- email from Councillor Sharp dated 16 June, 2016

Author(s):

NAME	DESIGNATION	
Elaine McPherson	Chief Executive	

Report to: Clackmannanshire Council

Date of Meeting: 11 August, 2016

Subject: Councillors' Code of Conduct – Standards Commission for Scotland
Updated Guidance

Report by: Chief Executive

1.0 Purpose

- 1.1 The purpose of this report is to advise Council of updated guidance on the Councillors' Code of Conduct which has been issued by the Standards Commission for Scotland.

2.0 Recommendations

- 2.1 It is recommended that Council:
- a) notes the updated guidance which is included in the Appendix to this report;
 - b) notes that a training session on the Code of Conduct involving the Standards Commission is being arranged;
 - c) agrees to develop best practice protocols in relation to the aspects of the Code of Conduct which deals with '*respect for other councillors and employees*'; and
 - d) encourages all its members to promote and support the Code at all times.

3.0 Background

- 3.1 The Standards Commission for Scotland issues Guidance to assist councillors interpret the provisions of the Councillors' Code of Conduct. Updated guidance has recently been issued by the Commission and that updated Guidance is included in the document attached as the Appendix to this report. (Note – the document at the Appendix includes the Code itself, the Guidance and illustrative examples. Guidance is also available on a standalone basis and the link to that document is set out at section 11 of this report.)
- 3.2 The Standards Commission recommends that: "*since ethical standards is a developing and evolving area, Councils should make suitable arrangements for periodic refresher courses for councillors.*" Accordingly, Council is asked to note that a training session involving the Standards Commission is being arranged.

3.3 In addition, Council will also note that the Standards Commission recommends (at paragraph 16 on page 61 of the Appendix to this report) that Councils should draw up: *“best practice guidelines or protocols to cover working arrangements among members and, where appropriate, among party groups and between members and officers to facilitate achieving this important objective”*. [i.e. of ‘respect for other councillors and employees’]. It is, therefore, proposed that such protocols are prepared and brought back to Council for consideration.

4.0 Sustainability Implications - N/A

5.0 Resource Implications - N/A

6.0 Exempt Reports

6.1 Is this report exempt? No

7.0 Declarations

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

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 Appendix - Guidance on the Councillors’ Code of Conduct

11.0 Background Paper - Councillors’ Code of Conduct, Guidance Only
<http://www.standardscommissionscotland.org.uk/guidance/guidance-notes>

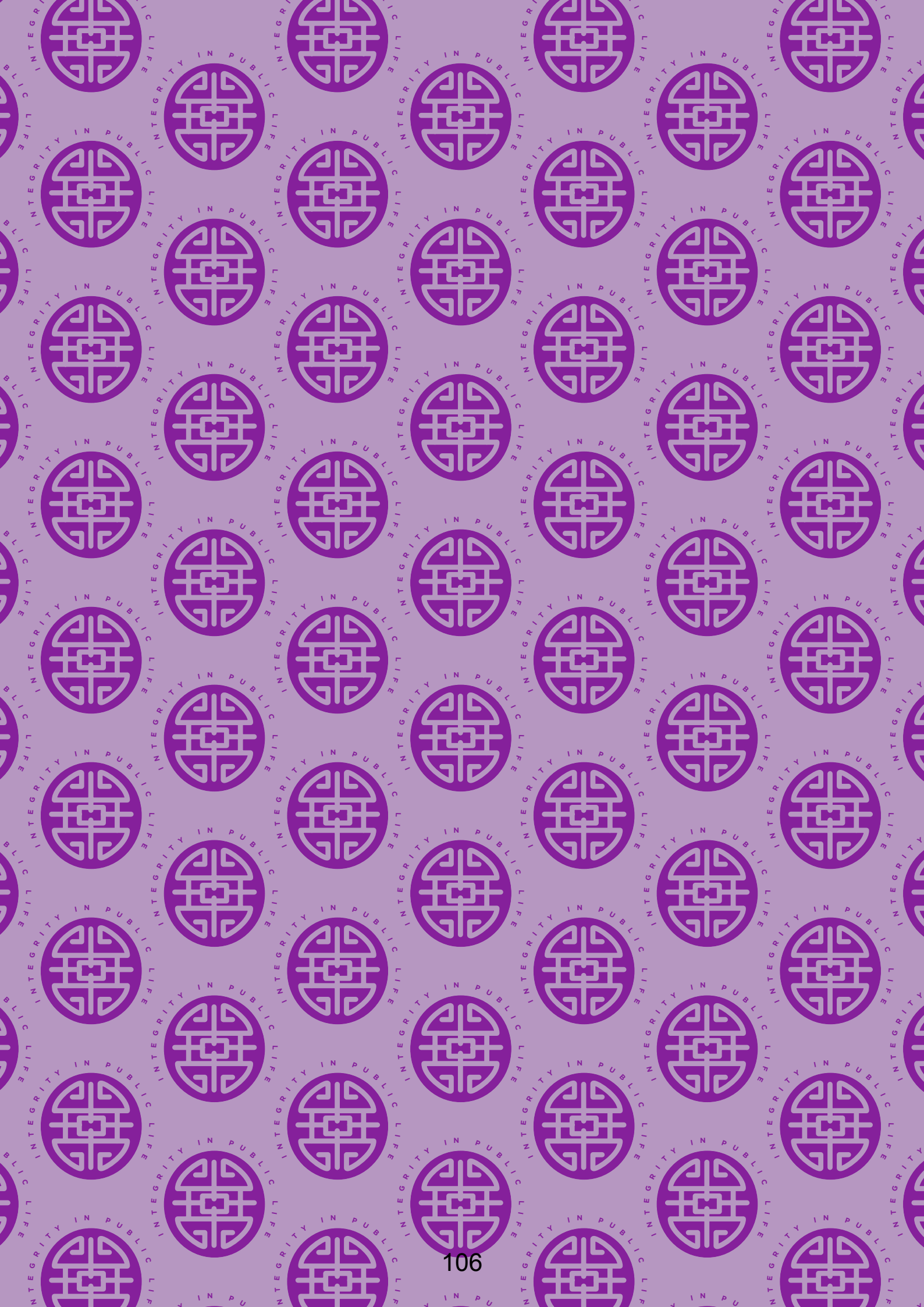
Author(s):

NAME	DESIGNATION	
Elaine McPherson	Chief Executive	



INTEGRITY IN PUBLIC LIFE

GUIDANCE ON THE COUNCILLORS' CODE OF CONDUCT



FOREWORD

The maintenance of high ethical standards in public life is crucial if public confidence in our democratic institutions is to be maintained. As Minister for Local Government and Community Empowerment I welcome this opportunity to endorse the work of the Standards Commission for Scotland and the contents of this guidance note, which will help to ensure that both elected members and the general public have a clear understanding of those standards and of how to meet them.

Marco Biagi MSP
Minister for Local Government and Community

INTRODUCTION

The public rightly expects exemplary standards of behaviour from you as a councillor when undertaking your duties. It is your personal responsibility to comply with the requirements of the Councillors' Code of Conduct ("the Code") and your actions should be part and parcel of winning the public's respect and trust in the work you do. In other words, simply ticking boxes is not enough; you have to understand the reasons behind good ethical behaviour and apply these thoughtfully on a case by case basis.

In complying with the Code, you are demonstrating that you understand its requirements and intend to meet the high standards of behaviour the public expects from its elected representatives. Poor conduct that breaches the Code undermines the critical relationship of trust between the public and the people they elect. This relationship is essential if public trust in local government and the democratic process itself is to be maintained.

As a councillor, you must read and abide by the Code and endeavour to demonstrate the Key Principles outlined in Section 2. In complying with the provisions of the Code, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a councillor. This is not the same as members of the public not liking a decision you made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly.

There is a statutory framework governing

behaviour in public life, comprising:

- A Code of Conduct which you must comply with when carrying out your duties as a councillor;
- A set of arrangements for dealing with complaints that a councillor has acted inappropriately and has contravened the Code.

In addition, your council will have its own internal policies which apply the Code in the context of its work.

The Standards Commission aims to improve ethical standards in public life through guidance and promotion wherever possible, as well as through the enforcement powers given to us.

We have now taken the opportunity to review and revise the guidance issued to assist councillors in their interpretation of the revised Code, which came into effect in December 2010, in order to ensure it is as helpful and accessible as possible and that it remains as fit for purpose. In doing so, we obtained feedback from stakeholders, including obtaining the views of the Commissioner for Ethical Standards in Public Life in Scotland, Monitoring Officers and the Society of Local Authority Lawyers & Administrators in Scotland. We are grateful to everyone who has helped us in this process.

As with our previous version of the Guidance to the Councillors' Code we retained the guidance in the same document to enable readers to find the information they require easily and quickly. Where possible, reference in the guidance is made to the specific paragraph of the Code to which it relates. A standalone version of

INTRODUCTION

the Guidance is also available on the Standards Commission's website at www.standardscommission.org.uk.

We have also included illustrations and examples of factors that you should consider when interpreting the Code. We hope this will help you to relate the provisions of the Code to the scenarios you face and the situations you find yourself in. However, please note the lists of factors to consider are not exhaustive. In addition, the illustrations provided are simply examples and whether or not there has been a breach of the Code will depend on the specific circumstances of any case. You still have a personal responsibility to ensure your actions accord with the provisions of the Code.

The illustrations where no breach was found to have occurred concern cases that were determined by the Commissioner for Ethical Standards in Public Life in Scotland and were not referred to, or considered by, the Standards Commission. Further information on the illustrations where no breach was found can be obtained from the web summaries on the Commissioner for Ethical Standards in Public Life in Scotland's website at www.ethicalstandards.org.uk.

While the Standards Commission's guidance is clearly marked as such and must be distinguished from the Code itself, paragraph 1.5 of the Code provides that councillors must observe any guidance from the Standards Commission. The guidance is intended to help you understand what the Code means for you as a councillor. It is not, however, a substitute for the Code itself, which contains more detail.

As ever, we recognise that as circumstances change and the challenges councillors face evolve, additional guidance may be required. It is simply not possible for the guidance to cover every conceivable circumstance. We intend, therefore, to review the guidance on a regular basis and we welcome any feedback, comments or suggestions as to how it can be further improved.



Ian A Gordon OBE, QPM, LL.B (Hons)
Convener

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

1.1 The Scottish public has a high expectation of councillors and the way in which they should conduct themselves in undertaking their duties in the Council. You must meet those expectations by ensuring that your conduct is above reproach.

1.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provides for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies; imposes on Councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the codes. The Act requires the issue of a Code of Conduct for councillors - this Code - which was originally prepared by COSLA at the invitation of Scottish Ministers and approved by the Scottish Parliament. The Code has since been reviewed and re-issued in 2010 by the Scottish Government, following consultation and the approval of the Scottish Parliament.

1.3 This Code applies to every member of a local authority in Scotland. As a councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, its provisions.

1.4 This Code reflects the legal framework of Scottish Councils at the date of the Code's publication. Councillors and employees should interpret it in the context of their individual Council's decision making structure.

Guidance on the Code of Conduct

1.5 Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code and any guidance from the Standards Commission and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, and at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.

1.6 The sections of the Code which follow have been developed in line with the key principles listed in Section 2 and provide additional information on how the principles should be interpreted and applied in practice. No written information can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from senior Council employees. You may also choose to consult your own legal advisors, and on detailed financial and commercial matters, to seek advice from other relevant professionals.

Enforcement

1.7 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 sets out the provisions for dealing with alleged breaches of the Code and for the sanctions that will be applied if the Standards Commission for Scotland finds that there has been a breach of the Code. In respect of councillors, those sanctions are set out in Annex A.

SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

Standards Commission for Scotland's Guidance for Councillors and Local Authorities in Scotland

Using this Guidance:

- The Councillors' Code of Conduct is stated in purple text.
 - The Standards Commission's Guidance to the Councillors' Code of Conduct is shown as white text contained within a purple background.
 - Illustrations are shown as dark blue text within a light blue background.
- 1.** The revised Councillors' Code of Conduct was approved by the Scottish Parliament and came into effect on 21 December 2010.
 - 2.** This Guidance Note comes into effect on 1 March 2016 and replaces the Guidance and Dispensations Note for Councillors and Local Authorities in Scotland, which came into effect on 14 November 2011 and any subsequent dispensations that were granted by the Standards Commission.
 - 3.** This guidance is for Councils and councillors. It is also directed to co-opted members of committees and sub-committees who are not elected councillors. All references to 'you' in the Guidance are directed specifically at councillors and co-opted members of committees and sub-committees.

- 4.** Councils should make arrangements to hold or attend training and induction sessions on ethical standards and they should strongly encourage attendance by all their councillors and senior officers at each session. The Standards Commission is willing to support any such programs wherever practical.
- 5.** You should attend training and induction sessions on ethical standards and should ensure you are familiar with, and understand, the provisions and principles of the Code and this Guidance Note. You should seek assistance before you act if you are unsure as to how the Code should be interpreted and applied.
- 6.** You are encouraged to promote and support the Code at all times and to encourage others to follow your example in doing so. Experienced councillors should consider whether they can act as a mentor to others to help them to understand the Code.
- 7.** The Code should be read as a whole. It may be necessary to cross reference different provisions.

SECTION 2:

KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The general principles upon which this Code of Conduct is based should be used for guidance and interpretation only. These general principles are:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Selflessness

You have a duty to take decisions solely in terms of the public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking

account of the views of others, and you must ensure that the Council uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Council and its councillors in conducting public business.

Respect

You must respect all other councillors and all Council employees and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a Councillor.

2.2 You should apply the principles of this Code to your informal dealings with the Council's employees, party political groups and others no less scrupulously than at formal meetings of the Council and its committees and sub-committees.

SECTION 2: **KEY PRINCIPLES OF THE CODE OF CONDUCT**

8. The key principles themselves are for guidance and you should ensure that you have regard to and follow these principles. However, a breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code.

9. The key principles are there to help you interpret and apply the Code. However, it is your responsibility to make sure you are complying with the provisions of the Code. In doing so, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a councillor. This is not the same as members of the public not liking a decision you have made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly.

SECTION 3: GENERAL CONDUCT

3.1 The rules of good conduct in this section must be observed in all situations where you act as a councillor, including representing the Council on official business.

10. It is very important to note that the rules of good conduct set out in Section 3 must be observed in all situations where councillors are acting as councillors, including representing the Council on official business. You should be mindful that your perception of when you are carrying out official business and when you are acting privately may be different to how it is viewed by a member of the public. You may wish to treat the Code as being applicable in all situations in which you might be perceived to be acting as a councillor. Factors to consider include:

- whether you are clear about the capacity in which you are acting;
- whether you describe yourself as a councillor or are otherwise readily identifiable as a councillor in the situation / circumstances;
- whether you are on council premises or at a council event;
- whether you are using social media where you are identifiable as a councillor;
- whether your conduct could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute;
- whether you are engaged in political activity, or comment on political matters and whether these fall within or outwith the scope of the council's functions;

- whether you are representing the council or speaking on behalf of the council.

Complaint alleged that a councillor had shouted during a telephone call and was disrespectful towards the complainant. The rules of good conduct in Section 3 of the Code must be observed in all situations where an elected member acts as a councillor, including representing the Council on official business. The decision was that the telephone conversation related to matters involving the Council and in turn the councillor in her capacity as an elected member. The only question to be determined was whether, in the course of the telephone conversation, the councillor was disrespectful towards the complainant. In the particular circumstances, the Commissioner for Ethical Standards in Public Life in Scotland decided there was insufficient evidence to conclude there had been a breach of the Code of Conduct.

Complaint alleged that a councillor had become involved in an altercation about the Scottish independence referendum outside a church. The decision was that the Code does not seek to curb political activity or to comment on political matters outwith the scope of a council's functions. The wording of paragraph 3.1 is specific and would not apply in this situation, which related solely to the referendum and not to a council function or activity. The Commissioner for Ethical Standards in Public Life in Scotland decided that the councillor was acting in a private capacity and, as such, the Code did not apply.

SECTION 3:

GENERAL CONDUCT

11. You should always think ahead. If you have any concerns about a potential problem, speak to the Monitoring Officer or Chief Executive so that advice can be sought and/or action can be taken before a situation becomes a serious problem. This could avoid or reduce the likelihood of a complaint being made about you.

12. The rules of good conduct may apply when you are engaging in media activity including using social media. Social media is a term used to describe on-line technologies, applications and practices that are used to share information, knowledge and opinions. These can include, but are not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites. The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Factors to consider when using social media include:

- whether you are identifiable as a councillor by directly referring to yourself as such or indirectly by referring to the council or through information or images posted;
- whether you are using Council equipment and / or your Council's information technology network or your own;
- whether you have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions;
- whether you have complied with any policy your Council has produced on

the use of social media;

- whether information you are posting is confidential and you only have access to it because you are a councillor;
- whether you are demonstrating bias or pre-determination – do not express an opinion on an application you will be determining;
- whether you have considered the immediate and permanent nature of the contribution you are about to make.

13. As a councillor, your right to freedom of expression under Article 10 of the European Convention on Human Rights attracts enhanced protection when your comments are political in nature. However, you may also wish to think about:

- whether you are treating others with respect and consideration;
- whether 'liking' re-posting and re-tweeting comments or posts, or publishing links to other sites could be reasonably perceived in the circumstances as endorsing the original opinion, comment or information, including information on other sites;
- whether to allow disagreement on your social media pages;
- tone can be harder to convey online so consider whether humour, irony and sarcasm can be perceived as such;
- whether you have to respond;
- the stricter rules that apply to election publicity;
- whether anything you post could be considered obscene.

SECTION 3:

GENERAL CONDUCT

Complaint alleged that a councillor engaged in public criticism of the Chief Executive of his Council by posting information and comments on the Oppositions Councillors' Facebook pages. The Councillor did not give the Chief Executive an opportunity to respond before publishing the comments on the Facebook page. The Hearing Panel was satisfied that the criticism by the Councillor was directed at the Chief Executive, that it showed a lack of both respect and courtesy to a Council employee and was made in public. The Panel concluded that the Councillor had criticised the conduct of the Chief Executive in public and had breached the Code.

Conduct at Meetings

3.2 You must respect the chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its Committees or Sub-Committees or of any Public Bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

14. You must treat everyone you come into contact with in the course of your work as a councillor with courtesy and respect, even if you disagree with their views.

15. It should be noted that paragraph 3.1 provides that the rules of good conduct set out in Section 3 must be observed in all situations where councillors are acting as councillors, including representing the Council in official business. The list of meetings

to which paragraph 3.1 applies should, therefore, be viewed as illustrative rather than exhaustive. The effect of the provision is that you must respect the Chair, colleagues, Council employees and any members of the public in all situations where you act as a councillor including – but not restricted to – meetings of the Council, its committees and sub-committees or of any public bodies where you have been appointed by, and represent the Council. Similarly, the word 'chair' in paragraph 3.2 is not restrictive to that specific term. The provision also applies to anyone holding a similar chairing or convening role.

16. The role of the Chair in any Council meeting, which includes a Committee meeting or a meeting of a working group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this, the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of officers) are allowed to be expressed and, at the same time, they have a responsibility for proper and timely conduct of the meeting and for helping to ensure the meeting is conducted in compliance with the Council's Standing Orders. This includes determining the point at which conclusions should be reached. It requires a balanced approach to ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. If you are present, you share the responsibility for the proper and expeditious discharge of business. The role of the Chair in

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reaching such judgements should be supported and respected.

17. You are accountable for your own individual conduct at all times in terms of the Code when you are in the Chamber or Committee and at meetings where you are representing the council, irrespective of the conduct of others. Abusive or offensive language and/or unnecessarily disruptive behaviour should not be tolerated. It is a matter for the Chair to rule on the acceptability of language used during the course of a meeting and to take appropriate action as necessary, including requiring the withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed. Factors to consider include:

- whether your behaviour, including your body language, is courteous and respectful even when you hold a different view;
- whether your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- whether it is appropriate to refer to other councillors by nicknames or by referring to them in the second person by using terms such as 'you';
- whether newspapers, mobile phones and other tablet devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying;

- whether your conduct could diminish the public's opinion of, and trust and confidence in, its elected representatives.

At a meeting of a Planning Committee, a councillor made inappropriate comments about a planning application in that she made a reference to 'lining developers' pockets'. While she had apologised unreservedly both publicly and privately, she was found to have breached the Code.

At a meeting of a Licensing Board, a councillor was disrespectful of members of the public who were present as objectors, when he questioned them in a confrontational and adversarial manner and was dismissive of their views. He was found to have breached the Code.

At a public meeting of the Council, a councillor gave the Provost a straight arm salute and said "Sieg Heil". He was found to have breached the Code.

Relationship with Council Employees (including those employed by contractors providing services to the Council)

3.3 You must respect all Council employees and the role they play, and treat them with courtesy at all times. It is expected that employees will show the same consideration in return.

3.4 Whilst both you and Council employees are servants of the public, you have separate responsibilities: you are responsible to the electorate but the

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employee is responsible to the Council as his or her employer. You must also respect the different roles that you and an employee play. Your role is to determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and senior employees to help ensure that the policies of the Council are implemented.

3.5 You must follow the Protocol for Relations between Councillors and Employees attached at Annex C. A breach of the Protocol will be considered as a breach of this Code.

18. It is understood that in the political environment of local government there may be tensions between individual councillors and between party groups. Factors such as minority Administrations, coalitions and multi-member wards may have a bearing on such tensions but it is essential to ensure that the interests of the electorate are represented as effectively as possible. Respect by councillors for one another and for the Council's employees plays a key role in this.
19. The requirement to respect all Council employees includes employees of contractors providing services to the Council.
20. You are entitled in your role as councillor to challenge fellow councillors

and officers/employees. However, you should not do so in a personal or offensive manner. Issues relating to behaviour, conduct or performance of officers should be raised privately with the appropriate senior manager. Factors to consider include:

- whether you are asking an officer to do anything which compromises or is likely to compromise them and prevent them from undertaking their duties properly and appropriately. You must be aware of the lines of accountability within departments. You must not apply pressure to an officer to act against the instructions of management. You should not bring undue influence to bear on an officer to take any action which is contrary to law or against the Council's approved procedures;
- When you are representing a constituent, whether you are also recognising that you are still representing the council and as such you need to exercise extra care.

A councillor made comments in the press, which were publically critical of the capability of a newly appointed Council employee. It was found that the councillor had been disrespectful to the new employee and had breached the Code.

At a meeting of the Council, a councillor had accused a senior officer of collusion with the Council's Administration and had challenged the officer's integrity. He was found to have breached the Code.

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Remuneration, Allowances and Expenses

3.6 You must comply with the rules for the payment to councillors of remuneration, allowances and expenses.

Gifts and Hospitality

3.7 You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term “gift” includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

3.8. You must never ask for gifts or hospitality.

3.9 You are personally responsible for all decisions connected with the acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your Council and in local government. As a general guide, it is usually appropriate to refuse offers except:-

(i) isolated gifts of a trivial character, the value of which must not exceed £50;

(ii) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or

(iii) civic gifts received on behalf of the Council.

3.10 You must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land or property, then as a general rule you should ensure that the Council pays for the cost of these visits.

3.11 You must only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented.

3.12 You must not accept repeated hospitality or repeated gifts from the same source.

3.13 If it is the practice of the Council to seek sponsorship for some of its activities or events, you must ensure that your involvement with the sponsors is limited to the event in question and does not damage public confidence in the relationship between the Council and the sponsors.

21. When considering whether an offer of hospitality is normal hospitality associated with duties as a councillor in terms of paragraph 3.9 (ii) and which would reasonably be regarded as appropriate, you should consider all the

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surrounding circumstances, including the value of the hospitality offered. It is also appropriate for you to consider the nature of your role within the Council e.g. the normal hospitality associated with a councillor's duties may be different to the normal hospitality associated with the duties of a Lord Provost, Provost, Council Leader or Convener.

- 22.** Whilst the Code seeks to provide clear guidance about the type of gifts and hospitality councillors should normally avoid, the question of whether to accept a particular offer of a gift or hospitality is your personal responsibility. When considering whether or not it would be appropriate to accept an offer of a gift or hospitality, you should carefully consider factors such as:
- all the circumstances in which the gift or hospitality is being offered;
 - the value or cost of the gift or hospitality;
 - how a member of the public would view the nature of the gift or hospitality;
 - whether the offer is from any individual or organisation who is an applicant awaiting a decision from the council or who is seeking to do business or to continue to do business with the council;
 - whether the invitation is to attend something you would not normally attend;
 - whether you would potentially be influenced to show favour to whoever has offered the gift or hospitality;
 - whether acceptance of the gift or

hospitality would place you under an obligation or which a member of the public, with knowledge of all the relevant facts, would reasonably regard as having placed you under an obligation;

- whether you should register gifts and hospitality you have declined in order to demonstrate transparency and provide perspective to what has been accepted;
- your Council's guidelines or policy on the acceptance of gifts and hospitality.

23. Further, you must not accept repeated gifts or hospitality from the same source. With the exception of gifts and hospitality as defined in paragraph 3.9 (ii) and (iii), you should consider very carefully whether it is appropriate to accept a second (and, if accepted, any subsequent) offer of gifts or hospitality from the same source. Factors to consider include:

- the value or cost of the gift or hospitality offered;
- the time period between the acceptance of the first offer and the second or subsequent offer.

24. If you do accept any gifts or hospitality, you must make an entry in the Register of Interests (with the exception of gifts and hospitality as defined in paragraph 3.9 (i) - (ii)) within one month of receipt.

25. In terms of the Bribery Act 2010 the following cases are offences:-

Case 1 is where -

- (a) P offers, promises or gives a financial or other advantage to another person, and

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- (b) intends the advantage -
 - (i) to induce a person to perform improperly a relevant function or activity, or
 - (ii) to reward a person for the improper performance of such a function or activity

Case 2 is where

- (a) P offers, promises or gives financial or other advantage to another person, and
- (b) P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.

An example of this might be where a windfarm operator promises to pay community benefit to an organisation in your ward, if you grant planning permission in circumstances where it would not otherwise be granted (i.e. not applying the proper statutory test of considering the provisions of the development plan and all material planning considerations or wrongly taking community benefit into account in determining a planning application).

In other words, while you are only required to declare gifts under this Code of Conduct, a gift to someone else which induces you to improperly undertake a statutory duty, such as granting a planning permission, is still likely to fall foul of the provisions of the Bribery Act 2010. This could result in your criminal prosecution.

Complaint alleged a councillor had failed to declare a gift or hospitality received from a recipient of planning permission

who was to make further applications for the same development, during a site visit. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or hospitality other than being provided with light refreshments mid-morning. Evidence suggested that these had been provided by the developers, in responding to a Council request. This was not regarded as inappropriate for the purposes of the Code and no breach was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint alleged that councillors who had been appointed by the council as members of a racecourse committee had failed to declare benefits in the form of entrance badges. It was determined that while these entries had not been declared, the 'benefits' fell within the exception in paragraph 3.9(ii) as they could reasonably be regarded as appropriate to the councillors role given the Council's promotion and support of the venue as a key partner. No breach was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Confidentiality Requirements

3.14 Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work, but there may be times when you will be required to treat discussions, documents or other information relating to the Council in a confidential manner, in which case you must observe such requirements for confidentiality.

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3.15 You will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. There are provisions in legislation on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private.

Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your individual use as a councillor and must not be disclosed or in anyway used for personal or party political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

26. You have a statutory right, subject to certain statutory exemptions, to council information under Access to Information rules and the Freedom of Information (Scotland) Act 2002. You also have a right under the common law to request information but only where you can show a need to know that information in order to perform your duties as a councillor. You may be provided with some documents and information, in your capacity as a councillor, for which it is legitimate for a Council to require this to be treated in a confidential way. Given the potential damage that the unauthorised disclosure of confidential material can do to the standing and integrity of a council, it is essential

that you respect the provisions in paragraphs 3.14 and 3.15. You are also a data user and must not breach the data protection principles in handling information. Council information provided to you must only be used by you for the purpose for which it was provided. Information so held must therefore not be disclosed or in any way used for personal or party political advantage or in such a way as to discredit the Council. This also applies to instances where you hold the personal view that such information should be publicly available.

Councillors should be aware that a breach of confidentiality could result in them being personally liable under the Data Protection Act. This may result in a potential criminal prosecution, civil liability for damages and the power of the Information Commissioner to impose fines as well as the more obvious reputational damage to both the councillor or Council which may follow.

27. You must not provide the media with off the record briefings on the general contents or 'line' of confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of the Council and its committees.

28. Sometimes the confidential nature of the material will be explicit, such as if the document is marked 'confidential'. In other cases, it will be clear from the nature of the information or from the circumstances in which it was

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provided to you that it is confidential. This may include the following types of information:

- commercial information such as information relating to a contract or a contractor's business;
- personal information such as information relating to an individual's employment;
- information which is confidential as a result of a statutory provision;
- information discussed in closed or private sections of meetings
- legal advice obtained by the Council (either provided by officers or external legal advisers). This will be covered by legal privilege and should not be disclosed without the Council's permission;
- information which is received as a result of a relationship where there is an obligation of confidence, such as between a councillor and a constituent.

29. You should be aware of the provisions in relation to disclosure of information contained within Council papers exempt from publication under paragraph 1 schedule 7A of the Local Government (Scotland) Act 1973.

30. Sometimes it is a matter of timing in that information may eventually be released. However, you must respect the requirement for confidentiality even if you do not agree with it.

31. In the case of other documents and information, you should seek advice if you are in any doubt as to whether they are confidential. You should exercise

your judgement on what should or should not be made available to outside bodies or individuals.

32. As a councillor, you are in a position of trust and members of the public may provide you with information that could reasonably be regarded as confidential. If the status of any discussion is unclear, you should establish at the earliest possible opportunity, whether some or all of the matters being discussed are to be treated as being confidential.

33 You should be aware of the provisions of the Data Protection Act 1998. If you hold personal information (such as details of constituent enquiries), you will require to be registered under the Data Protection Act. When holding such personal information you must abide by the following rules:-

- You must only use the information for the purposes for which it was given.
- You must not share this information with anyone without the consent of the person giving the information. If a constituent or other member of the public asks you to resolve an issue you are allowed to contact officers to attempt to resolve the issue on behalf of your constituent.
- You should not keep the information any longer than you need to.

Complaint alleged that a councillor referred to an investigation by the CESPLS involving another councillor at a meeting of a Licensing Board. This information was restricted under schedule 7A to the Local

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Government (Scotland) Act 1973 and it was found that there had been a breach of paragraph 3.15 of the Code of Conduct.

Complaint alleged that a councillor circulated an email to a number of recipients which included information about an individual's commercial business, which the councillor had obtained through her position as a councillor. In doing so, she was found to have breached the Code of Conduct.

Use of Council Facilities

3.16 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.

34. As a general rule, facilities paid for by the public purse, and provided for use in Council business, should only be used for Council business. However, it

is recognised that some Councils may allow councillors occasional personal use of Council provided facilities such as laptops etc.

35. Incidental personal use of Council facilities is permissible provided that this is authorised by the Council and permitted under the Council's policies. You should make yourself aware of your own Council's policy.

36. Facilities must never be used for party political or campaigning purposes. You are reminded of the relevant provisions of section 2 of the Local Government Act 1986, as amended by the Local Government Act 1988, which are as follows:

"2. Prohibition of Political Publicity

(1) A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters –

(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

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(b) where material is part of a campaign, the effect which the campaign appears to be designed to achieve.

(3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority is prohibited by this section from publishing themselves.”

- 37.** Councils and councillors should take into account and adhere to the terms of the Code of Recommended Practice on Local Authority Publicity issued in terms of section 4 of the 1986 Act.
- 38.** The provisions under paragraph 3.16 apply at all times and not just when you are acting as a councillor. Other factors to consider include:
- whether you are either explicitly or impliedly consenting or allowing others to use council facilities improperly;
 - how the resources you are using is funded – e.g. transport or administrative support;
 - whether the resource is being used for carrying out official Council business or for activity which has expressly been authorised by the Council or whether you are using it for something else as well;
 - whether you are asking officers to act in any way which would conflict with or call into question their political impartiality, or which could give rise to criticisms that people paid from public funds are being used for party political purposes.

Complaint alleged a councillor, as Chairman of an Area Committee of the Council, had sent an email from his Council email address to the other members of that committee in which he invited them to look at a link which led to a series of posts about a company that was a prospective purchaser in current matters being considered by the Area Committee. In this case, it was determined that the use of the Council's e-mail system was proper and legitimate, as it was being used for the conduct of Council business. In his capacity as Chairman of the Area Committee, it was entirely appropriate for the councillor to bring any relevant information to the attention of his fellow members. No breach was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint alleged councillor had misused council facilities by issuing invitations to two meetings using the Council logo and giving her Council office telephone number. The first meeting was attended by officers and at least another two elected members in the ward had been invited. The second meeting was part of a consultation process on the development of the Council's school estate management plan. It was determined that the use of Council facilities was appropriate as they had related to acceptable constituency work. There was no evidence of party political or campaigning activities. No breach was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint alleged that a councillor asked a Council officer to email a press release and a newspaper article which contained campaigning material to a newspaper and a local radio station. It was determined that the councillor had breached the Council's in-house protocol and the Code by using

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Council staff and facilities for the purpose of his re-election campaign. He was found to have breached the Code of Conduct.

Appointments to Partner Organisations

3.17 You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

3.18 If you become a director of a company as a nominee of the Council you will assume personal responsibilities under the Companies Acts. It is possible that a conflict of interest may arise for you between the company and the Council. In such cases it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest.

39. Authorities will frequently appoint councillors onto outside bodies. If you are appointed to an outside body, you are still bound by the Code but you will also have responsibilities as a member of the outside body. 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 you are a member. Councils will therefore need to consider this issue carefully when appointing councillors to outside bodies. You need to consider carefully whether you can accept such appointments in each case.

- 40.** You are reminded of the specific exclusions detailed within paragraph 5.18. As a member or director of an outside body you need to consider whether the outside body falls within one of these. You are reminded to be aware of how membership of other bodies impacts on their need to declare interests. However, membership of statutory joint boards or joint committees composed exclusively of councillors does not raise any issue of declaration of interests.
- 41.** You should ensure you are clear about the different roles and responsibilities on the different bodies – including Companies Act and the Office of the Scottish Charity Regulator (OSCR) requirements and being bound by provisions in Codes that may cover the other bodies as well.
- 42.** If you have any doubts about your responsibilities or the impact of an appointment on other areas of the Code, you should seek early advice in advance of accepting appointment or meetings. Advice can be sought from Council officers or, if appropriate, from officers of the outside body.

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A complaint alleged a councillor had breached the Code when dealing with matters which related to the councillor's position as a Council's appointed representative on a partner organisation. The councillor sought advice on her responsibilities and dealt with a matter, where she had been contacted by employees of a trust, in accordance with the rules of conduct of the partner organisation. The conclusion of the Commissioner for Ethical Standards in Public Life in Scotland was that no breach of the Councillors' Code of Conduct was established.

Dealings with the Council

3.19 You will inevitably have dealings on a personal level with the Council of which you are a member - for example as a Council taxpayer, ratepayer, tenant, recipient of a Council service or applicant for a licence or consent granted by the Council. You must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a councillor or as a member of a body to which you are appointed by the Council and you must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

43. As a councillor, you must not only avoid conduct which seeks to further your own particular interests, or the personal interests of others, but you must also avoid conduct that may give the impression you are seeking preferential treatment. The test is not only whether it is your intention to seek preferential treatment but also whether a member

of the public, who knew all the relevant facts, would reasonably consider that preferential treatment was being sought.

Responsibilities to the Council as a Member of the Public

3.20 The law makes specific provision that if a councillor is in two months' arrears with payment of Council tax that councillor may not participate in certain decisions concerning Council tax issues, in order to preserve public confidence that councillors are taking decisions in the general public interest. Similar considerations should apply in other forms of dealings between you and the Council where indebtedness may arise. Whilst you are a member of the community, you are also a representative of that community and of the Council to which you are elected. As there is potential for public perception of abuse of position and poor leadership, you must seek to avoid being in debt to the Council.

3.21 If you owe a debt to the Council, for example, in relation to rent due for a council house or commercial premises where the Council is the landlord, you must put in place at the earliest opportunity arrangements for repayment. You must avoid being in a situation which might lead the public to believe that preferential treatment is being sought. You must not participate in any decision which may create suspicion of a conflict of interest. For example, where you are in arrears of rent for a council house, you must not participate in decisions affecting the levels of rent to be paid by council house tenants.

SECTION 4:

REGISTRATION OF INTERESTS

4.1 The following paragraphs set out the categories of interests, financial and otherwise, which you have to register. These are “Registrable Interests”, and you must ensure that they are registered, when you are elected and whenever your circumstances change. The register should cover the period commencing from 12 months prior to and including your current term of office.

4.2 Regulations made by Scottish Ministers describe the detail and timescale for registering interests. It is your personal responsibility to comply with these regulations and you should review regularly and at least once a year your personal circumstances. Annex B contains key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse, or cohabitee.

Category One: Remuneration

4.3 You have a registrable interest where you receive remuneration by virtue of being:-

- (i) employed;
- (ii) self-employed;
- (iii) the holder of an office;
- (iv) a director of an undertaking;
- (v) a partner in a firm; or
- (vi) undertaking a trade, profession or vocation, or any other work.

4.4 You do not have a registrable interest simply because you are a councillor or a member of a joint board, a joint committee or of COSLA.

4.5 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two “Related Undertakings”.

4.6 If you receive any allowances in relation to membership of any organisation the fact that you receive such an allowance must be registered.

4.7 When registering employment, you must give the name of the employer, the nature of its business and the nature of the post held in the organisation.

4.8 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

4.9 Where you otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication and the frequency of articles for which you are paid.

4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and detail the nature of its business.

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4.11 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

4.12 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.

4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

4.14 The situations to which the above paragraphs apply are as follows:-

- (i) you are a director of a board of an undertaking and receive remuneration - declared under Category one; and
- (ii) you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

4.15 You have a registrable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 4.20) have made a

contract with the Council of which you are a member:

- (i) under which goods or services are to be provided, or works are to be executed; and
- (ii) which has not been fully discharged.

4.16 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Election Expenses

4.17 You must register a statement of any assistance towards elections expenses received where the value of any single donation exceeds £50.

Category Five: Houses, Land and Buildings

4.18 You have a registrable interest where you own or have any other right or interest in houses, land and buildings, such as being an owner or a tenant, including council tenant.

4.19 You are required to give the address of the property, or otherwise give a description sufficient to identify it.

Category Six: Interest in Shares and Securities

4.20 You have a registrable interest where you have an interest in shares comprised in the share capital of a company or other body and the nominal value of the shares is:-

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(i) greater than 1% of the issued share capital of the company or other body; or

(ii) greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 You must register the details of any gifts or hospitality received, however it is not necessary to record any gifts or hospitality as described in paragraph 3.9 (i) to (iii) of this Code. This record will be available for public inspection.

Category Eight: Non-Financial Interests

4.22 Councillors may also have significant non-financial interests and it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, non-financial interests are those which members of the public might reasonably think could influence your actions, speeches or votes in the Council which could include appointments to Committees or memberships of other organisations.

44. The requirements of this part of the Code are intended to give members of the public confidence that decisions are being taken in the best interests of the public and not those of councillors or their family, friends or personal associates.

Registration of Interests

45. The Register should cover the period 12 months prior to you being elected and continues throughout your term of office. For example, if you were newly elected or re-elected to office in May 2015, your Register should cover the period commencing May 2014 and include the subsequent term of office. Should an interest no longer apply (for example if you cease to receive remuneration through employed work during your term of office), the entry should still be listed in the Register and retained for the whole term of office.

46. You should be aware that the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 indicates that officers of the Council must retain the record for a period of five years after the date a councillor ceases to be in office.

47. In terms of the 2003 Regulations you are required to update your entries in the Register of Interests within one month of your circumstances changing. This includes registering the receipt of gifts and hospitality. While the Guidance to Local Authorities for Councils states that Councils should issue a reminder to you every six months, it is nevertheless your personal responsibility to ensure your entry is updated within one month of a new interest arising or your circumstances changing.

48. Under Category One: Remuneration, the level of remuneration does not matter in terms of registration, the

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question is only whether you have received remuneration. This means paid work, no matter how casual or trivial in nature, requires to be registered.

- 49.** For categories where the Code does not specifically mention the level of detail to be registered, it is for you to decide. In making such a decision, you should observe the key principles and, in particular, those of selflessness, integrity, openness and honesty. In terms of paragraph 4.19, you are required to provide the full address of the houses, land and buildings or sufficient information to allow them to be identified. This is for the purpose of the official register. What is published on the Council's website does not necessarily require to be as detailed (for example it might just say you own a residential property in Glasgow).
- 50.** In relation to paragraph 4.19 of the Code, there is no requirement to register residences outwith Scotland. In exceptional circumstances where such an interest may affect a matter before the Council, it will be for you to declare that interest in terms of the requirements of the Code. However, you must register houses, land and buildings in Scotland even if they are outwith your Council area.
- 51.** When considering whether you have a registerable non-financial interest, you should bear in mind that the test is whether the interest is one which members of the public might reasonably think could influence your actions, speeches or votes in the

Council. An example of this might be membership of a society. You should consider whether such membership might lead members of the public to reasonably think it could influence your actions, speeches or votes in terms of paragraph 4.22. If so, you should register the interest.

- 52.** You should consider erring on the side of caution. This may mean you register a large number of non-financial interests. If so, you are reminded that where a non-financial interest has been registered under Category eight of the Code, you must then declare this interest under section 5.7 of the Code (unless the interest is so remote or insignificant that it would not reasonably be taken to fall within the objective test). There is no suggestion in the Code that failing to register a non-financial interest under Section 4 can be remedied by declaring it.
- 53.** You should bear in mind that the examples of possible non-financial interests given under paragraph 4.22 of the Code are illustrative only and do not represent an exhaustive list of potential non-financial interests.
- 54.** In relation to paragraph 4.20 of the Code you will have a registerable interest as a trustee, whether or not jointly with other trustees, where you have an interest as a beneficiary of the trust and where the benefit is greater than 1% of the trust's value or the value of that benefit is greater than £25,000. An interest under shares and securities will also include investments made under self-invested pension plans.

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- 55.** It is open to you to also declare what gifts and hospitality you decline, if you consider it may help put the gifts and hospitality you have accepted into perspective.
- 56.** Annex B of the Code contains definitions of various terms used in Section 4, including 'remuneration', 'undertaking' and 'related undertaking'.
- 57.** Where you have been appointed as a member of outside bodies (including where you have been nominated or appointed by the Council), you should ensure that such membership is registered in your Register of Interests either under Category one: Remuneration (if the position is remunerated) or Category eight: Non-Financial Interests (where the position is not remunerated).
- 58.** There is no need to register being a councillor or member of a joint board, a joint committee or of COSLA.

Complaint alleged that two councillors failed to register their ownership or interest in a number of properties. Although the councillors stated they had made an honest mistake, it was determined that seeking advice did not exonerate them of responsibility to comply with the Code and due diligence would have shown that the Code, read with the Standards Commission's Guidance to the Councillors' Code of Conduct, required registration of properties in Scotland. The councillors were found to have breached the Code.

Complaint alleged a councillor had failed to register a non-financial interest in a local community group for a number of years, and did not declare his association with them when supporting grant funding for that group. He was found to have breached the Code.

Complaint alleged that a councillor had failed to properly register and regularly review his remunerated interests and had also failed to register his non-financial interests. The councillor had completed his Registers of Interests but had done so retrospectively on an annual basis. It was found that by failing to correctly apply the requirements of the Code and timeously record his remunerated employment and provide details of directorships he had not complied with the key principles of openness and integrity which underpin the actions of councillors when they make decisions on council business. The information provided in the Register of Interests was inadequate and denied any member of the public the opportunity to consider whether his interests could influence the decision making process. The councillor was found to have breached the Code.

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5.1 The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.

5.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor in regard to a particular matter. You can, of course, seek advice from appropriate Council officers or from other sources which may be available to you. In making decisions for which you are personally responsible you are advised to err on the side of caution.

5.3 You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the objective test (“the objective test”) which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*

5.4 Much of the content of the rules set out in this section of the Code refers

to Council or Committee meetings. The principles relating to declaration of interests are not confined to such meetings. You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing your Council.

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- 59.** Where your only interest is in relation to an item included in a committee minute which is being laid before the Council for formal approval, no declaration is required unless the item proceeds to be discussed or debated as a substantive issue.
- 60.** The **objective test** outlined in paragraph 5.3 assumes that a member of the public has knowledge of the relevant facts. The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the interest as so significant that it would be likely to prejudice your discussion or decision-making in your role as a councillor. Whenever you are considering potential declarations of interest, you should also apply the objective test.
- 61.** Paragraph 5.4 makes it clear that you must disclose or declare your personal interests both in formal and informal dealings with Council officers and other councillors, not just in formal Council or committee meetings. This is an important consideration especially when you are seeking advice from Council officers or other sources.

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Interests which Require Declaration

5.5 Interests which require to be declared (if known to you) may be financial or non-financial. They may or may not cover interests which are registrable in terms of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with; your financial interests; your non-financial interests and the interests, financial and non-financial, of other persons.

Your Financial Interests

5.6 You must declare, if it is known to you, ANY FINANCIAL INTEREST (including any financial interest which is registrable under any of the categories prescribed in Section 4 of this Code and any interest as defined in a specific exclusion defined in paragraph 5.18).

There is no need to declare :-

- (i) an interest where a general exclusion, as defined in paragraph 5.18, applies but an interest where a specific exclusion applies must be declared; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a general exclusion or a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

Declaration of Interests

- 62.** In cases where no general or specific exclusion applies, if you consider the objective test is met, you should declare your interest and leave the meeting for the duration of the item under discussion / decision. You must NOT remain in the room once you have made your declaration.
- 63.** If you consider the objective test is not met, you do not need to make a declaration and can take part in the discussion / decision.
- 64.** Occasionally, in the interests of transparency you may wish to explain to the meeting that you have considered the matter in question and reached the conclusion the objective test is not met, for example because there is no conflict of interest, so you will take part in the item under discussion / decision.

Complaint alleged that councillors had participated in a meeting in which they proposed and seconded a motion to ratify proposals to amend school catchment

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areas. They had failed to declare financial interests which could arise due to the potential impact the proposed changes would have on the catchment areas and this would affect the value of their homes. The Commissioner for Ethical Standards in Public Life in Scotland determined that in one case the complaint was flawed as the amendment would result in one councillor's home being outwith the catchment area for the school. In the other case, there was no evidence to support that a change in a school catchment area would have on the value of home in the area and that any suggestion of increase in house values did not represent a financial interest which fell to be declared in terms of the Code. The Commissioner for Ethical Standards found that, as such, no breach of the Code had occurred.

Your Non-Financial Interests

5.7 You must declare, if it is known to you, any NON-FINANCIAL INTEREST if:-

- (i) that interest has been registered under category eight (Non-Financial Interests) of Section 4 of the Code; or**
- (ii) that interest would fall within the terms of the objective test.**

There is no need to declare:-

- (i) an interest where a general exclusion applies, but an interest where a specific exclusion applies must be declared; or**
- (ii) an interest which is so remote or**

insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a general exclusion or a specific exclusion; or**
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.**

5.8 As a councillor you will serve on other bodies as a result of express nomination or appointment by your Council or otherwise by virtue of being a councillor. Your membership of statutory Joint Boards or Joint Committees which are composed exclusively of councillors does not raise any issue of declaration of interest in regard to Council business. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare a non-financial interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of

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interest between the Council and another body. Keep particularly in mind the advice in paragraph 3.18 of this Code about your legal responsibilities to any limited liability company of which you are a director.

5.9 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a councillor. In the context of any particular matter you will have to decide whether to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a councillor as opposed to the interest of an ordinary member of the public.

65. You should be aware that you may have a non-financial interest if the organisation you are associated with has a financial interest, even if you do not have a personal one.

66. When deciding whether or not to make a declaration about a direct non-financial interest you should determine:

- Does a general exclusion apply? If so, there is no need to declare.
- Does a specific exclusion apply? If

so, you must declare and consider whether the matter being discussed is regulatory or quasi-judicial in nature before deciding whether or not you need to withdraw.

- Is the interest too remote or insignificant to fall within the objective test? If so, there is no need to declare.
- Have you checked the status of the other body you are serving on? Have you registered the interest? If so, you must declare it. You must also withdraw unless the interest is too remote or insignificant to fall within the objective test.

67. If you are unclear as to whether another body you are appointed to and/or serve on falls within the specific exclusions outlined in paragraph 5.18(2) of the Code (and, for example, is a devolved public body, is a public body established by enactment or is a company established wholly or mainly to provide services to the Council), you should seek advice from the Council's Monitoring Officer. An up to date list of devolved public bodies as defined in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 can be found at www.legislation.gov.uk/asp/2000/7/contents.

68. You should declare your interest even if the body you are appointed to and/or serve on falls within the specific exclusions unless you believe, in the particular circumstances, the nature of the interest is so remote or insignificant it should not be declared. However, you only need to withdraw from the

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meeting if the matter being discussed is quasi-judicial or regulatory in nature (see paragraph 5.18(2)).

69. In terms of paragraph 5.9, you should be aware of the impact of any membership of other bodies, societies and organisations. You should consider whether your membership could lead members of the public to reasonably think it might influence your actions, speeches or votes in terms of paragraph 4.22. Unless you consider the interest to be so remote or insignificant, you should declare the membership.

70. In issues involving funding from the Council to another body, society or organisation (including regulatory or quasi-judicial decisions concerning an ALEO or any other organisation covered by a specific exclusion), there can be no dubiety. You must declare an interest if you are a member of the body receiving the funding.

71. You should not rely on Council officers to remind you of the need to declare interests. It is not always apparent to officers when councillors are appointed to or serve on other groups and/or they may not remember each individual councillors' appointments. It is your own personal responsibility to ensure you declare any interests as required by the Code. If you are in any doubt, you should ask for help.

72. Factors to consider:

- Do you know the current status of the other organisation you are appointed to and/or serve on (for

example, is it a charity or a Schedule 3 public body)? Has this changed?

- Do you know the composition of the organisation and how it is funded?
- Do you know whether the organisation was established wholly or mainly for the purpose of providing services to the council?
- If you are appointed to an ALEO, are you still able to undertake the scrutiny role?
- Have you considered the different responsibilities of being a member of both organisations and whether there are any conflicts?
- Could a decision coming before a meeting of the Council reasonably be considered by a member of the public to benefit or disadvantage you to a greater extent than other constituents?

Complaint alleged that a councillor had accepted hospitality (a dinner) from a parent company of an applicant firm who were awaiting the outcome of a planning application and had participated in consideration of the application in respect of a wind farm. It was found that no application was awaiting decision in the period between receipt of the invitation and attending the dinner. In addition, there was evidence the councillor had checked that there were no applications before accepting and had registered the hospitality within one month. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland.

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Complaint alleged that a councillor had participated in discussion and voting on an application, when he should not have, due to a registered financial interest and a registered non-financial interest. It was considered that the objective test would have applied and, indeed, the councillor confirmed that his voting on the decision was directly related to his interests. It was determined that the councillor had breached the Code.

Complaint alleged that a councillor who was employed on a remunerated basis by an organisation, took part in an item at a meeting and seconded the motion to approve a proposal in which he had a financial interest. There had not been any reference in the agenda for the meeting to the involvement of the organisation in the proposal and the paper itself made only a single mention of it. The councillor was found to have breached the Code, even though he had acknowledged his error immediately after the meeting.

Complaint alleged that a councillor, in his role as Chair of a Planning Committee had considered a planning application to which the Kirk Session and the Minister of the Church had objected, despite the councillor also being a member of the Kirk Session. It was accepted that discretion may exist in Section 5.7 to allow a councillor to consider whether their interest to be too remote, in registering the non-financial interest it was clear the councillor regarded his interest in the Church as significant. It was considered that it was unreasonable for the councillor to conclude that his membership of the Kirk Session was, therefore, insignificant

to the role that he had to undertake as Chair of the Planning Committee. The determination was that the interest should have been declared. The councillor was found to have breached the Code.

The Financial Interests of Other Persons

5.10 The Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you ANY FINANCIAL INTEREST of:-

- (i) a spouse, a civil partner or a co-habitee;**
- (ii) a close relative, close friend or close associate;**
- (iii) an employer or a partner in a firm;**
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;**
- (v) a person from whom you have received a registrable gift or registrable hospitality;**
- (vi) a person from whom you have received registrable election expenses.**

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

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You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.11 This Code does not attempt the task of defining “relative” or “friend” or “associate”. Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor and, as such, would be covered by the objective test.

The Non-Financial Interests of other persons

5.12 You must declare if it is known to you ANY NON-FINANCIAL INTEREST of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;

- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registrable gift or registrable hospitality; or
- (vi) a person from whom you have received registrable election expenses.

There is no need to declare the interest unless it is clear and substantial.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

- 73. You should consider whether a decision coming before a meeting of the council might reasonably be considered by a member of the public to benefit or disadvantage a person or body who falls within one of the categories under paragraph 5.12 to a greater extent than other constituents.
- 74. You should be mindful of the need to protect the confidentiality of another person’s business or financial interests when making a declaration. You are only required to provide enough information to make it clear why you consider you have a clear and substantial interest.

Complaints alleged a councillor had failed to declare his non-financial interests and the non-financial interests of close relatives

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in relation to involvement with a school lobbying group after a planning application to build a new school had been submitted and the formal planning process was underway. The councillor had incorrectly assumed that officers were fully aware of his, and also the interests of his family, in the lobbying group. It was noted councillors should ensure that all relevant information is provided to officers when advice is sought so councillors can be assured the advice given is fully informed and comprehensive. The councillor was found to have breached the Code.

Making a Declaration

5.13 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

5.14 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words “I declare an interest”. The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

75. When making a declaration and/or deciding whether or not to do so you should consider the following factors:

- Is the information you are giving sufficient for those at the meeting to understand why you are making a declaration. For example, it may be sufficient to say I declare an interest as my spouse is a member of the organisation making the application. You might not necessarily need to provide details about how long your spouse has been a member and in what capacity.
- Transparency. For example, you may wish to think about whether you should indicate why you have considered making a declaration but have chosen not to on the grounds it is not clear and substantial. If you only realise a declaration is necessary when the discussion in respect of a matter is underway, you may wish to consider whether you should provide a brief explanation why you had not realised you had an interest at the outset of the meeting.

Frequent Declarations of Interest

5.15 Public confidence in a local authority is damaged by perception that a Council's decisions are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings of a particular committee or in respect of any role which you are asked to discharge as a councillor, you should not accept a role or appointment with that attendant consequence. Similarly, if any Council appointment or nomination to another body would give rise to objective

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concern because of your existing personal involvements or affiliations, you should not accept the appointment or nomination.

76. Where the only interest is in relation to an item included in a committee minute which is being laid before the Council for formal approval, no declaration is required unless the item proceeds to be discussed or debated as a substantive issue.

77. You are reminded that, when considering whether a declaration of interest is appropriate or the effect of a declaration, you should refer to the full provisions of the Code.

Complaint alleged that, in view of the frequency of declarations of interest made by a councillor, he should have declined to sit on the Planning Applications Committee. In the 12 months since the councillor had been nominated to sit on the Planning Applications Committee he had attended 16 meetings, considered 93 planning applications and declared an interest in eight of these. It was determined that the number of declarations made by the councillor was not such as to prevent him voting on a regular basis or otherwise to preclude him from sitting on the Planning Applications Committee. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Dispensations

5.16 In some very limited circumstances dispensations may be granted by the Standards Commission in relation to the existence of financial and non-financial

interests which in terms of this Code would otherwise prohibit participation in discussion and voting.

5.17 Applications for dispensations will be considered by the Standards Commission which will be able to consider requests for dispensations which will apply generally to a class or description of councillors who are all affected by a particular category of interest. In situations where general or category dispensations are not granted by the Standards Commission, applications for particular dispensations should be made as soon as possible in advance of any meetings where dispensation is sought. You should take no part in consideration of the matter in question unless, and until, the application for dispensation is granted.

Individual Dispensations

78. In such circumstances, applications should be submitted to The Executive Director, The Standards Commission for Scotland, Room T2.21, The Scottish Parliament, Edinburgh, EH99 1SP, setting out in detail all the relevant information, including the reasons why a dispensation is sought. Factors to consider before making the application include:

- whether it would be in accordance with both the spirit and intent of the Code of Conduct to grant the dispensation
- whether you have provided sufficient reasons for the request, including what the effect or consequence would be if it was not granted.

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79. The Standards Commission will respond as soon as it reasonably can after receipt of all information and will normally be able to provide a response within 20 working days. Where an application for dispensation relates to a specific item of business, the Commission will endeavour to respond before the meeting in question. However, Standards Commission Members only work on a part time basis so this may not always be possible and, therefore, applications should be submitted to the Commission as soon as the relevant information / circumstances are known.

In relation to (i), a councillor does not have an interest which has to be declared as a Council tax payer or ratepayer or, in respect of any issue relating to the terms of services which are offered to the public generally, as a recipient or non-recipient of those services.

In relation to (ii), a councillor does not have a financial interest which has to be declared in connection with:-

- (a) the setting of council tax (including the approval of the total estimated expenses of the authority to be incurred during the year in question); and
- (b) the setting of any substitute Council tax (including the approval of any revised total estimated expenses).

Definition of Exclusions

5.18 The following paragraphs refer to General Exclusions and Specific Exclusions

(1) The General Exclusions

The general exclusions referred to in this Section of the Code are in relation to interests which a councillor may have:-

- (i) as a Council tax payer or rate payer or in relation to the Council's public services;
- (ii) in relation to setting the Council tax;
- (iii) in relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension; or
- (iv) as a Council house tenant.

notwithstanding that the councillor may have an interest in any item of expenditure.

In relation to (iii), a councillor does not have an interest which has to be declared in connection with any matter relating to councillors' remuneration, allowances, expenses or support services or in relation to councillors' pension arrangements, including the investment of superannuation funds.

In relation to (iv), a councillor does not have an interest which has to be declared in connection with any matter relating to council house matters, notwithstanding that the councillor has an interest in the tenancy of council housing accommodation (including any garage), always provided:-

- (a) this exclusion does not apply in respect of any matter which is concerned solely or mainly with the particular tenancy

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from which an individual councillor's interest derives; and

- (b) this exclusion does not apply to any councillor who is in arrears of rent in respect of his or her council house (or garage as appropriate).

(2) The Specific Exclusions

The specific exclusions referred to in this Section of the Code are in relation to interests which a councillor may have:-

- (i) as a member, or director of, an outside body; or
- (ii) as a member of the Cairngorms National Park Authority ("CNPA").

In relation to (i), the exclusion applies to any councillor who has been nominated or appointed or whose appointment has been approved by the councillor's local authority and who has registered an interest under Section 4 of the Code as a member or director of:-

- (a) devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of

the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise;

- (d) a body being a company:-
- i. established wholly or mainly for the purpose of providing services to the councillor's local authority; and
- ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

So as to enable the councillor to take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question the councillor is required to declare his or her interest at all meetings where matters relating to the body in question are to be discussed. This is always provided the exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature where the body in question is applying to the local authority for a licence, a consent or an approval, is making an objection or representation or has a material interest concerning such a licence, consent or approval or is the subject of a statutory order of a regulatory nature, made, or proposed to be made, by the local authority.

In relation to (ii), the exclusion applies to (a) Decisions on Planning Applications where the CNPA have submitted comments to the Council and (b) Decisions on Planning Applications where the CNPA have decided not to call-in the Applications, as follows:-

- (a) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have submitted

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comments, representations or objections to the Council in relation to a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:-

- i this exclusion only applies where the councillor has not participated in the decision to make comments, representations or objections and has not attended during the item of the relevant CNPA meeting to decide on the comments, representations or objections to be submitted.
 - ii this exclusion applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.
- (b) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have decided not to call-in a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:-
- i. this exclusion only applies provided the CNPA have, in reaching their decision not to call-in, confined themselves to the question whether the application should be called-in and not discussed the merits of the application in so deciding.
 - ii. this exclusion applies to meetings of the Council and of any committee or

sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.

The general and specific exclusions and dispensations to councillors in respect of financial and non-financial interests

80. The list of bodies to which a councillor may have been nominated or appointed and to which the specific exclusions apply is exhaustive (set out in paragraph 5.18(2)(a)-(d)). This means that a declarable interest would require a withdrawal from the meeting if not covered by an exclusion. For example, if you have been appointed by your council as a member of a charity, you cannot claim the benefit of a specific exclusion (as the specific exclusions do not include appointments to charities) unless the charity in question also falls within one of the exclusions (for example if it is also a company established wholly or mainly for the purpose of providing services to the local authority).
81. If you have any doubts about whether a body you have been appointed to is covered by a specific exclusion (for example whether it is a public body established by enactment or in pursuance of statutory powers or whether it is a company which has entered into a contractual arrangement with your local authority for the supply of services to your local authority), you should always check before accepting an appointment.

SECTION 5:

DECLARATION OF INTERESTS

- 82.** You should be mindful of the specific responsibilities you have to different bodies and be aware of the potential for conflicts of interests between your different roles, even if another body you sit on is covered by a specific exclusion.
- 83.** You should always declare the interest in all meetings where matters relating to or concerning the body in question are to be discussed. However, you can take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question provided you are satisfied that you have complied with the objective test and also provided the matter is not quasi-judicial or regulatory in nature.

SECTION 6:

LOBBYING AND ACCESS TO COUNCILLORS

6.1 In order for the Council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it needs to encourage appropriate participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Council conducts its business.

6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or Council committees. The rules and standards in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.

6.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the Council or a councillor. However, particular considerations apply when you are dealing with applications under regulatory powers such as planning and with matters of a quasi-judicial nature such as the determination of certain licence applications. If you are lobbied on such matters you should make it clear that you are not in a position to lend support for or against any such application that you will have a responsibility for making a decision on in due course. Representations

to councillors on such applications should be directed, by the councillor, to the appropriate department of the Council. This does not prevent you from seeking factual information about the progress of the case.

6.4 Political group meetings should not be used to decide how councillors should vote on such applications, or on individual staffing matters such as the appointment or discipline of employees. It is a breach of this Code to comply with political group decisions on such matters where these differ from your own views.

84 As a councillor you will probably be approached by those wishing to make their views known. This is perfectly legitimate, and should be encouraged, in that it is an essential part of the democratic process that any individual should be allowed to lobby a council or councillor.

- If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in regulatory or quasi-judicial decisions regarding that cause. If you are approached, you can listen to views expressed but you must make it clear that you cannot lend support or make a decision until the appropriate meeting, when you have heard all the evidence. You can:
 - o Make it known to officers what representations you have received;
 - o Assist constituents in making their views known to the relevant officer;
 - o Seek factual information about the progress of a case;

SECTION 6: LOBBYING AND ACCESS TO COUNCILLORS

- o Advise those that are lobbying who they can contact (i.e. the relevant officer or a councillor who is not on the decision-making committee).

85. However, you must not accept any paid work in which you give advice on how to influence the Council. In other situations, care is needed and you should be guided by the Code and, in particular, consider:

- Could anything you do or say be construed as being improperly influenced to take a particular stance on an issue?
- Are you giving or could you be perceived as giving preferential access to any one side of an argument?
- When seeking information on the progress on a case or particular matter are you doing so in a factual way or could you instead be perceived as making representations or lending support?
- Are you reaching your own view on an application or staffing matter having heard all the relevant arguments and evidence (including the guidance of Council officials) and not simply agreeing or complying with any view expressed by your political group?

Complaint alleged that a councillor failed to engage with, and denied access to, a constituent who had sent an email to the Council seeking information on a motion which had been promulgated by the

councillor and approved by the full Council. The Council had referred the individual's email to the councillor for response. The individual considered the councillor's response and subsequent comments in the press which indicated he did not wish to engage with her. However, the Code does not impose specific obligations on individual councillors requiring that a response is made to all who would lobby them. In this case the councillor had responded, albeit that his response was made in terms which the complainant found unacceptable. The Commissioner for Ethical Standards in Public Life in Scotland found that there had not been a breach of the Code.

Complaint alleged that a councillor had been involved in a "secret" meeting with some local residents. The outcome of the "secret" meeting resulted in a Traffic Regulation Order which ultimately led to the introduction of parking restrictions. In attending this "secret" meeting the complainant alleged that the councillor had failed to be accessible to the public and showed bias towards some residents. The Commissioner for Ethical Standards established the councillor had been accompanied at the meeting by an officer from the Council's Roads Services and it was the officer's suggestion of implementing a TRO which resulted in the road traffic controls being introduced. No evidence was found that the councillor had indicated support for or against the making of the TRO. The councillor's only role was to attend the meeting with some local residents with a Council Officer. The Commissioner for Ethical Standards found that no breach of the Code had occurred.

SECTION 7: TAKING DECISIONS ON QUASI-JUDICIAL OR REGULATORY APPLICATIONS

Introduction

7.1 The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. These provisions apply not only to those made under planning legislation but to a number of others of a quasi-judicial or regulatory nature which the local authority may also have to consider. These will include applications for taxi, betting and gaming, liquor, theatres, cinemas and street trader licences and a range of other similar applications where the issuing of a statutory approval or consent is involved. This also includes where the local authority is acting in an enforcement, disciplinary or adjudicatory role.

86. The list under paragraph 7.1 is illustrative and not exhaustive. If you are in any doubt about whether an application or matter you are being asked to decide on is quasi-judicial or regulatory in nature, you should seek advice before taking part in any discussion or vote. While the focus of the following paragraphs is primarily on planning matters, the provisions contained within them also apply to other regulatory applications where statutory approval or consent applies.

Fairness and Impartiality

7.2 On questions relating to such matters on which councillors have to make individual decisions, you may have to take account of different points of view

or make decisions based on specified statutory criteria.

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudge, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

7.5 Councillors who have been appointed to outside bodies may - in certain circumstances - be entitled to participate in discussion and voting on matters relating to these bodies through the benefit of the specific exclusion relating to certain outside bodies as provided for in paragraph 5.18(2) of Section 5 of this Code. It should be emphasised, however, that the exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature where the outside body is applying to the local authority for a licence, a consent or an approval, is making an objection or representation or has a material interest concerning such a licence, consent or

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approval or is subject of a statutory order of regulatory nature, made, or proposed to be made, by the local authority.

87. When making quasi-judicial or regulatory decisions, you must do so objectively and with an open mind. Factors to consider include:

- Am I acting fairly?
- Have I taken proper account of the public interest?
- Have I taken account of all the material and relevant facts, evidence, opinions and policies?
- Have I taken account of advice from council officers who are exercising their statutory duties and functions?
- Am I able to give clear and adequate reasons for my decision if required?
- Have I indicated, outwith the committee forum, my support for, or opposition to, the matter which I am due to make a decision on?

88. If you have been appointed to an outside body you may - in certain circumstances - be entitled to participate in discussion and voting on matters relating to that body through the application of a specific exclusion defined in paragraph 5.18 of the Code. It should be emphasised, however, that the specific exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature. For example, if you have been appointed by your council to an outside body and that

body has submitted an application to the Council for a theatre licence, you cannot take advantage of the specific exclusion. You must declare your interest and withdraw from the room.

Complaint alleged that a number of councillors, as members of an Area Planning Committee, took a decision on an application after having considered an officer's report, which the complainant stated contained false information. It was found that there was nothing in the minute of the meeting, which would indicate not conducting a fair hearing, showing bias or taking account of a different point of view. The allegation that the officer's report contained false information was not a matter which the Code regulates. Councillors can only act upon information provided to them. There was nothing to indicate that the information was false. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint alleged that a councillor, in his role as a member of a Licensing Board, stated that he was minded to support the application before the Board had heard all submissions, which indicated he had prejudged the matter. He was also disrespectful of members of the public who were present as objectors when he questioned them in a confrontational and adversarial manner and was dismissive of their views. Following the Licensing Board decision, a petition for Judicial Review was made seeking reduction of that decision. The petition, which included an account of the conduct of the councillor, was based on

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grounds that objectors were not afforded a fair hearing. The petition was granted by the Court and legal costs awarded against the Licensing Board. It was found the councillor had breached paragraphs 7.1 - 7.4 of the Code.

of any such request and only as part of the planning authority considering and forming such a provisional view, you are entitled to express an opinion in advance of the statutory application for planning permission being submitted to the planning authority formally for determination.

Decisions on Planning Matters

Policy and Strategic Issues

7.6 The requirements of this part of the Code should not limit you from discussing or debating matters of policy or strategy, even though these may provide the framework within which individual applications will in due course be decided.

7.7 Therefore in your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the planning authority both relating to general policies for the authority's area and to briefs and masterplans prepared for specific sites in anticipation of planning applications.

7.8 You may also be asked to comment on requests to the planning authority for a provisional view as to whether - in respect of a proposal for a major development the authority might be minded, in principle, to consider granting planning permission. This may occur in cases where developers are seeking the planning authority's view in advance of committing to expensive and lengthy technical appraisals. As a part

- 89.** Where a Council has been asked to provide a provisional view on whether, in respect of a proposal for a major development, it might be minded in principle to consider granting planning permission, you are entitled to express an opinion in advance of the statutory application being submitted. However, you may only do so as part of the Council's procedures for forming such a provisional view. You must not express a view or an opinion once a planning application has been received as this could be determined to have compromised your impartiality.
- 90.** You should ensure that you are familiar with your council's policy on forming provisional views and that you adhere to this.
- 91.** You can adopt an advocacy role by, for example, saying you would welcome planning applications or the redevelopment of an area, or would like to preserve greenbelt land or promote industry. However, you cannot then comment on a specific application once lodged, before the meeting to determine it.

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General

7.9 As a councillor you may have to deal with planning decisions in a number of ways. You may:-

- (i) become involved in local cases as a ward representative; or
- (ii) you may be more actively involved in decision making:-
 - (a) as a member of a committee dealing generally with decisions on planning applications;
 - (b) in certain cases, you may be a member of the committee where applications are subject to a pre-determination hearing;
 - (c) as a member dealing with applications referred to the full council for determination; and
 - (d) as a member of the Council's Local Review Body dealing with reviews where officers acting under delegated authority have refused planning permission or granted it subject to conditions which the applicant does not agree with or of non-determination of the application by the officer; or have not dealt with the application within the prescribed timescale.

7.10 You must never seek to pressure planning officers to provide a particular recommendation on any planning decision and you should not seek privately to lobby other councillors who have a responsibility for dealing with the application in question.

7.11 If you propose to take part in the decision making process you must not give grounds to doubt your impartiality.

You must not make public statements about a pending decision, to ensure that you are not seen to be prejudging a decision which will be made at the meeting where it can be anticipated that the information required to take a decision will be available. You must not indicate or imply your support or opposition to a proposal, or declare your voting intention, before the meeting. Anyone who may be seeking to influence you must be advised that you will not formulate an opinion on a particular matter until all available information is to hand and has been duly considered at the relevant meeting.

7.12 If you have an interest, whether financial or non financial, in the outcome of a decision on a planning application, or a planning agreement, or on taking enforcement action, or in a Local Review Body, you must declare that interest and refrain from taking part in making the decision.

- 92.** If you have an interest as outlined in paragraph 7.12, you must declare that interest, take no part in the decision and withdraw fully from the room. If you remain in the room, you could be perceived as trying to influence others. However, having declared your interest in the matter, you are entitled under paragraph 7.15 below to make representations on behalf of constituents or other parties before you fully retire from the meeting room.
- 93.** Although you are entitled to hold a preliminary view on a matter in advance of a meeting at which a decision will be taken, you must keep an open mind and

SECTION 7: TAKING DECISIONS ON QUASI-JUDICIAL OR REGULATORY APPLICATIONS

be prepared to consider the merits of all views and representations made about the matter under consideration before making your decision. You must not make your mind up about a particular matter before you have had the opportunity to consider all the evidence.

- 94.** Prejudging or making a pre-determination may invalidate the Council's decision and leave it open to challenge as well as being a breach of the Code. For example, if you state that 'wind farms are blots on the landscape and I will oppose each and every one that comes before the committee' you cannot claim to have retained an open mind on the issue or that you are prepared to determine each application on its merit. If, however, you say 'some people find wind farms ugly and noisy so I will need to be persuaded we should allow more in this area', you should not be accused of having prejudged the application as you have demonstrated you are willing to listen to the merits of an application.
- 95.** The prohibition on pressuring planning officers or lobbying other councillors in private under Paragraph 7.10 applies to all correspondence, not just discussions. For example, it would be a breach of the Code to send an email to other councillors indicating that you are against plans for a stadium development once a planning application had been lodged.

Complaint alleged that a councillor had sought preferential treatment in regard to

the requirement to apply for consent before erecting a radio mast. It was found that on being advised that consent was required the councillor submitted the necessary application, and at the hearing of the application at the Regulatory Committee he declared an interest and took no part in its consideration. The fact that he was the applicant was evident to the remaining members but there was nothing to indicate that the councillor sought to influence them in any way. The Commissioner for Ethical Standards in Public Life found that the councillor had not breached paragraph 7.11 or 7.12 of the Code.

Complaint alleged that while serving on the Council's Planning Committee, a councillor became involved in a proposed agreement between a planning applicant and two local community councils. The councillor reached the view that his interest going forward was to represent his constituents and that this would be contrary to maintaining his position as a decision maker on the application. Subsequently, when a report was submitted to the Planning Committee, the councillor declared an interest and left the room. It was found that the councillor was fully entitled to take the steps he had and that he was being properly mindful of appropriate conduct and his Code obligations in doing so. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Representations

7.13 Where you will be participating in making the appropriate decision, you should not organise support for, or opposition to, or lobby other councillors or

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act as an advocate to promote a particular recommendation on a planning application, on a planning agreement, on taking enforcement action, or on a review by the Local Review Body.

7.14 You are not precluded from raising issues or concerns on any of the matters associated with the application with the planning officers concerned. Indeed, a councillor may well have an important contribution to make in respect of an individual planning application or on what the Council should include in a planning agreement. It is entirely appropriate for councillors, including those who will have a decision making responsibility, to make known to planning officers what representations from constituents and prospective developers they have received on a planning application, to attend public meetings/events (including those relating to statutory pre-application consultation) and to assist constituents in making their views known to the relevant planning officer. This applies to those councillors with a decision making responsibility, provided that at no time does the councillor express a “for” or “against” view by advocating a position in advance of the decision making meeting (other than in respect of the circumstances set out in paragraphs 7.8 and 7.18).

7.15 If as part of the decision making process you wish to make representations on behalf of constituents or other parties you may do so providing:-

(i) you do so in terms of procedures agreed by the Council which afford equal opportunity to any parties wishing to make representations to do so,

(ii) you declare your interest in the matter; and

(iii) after making those representations you then retire from the meeting room.

96. Paragraph 7.15 applies to all councillors, irrespective of whether or not they are part of the decision making process. Where you wish to make representations on behalf of constituents or other parties, you may do so providing that all the conditions outlined above are met, including that you declare your interest in the matter and, having made any representations, you retire fully from the meeting room (it is not sufficient to retire to a public gallery situated within the meeting room).

97. If you are making representations and, for example, you wish to support your constituents' views regarding a planning application, you should make this position clear as soon as possible to the chair of the committee and officers. Your declaration of interest should be recorded in the minutes of the meeting.

Complaint was at a meeting of a Planning Committee, a councillor attempted to influence other members of the committee in their consideration of the application by suggesting a site visit. It was found that the councillor had simply suggested a site visit but there as no evidence he had attempted to influence other members of the planning committee in their consideration of the application. Suggesting a site visit in itself did not constitute

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inappropriate lobbying or influence. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland.

Full Council Decisions

7.16 There are certain planning applications where the final decision has to be made by the full Council. These applications will be those where there has been the opportunity for a pre-determination hearing. These procedures apply to major developments which are significantly contrary to the development plan and for national developments. It will be apparent before the application is formally submitted to the Council which developments are national or major. Where the application is for a national development you will be involved in the decision making process as a member of the full Council.

7.17 Where the application is for a major development, it may not be clear at the outset whether the development is significantly contrary to the development plan and therefore one where the full council will be making the final decision. It will be for the planning authority to come to such a view as part of considering the application.

7.18 You are entitled to take part in the decisions to be made by the full Council even though you may have expressed an opinion on the application at a pre-determination hearing or at the planning committee.

98. Where the decision in respect of a planning application or other regulatory decision has to be made by the full Council and you have expressed opinions on the application at a pre-determination hearing or at a previous planning committee, you are entitled to take part in the decision making by the full Council provided you do so with an open mind. However, this applies only to opinions expressed at a pre-determination hearing or at a previous planning committee.

Local or Area Planning Committees

7.19 All local authorities will have their own procedures for dealing with planning applications. Councils may adopt a system in which most applications are dealt with by local or area planning committees with the remaining being dealt with by a central planning committee. Some also have procedures where decisions can be referred from a planning committee to the full Council for final determination.

7.20 Individual members may make their provisional views known as part of the discussions at earlier meetings. Councillors who have responsibility for the decision should only make a final judgement when all the relevant material considerations are before the meeting that will, in fact, determine the application. These considerations can quite appropriately include the views of a local or area committee for a central planning committee, or the views of a planning committee or a pre-determination hearing in advance of the full Council.

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99. Where Council procedures allow for decisions to be referred for final decision by a planning committee, including a local or area planning committee, to the full Council or other committee, you may make your provisional views known but only as part of the discussions during the earlier meetings.

100. As a member of a planning committee you should make a decision in the public good and not represent any private interest.

101. You should familiarise yourself with the Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures which can be found at <http://www.gov.scot/Resource/0044/00444959.pdf>.

A complaint alleged that a councillor had pre-determined his decision about a planning application prior to his involvement with a Planning Hearing. The complaint was the councillor had referred to a press article, published before the Hearing, which extolled the beauty of the Scottish landscape, together with stating his own personal opinion about the impact of noise generated by wind turbines, based on his own experience. It was alleged the councillor had therefore shown bias and predisposition in relation to a planning application, which was suggestive of the councillor having made up his mind about his decision prior to the Planning Hearing.

The Commissioner for Ethical Standards considered that whilst it may have been

suggestive that the councillor may have formed a view a few days before the Hearing is not conclusive evidence that the impact on the landscape of a wind farm development was his only consideration in preparing for the Planning Hearing. While the councillor expressed an opinion about the noise nuisance he had not pursued this aspect following an assurance from a council officer that the turbines met the required noise emission standards. The conclusion of the Commissioner for Ethical Standards was that no breach of the Code was established.

Other Interests

7.21 If you have substantial property or other interests which would prevent you from voting on a regular basis you should not sit on a decision-making committee that deals with planning applications.

7.22 You must not act on behalf of, or as an agent for, an applicant for planning permission with the Council other than in the course of your professional role which you have registered.

Site visits

7.23 As a councillor, you may be asked to attend site visits in connection with a pending planning application or review. If you do so, you should follow the procedures for such visits set out by your authority - for local reviews there are details about site visits in the relevant regulations. These procedures should be consistent with the provisions of this Code.

SECTION 7: TAKING DECISIONS ON QUASI-JUDICIAL OR REGULATORY APPLICATIONS

102. The Code recognises that individual councils will have their own procedures for site visits and does not attempt to be prescriptive about what these procedures should include. However, when attending site visits, you must follow your council's own procedures for such visits.

Unauthorised developments

7.24 As a councillor you may also be the person who is first made aware of unauthorised development and you might - quite properly - wish to refer the matter to the Council for possible enforcement action. Once the initial referral has been made to the appropriate department for investigation and any formal action, you should advise all subsequent inquirers to deal directly with the relevant officer, as you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case.

103. You must not organise support or opposition, lobby other councillors or put pressure on planning officers to either take or not take investigative or enforcement action. This applies to all councillors, whether members of the planning committee or not.

ANNEX A:

SANCTIONS APPLIED BY STANDARDS COMMISSION FOR BREACH OF THE CODE

- (i) Censuring the councillor;
- (ii) suspending, for a period not exceeding one year, the councillor's entitlement to attend one or more but not all of the following:
 - (a) all meetings of the Council;
 - (b) all meetings of one or more committees or sub-committees of the council;
 - (c) all meetings of any other body on which that councillor is a representative or nominee of the council;
- (iii) suspension, for a period not exceeding one year, of the councillor's entitlement to attend all meetings of the Council, and of any committee or sub-committee of the Council; and of any other body on which the councillor is a representative or nominee of the Council;
- (iv) disqualifying the councillor, for a period not exceeding five years, from being or being nominated for election as, or from being elected as, a councillor.

of any committee or sub-committee of the Council, any joint committee, joint board or other body on which the councillor is a representative or nominee of the Council.

Where a councillor is also a member of a devolved public body (as defined in the Ethical Standards in Public Life etc. (Scotland) Act 2000), other than as a representative or nominee of the Council, the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in Section 19 of the Act.

A period of suspension under (ii) or (iii) above which would continue until or beyond an ordinary election will come to an end at the beginning of the day on which that election is held.

Disqualification of a councillor has the effect of vacating that councillor's office and extends to the councillor's membership

ANNEX B:

DEFINITIONS

1. **“Remuneration”** includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.
2. **“Undertaking”** means: (i) a body corporate or partnership; or (ii) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. **“Related Undertaking”** is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.
4. **“Parent Undertaking”** is an undertaking in relation to another undertaking, a subsidiary undertaking, if (i) it holds a majority of the voting rights in the undertaking; or (ii) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or (iii) it has the right to exercise a dominant influence over the undertaking (a) by virtue of provisions contained in the undertaking’s memorandum or articles or (b) by virtue of a control contract; or (iv) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. **“Election expenses”** means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.
6. **“A person”** means a single individual or legal person and includes a group of companies.
7. **“Group of companies”** has the same meaning as “group” in section 262(1) of the Companies Act 1985. A “group”, within s262(1) of the Companies Act 1985, means a parent undertaking and its subsidiary undertakings.
8. **“Any person”** includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. **“Spouse”** does not include a former spouse or a spouse who is living separately and apart from you.
10. **“Cohabitee”** includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.
11. **“Chair”** includes Committee Convener or any person discharging similar functions under alternative decision making structures.

ANNEX C:

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN SCOTTISH COUNCILS

Principles

1. This protocol sets out the way in which Councils and employees of Councils should behave towards one another. It does not cover all the variety of circumstances which can arise, but the approach which it adopts will serve as a guide to dealing with other issues as they come up.
2. Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.

Scope

3. The most common contacts are between councillors and senior employees at Chief Executive, Director or Head of Service level, and this protocol is largely about those contacts. There are also many contacts between councillors and other employees in their daily business, and the principles of this protocol also apply to them. The particular position of employees who provide direct support services for councillors is dealt with separately at paragraph 21.

Members' and employees' roles

4. Within a Council, councillors have a number of different roles, all of which call for separate consideration. Some councillors are chairs of committees, most belong to political groups, and all have a local ward to represent.
5. Legally, employees are employed by the Council and are accountable to it.

Ultimately they serve the Council as a whole and not any particular political group, combination of groups or any individual member. Nonetheless, political groups exist in most Councils and employees may properly be called upon to assist the deliberations of political groups and also to help individual members in their different roles. Chief Executives and Senior Officers have ultimate responsibility to ensure that the Council's responsibilities are implemented.

Office bearers

6. It is clearly important that there should be a close professional working relationship between the Chair of a committee and the director and other senior employees of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other councillors, and the ability of Chairs to deal impartially with other employees.
7. The Chair of a committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members on their areas of professional competence. While employees will wish to listen to the views of conveners, they must retain final responsibility for the content of reports.

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8. Committee Chairs are recognised as the legitimate elected spokesperson on their committees' areas of responsibility. Where authority is delegated to employees they will often wish to consult Chairs of committees about the action which they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Chairs should bear this in mind when discussing proposed action with employees.

9. Committee Chairs will have many dealings with employees. Those employees should always seek to assist a committee Chair but it must be remembered that they are ultimately responsible to the Head of the Service.

Political groups

10. Most Councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. Employees must at all times, maintain political neutrality.

11. The support provided by employees can take many forms, ranging from the meeting with the Chair and vice-Chair before a committee meeting to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from whichever party group is for the time being in control of the Council, it should be available to all party groups.

The advice given by employees to different party groups should be consistent.

12. Certain matters must, however, be clearly understood by all those participating in this type of process, councillors and employees alike. In particular:-

(i) Council rules about groups' access to employees, e.g. all requests being approved by the Chief Executive, must be followed;

(ii) employee support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. The observance of this distinction will be assisted if employees are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;

(iii) party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;

(iv) where employees provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information

ANNEX C:

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN SCOTTISH COUNCILS

and advice to the relevant committee or sub-committee when the matter in question is considered;

(v) political groups need to recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued and place employees in a difficult position in giving information and advice; and

(vi) the chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.

- 13.** Special care needs to be exercised whenever employees are involved in providing information and advice to a meeting of a political group which includes persons who are not members of the Council. Such persons will not be bound by the Codes of Conduct for councillors and employees (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons employees may not be able to provide the same level of information and advice as they would to a members only meeting.

14. Any discussion with a political group or councillor must be treated with strict confidentiality by the employees concerned and should not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.

15. Should any difficulty or uncertainty arise in the area of employee advice to party groups, this shall be raised with the Chief Executive who should discuss the matter with the group leader.

Local representative

16. All councillors represent part of the area of the Council. Within each Council's rules about consultation and councillor involvement, employees must treat all councillors fairly and openly in their role as local representatives. When performing their local representative role, councillors will be seen by the public as representing the Council and should act in accordance with the principles of the Code of Conduct for Councillors and this protocol.

Communications

17. Communications between an individual councillor and an employee should normally not be copied by the officer to any other councillor. Where it is necessary to copy the communications to another member, this should be made clear to the original councillor at the time.

ANNEX C:

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN SCOTTISH COUNCILS

Appointments

- 18.** Where councillors are involved in the appointments of employees they must act fairly and openly and judge candidates solely on merit.

Social relationships

- 19.** The relationship between councillors and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Councillors and employees will often be thrown together in social situations within the community and they have a responsibility to project a positive image of the Council. Nonetheless, close personal familiarity between individual employees and councillors can damage the relationship of mutual respect and the belief that employees give objective and professional advice and commitment to the Council. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public comment

- 20.** Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to councillors the respect and courtesy due to them in their various roles. There are provisions in the Code of Conduct for Employees about speaking in public and employees should observe them.

Employees supporting councillors

- 21.** Where Councils arrange for employees to support members directly in carrying out their duties, particular considerations apply. Such employees are normally involved in administrative and practical support of councillors. While such staff may operate to the requirements of individual councillors in their daily business, it must be remembered that the employees are accountable to their line managers and any issues about conflicting priorities, conduct or performance must be referred to those managers.

- 104.** Councillors should not become involved in issues relating to individual employees' pay or terms and conditions of employment, except while serving on a committee delegated to deal with such matters.

STANDARDS COMMISSION FOR SCOTLAND'S GUIDANCE FOR COUNCILLORS AND LOCAL AUTHORITIES IN SCOTLAND

THE ETHICAL FRAMEWORK: THE RELATIONSHIP BETWEEN THE COMMISSION AND COUNCILS

1. The promotion of high standards in public life is essential to ensure and reinforce public confidence in the activities and responsibilities of Councils.
2. The Standards Commission wishes to support the work of Councils in striving to achieve the highest standards of conduct and, with this in mind, wishes to make itself readily available to facilitate this.
3. The Standards Commission wishes to stress the importance which it attaches to Councils embracing the ethical framework and ensuring that they have effective support systems in place to assist councillors in applying high standards of conduct.
4. Councils are reminded of the importance of high standards of conduct as a key part of arrangements for corporate governance. In this connection, the Standards Commission commends the advice given by Audit Scotland in relation to the role of ethical standards within corporate governance in its Code of Audit Practice (March 2007).
5. Councils also have a part to play in ensuring that the public are made aware of the ethical framework in Scotland and how it is to be regulated and the Standards Commission advises Councils to facilitate the process by ensuring that information about the Act, the Councillors' Code of Conduct, and the roles of the Standards Commission and the Commissioner for Ethical Standards in Public Life in Scotland is widely available at their main offices. Councils should make this information available at all public libraries and provide the Code of Conduct directly, or through links, on their own web sites.

THE DUTIES OF COUNCILS TO PROMOTE HIGH STANDARDS OF CONDUCT

6. All Councils have duties in terms of section 5 of the Act of:-
 - a) promoting the observance by their councillors of high standards of conduct; and
 - b) assisting them to observe the Councillors' Code of Conduct.

Code of Conduct and Guidance

7. In the first instance, Councils should ensure that all councillors have their own copies of the Councillors' Code of Conduct and this Guidance Note. Attention should be drawn to the additional material which the Standards Commission will issue from time to time, including that published on its web-site.

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Application of the Code

8. The Act and the Code apply only to elected councillors and not to co-opted members of local authority committees. Co-opted members are, however, expected to apply the same high standards of conduct as elected councillors.
9. Local authorities should, therefore, expect co-opted members to comply with the Code and this should be a condition of appointment. In cases where the authority has no discretion over the appointment (such as the Church of Scotland and Roman Catholic Church representatives on education committees) the authority should seek confirmation from the appointing authorities that they will require their appointees to comply with the Code.

European Convention on Human Rights

9. The Code itself – including its key principles – is compliant with and subject to the provisions of the European Convention on Human Rights (ECHR) as applied by the Human Rights Act 1998.

Training

10. Councils should make arrangements to hold or attend training and induction sessions on ethical standards and they should strongly encourage all of their councillors and senior officers to attend such sessions. The Standards Commission is willing to participate in any such programmes wherever practical, particularly where organised by established training providers, such as representative, professional or training associations.
11. The training sessions should cover the ethical framework, including the Act, the Code of Conduct and the enforcement regime, and emphasise the personal responsibilities of councillors. Training sessions should be offered to councillors as soon as possible after any revisions are made to the Councillors' Code of Conduct.
12. When Councils are re-constituted after local government elections arrangements should be made to hold training sessions for all councillors.
13. Since ethical standards is a developing and evolving area, Councils should also make suitable arrangements for periodic refresher courses for councillors.

Advice from Senior Officers

14. As part of the support provided to them, it is important that councillors should have ready access to advice from nominated senior officers (such as the chief executive or the monitoring officer) on the ethical framework in general, and on the Code of Conduct in

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particular. When seeking advice, councillors should do so in good time and ensure they apprise the officers of all relevant facts and circumstances.

15. Officers should always clearly point out that it is the councillor's personal responsibility to ensure that they comply at all times with the provisions of the Code of Conduct. This will be particularly important when giving advice in relation to matters such as registration of interests and declaration of interests.

Respect for other councillors and employees

16. The Standards Commission recommends Councils draw up best practice guidelines or protocols to cover working arrangements among members and, where appropriate, among party groups and between members and officers to facilitate achieving this important objective.

Conduct at Meetings

17. The Chair's powers and duties should be articulated to the whole Council in standing orders which should set out the obligation on the Chair to permit fair and responsible debate and the obligation on the other members to adhere to appropriate rulings by the Chair. Behaviour disruptive to the meeting should not be tolerated. Appropriate sanctions should be available to deal with members guilty of such behaviour, including exclusion from the meeting if necessary to allow Council business to be completed.
18. The Standards Commission recommends that every local authority has a set of standing orders in place which should include provisions to regulate procedure at meetings.
19. Where disruptive behaviour – individual or otherwise – reaches the stage of preventing Council business from properly and timeously taking place, it is recommended that such issues, wherever possible, be referred in the first instance to an informal meeting of senior elected members (such as political group leaders), together with appropriate senior officers in order to seek a resolution to such issues. Reference of a breach of the Code should be made to the Commissioner for Ethical Standards in Public Life in Scotland where it is believed that such a reference to a group of senior elected members would serve no useful purpose or would otherwise be inappropriate. It should be recognised that disruptive behaviour will reflect on the reputation of the Council as well as that of individual elected members.
20. The conduct of the Chair in the process of conducting a meeting can play a major role in ensuring a successful meeting. For that reason, councillors who are regularly expected to chair meetings should ensure that they are familiar with the Council's standing orders relating to the conduct of debate.

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Confidentiality Requirements

21. Council or committee reports issued to elected members will clearly indicate if they are deemed to contain confidential or exempt information. Councillors will also receive other information from Council officers which may be confidential or private; in such cases it is important that in imparting such information to councillors it is made entirely clear that the information is made available to them in confidence and the extent – if at all – that they may pass on such information to third parties (such as constituents, colleague councillors or the press) should also be made explicitly clear.

Use of Council Facilities

22. Councils should ensure that arrangements made to assist councillors communicating with their constituents or the wider public do not include campaigning activities. Where councillors wish to circulate communications to their constituents or the public, there should be suitable safeguards in place to ensure that any expenditure incurred by the local authority is appropriate. The Standards Commission recommends that Councils have a policy in place dealing with councillors' use of IT Equipment.

Registration of Interests

23. All Councils have a duty to set up, maintain and make available for public inspection a register of the interests of their councillors which the Code requires to be registered. They must also appoint a proper officer to maintain the register.
24. Councils should ensure that councillors are aware of the importance of registering all their relevant interests. They should make arrangements for councillors who wish to do so to consult the nominated senior officers(s) to help them to complete their own notices for the Register of Interests in accordance with the requirements of the Code and the Regulations.
25. The principal Register should be kept at the head offices of Councils and an electronic version should be available on the Council's website. The information should also be available at other main Council offices and public libraries. Any member of the public inspecting such information at any of these locations should be entitled to receive a printed copy of the information on request. The Standards Commission will provide a facility on its own web-site so that members of the public, on accessing that site, can link to the relevant pages on the Councils' web sites. The electronic version of the Register need not include personal address information that would compromise councillors' personal security, the full details being available for public inspection as above. Advice in relation to personal security and the Register can be obtained from the monitoring officers and from the Standards Commission.

STANDARDS COMMISSION FOR SCOTLAND'S GUIDANCE FOR COUNCILLORS AND LOCAL AUTHORITIES IN SCOTLAND

26. The Standards Commission appreciates that there may be a time gap between the registering of interests in the principal Register and copying that information to web-sites. This means it is important to make it clear the date at which the information given is accurate. Councils should aim to have their web-sites updated within one month of the receipt of the information.
27. Appropriate arrangements should be made to ensure that councillors are advised to keep their entries in the Register under review. These arrangements should include the issue of a reminder at least every six months.
28. It is each councillor's personal responsibility to ensure that his/her Register of Interests is updated timeously i.e. within one month of a change of circumstances.
29. The proper officer must maintain a record of the interests registered by the councillors in their first notice and any subsequent notices. The proper officer must ensure that all the appropriate information – that is the date of the notice, the name of the councillor and the statement of information in the notice – is fully recorded.
30. The proper officer must maintain the record for five years after the member ceases to be a councillor.

THE ACTIVITIES OF SUSPENDED COUNCILLORS

Suspension

31. In all cases of suspension, whether partial or full, the councillor's entitlement to attend meetings will be limited or removed altogether. Attendance at, and participation in, meetings is one of the most important responsibilities of public office. The Standards Commission recognises that constituents may perceive that a limitation in entitlement to attend meetings will adversely affect the councillor's ability to represent their interests fully. Accordingly, Councils should make appropriate arrangements to provide representative cover for the suspended member for the benefit of his or her constituents.
32. Councils should also consider carefully whether it would be appropriate for the councillor to continue to be consulted on various issues as the local member. Particular thought should be given to regulatory or quasi-judicial matters where the councillor has been suspended from the committee appointed to deal with such matters.

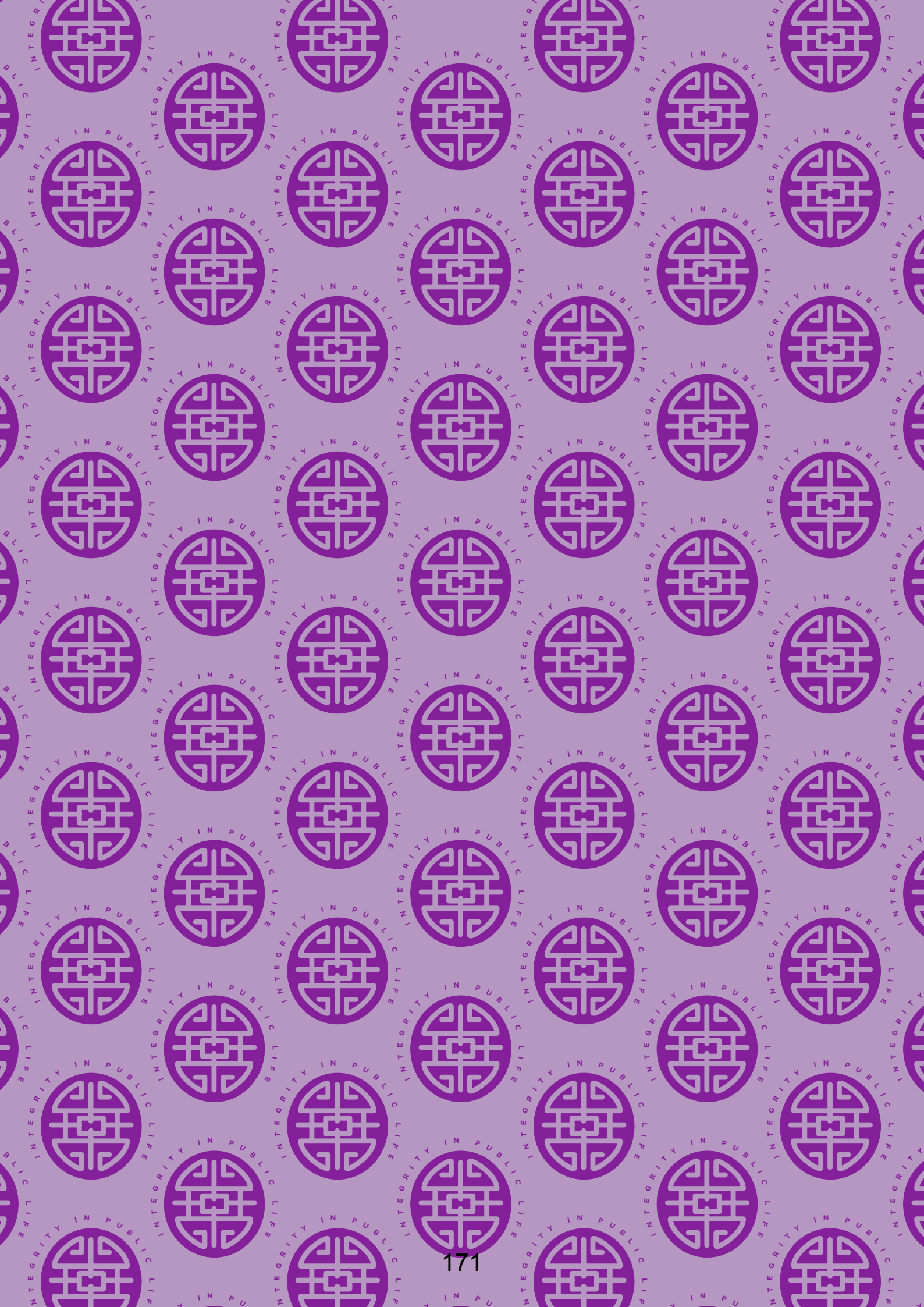
STANDARDS COMMISSION FOR SCOTLAND'S GUIDANCE FOR COUNCILLORS AND LOCAL AUTHORITIES IN SCOTLAND

Partial Suspension

33. Where the councillor has special responsibilities (such as being a Spokesperson in respect of particular matters or Chair or Vice-Chair of a particular Committee or Sub-Committee or Joint Board), and the councillor has been suspended from Council meetings or meetings of the Committee or Sub-Committee or Joint Board dealing with that function, the councillor must not undertake these special responsibilities during the period of suspension. Moreover, the Council should, during the period of suspension, cease payment of remuneration at the grade of Senior Councillor (or equivalent enhanced payment for a joint board) and remunerate the councillor at the rate of remuneration payable to ordinary councillors.
34. Where a councillor has been suspended from attending meetings of another body on which the councillor is a representative or nominee of the Council, the Council should consider nominating another councillor as the Council's representative or nominee on that body.

Full Suspension

35. In a case of full suspension or where the councillor is suspended from all meetings of the Council and all meetings of its committees and sub-committees, the councillor should not undertake any special responsibilities previously assigned to him/her by the Council and the Council should, during the period of suspension, cease payment of remuneration at the grades of Leader of the Council, Civic Head or Senior Councillor (or equivalent enhanced payment for a joint board) as applicable and remunerate the councillor at the rate of remuneration payable to ordinary councillors.
36. Depending on the length of the period of suspension, the Council should also consider appointing other councillors to the vacancies on committees or sub-committees and to any other body where the councillor has been the Council's representative or nominee consequent on the suspension of the councillor.





INTEGRITY IN PUBLIC LIFE

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CLACKMANNANSHIRE COUNCIL

Report to Council

Date of Meeting: 11th August, 2016

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 implementation of workforce related savings agreed in the Council's Budget on the 23rd February 2016 and the timetable for the preparation of the 2017/18 Budget.

2.0 Recommendations

2.1 It is recommended that Council notes:

- a. the economic and fiscal outlook update from Fiscal Affairs Scotland and CIPFA following the EU referendum (section 3)
- b. the revised timing of the Scottish Spending Review and local government settlement in December 2016 at the earliest (paragraph 4.5)
- c. the revised 'realistic' indicative funding gap scenario, should Council tax increases be maintained at 0% (Table 2 and paragraph 4.3)
- d. progress with budget preparation including arrangements in place for briefing elected members and trade union representatives (Paragraphs 4.5- 4.8)
- e. the high level indicative Budget preparation timeline (Appendix A and paragraph 4.9)
- f. the outcome of recent discussions with trade union representatives in respect of maximising redeployment opportunities (paragraph 4. 10)
- g. the current position with regards both Targeted Voluntary Redundancy and Voluntary Severance (paragraphs 4.11 to 4.14 and Exhibits 1-4).

3.0 Economic and Fiscal outlook

- 3.1 Following the EU referendum in June 2016, the UK voted to leave. This has a number of potential implications for the Scottish Government's future budget, though many of these will not be known for some time.
- 3.2 Most independent economic commentators predicted that an exit from the EU would have a negative impact on the UK economy in the short, medium and long term. In the immediate aftermath of the referendum, sterling and share prices both fell sharply with subsequent recovery seen in terms of share prices. However, in reality the economic implications remain highly uncertain and will take time to become clear, this will likely be in terms of years rather than months and in the interim, ongoing volatility is to be anticipated.
- 3.3 The UK financial implications are similarly highly uncertain. In the short term the UK's fiscal position could improve, as the net contribution to the EU of around £8 billion ends and the additional money is potentially available to fund UK services or to cut taxes. However, if the economy slows down, this benefit could be lost, even in the short term.
- 3.4 At present, some commentators are suggesting that it seems unlikely that there will be an emergency Budget. There is, however, also speculation that the new Prime Minister may decide to have an election to confirm their position. This demonstrates the considerable conflict in views and information that exist at this time, making it very difficult to forecast with any reliability timescales or details of key factors which will need to be considered. When a Spending Review does take place, areas which are likely to come under particular scrutiny are those where EU support and policy play a major role, for instance Agriculture and Regional Development.
- 3.5 Whilst the referendum vote was to leave, Fiscal Affairs Scotland has suggested that an exit is not, at this point, certain. This view is not shared by other commentators for instance Rob Whiteman, CIPFA's Chief Executive has concluded that the UK is set to exit the EU and that this is demonstrated by nearly all the main UK-wide political parties announcing their respect of the electorate's verdict. Many commentators are suggesting that once EU leaders have worked out the implications and internal political risks, there is the possibility of a second vote as the implications of leaving the EU have been demonstrated or have become more defined.
- 3.6 The Scottish economy is likely to be affected in a similar way to that of the UK in general terms, though some risks may be less acute in Scotland, for instance in respect of City of London financial sector activities. If, as indicated at paragraph 3.4, the next UK Spending Review is not immediate, the Scottish Government will go ahead with its planned Spending Review announcement, though the timing of this has already been impacted given concerns about the impact of Brexit on the Chancellor's Autumn Statement (Paragraph 3.10).
- 3.7 Elected members will recall that the public sector was optimistic of a three year funding announcement at the time of the Autumn Spending review. However, on the 30th June, the Cabinet Secretary for Finance and Constitution gave evidence to the Scottish Parliament's Finance Committee regarding the timetable for the Scottish Draft Budget for 2017/18. At this time, the Cabinet Secretary also confirmed that the Scottish Government will be setting a one year budget for 2017/18.
- 3.8 In his letter to the Finance Committee, the Cabinet Secretary also highlights in greater

detail the process and timescale for the development and scrutiny of the Draft Scottish Budget 2017/18. A key consideration is the fact that new Scotland Act 2016 powers are in place for the first time, including the ability to vary income tax rates and bands. He highlights the consequential importance of the role of forecasts of Scottish and rest of the UK tax receipts and demand led social security spending, and the relationship between the Chancellor's (UK) Autumn Statement and the calculation of the annual Block Grant Adjustment (BGA).

- 3.9 Having considered the timing and availability of key statistics and returns in the early Autumn period, the Cabinet Secretary concludes that on balance, it is more efficient to publish the Scottish Government's Draft Budget 2017/18 after the UK Autumn Statement to minimise the potential level of volatility that might need to be managed, especially with regards the potential for additional parliamentary scrutiny of revisions being required, should there be changes between the Draft Budget and Budget Bill.
- 3.10 In specific terms this has been confirmed by the Cabinet Secretary to give rise to a similar position to that experienced in respect of 2016/17 Budget setting. That is, the Scottish Spending Review and Local Government settlement announcement will be made at the same time and this will be after the Chancellor's Autumn Statement. As yet, there is no set date for the Chancellor's Autumn Statement as this will be a decision for the new Prime Minister and Chancellor. On this basis, the Cabinet Secretary has indicated that the Scottish announcement will be in December at the earliest. This presents a significant challenge to councils from a financial planning perspective given the lack of consistent information on the potential or likely impacts of Brexit on the Autumn Statement.

4.0 Budget Strategy Implementation

- 4.1 On the 23rd June 2016, Council was presented with updated financial planning scenarios and the realistic scenario is set out in Table 1 below. This forecasts an indicative cumulative funding gap of £18.1million up to 2019/20 and £7.4 million for 2017/18.

Table 1: REALISTIC Indicative budget Gap to 2019/20

	2017/18	2018/19	2019/20
	£000	£000	£000
Net expenditure	118,572	122,837	126,873
Net Funding	111,190	109,950	108,750
Cumulative indicative Funding Gap	7,382	12,887	18,123
Indicative Annual Gap	7,382	5,506	5,236

- 4.2 The key financial assumptions applied were:

- Cash reduction in General revenue Grant of 1.2% in 2017/18 and 1.9 % in 2018/19 and 2019/20
- a 0% increase in Council Tax income in 2017/18 and an increase of 2% in

2018/19 and 2019/20

- pay inflation of 1% in all three years
- an allowance of £1.3m per annum for contractual inflation and £1.2m for general pressures in each of the three years.

4.3 Given the lack of additional information, the scenarios have not been significantly revised since the last update provided to Council. However, in the report on the 23rd June, assumptions were made in respect of council tax income and the potential to increase this by up to 3% in future years. The scenarios presented had treated this as income which could be used to offset general expenditure, though the point was highlighted that should this additional income be ringfenced in line with the Scottish Government's manifesto commitments, this position would not be sustained. Table 2 shows the revised position if assumptions of 0% additional council tax income are used. As previously indicated, this increases the indicative funding gap, resulting in a revised cumulative indicative funding gap of £18.9m up to 2019/20 and £7.4m in 2017/18.

Table 2: Indicative budget Gap to 2019/20 maintaining 0% increase in Council tax income (Realistic scenario)

	2017/18	2018/19	2019/20
	£000	£000	£000
Net expenditure	118,572	122,837	126,873
Net Funding	111,190	109,572	107,986
Cumulative indicative Funding Gap	7,382	13,265	18,887
Indicative Annual Gap	7,382	5,883	5,622

4.4 There is much more information required before the position can be forecast with any reliability. The Scottish Spending Review announcement and local government settlement announcement will now be simultaneous, and in December at the earliest. Budget preparation will be significantly progressed at this point meaning that it will be extremely challenging to forecast with any reliability the likely funding for 2017/18 as a minimum.

Budget preparation

4.5 Following the appointment of the new Administration in May, a new Strategy and Resources Group has been established comprising all members of the Administration, the Chief Accountant and chief officers. The forum considers key policy changes and their financial impacts and benefits. The group also receives regular updates on progress with implementing 2016/17 savings.

4.6 It is also intended that monthly briefings for all elected members and Trade Union representatives on Budget preparation and the development of Business case

proposals will continue, and these will be scheduled from the end of August 2016.

4.7 Work continues to monitor the implementation of 2016/17 agreed savings. Recent activity has suggested there is the potential for a shortfall in the delivery of savings at this point in the year. The reasons cited include: refusal of Targeted Voluntary Redundancy, change in circumstances since budget setting and greater than anticipated impacts on service users/ service delivery. The opportunity for elected members to scrutinize these variations in more detail is provided through routine financial monitoring information which will be presented to the Audit and Finance Committee. Executive Team has taken the following early action to improve on this situation:

- Met with each Head of Service to discuss compensatory savings
- Identified those areas where a partial saving is possible with remedial management intervention and giving rise to the potential for a consequential 2017/18 saving
- Set up challenge meetings between the Administration and each Head of Service
- Reviewed senior capacity to provide additional support in areas where significant savings can be delivered with additional leadership capacity and momentum.

4.8 Current management work to develop new Business Cases continues. Initial high level themes have been discussed with the Administration, alongside some specific proposals. It is intended that all elected members will receive an update on progress at the August briefing meeting.

4.9 The high level Indicative Budget Preparation timetable has been refreshed for the 2017/18 Budget setting round. This is set out at Appendix A. Given the uncertainty over the likely timing of the Scottish Spending Review and Local Government settlement announcements, timescales will be kept under review and any significant changes notified to Council as they are known.

Managed contraction in the cost of employment

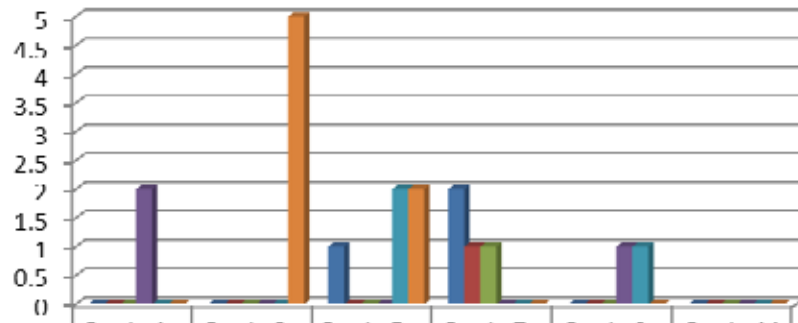
4.10 On the 14th July, senior management met with Trade Union representatives to progress formal discussions with trade union representatives in respect of maximising redeployment opportunities. The key points from this meeting were:

- Trade union representatives are broadly supportive of a position where a post is identified as being at risk, the member of staff is moved into redeployment as a result of redundancy;
- Both management and trade union representatives agree that a key objective is to maximise the redeployment opportunities for staff who hold posts identified as at risk;

- Management and trade union representatives share the view that where a member of staff is offered a 'suitable alternative employment' through redeployment, refusing an offer of 'suitable alternative employment' may impact on the rights to statutory redundancy pay if a member of staff unreasonably turns down suitable alternative employment;
- The definition of 'suitable alternative employment' will continue to be discussed between management and trade union representatives as part of ongoing discussions on Council Policy;
- There is a divergence of views between management and trade union representatives on what would happen at the end of the specified redeployment period;
- A further meeting is scheduled for the week commencing 1 August 2016. It is intended that at the meeting a formal documented management proposal will be discussed. This will take the form of revisions to the existing Redeployment Policy. This will then be considered by the Joint Trade Union Committee (JTUC) and consideration given to balloting trade union members;
- A staff consultation and ballot would take approximately one month; and
- A further update will be submitted to the September Council meeting.

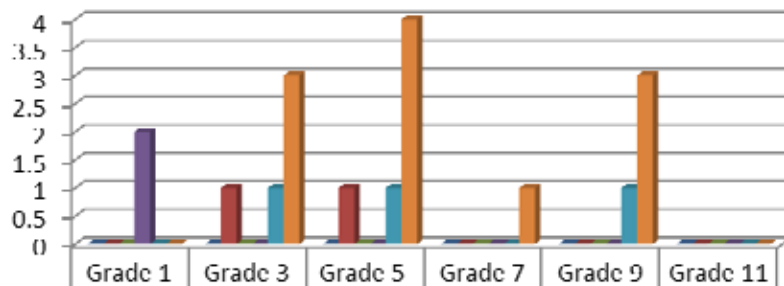
4.11 Since the last meeting of Council, almost all of the details on pension costs and entitlements have been received from Falkirk Pensions in respect of those staff who expressed an interest in Targeted Voluntary Redundancy (TVR). At present 55 TVR proposals have been approved by Executive Team for discussion with members of staff. These approved expressions of interest have now all been discussed with individual members of staff and this has resulted in 18 acceptances, 18 rejections and 19 staff remaining to advise of their intentions. A breakdown of the acceptances and rejections by service and grade is set out in Exhibits 1 and 2 below.

Voluntary Redundancy - Acceptances



	Grade 1 2	Grade 3 4	Grade 5 6	Grade 7 8	Grade 9 10	Grade 11 -12
Development and Environmental	0	0	1	2	0	0
Education Services	0	0	0	1	0	0
Housing and Community Safety	0	0	0	1	0	0
Resources and Governance	2	0	0	0	1	0
Social Services	0	0	2	0	1	0
Strategy and Customer Services	0	5	2	0	0	0

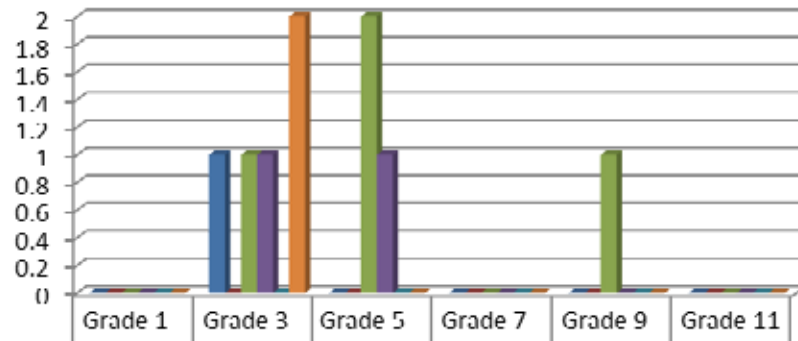
Voluntary Redundancy - Declined



	Grade 1 - 2	Grade 3 - 4	Grade 5 - 6	Grade 7 - 8	Grade 9 - 10	Grade 11 - 12
Development and Environmental	0	0	0	0	0	0
Education Services	0	1	1	0	0	0
Housing and Community Safety	0	0	0	0	0	0
Resources and Governance	2	0	0	0	0	0
Social Services	0	1	1	0	1	0
Strategy and Customer Services	0	3	4	1	3	0

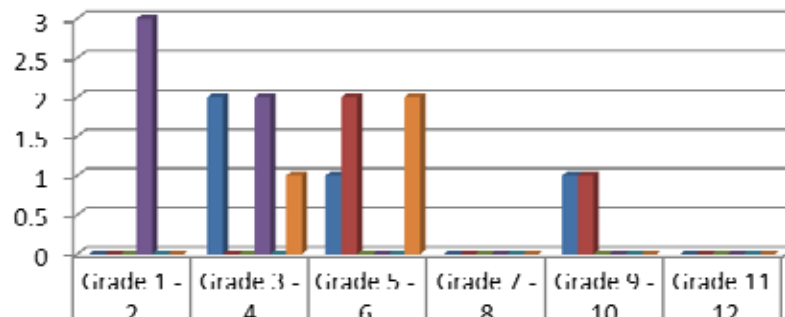
- 4.12 Now that the majority of TVR related pension details have been received, the next batch of forms (numbering 155) have been issued to Falkirk Pensions. These relate to expressions of interest in Voluntary Severance (VS). To date, 35 VS applications have been approved for discussion with members of staff and to date there have been 9 acceptances and 15 rejections. The breakdown of VS acceptances and rejections by service and grade are set out in Exhibits 3 and 4 below.

Voluntary Severance - Acceptance



	Grade 1 - 2	Grade 3 - 4	Grade 5 - 6	Grade 7 - 8	Grade 9 - 10	Grade 11 - 12
Development and Environmental	0	1	0	0	0	0
Education Services	0	0	0	0	0	0
Housing and Community Safety	0	1	2	0	1	0
Resources and Governance	0	1	1	0	0	0
Social Services	0	0	0	0	0	0
Strategy and Customer Services	0	2	0	0	0	0

Voluntary Severance - Declined



	Grade 1 - 2	Grade 3 - 4	Grade 5 - 6	Grade 7 - 8	Grade 9 - 10	Grade 11 - 12
Development and Environmental	0	2	1	0	1	0
Education Services	0	0	2	0	1	0
Housing and Community Safety	0	0	0	0	0	0
Resources and Governance	3	2	0	0	0	0
Social Services	0	0	0	0	0	0
Strategy and Customer Services	0	1	2	0	0	0

4.13 In summary, at this stage 55 TVR and 35 VS applications have been approved for discussion with members of staff. To date this has resulted in 27 acceptances (18 TVR and 9 VS) and 33 refusals (18 TVR and 15 VS). This would equate to annual savings of £435,475 of TVR savings and £195,423 VS savings. These annual savings will be delivered over two financial years (2016/17 and 2017/18) and the incidence of the savings will be dependent on confirmation of each individual member of staff's leaving date. This refined detail is currently being prepared to facilitate a comparison with the agreed 2016/17 budget savings of £1.154m and £400,000 for TVR and VS respectively.

- 4.14 The current year's savings were assumed to be achievable on the basis of implementation by 30 September 2016. At the current rate of turnaround, at this stage, it appears unlikely that the full savings will be delivered, though this is being carefully monitored and prioritised to secure the maximum potential from those who have expressed an interest in VS or made an offer in respect of TVR.

5.0 Conclusions

- 5.1 This report reviews the latest economic and fiscal outlook following the EU Referendum. It is clear that there is significant uncertainty and many conflicting views of the likely impacts and their associated timescales following the result.
- 5.2 The report highlights an immediate local impact of the Referendum as the deferred Scottish Spending Review and local Government settlement announcement. This is significant given the anticipation of yet unquantified and unspecified impacts arising from the Referendum result. It will be very late in the 2017/18 Budget preparation process before these details are available.
- 5.3 The report refreshes the previously reported 'realistic' financial planning scenario to demonstrate the impact of additional council tax income being ringfenced and not being available to fund general expenditure. This results in a revised cumulative indicative funding gap of £18.9m up to 2019/20 and £7.4 million in 2017/18.
- 5.4 The report also provides an update on the implementation of the Council's agreed workforce related savings, ongoing discussions with trade union representatives in respect of redeployment and the high level indicative Budget preparation timescales.

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. Staffings 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 Appendix A High level Indicative Budget Preparation timeline

13.0 Background Papers


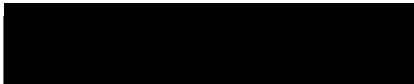
13.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Council Budget 2016/17	February 2016
Fiscal Affairs Scotland	June and July 2016
TVR/VS Clearing stage 3	June 2016
Public Finance, CIPFA CE	July 2016

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Approved by

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

APPENDIX A

Budget 2016/17 Key Milestones, timeline and outputs

Task/ milestone	Timing	Stakeholders/ attendees	Output
Ts&Cs consultation	ongoing	TUs, Management. Led by Head of Resources & Governance (and Depute Chief Executive- redeployment and unsocial hours)	Proposals for efficiency/ redesign linked to MCB Ts& Cs proposals
2016/17 savings implementation Challenge Sessions	July and August 2016	Administration, Executive Team; Heads of Service; Chief Accountant, Team Leader (Accountant)	2016/17 Compensatory savings Change proposals New savings Proposals for new business cases Policy decisions Alternative delivery models
Administration political priorities	July 2016	Administration; Executive Team; CMT	Political priorities
HSCI Strategic Plan: Review of Priorities and Funding	August 2016	HSCI Chief Officer, IJB, Chief Executive, Leader and Depute Chief Executive, Chief Accountant	Preparation of HSCI Strategic Plan priorities linked to resource transfer Demand pressures
Elected Member Forum	August 2016 (monthly)	Elected members, Executive Team, Chief Accountant, Service representatives	Change Proposals, Business cases Elected member feedback
Trade Union Forum	August 2016 (monthly)	TU reps, Executive Team, Chief Accountant	Change Proposals, Business cases Feedback from TUs
Capital Bid process	Late August 2016	Capital Investment Group (officer operational group)	Draft capital bid preparation
CMT review and refresh of 'Plan B' proposals (in 2016/17 based on proposed reductions of 10%)	Late August 2016	Individual Service MT, Executive Team, Chief Accountant, Team Leader (Accountancy), Service Accountants;	Proposals for service reduction/alternative delivery models in respect of discretionary service

Task/ milestone	Timing	Stakeholders/ attendees	Output
and 15% of 2015/16 service budgets) and previously rejected business cases			provision and potential savings in respect of reduction in the level of statutory service performance standards. Refreshed Business cases
Budget consultation: Outline approach internally and externally	August 2016	Head of Strategy & Customer Services, Depute Chief Executive, Team Leader (Communications), Chief Accountant	Consultation outline approach and action plan
Business case development	August and September 2016	Executive Team; Chief officers, Chief Accountant, Team Leader (Accountancy)	Business cases incorporating options appraisals; saving proposals, investment requirements and timescales.
Elected Member Forum	September 2016 (monthly)	Elected members, Executive Team, Chief Accountant, Service representatives	Change Proposals, Business cases Capital Bid development Elected member feedback
Trade Union Forum	September 2016 (monthly)	TU reps, Executive Team, Chief Accountant	Change Proposals, Business cases Capital Bid development Feedback from TUs
Capital Bid process	30th September 2016	Capital Investment Group	Draft capital bid schedule
Business case development	30th September 2016	Executive Team; Chief officers, Chief Accountant, Team Leader (Accountant), Service Accountants	Business cases incorporating options appraisals; saving proposals, investment requirements and timescales.
HSCI Resource	October 2015	HSCI Chief Officer, IJB,	Completion of draft

Task/ milestone	Timing	Stakeholders/ attendees	Output
Transfer		Leader of the Council and Depute Chief Executive, Chief Accountant	resource transfer figure linked to agreed Strategic Plan priorities
External consultation and engagement	September-December 2016	Head of Strategy & Customer Services, Chief Officers, Team Leader (Communications), Chief Accountant	Areas of business case development and emerging options Feedback
Capital Bid Corporate Round Table	31st October 2016	CMT, Executive Team, Chief Accountant	Draft Capital bids
Income and Charging Strategy Refresh	31st October 2016	Chief Accountant, Accountancy Team Leader, Chief Officers/ services	Income and Charging Strategy proposals/revisions
Demand Pressures	31st October 2016	Chief Accountant, Accountancy Team Leader, Chief Officers/ services	Collate draft demand pressures
Member dialogue on budget preparation (detailed evaluation)	October 2016 onwards	Administration and political grouping as appropriate	Indicative budget including necessary savings proposals, policy decisions and prioritisation
Elected Member Forum	October 2016 (monthly)	Elected members, Executive Team, Chief Accountant, Service representatives	Change Proposals, Business cases Capital Bid development Elected member feedback
Trade Union Forum	October 2016 (monthly)	TU reps, Executive Team, Chief Accountant	Change Proposals, Business cases Capital Bid development Elected member feedback
Draft Demand pressures review	November 2016	Executive Team	Refined schedule of demand pressures, clarification query schedule
Income and Charging Strategy Refresh	30th November 2015	Chief Accountant, Team Leader (Accountancy)	Refreshed Income and Charging Strategy scenarios
Elected Member	November 2016	Elected members, Executive	Change Proposals,

Task/ milestone	Timing	Stakeholders/ attendees	Output
Forum	(monthly)	Team, Chief Accountant, Service representatives	Business cases Capital Bid development Elected member feedback
Trade Union Forum	November 2016 (monthly)	TU reps, Executive Team, Chief Accountant	Change Proposals, Business cases Capital Bid development Elected member feedback
Capital Bids: Consultation	Mid-December 2016	Capital Investment Group and Elected Member and Trade Union Forum	Finalised capital bids
HSCI Resource Transfer	Mid December 2016	HSCI Chief Officer, IJB, Leader of the Council and Depute Chief Executive, Accountant	Resource transfer position consolidated for integration with Council budget
Elected member Forum	December 2016	Elected members, Executive Team, Chief Accountant, Service representatives	Indicative potential savings Draft capital bid proposals Elected member feedback
Trade Union Forum	December 2016	TU reps, Executive Team, Chief Accountant	Indicative potential savings Draft capital bid proposals Feedback from TUs
Finalise demand pressures	Mid December 2016	Executive Team	Finalised demand pressures to incorporate within budget
Income and Charging Strategy	Mid December 2016	CMT, Chief Accountant	Finalised schedule of charges and refreshed Strategy.
Consultation	December and January 2016	Head of Strategy & Customer Services, Depute Chief Executive, Team Leader (Communications), Chief	Aggregated Consultation responses from stakeholders for

Task/ milestone	Timing	Stakeholders/ attendees	Output
		Accountant	inclusion in the Budget
Pre consultation draft Budget	December 2016	Administration, Depute Chief Executive, CMT, Chief Accountant	Draft Budget subject to consideration of consultation responses.
Budget setting	By end of January 2016	Special Council	Final Budget

Key			
Green	Consultation	Aqua	Income and charging refresh
Pink	Capital bid development	Yellow	Demand Pressures
Purple	Budget challenge	Red	Budget
Light green	HSCI		

Report to: Council

Date of Meeting: 11 August, 2016

Subject: Putting Customers First - Local Service Provision

Report by: Chief Executive & Head of Strategy & Customer Services

1.0 Purpose

- 1.1 The purpose of this report is to bring to Council proposals from the Administration to undertake a community consultation on the development of more responsive, effective and accessible services, particularly at locality level.

2.0 Recommendations

- 2.1 It is recommended that Council:

- a) notes the Administration's vision to improve services and more effectively achieve priority outcomes;
- b) agrees to undertake community consultation as set out at section 5 of this report;
- c) agrees not to proceed with certain previous decisions of Council as set out at section 6 of this report; and
- d) notes that a report outlining the results of the proposed consultation and bringing forward specific proposals to implement the vision will be brought back to the Council meeting in November of this year.

- 2.2 With reference to 2.1(c) above, as agreeing this recommendation would withdraw/alter Council decisions which have been taken within the previous six months, under the Council's Standing Orders this can only be considered if the Provost is satisfied that circumstances have changed in a relevant way. The Provost has been consulted and has stated that he is of the view that with the resignation of the former Administration in May and the appointment of the new Administration in June circumstances have changed in a relevant way.

3.0 Background

- 3.1 The Council needs to ensure that its services and the ways in which they are delivered are fit for purpose so that the organisation collectively is:

- effectively meeting declared priority outcomes for individuals, communities and the area more widely; and
- achieving excellent levels of service performance and service user satisfaction.

3.2 Feedback from various service user and community consultations has highlighted two key areas where the Council (and its Alliance partners) can fall down in terms of meeting service user expectations. These areas are:

- 1) *service design not being customer focussed enough* - Council services can be designed around service processes rather than around the customer. As a result, services can be focussed on a single issue and work in silos which can lead to missed opportunities to maximise the effectiveness of the Council's collective offering. Related to this, bureaucracy and lack of co-operation between services can be barriers to improving services for customers. Similarly, ineffective initial points of contact can be barriers to a positive service user experience and to achieving positive outcomes for service users.
- 2) *lack of locally based provision and access to services* – service users expect services to be easily accessible. While existing local access points provide some basic functions, most other services and supports (particularly for vulnerable people) are only available centrally. This can create barriers between the public sector and its service users and be a deterrent to engagement, particularly for those individuals who might most benefit from support and in those areas where there are the greatest socio-economic inequalities.

3.3 The next sections of this report set out the Administration's vision to address these two related issues, to improve services and to achieve priority outcomes more effectively.

4.0 Vision – A Customer First Culture & Approach

4.1 To achieve:

- better service performance and improved customer satisfaction
- enhanced service user and community relationships; and
- more effective service contributions to meeting outcomes

it is proposed that an organisational approach which promotes a 'Customer First' ethos is pursued.

4.2 This would mean:

- removing cultural silos and barriers and service protectionism so that services act consistently as part of a single organisation
- having a collective, corporate (and multi-agency) outlook and approach to service design and delivery
- focusing on fewer, more integrated processes and avoiding

- having easier access to services through enhanced local presence in communities.
- 4.3 The approach would put the customer first and develop services around service users and communities.
- 4.4 In operational terms, this approach envisages an integrated public sector presence in various localities where Council, and potentially other public services, could offer a single point of access for service users which could offer:
- a) information, advice and sign-posting
 - b) general customer service
 - c) support for applying for certain services
 - d) direct access to certain services
 - e) single point of contact/link person to guide a service user and co-ordinate the input of various services
 - f) facilitation of access to specialist workers
 - g) a system of triage to assess the service user's issue
 - h) direct support by specific workers
 - i) opportunities for wider community development.
- 4.5 It is proposed that a local service offering should be available directly in the following communities:
- Alloa (town centre and Alloa South & East)
 - Sauchie
 - Tullibody
 - Menstrie
 - Alva
 - Tillicoultry
 - Dollar
 - Clackmannan
- with other areas being served on an outreach basis.
- 4.6 One size will not fit all and feedback from community and partner consultation will inform provision in each locality.
- 4.7 It is considered that some existing Community Access Points could be developed to provide bases for this enhanced local offering and also that other available localities could also be used. It may be that in some areas where existing premises may not be suitable for this enhanced offering, more appropriate alternative premises in the locality would be sought.
- 5.0 Consulting With Service Users**
- 5.1 It is proposed that a public consultation on the vision and approach is undertaken between August and October 2016. The purpose of the consultation will be to seek views on the core model proposed, and to understand if there are any additional requirements communities would like to

see incorporated into a new way of working.

5.2 Opportunities for written feedback will be available; however, given the intended strong customer-centred ethos and approach there will also be a focus on face to face communication. The consultation exercise therefore will consist of the following approach:

- online using the CitizenSpace consultation tool;
- suggestion boxes in each CAP;
- public meetings in each of the communities set out at paragraph 4.5 led by local members from the Administration supported by officers
- drop-in sessions in each of the communities set out at paragraph 4.5, with local members and officers on hand to answer questions or receive feedback;
- staff and partner engagement
- any additional consultations as identified by the Equalities Impact Assessment.

5.3 As mentioned above, the consultation exercise will run from August to October 2016, with key milestone dates as follows:

- Public Consultation Opens online/suggestions boxes – 12 August
- Drop-in Sessions – August/September
- Public Meetings – September
- Public Consultation Closes – 17 October
- Consultation Outcome Report to Council - 10 November.

5.4 An important element of the Community Empowerment Act 2015 is that it builds on the basic principles of the Christie review, namely, to empower individuals and communities receiving public services by involving them in the design and delivery of the services they use. The proposed public consultation is entirely consistent with that ethos.

5.5 The Act also introduces the concept of Locality Plans ‘for smaller geographies areas where there are ‘significantly poorer outcomes’ than elsewhere in the local authority area, or in Scotland generally’. These plans must be prepared and published, with progress reported and published annually. It would be possible to base Locality Planning under the Act around the geographies outlined at paragraph 4.5 and it is intended that this can also be tested as part of the consultation process.

6.0 Related Matters

2016-17 Budget

6.1 Certain decisions which Council took in February, 2016, at its special budget meeting are not consistent with the new Administration’s ambitions as set out in this paper. The Administration, therefore, wishes, pending the outcome of the consultation exercise, not to proceed with the following previous Council decisions:

- a) the cluster model framework set out at paragraphs 3.8-3.10 of the report to Council on the General Services and HRA & Capital Budget 2016-17;
- b) the associated Community Investment Strategy which set out at Appendix A to the same report
- c) those specific elements of the approved capital budget relating to that framework, namely:
 - A13 – Sauchie Hall Locality Hub - £81,000
 - A25 – Clackmannan Primary School/Locality Hub - locality hub component of £110,000 (less any costs associated with remodelling the identified hub space for educational use)
 - A33 – Alva Community Campus/Locality Hub - locality hub element of £200,000 (less any costs associated with remodelling the identified hub space for educational use)

6.2 Further to consideration of the results of the consultation exercise proposed in this report, revised proposals will come back to Council in November.

Workforce Development

6.3 To achieve the vision and a realigned customer service approach will require changed organisational ethos and culture. This needs to be underpinned by an active workforce and skills development programme so that:

- officer roles and activities are in keeping with the proposed approach; and
- there is a clear managerial focus on outcomes.

6.4 In tandem with the public consultation exercise set out earlier in this paper, therefore, a staff engagement exercise will be undertaken as part of wider ongoing engagement as part of the Workforce Strategy to consider the workforce development requirements of future proposals. Feedback on that engagement exercise will also be reported back to Council in November.

7.0 Sustainability Implications – N/A

8.0 Resource Implications

Financial Details

8.1 The recommendations in this paper could have implications for the capital budget in that there may be a reprioritisation of the budget agreed in February. Accordingly, alternative proposals may come forward further to the consultation exercise.

Intended capital expenditure of £391k will be put on hold in respect of the previous locality hub proposals set out at paragraph 6.1(c) of this report.

The costs of consultation are minimal and will be managed within existing operational budgets.

Staffing

8.2 There are no specific and direct implications for the Council's establishment as a result of the recommendations in this report.

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

The Council is effective, efficient and recognised for excellence

11.0 Equalities Impact - N/A

12.0 Legality

12.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers.

The Community Empowerment Act 2015 places duties on the Council and other statutory agencies to facilitate greater involvement of communities in decisions which affect them and in enhanced participation in decision-making to improve local outcomes. The proposals in this report sit comfortably with these duties and will contribute to the Council's statutory responsibilities.

13.0 Appendices - none

14.0 Background Papers

General Services and HRA Revenue & Capital Budget 2016-17 – Report to Council of 23, February, 2016

author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stuart Crickmar	Head of Strategy & Customer Services	
Elaine McPherson	Chief Executive	

Report to: Clackmannanshire Council

Date of Meeting: 11 August 2016

Subject: Advice Services

Report by: Head of Housing & Community Safety

1.0 Purpose

- 1.1. The report recommends supporting Citizen's Advice Bureau (CAB) to provide additional money advice services whilst reconfiguring the services provided by the Council to concentrate on early preventative work.

2.0 Recommendations

- 2.1. It is recommended that Council approves
 - 2.1.1. the transfer of £17K from the Housing Revenue Account staffing budget to the CAB grant budget to enable CAB to further develop its money advice services.
 - 2.1.2. Reconfiguring council services to focus on early intervention and prevention activities.

3.0 Discussion

- 3.1. This is little doubt that the ongoing welfare reforms are leaving many residents struggling not just financially but with the ability to understand the benefits system to maximise the support available to them.
- 3.2. The Council operates an in-house Money Advice service and also funds CAB to carry out similar work. Two and a half full time equivalent (FTE) council staff are funded from a money advice budget, but in effect only 1.5 (FTE) are currently deployed on this full-time. Other front line staff have also been trained to provide basic advice.
- 3.3. It is believed that CAB is now in a strong position to provide a comprehensive money advice service to all residents in Clackmannanshire, allowing the Council to concentrate on core functions and prevention activities.
- 3.4. As well as its professional staffing complement, CAB maximises the impact of grant funding by utilising the services of highly trained and motivated volunteers. CAB Alloa currently has 31 volunteers. This results in

considerable 'leverage' for public money. It is part of a national network, its services are independent and the CAB "brand" is trusted by the public. Having all advice services under one roof means that the public will also be clear on where to go to receive advice to suit their circumstances.

- 3.5. In the last financial year the Council staff dealt with 106 new advice cases, with combined debts of over £1M. 71% of these cases had household incomes of less than £15,000. 89% had council tax arrears, with the average figure of £2550, and 45% had rent arrears with an average figure of £979. It can be seen from these figures that as well as dealing with the consequences of such high levels of debt, more needs to be done to prevent residents getting into this amount of debt, given the detrimental impact on them and the Council's finances.
- 3.6. It is proposed that the Council fund CAB to take on all money advice work. CAB advises that its case workers are expected to take on 160-200 cases per year. The types of cases cover all complex debts including debt arrangement and bankruptcy cases including any court representation. To transfer the current workload one part-time worker will be required.
- 3.7. It is recommended that £17K from the Housing Revenue Account (HRA) staffing budget be vired to enable CAB to provide an expanded service. CAB would reorganise its work so that this new worker would deal predominantly with council tenants, whilst its other staff would provide similar services for tenants of other landlords and owners, through its existing grant funding.
- 3.8. The proposal was fully discussed with CAB's management at a recent meeting, and they are very supportive of this expanded service. In addition to the ongoing review of the existing service level agreement, this new service will be regularly evaluated to ensure that it provides value for money and that CAB's costs are being met. The ongoing funding will be built into the annual HRA budget.
- 3.9. The current Council staff would, in addition to working closely with CAB initially to build the service, focus their activities on preventative work, including training more front line staff in basic debt and budgeting advice. They will also help to improve housing benefit processing, and Scottish Welfare Fund processes, so that customers quickly get the help they need at source, rather than dealing with the consequences of debt.

4.0 Sustainability Implications

- 4.1. Advisers often provide information on better use of utilities.

5.0 Resource Implications

5.1 Financial Details

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes

5.3. Finance has been consulted and has agreed the financial implications as set out in the report.

Yes

5.4. Staffing

5.5. There are no staffing implications arising from this report

6.0. Exempt Reports

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

7.0. 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	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input checked="" type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input checked="" type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input checked="" type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

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

8.0. Equalities Impact

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

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. None.

11.0. Background Papers

11.1. 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

Author(s)

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Approved by

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