



**Clackmannanshire
Council**

www.clacksweb.org.uk

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

Statutory Meeting of the Clackmannanshire Council

Thursday 18 May 2017 at 10.00 am.

**Venue: Council Chamber, 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 monthly 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 Committee Services by e-mail at customerservice@clacks.gov.uk or by telephone on 01259 452106 or 452004.

10 May 2017

A STATUTORY MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 18 MAY 2017 at 10.00 am.

**ELAINE McPHERSON
Chief Executive**

B U S I N E S S

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1. Apologies	--
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 Services Officer.	--
3. Election of Provost	--
4. Election of:	
(a) Depute Provost	--
(b) Leader of the Council	--
(c) Depute Leader of the Council	--
5. Appointment of Chairs and Vice Chairs of Standing Committees:	
(a) Planning Committee (and Local Review Body) – Chair and Vice Chair	--
(b) Regulatory Committee - Chair and Vice Chair	--
(c) Audit and Finance Committee - Chair and Vice Chair	--
(d) Scrutiny Committee - Chair	--
6. Political Balance - report by the Chief Executive (Copy herewith)	07
7. Appointments to Licensing Board - report by the Head of Resources and Governance (Copy herewith)	13
8. Appointments to Board of SEStran- report by the Chief Executive (Copy herewith)	15

For further information contact Resources & Governance, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB
(Tel 01259 452106/452004)(email customerservices@clacks.gov.uk) (www.clacksweb.org.uk)

Clackmannanshire Council – Councillors and Wards (From 4th May 2017)

Councillors

Wards

Councillor	Darren Lee	1	Clackmannanshire West	CONS
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Archie Drummond	2	Clackmannanshire North	SNP
Councillor	Phil Fairlie	3	Clackmannanshire Central	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Mike Watson	3	Clackmannanshire Central	CONS
Councillor	Chris Dixon	4	Clackmannanshire South	CONS
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Ellen Forson	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Graham Lindsay	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB
Councillor	Bill Mason	5	Clackmannanshire East	CONS

Appointed Members (3)

Rev Sang Y Cha	Church of Scotland
Father Michael Freyne	Roman Catholic Church
Pastor David Fraser	Scottish Baptist Church

Nb. Religious representatives (Appointed Members) only have voting rights on matters relating to the discharge of the authority's function as education authority.

CLACKMANNANSHIRE COUNCIL

Report to: Clackmannanshire Council

Date of Meeting: 18 May, 2017

Subject: Political Balance

Report by: Chief Executive

1.0 Purpose & Background

1.1 Standing Order 1.5 states that at the first Council meeting after an election, Council will *"decide the political balance on each committee and sub committee. We will set aside seats to achieve a balance between the political parties, as far as is reasonably practical."*

1.2 The purpose of this report is to ask Council to decide the political balance on its standing committees.

2.0 Recommendation

2.1 It is recommended that Council:

a) notes the political balance of the Council further to the May elections (Table 1);

b) notes the options for the number of seats each political group might have on the Council's standing committees based on that political balance (Tables 3 and 4); and

c) decides the balance of seats on the Council's standing committees, guided by those options.

3.0 Background & Considerations

3.1 Standing Orders state that at the first meeting of the Council after an election the political balance on committees should be determined.

3.2 While political balance is not an exact science, the following general principles, insofar as are practicable, apply to its determination:

a) not all the seats on the body are allocated to the same political group;

(b) the majority of the seats on the body is allocated to a particular political group if the number of people belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, the number of seats on the body allocated to each political group bears the same proportion to the total of all the seats on the body as is borne by the number of members of that group to the membership of the authority.

3.3 Political representation on the Council further to the recent elections is set out in Table 1 below. This shows the number of seats each group has and the percentage of overall seats that number represents.

TABLE 1

Political Groups Seats	No	%
SNP	8	44
Conservative	5	28
Labour	5	28
	<u>18</u>	100

3.4 When the respective percentages in Table 1 are applied to seats on the Council's standing committees, the unrounded allocation of seats is as set out in Table 2 below.

TABLE 2

Political Group	% to apply	Seats Planning	Seats Regulatory	Seats Audit & Finance	Seats Scrutiny
SNP	44	4.4	3.52	3.52	3.52
Conservative	28	2.8	2.24	2.24	2.24
Labour	28	2.8	2.24	2.24	2.24
		<u>10</u>	<u>8</u>	<u>8</u>	<u>8</u>

3.5 Clearly, it is not practicable to have the seats allocated in any other way than in round figures. Applying rounding conventions to the figures set out in Table 2 would result in the seat apportionment as set in Table 3 overleaf.

TABLE 3

Political Groups & Seats	No.	Seats Planning Committee	Seats Regulatory	Seats Audit & Finance	Seats Scrutiny
SNP	8	4	4	4	see para 3.9
Conservative	5	3	2	2	
Labour	5	3	2	2	
	<u>18</u>	<u>10</u>	<u>8</u>	<u>8</u>	<u>8</u>

3.6 The scenario in Table 3 results in a position whereby the SNP group would have half the seats on committees of eight even though it does not have half the seats on the Council. That scenario would result in the following percentage of seats for each group (with the difference from the % of overall seats on the Council in brackets):

- SNP - 50% (+6%)
- Conservative - 25% (-3%)
- Labour - 25% (-3%).

3.7 An alternative scenario which would address that potential imbalance (albeit it would create a different one) is as set out in Table 4. This provides that the SNP would have one seat fewer than half the number of seats on committees of eight and that, alternately, each of the other parties with 28% of overall Council seats would have 37.5% representation on committees of eight.

TABLE 4

Political Groups & Members	No.	Seats Planning Committee	Seats Regulatory	Seats Audit & Finance	Seats Scrutiny
SNP	8	4	3	3	see para 3.9
Conservative	5	3	3	2	
Labour	5	3	2	3	
	<u>18</u>	<u>10</u>	<u>8</u>	<u>8</u>	<u>8</u>

3.8 That scenario would result in the following percentage of seats for each group (with the difference from the % of overall seats on the Council in brackets):

- SNP - 37.5% (-6.5%)
- Conservative (or Labour) - 37.5 (+9.5)%
- Labour (or Conservative) - 25% (-3%)

3.9 The Council has previously agreed that the majority of members of the Scrutiny Committee should come from outwith the political Administration and that the chair of that Committee should be appointed from the main

opposition. It is not clear at the time of writing this report which group or groups may be in political Administration and accordingly, no allocation of seats to that Committee has been proposed in this report.

- 3.10 Once other decisions are taken, seats on the Scrutiny Committee will be able to be allocated according to the principles of political balance and in line with whichever option for this is agreed by Council.

4.0 Other Committees & Fora

- 4.1 Licensing Board - appointments to this body are covered by a separate item on the agenda.
- 4.2 Local Review Body - the LRB is also subject to separate legislation and there are no requirements to make any appointments to this body at the Council's statutory meeting.
- 4.3 Statutory Committees - are all subject to specific requirements set out in either legislation or guidance.
- 4.4 Ad hoc Committees - political balance will be applied to these as appropriate (e.g. to Appointments Committees) and based on the balance agreed by the Council.
- 4.5 Nominations to these other committees and fora will come forward to Council at the relevant time and as required.

5.0 Sustainability Implications - N/A

- 6.0 Resource Implications** – There are no budget or staffing implications as a result of this paper.

7.0 Exempt Reports

- 7.1 Is this report exempt? No

8.0 Declarations

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

9.0 Equalities Impact

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

10.0 Legality

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

11.0 Appendices

None

12.0 Background Papers

- Results of local government elections, May 2017
- Council Standing Orders

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Signed: E McPherson

Report to: Clackmannanshire Council

Date of Meeting: 18th May 2017

Subject: Appointments to Licensing Board

Report by: Head of Resources and Governance

1.0 Purpose

- 1.1. Under Standing Order 1.5 the Council must appoint no fewer than five and no greater than ten members to the Licensing Board. This report invites the Council to consider the appointment of members to the Board.

2.0 Recommendations

- 2.1. It is recommended that the Council appoints eight (8) members to the Licensing Board.

3.0 Background Considerations

- 3.1. At its first statutory meeting, under Standing Order 1.5, the Council must appoint no fewer than five and no greater than ten members to the Licensing Board. This is obligatory under Schedule 1 of the Licensing (Scotland) Act 2005. Additionally it should be noted that all members appointed must then undergo compulsory training before they can participate in making Board decisions.
- 3.2. There is no statutory obligation on the Council to maintain a political balance on the Licensing Board and the Licensing Board was not included within the considerations relating to Political Balance submitted by the Chief Executive.
- 3.3. By virtue of Schedule 1 paragraph 12(1) of the 2005 Act the quorum for the Board is half the membership or not less than three.
- 3.4. In August 2014 Council agreed to have eight (8) members on the Licensing Board. This was an increase from the previous membership of six (6) as there were occasions when the Board had struggled to find a quorum.
- 3.5. Members are therefore invited to consider the appointment of eight (8) members to the Licensing Board.

4.0 Sustainability Implications

4.1. There are no sustainability implications for the Council.

5.0 Resource Implications

5.1 There are no budget or staffing implications as a result of this paper.

6.0 Exempt Reports

6.1. Is this report exempt? No

7.0 Declarations

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

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? 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.

10.0 Appendices

10.1 None

11.0 Background Papers

11.1 None

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew G Wyse	Acting Legal Services Manager	452088

Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources and Governance	Signed: S Coulter
Elaine McPherson	Chief Executive	Signed: E McPherson

CLACKMANNANSHIRE COUNCIL

Report to: Clackmannanshire Council

Date of Meeting: 18 May, 2017

Subject: Appointments to Board of SEStran

Report by: Chief Executive

1.0 Purpose

- 1.1 This report asks Council to nominate two representatives to the Board of the South East Scotland Transport Partnership (SEStran). It is a statutory requirement that these appointments are made at the first meetings of councils after the local government elections.

2.0 Recommendation

- 2.1 It is recommended that Council nominates two of its members to sit on the Board of SEStran.

3.0 Background & Considerations

- 3.1 SEStran is the statutory Regional Transport Partnership for the South East of Scotland. SEStran encompasses eight local authorities: City of Edinburgh, Clackmannanshire, East Lothian, Falkirk, Fife, Midlothian, Scottish Borders and West Lothian.

- 3.2 More information on SEStran can be found at its website per:

<http://www.sestran.gov.uk/>

- 3.3 There are two representatives of this Council on the SEStran Board and it is a requirement under the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 that:- "*.... each constituent council of a Partnership shall at the first meeting of that council taking place after each ordinary election appoint ... councillor members of the Partnership.*"

- 3.4 SEStran has asked each authority to consider making where possible gender balanced appointments to assist the Partnership in meeting its Equality Objectives (under the Equality Act 2010).

4.0 Sustainability Implications - N/A

5.0 Resource Implications – There are no budget or staffing implications as a result of this paper.

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.

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? 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.

10.0 Appendices

None

11.0 Background Papers

Letter of 26 April, 2017, from Chair of SEStran Board

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Signed: E McPherson