

MINUTE OF STATUTORY MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on THURSDAY 18 MAY 2017 at 10.00 am.

PRESENT

Councillor Donald Balsillie
Councillor Martha Benny
Councillor Dave Clark
Councillor Chris Dixon
Councillor Archie Drummond
Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Ellen Forson
Councillor Craig Holden
Councillor Darren Lee
Councillor Graham Lindsay
Councillor Kathleen Martin
Councillor Bill Mason
Councillor Les Sharp
Councillor Derek Stewart
Councillor Mike Watson

IN ATTENDANCE

Elaine McPherson, Chief Executive/Returning Officer
Nikki Bridle, Depute Chief Executive
Garry Dallas, Executive Director
Stephen Coulter, Head of Resources and Governance
Celia Gray, Head of Social Services (18 May only)
Anne Pearson, Chief Education Officer
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)

As a preface to the meeting, the Chief Executive congratulated the members who were elected to serve as members of the Clackmannanshire Council on 4 May 2017 and wished them well in their term of office.

As set out in legislation, the Chief Executive, in her capacity as Returning Officer, took the Chair and outlined the requirement for Council to elect a Provost from among its councillors as the first substantive business to be transacted at the first meeting of the council after an ordinary election.

CC.01 APOLOGIES

Apologies for absence were received from Councillor Tina Murphy and Councillor George Matchett, QPM.

CC.02 DECLARATION OF INTERESTS

None.

CC.03 ELECTION OF PROVOST

The Returning Officer outlined procedures for the election of Provost and invited nominations.

Councillor Dave Clark nominated Councillor Tina Murphy as Provost.

The Returning Officer asked if Councillor Clark had confirmation that Councillor Murphy was willing to be nominated for the role.

It could not be confirmed that Councillor Murphy was willing to be nominated for the role.

The Clerk to the Council confirmed that where a member nominated to an office is in absentia, to meet legal requirements, written or verbal confirmation is required that she was prepared to accept the office to which she was nominated.

As there were no other nominations, the meeting adjourned at 10.05 am.

When the meeting resumed at 10.20 am, sixteen members remained present.

Motion

That Council re-convenes on Thursday 1 June 2017 at 10.00 am.

Moved by Councillor Les Sharp. Seconded by Councillor Bill Mason.

Decision

The Council agreed to re-convene on Thursday 1 June 2017 at 10.00 am.

The Clerk to the Council advised that the Council would be in breach of the Local Government etc. (Scotland) Act 1994 if it did not appoint a Convener (Provost) at its first statutory meeting which required to be held within 21 days of the date of the election.

The Meeting adjourned at 10.25am

When the meeting reconvened in 1 June 2017 at 10.00am 17 members were present, the meeting having been joined by Councillor T Murphy. An apology for absence was again received from Councillor George Matchett, QPM. Ahsan Khan, Head of Housing and Community Safety and Lindsay Sim, Chief Accountant were also in attendance

The Returning Officer welcomed members to the reconvened statutory meeting and again, took the Chair reminding Council to elect a Provost from among its councillors as the first substantive business to be transacted required to be the election of a Provost. The Returning Officer further advised of the possibility of one additional item of urgent business subject to the agreement of the Provost, once elected.

CC.04 ELECTION OF PROVOST

The Returning Officer outlined procedures for the election of Provost and invited nominations.

Councillor Les Sharp nominated Councillor Tina Murphy as Provost of Clackmannanshire Council, seconded by Councillor Archie Drummond.

Decision

As there were no other nominations for Provost, the Returning Officer declared Councillor Tina Murphy duly elected as Provost of the Clackmannanshire Council.

Provost Murphy then accepted the chain of office and took the Chair.

CC.05 ELECTION OF DEPUTE PROVOST, LEADER AND DEPUTE LEADER

(a) Depute Provost

The Provost invited nominations for the election of Depute Provost.

Councillor Les Sharp nominated Councillor Donald Balsillie as Depute Provost, seconded by Councillor Archie Drummond.

Decision

As there were no other nominations for Depute Provost, Councillor Donald Balsillie was duly elected as Depute Provost of Clackmannanshire Council.

(b) Leader of the Council

The Provost invited nominations for the election of the Leader of the Council.

Councillor Donald Balsillie nominated Councillor Les Sharp as Leader of the Council, seconded by Councillor Graham Lindsay.

Decision

As there were no other nominations for Leader of the Council, Councillor Les Sharp was duly elected as the Leader of the Clackmannanshire Council.

(c) Depute Leader of the Council

The Provost invited nominations for the election of the Depute Leader of the Council.

Councillor Les Sharp nominated Councillor Archie Drummond as Depute Leader of the Council, seconded by Councillor Phil Fairlie.

Decision

As there were no other nominations for Depute Leader of the Council, Councillor Archie Drummond was duly elected as the Depute Leader of the Clackmannanshire Council.

Action

Chief Executive

CC.06 APPOINTMENT OF CHAIRS AND VICE CHAIRS OF STANDING COMMITTEES

The Provost invited nominations for the appointment of Chairs and Vice Chairs of the Council's Standing Committees.

(a) Planning Committee and Local Review Body – Chair and Vice Chair

Councillor Les Sharp nominated Councillor Donald Balsillie as Chair of the Planning Committee and Local Review Body, and Councillor Phil Fairlie as Vice Chair of the Planning Committee and Local Review Body.

Seconded by Councillor Archie Drummond.

Decision

As there were no other nominations, Councillor Donald Balsillie was duly appointed as Chair of the Planning Committee and Local Review Body, and Councillor Phil Fairlie was duly appointed as Vice Chair of the Planning Committee and Local Review Body.

(b) Regulatory Committee – Chair and Vice Chair

Councillor Les Sharp nominated Councillor Graham Lindsay as Chair of the Regulatory Committee and Councillor Donald Balsillie as Vice Chair of the Regulatory Committee.

Seconded by Councillor Archie Drummond.

Decision

As there were no other nominations, Councillor Graham Lindsay was duly appointed as Chair of the Regulatory Committee and Councillor Donald Balsillie was duly appointed as Vice Chair of the Regulatory Committee.

(c) Audit and Finance Committee – Chair and Vice Chair

Councillor Les Sharp nominated Councillor Archie Drummond as the Chair of the Audit and Finance Committee and Councillor Phil Fairlie as Vice Chair of the Audit and Finance Committee.

Seconded by Councillor Ellen Forson.

Decision

As there were no other nominations, Councillor Archie Drummond was duly appointed as Chair of the Audit and Finance Committee and Councillor Phil Fairlie was duly appointed as Vice Chair of the Audit and Finance Committee.

(d) Scrutiny Committee – Chair

Councillor Kenneth Earle nominated Councillor Dave Clark as Chair of the Scrutiny Committee for the first year of the Scrutiny Committee and proposed that the Chair of the Scrutiny Committee rotates between the two opposition parties (Labour and Conservative) on an annual basis.

Seconded by Councillor Derek Stewart.

Decision

As there were no other nominations, Councillor Dave Clark was duly appointed as Chair of the Scrutiny Committee for its first year.

The Council agreed unanimously that the Chair of the Scrutiny Committee would rotate between the two opposition parties on an annual basis.

Action

Chief Executive

CC.07 POLITICAL BALANCE

A report was submitted by the Chief Executive which asked Council to decide the political balance on its standing committees. Standing Orders state that at the first meeting of the Council after an election the political balance on committees should be determined.

Motion

That Council agrees the recommendations set out in the report and that the political balance as set out in Table 4 is supported as the best alternative scenario to address potential imbalance.

Moved by Councillor Dave Clark. Seconded by Councillor Kenneth Earle.

Amendment

That Council agrees the recommendations set out in the report and that the political balance as set out in Table 3 is supported.

Moved by Councillor Sharp. Seconded by Councillor Drummond.

Voting

For the amendment 8 votes
For the motion 9 votes

The motion was carried on a division of 9 votes to 8.

Decision

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

- (a) to note the political balance of the Council further to the May 2017 elections (Table 1 of the report),
- (b) to note the options for the number of seats each political group might have on the Council's standing committees based on that political balance, and
- (c) the balance of seats on the Council's standing committees be as set out in Table 4 of the report:

Political Groups & Members	No.	Seats Planning Committee	Seats Regulatory Committee	Seats Audit & Finance Committee	Seats Scrutiny Committee
SNP	8	4	3	3	Majority of Members to come from outwith the Political Administration (report para 3.9)
Conservative	5	3	3	2	
Labour	5	3	2	3	
Total	18	10	8	8	8

Action

Chief Executive

CC.08 APPOINTMENTS TO THE LICENSING BOARD

A report was submitted by the Head of Resources and Governance which invited Council to consider the appointment of members to the Licensing Board. At its first statutory meeting the Council must appoint no fewer than five and no greater than ten members to the Licensing Board. All members appointed to the Board must then undergo compulsory training before they can participate in making Board decisions.

The Provost invited nominations to Clackmannanshire Licensing Board.

Councillor Sharp seconded by Councillor Drummond moved that the following SNP Members (4) be appointed to the Licensing Board:-

Councillor Craig Holden, Councillor Archie Drummond, Councillor Tina Murphy
Councillor Les Sharp

Councillor Bill Mason seconded by Councillor Chris Dixon moved that the following Conservative Members (2) be appointed to the Licensing Board:-

Councillor Martha Bennie, Councillor Mike Watson

Councillor Dave Clark. seconded by Councillor Kenneth Earle moved that the following Labour Members (3) be appointed to the Licensing Board:-

Councillor Dave Clark, Councillor Kenneth Earle, Councillor George Matchett, QPM

The Clerk to the Council advised that where Councillor Matchett was nominated to an office in absentia, confirmation is required that he is prepared to accept the appointment to which he is nominated. Councillor Dave Clark confirmed that Councillor George Matchett is prepared to accept the nomination. Councillor Matchett has also signed a Declaration of Acceptance of Office.

After further discussion Councillor Drummond seconded by Councillor Earle moved that the nine (9) members nominated be appointed to the Licensing Board

Decision

The Council unanimously agreed that the nine members nominated be duly appointed to the Licensing Board.

Action

Head of Resources and Governance

CC.09 APPOINTMENTS TO THE BOARD OF SEStran

A report was submitted by the Chief Executive which asked 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.

Councillor Les Sharp seconded by Councillor Archie Drummond. nominated Councillor Phil Fairlie.

Councillor Bill Mason seconded by Councillor Martha Benny nominated Councillor Darren Lee

Decision

As there were no other nominations, Councillor Phil Fairlie and Councillor Darren Lee were duly appointed as Clackmannanshire Council's representatives on the Board of SEStran.

Action

Chief Executive.

CC.10 REPRESENTATION ON OUTSIDE BODIES

A report was submitted by the Chief Executive the purpose of which was to ask Council, as a matter of urgency, to nominate representatives to two outside bodies.

In terms of Standing Order 11.6, the Provost agreed to accept this item on to the agenda as a matter of urgency for the following reasons:

- (a) Nominations for the President and Vice President of CoSLA have to be with CoSLA by 9 June and can only be submitted by Convention members. If the Council does not appoint members to the Convention prior to 9 June, the opportunity to make nominations would be lost.
- (b) The Central Scotland Valuation Joint Board is likely to meet before the end of June 2017 so that its draft accounts and financial statements can be approved. The VJB comprises 15 elected members drawn from the three constituent authorities with Clackmannanshire having three representatives on the Board.

(a) CoSLA Convention

The Provost invited three nominations to the CoSLA Convention based on the Council's political balance.

Motion

That Council appoints two SNP members as representatives on the CoSLA Convention and one elected member from one of the other political parties.

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

Amendment

That Council appoints one elected member from each of the political parties as set out in paragraph 3.6 of the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Derek Stewart.

Voting

For the amendment	9 votes
For the motion	8 votes

Decision

Accordingly, on a division of 9 votes to 8, the Council agreed to appoint one elected member from each of the political parties as Clackmannanshire Council's representatives on the CoSLA Convention, as below:

SNP Representative - Councillor Les Sharp

Moved by Councillor Archie Drummond. Seconded by Councillor Ellen Forson.

Labour Representative - Councillor Dave Clark
Moved by Councillor Derek Stewart. Seconded by Councillor Kenneth Earle

Conservative Representative - Councillor Mike Watson
Moved by Councillor Bill Mason. Seconded by Councillor Martha Benny.

Action

Chief Executive

(b) Central Scotland Valuation Joint Board (VJB)

The Provost invited three nominations to the Central Scotland Valuation Joint Board (VJB).

SNP Nominations

Councillor Les Sharp seconded by Councillor Archie Drummond nominated Councillor Craig Holden and Councillor Donald Balsillie

Labour Nomination

Councillor Dave Clark seconded by Councillor Derek Stewart, nominated Councillor Kenneth Earle.

Conservative Nomination

Councillor Martha Benny seconded by Councillor Chris Dixon nominated Councillor Bill Mason.

Voting

As the number of Councillors nominated was higher than the number of vacancies, the matter was put to the vote. In terms of Standing Order 14.16, the names of all those nominated were put to the meeting in alphabetical order of surname.

Councillor Donald Balsillie	8 votes
Councillor Kenneth Earle	9 votes
Councillor Craig Holden	10 votes
Councillor Bill Mason	9 votes

Decision

Accordingly, Councillor Kenneth Earle, Councillor Craig Holden and Councillor Bill Mason were duly nominated to represent Clackmannanshire Council on the Central Scotland Valuation Joint Board (VJB).

On the motion of Councillor Les Sharp, seconded by Councillor Kenneth Earle, the Council agreed that three substitute members would be nominated outwith today's meeting.

Action

Chief Executive

Ends 1042 hrs