

MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on WEDNESDAY 28 JUNE 2017 at 1.00 PM

PRESENT

Councillor Tina Murphy (Provost)
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 Bill Mason
Councillor Les Sharp
Councillor Derek Stewart

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Depute Chief Executive
Garry Dallas, Executive Director (From Item CC24)
Stephen Coulter, Head of Resources and Governance
Richard Saunders, Senior Auditor
Lindsay Sim, Chief Accountant
Derek Barr, Procurement Manager
Murray Sharp, Service Manager, Revenues and Strategy
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)
Gillian White, Committee Services

CC.11 APOLOGIES

Apologies for absence were received from Councillor Kathleen Martin, Councillor George Matchett, QPM and Councillor Mike Watson.

CC.12 DECLARATION OF INTERESTS

None.

**CC.13 MINUTES OF STATUTORY MEETING OF CLACKMANNANSHIRE
COUNCIL – 18 MAY 2017 AND RECONVENED 1 JUNE 2017**

The Minutes of the Statutory Meeting of Clackmannanshire Council held on 18th May 2017 and reconvened on 1 June 2017 were submitted for approval.

Decision

The Minutes of the Statutory Meeting of Clackmannanshire Council held on 18th May 2017 and reconvened on 1 June 2017 were agreed as a correct record and signed by the Leader of the Council, Councillor Les Sharp.

CC.14 MINUTES OF REGULATORY COMMITTEE – 31 JANUARY 2017

The Minutes of the Regulatory Committee held on 31 January 2017 were submitted for approval.

Decision

The Minutes of the Regulatory Committee held on 31 January 2017 were agreed as a correct record and signed by Councillor Kenneth Earle, former Chair of the Regulatory Committee.

CC.15 MINUTES OF SCRUTINY COMMITTEE – 2 MARCH 2017

The Minutes of the Scrutiny Committee held on 2 March 2017 were submitted for approval.

Decision

The Minutes of the Scrutiny Committee held on 2 March 2017 were agreed as a correct record and signed by the Leader of the Council, Councillor Les Sharp.

CC.16 MINUTES OF AUDIT AND FINANCE COMMITTEE – 16 MARCH 2017

The Minutes of the Audit and Finance Committee held on 16 March 2017 were submitted for approval.

Decision

The Minutes of the Audit and Finance Committee held on 17 March 2017 were agreed as a correct record and signed off by Councillor Archie Drummond, former Chair of the Audit and Finance Committee.

**CC.17 MINUTES OF MEETING OF CLACKMANNANSHIRE COUNCIL –
13 APRIL 2017**

The Minutes of the Meeting of Clackmannanshire Council held on 13 April 2017 were submitted for approval.

Decision

The Minutes of the Meeting of Clackmannanshire Council held on 13 April 2017 were agreed as a correct record and signed off by the Leader of the Council, Councillor Les Sharp.

CC.18 MINUTES OF PLANNING COMMITTEE – 27 APRIL 2017

The Minutes of the Planning Committee held on 27 April 2017 were submitted for approval.

Decision

The Minutes of the Planning Committee held on 27 April 2017 were agreed as a correct record and signed off by the Leader of the Council, Councillor Les Sharp.

CC.19 APPOINTMENTS TO COMMITTEES

The report, submitted by the Chief Executive, set out the requirement to fill a number of positions on its standing committees. The recommendations reflected the political balance agreed by Council and took into account the appointments of Chairs and Vice Chairs which had already been made to the standing committees.

Motion

Councillor Sharp provided a list on behalf of the Council which set out the proposed membership of Committees:

Planning Committee:

Councillor Tina Murphy
Councillor Archie Drummond
Councillor Kenneth Earle
Councillor Derek Stewart
Councillor George Matchett QPM
Councillor Bill Mason
Councillor Chris Dixon
Councillor Martha Benny

Regulatory Committee:

Councillor Les Sharp
Councillor Kenneth Earle
Councillor Kathleen Martin
Councillor Chris Dixon
Councillor Mike Watson
Councillor Martha Benny

Audit and Finance Committee¹:

Councillor Les Sharp
Councillor Dave Clark
Councillor Kenneth Earle
Councillor Martha Benny²
Councillor Darren Lee

Scrutiny Committee:

Councillor Ellen Forson
Councillor Archie Drummond
Councillor Phil Fairlie
Councillor Derek Stewart
Councillor Bill Mason
Councillor Darren Lee
Councillor Chris Dixon

¹ Subsequent to the meeting, Councillor Clark, Leader of the Labour Group, confirmed that Councillor Derek Stewart would be the third Labour member on the Audit and Finance Committee.

² Subsequent to the meeting, the Leader of the Conservative and Unionist Group, confirmed that Councillor Mike Watson, not Councillor Martha Benny, is a member of the Audit and Finance Committee.

Decision

The Council agreed to the membership of the Committees as noted above.

Action

Chief Executive

CC.20 MEMBER APPOINTMENTS AND RESPONSIBILITY ALLOWANCES

The report, submitted by the Chief Executive, sought appointments to the positions of spokespersons and confirmation of the member posts which would receive senior responsibility allowances.

Councillor Forson joined the meeting during questions on this item.

Motion

To agree the recommendations as set out in the report with the following members nominated as spokespersons:

Spokesperson for Health and Social Services	Councillor Ellen Forson
Spokesperson for Environment and Housing	Councillor Craig Holden
Spokesperson for Education	Councillor Graham Lindsay
Spokesperson for Partnership and Third Sector	Councillor Phil Fairlie

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

Amendment

That Councillor Kenneth Earle is nominated as Spokesperson for Partnership and Third Sector.

Moved by Councillor Dave Clark. Seconded by Councillor Derek Stewart

Voting

For Councillor Fairlie	8 votes
For Councillor Earle	3 votes
Abstain from voting	4 votes

Councillor Fairlie was duly appointed Spokesperson for Partnership and Third Sector.

Decision

The Council agreed:

- a) To approve the undernoted appointments as Spokespersons:
 - Spokesperson for Health and Social Services Councillor Ellen Forson
 - Spokesperson for Environment and Housing Councillor Craig Holden
 - Spokesperson for Education Councillor Graham Lindsay
- b) To reinstate the role of spokesperson for Partnership and Third Sector;
- c) To appoint Councillor Phil Fairlie as the Spokesperson for Partnership and Third Sector;

d) That the members appointments which should receive responsibility allowances, are :-

- Chair of Audit and Finance Committee
- Chair of Scrutiny Committee
- Chair of Planning Committee
- Spokesperson for Education
- Spokesperson for Health and Social Services
- Spokesperson for Environment and Housing
- Spokesperson of Partnership and Third Sector

e) To note that consequential changes to Standing Orders and the Scheme of Delegation will be made to reflect the Council's decisions.

Action

Chief Executive

CC.21 ELECTED MEMBER REPRESENTATION ON OUTSIDE BODIES

The report, submitted by the Chief Executive, set out requests for elected member representation on a range of outside bodies. It sought Council's view on whether it wished to be represented on these bodies and, if so, asked Council to appoint members to the relevant organisations.

Motion

To move the recommendations set out in the report and identify a list of bodies seeking representation and proposed nominations to these bodies as set out below.

Name of Outside Body	Number Of Reps	Councillor Nominated
Association for Public Service Excellence (APSE)	1	Councillor Les Sharp
Children's Hearing Scotland	1	Councillor Ellen Forson
Clackmannanshire Alliance	4	Councillor Les Sharp Councillor Archie Drummond Councillor Bill Mason Councillor Kenneth Earle
Clackmannanshire and Stirling Environmental Trust	3	Councillor Les Sharp Councillor Martha Bennie Councillor Derek Stewart
Clackmannanshire Business Ltd	2	Councillor Les Sharp Councillor Chris Dixon
Dollar Academy Trust	1	Councillor Bill Mason
Dollar Museum	1	Councillor Graham Lindsay
Edinburgh Airport Consultative Committee	1	No Appointment
Highland Reserve Forces & Cadets Association	1	Provost - Councillor Tina Murphy Substitute: Councillor Chris Dixon
Integrated Joint Board (Health & Social Care)	3	Councillor Ellen Forson Councillor Bill Mason Councillor Dave Clark

NHS Forth Valley Board	1	Councillor Ellen Forson
Order of Malta Dial-a-Journey	1	No appointment
Pensions Committee	1	Councillor Archie Drummond
Scotland Excel Committee	1	Councillor Les Sharp
Scottish Schools Equipment Research Centre (SSERC)	1 plus 1 substitute	No Appointment
Tullibody Healthy Living Initiative	4	Councillor Les Sharp Councillor Tina Murphy Councillor Darren Lee Councillor George Matchett QPM
University of Stirling Conference Committee	1	Councillor Graham Lindsay
TRUSTS		
Alloa Day Home Trust	5	Councillor Tina Murphy Councillor Ellen Forson Councillor Phil Fairlie Councillor Derek Stewart Councillor Mike Watson
Clackmannan District Brass Band Trust	4	Councillor Craig Holden Councillor Phil Fairlie Councillor Kenneth Earle Councillor Derek Stewart
Clackmannan District Charitable Trust	4	Councillor Tina Murphy Councillor Archie Drummond Councillor Ellen Forson Councillor Derek Stewart Councillor Bill Mason (4 required from pool of 5)
Comrie Trust	4	Councillor Tina Murphy Councillor Archie Drummond Councillor Donald Balsillie Councillor Martha Bennie
Spittal Trust	5	Councillor Tina Murphy Councillor Craig Holden Councillor Phil Fairlie Councillor Derek Stewart Councillor Chris Dixon

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

Amendment

To propose nominations to those bodies set out below:

Name of Outside Body	Number Of Reps	Councillor Nominated
Association for Public Service Excellence (APSE)	1	Councillor Dave Clark
Children's Hearing Scotland	1	Councillor Kathleen Martin
Highland Reserve Forces & Cadets Association	1	Councillor Derek Stewart
NHS Forth Valley Board	1	Councillor Dave Clark
Order of Malta Dial-a-Journey	1	Councillor Derek Stewart

Moved by Councillor Dave Clark. Seconded by Councillor Kenneth Earle. Councillor Clark confirmed that Councillor Martin was happy to be nominated in absentia.

Voting on the Amendment

For the amendment 3 votes
Against the Amendment 12 votes

The amendment was defeated by 12 votes to 3.

Decision

The Council agreed to provide representation on the undernoted outside bodies and confirmed those members appointed as set out below:

Name of Outside Body	Number Of Reps	Councillor(s) Appointed
Association for Public Service Excellence (APSE)	1	Councillor Les Sharp
Children's Hearing Scotland	1	Councillor Ellen Forson
Clackmannanshire Alliance	4	Councillor Les Sharp Councillor Archie Drummond Councillor Bill Mason Councillor Kenneth Earle
Clackmannanshire and Stirling Environmental Trust	3	Councillor Les Sharp Councillor Martha Bennie Councillor Derek Stewart
Clackmannanshire Business Ltd	2	Councillor Les Sharp Councillor Chris Dixon
Dollar Academy Trust	1	Councillor Bill Mason
Dollar Museum	1	Councillor Graham Lindsay
Edinburgh Airport Consultative Committee	1	No Appointment
Highland Reserve	1	Councillor Tina Murphy

Forces & Cadets Association		Substitute: Councillor Chris Dixon
Integrated Joint Board (Health & Social Care)	3	Councillor Ellen Forson Councillor Bill Mason Councillor Dave Clark
NHS Forth Valley Board	1	Councillor Ellen Forson
Order of Malta Dial-a-Journey	1	No appointment
Pensions Committee	1	Councillor Archie Drummond
Scotland Excel Committee	1	Councillor Les Sharp
Scottish Schools Equipment Research Centre (SSERC)	1 plus 1 substitute	No Appointment
Tullibody Healthy Living Initiative	4	Councillor Les Sharp Councillor Tina Murphy Councillor Darren Lee Councillor George Matchett QPM
University of Stirling Conference Committee	1	Councillor Graham Lindsay
TRUSTS		
Alloa Day Home Trust	5	Councillor Tina Murphy Councillor Ellen Forson Councillor Phil Fairlie Councillor Derek Stewart Councillor Mike Watson
Clackmannan District Brass Band Trust	4	Councillor Craig Holden Councillor Phil Fairlie Councillor Kenneth Earle Councillor Derek Stewart
Clackmannan District Charitable Trust	4	Councillor Tina Murphy Councillor Archie Drummond Councillor Ellen Forson Councillor Derek Stewart Councillor Bill Mason (4 required from pool of 5)
Comrie Trust	4	Councillor Tina Murphy Councillor Archie Drummond Councillor Donald Balsillie Councillor Martha Bennie
Spittal Trust	5	Councillor Tina Murphy Councillor Craig Holden Councillor Phil Fairlie Councillor Derek Stewart Councillor Chris Dixon

Action

Chief Executive

CC.22 BUDGET STRATEGY UPDATE

The report, submitted by the Depute Chief Executive, maintained the Council's regular update on the approved budget strategy. The report also provided an update on the fiscal outlook, the UK Chancellor's March budget, medium term financial planning forecasts and implementation of the 2017/18 Budget, agreed in March 2017.

Motion

To agree the recommendations as set out in the report.

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

Decision

The Council agreed to note:

- a) The fiscal outlook and information on the UK and Scottish Budgets set out in Section 3 of the report;
- b) The refreshed financial planning assumptions and resulting High, Median and Low financial planning scenarios (set out in Exhibits 3 to 6 of the report);
- c) Progress with implementation of 2017/18 Budget savings (set out in Appendices A to C and paragraphs 4.5 to 4.8 of the report)
- d) Progress with regards the implementation of workforce related savings in 2017/18 in respect of Targeted Voluntary Redundancy (set out in paragraphs 4.9 to 4.11 of the report); and
- e) Budget preparation activity (set out in paragraph 4.12 of the report).

CC.23 DRAFT FINANCIAL STATEMENTS 2016/17

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

Motion

To agree the recommendations as set out in the report.

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

Decision

The Council agreed to:

1. Approve the 2016/17 draft Financial Statements;
2. Approve the 2016/17 Clackmannanshire Council Sundry Trust Funds draft Report and Financial Statements;
3. Approve the submission of these draft Financial Statements to the Controller of Audit no later than 30th June 2017;
4. Note that the finalised audited financial statements will be presented to the Audit and Finance Committee in September 2017; and
5. Otherwise note the contents of the report.

Action

Depute Chief Executive

CC.24 ANNUAL REVIEW OF DEBTORS 2016-17 AND HOUSING BENEFIT BUDGET PROFILING

The report, submitted by the Head of Housing and Community Safety, updated Council on income collection and to propose the “write off” of those arrears considered irrecoverable of “bad debts”. The report also discussed the Housing benefit budget in relation to roll out of the Universal Credit (UC) full digital live service in Clackmannanshire during 2017.

The Service Manager, Revenues and Strategy advised a number of amendments to the report post publication:

- Page 88, Paragraph 3.5 Billing for the year 2015/16 should be £75.244m (Not £72.899m)
- Page 89, Paragraph 4.8 The collection rate for sundry debtors has increased from 73.84% to 80.12% (Not 91.13%). Remove the word “significant” from sentence two.
- Page 93, Paragraph 5.5 There are consequential adjustments to write off figures which are proportionate in terms of the total charges raised:
- Council tax write off represented 0.48% of the total charges raised
 - Non Domestic Rates represents 0.16% of the total charges raised
 - Sundry Debt represents 0.07% of the charges raised
 - Housing Benefit Overpayment represents 0.28% of the total charges raised
- Page 97, Paragraph 1.1 Should read “an increase from £75.244 million in 2015/16” (Not £72.899m)
- Page 97, Paragraph 1.2 Should read “increased by £2.345m” (Not 12.751m)
- Page 97, Paragraph 4.1 Should read “In 2016/17 £10.406 million” (Not £20.813 million)
- Page 98, Paragraph 4.2 Should read “from £3.318m to £2.515m in 2016/17” (Not £2.491m)

The Provost asked the Service Manager to provide a print out of any changes in future.

Motion

To agree the recommendations as set out in the report.

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

Decision

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

1. Note the trends in income collection levels;
2. Approve the proposed write-off of £788,931 as detailed in Table 6 of the report;
3. Approve the write-off of £211,503 of housing benefit overpayments (as set out in paragraph 5.4 and Table 7 of the report);

Action

Head of Housing and Community Safety

CC.25 ANNUAL TREASURY REPORT 2016/17

The report, submitted by the Chief Accountant, detailed the Treasury Management activities for the Council for 2016/17.

Motion

To agree the recommendations as set out in the report.

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

Decision

Having considered the Annual Report 2016/17 on the Council's Treasury Management activities, the Council agreed to note the report.

CC.26 EXTERNAL AUDIT: INTERIM AUDIT REPORT

The report, submitted by the Depute Chief Executive, set out the findings of the early systems and control testing work undertaken by the External Auditors, Audit Scotland, in respect of the 2016/17 financial year.

Mr Gordon Smail from Audit Scotland was in attendance to present the report.

Motion

To agree the recommendations as set out in the report.

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

Decision

Having considered External Audit's findings and the management responses provided by Council management, the Council agreed to note the report.

CC.27 CHARITABLE TRUSTS

The Report, submitted by the Depute Chief Executive, sought Council approval for the transfer of two Charitable Trusts to Tillicoultry, Coalsnaughton and Devonside Community Council

Motion

That Council agrees the recommendations as set out in the report

Moved by Councillor Archie Drummond. Seconded by Councillor Donald Balsillie

Decision

The Council agreed to:

1. Note the background information set out in paragraphs 3.1 to 3.5; and
2. Approve the transfer of the two Charitable Trusts in respect of the Old Folks Annual Outing and the Old Folks Welfare Fund to Tillicoultry, Coalsnaughton and Devonside Community Council.

Action

Depute Chief Executive

CC28 SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

The report, submitted by the Head of Strategy and Customer Services, sought approval to initiate the second phase of the process to consult on a new draft Scheme for the Establishment of Community Councils.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Archie Drummond. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed to:

- i. Note the conclusions from the public consultation on community council boundaries and composition (set out in Appendices 1 and 2 of the report); and
- ii. Approve for public consultation the new draft Scheme for the Establishment of Community Councils (set out in Appendix 4 of the report).

Action

Head of Strategy and Customer Services

The Provost adjourned the meeting for 10 minutes at this point in the proceedings (2.30 pm).

When the meeting resumed at 2.40 pm, fifteen (15) members remained present.

EXEMPT INFORMATION

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 6 and 12.

CC.29 ARBITRATION AWARD

The report, submitted by the Head of Resources and Governance, presented the report undertaken by the Council's Senior Auditor.

Motion

That Council agrees the recommendation 2.1 as set out in the report.

Moved by Councillor Archie Drummond. Seconded by Councillor Craig Holden.

Councillor Drummond gave notice of an amendment which was accepted by his seconder, Councillor Holden, and incorporated into the motion.

Decision

The Council agreed the recommendation as set out in paragraph 2.1 of the report, as amended.

Action

Depute Chief Executive

CC.30 CONTRACT MATTERS AND FINANCIAL SUPPORT

The report, submitted by the Chief Executive, alerted Council to and briefed Council on an emerging situation which may impact on service provision and a request for financial assistance. The Chief Executive also gave a verbal update on further information which had been received.

Councillor Graham Lindsay withdrew from the meeting during questions to this item.

The Provost adjourned the meeting for 10 minutes at this point in the proceedings (4.50 pm).

When the meeting resumed at 5.00 pm, fourteen (14) members remained present.

Motion

That the Council agrees the recommendations as set out in the report at 2.1(a) to 2.1(d) and agrees to take the actions set out by the Leader of the Council.

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

Decision

The Council noted the recommendations as set out in the report at 2.1(a) to 2.1(d) and agreed a range of actions to promote service continuity.

Action

Chief Executive

Ends 5.15 pm

