



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 28 SEPTEMBER 2017 at 9.30 am.

PRESENT

Provost Tina Murphy (In the Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Dave Clark
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 George Matchett, QPM
Councillor Les Sharp
Councillor Derek Stewart
Councillor Mike Watson

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
Celia Gray, Head of Social Services
Ahsan Khan, Head of Housing and Community Safety
Anne Pearson, Chief Education Officer
David Brown, Project Officer (Public Transport)
Cherie-Ann Jarvie, Strategy and Performance Manager
Lindsay Sim, Chief Accountant
Lindsay Thomson, Service Manager, Legal and Democratic Services (Clerk to the Council)
Margaret Summers, Committee Services

Gordon Smail, Assistant Director, Audit Scotland
Tom Reid, Senior Audit Manager, Audit Scotland
Chief Inspector Drew Sinclair, Police Scotland (Items 1-5)

On behalf of the Council, the Provost welcomed Lindsay Thomson, Service Manager, Legal and Democratic Services, to her first meeting as Clerk to the Clackmannanshire Council.

The Provost intimated that an additional paper entitled "Bus Services Supported by Clackmannanshire Council and NHS Forth Valley" had been submitted by the Executive Director as an item of urgent business. In terms of Standing Order 11.6, the Provost agreed to accept this item onto the agenda as the Council must carry out a procurement process in order to jointly procure the bus services. If the procurement process does not start by the end of September 2017 there would be a risk of not being able to achieve the statutory deadline.

CC.41 APOLOGIES

Apologies for absence were received from Councillor Chris Dixon.

CC.42 DECLARATIONS OF INTEREST

None

CC.43 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL 31 AUGUST 2017

The minutes of the meeting of the Clackmannanshire Council held on 31 August 2017 were submitted for approval.

Tullibody South Shared Campus (CC.34)

The Council noted an amendment to the minutes in that Father Michael Freyne, Appointed Member, did not abstain from voting on the motion on Tullibody South Shared Campus as recorded in the minutes. Father Freyne had voted against the motion. Accordingly, the motion was carried on a division of 19 votes to 1.

Decision

Subject to the above amendment, the minutes of the meeting of the Clackmannanshire Council held on 31 August 2017 were agreed as a correct record and signed by the Provost.

CC.44 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 31 AUGUST 2017

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 31 August 2017

- (i) Audit and Finance Committee on 07/09/2017
- (ii) Planning Committee on 14/09/2017
- (iii) Regulatory Committee on 19/09/2017
- (iv) Licensing Board on 26/09/2017

CC.45 CLACKMANNANSHIRE LOCAL POLICING PLAN 2017-2020

A report which presented the Clackmannanshire Council Local Policing Plan for 2017-20 for Council's consideration was submitted by the Head of Strategy and Customer Services. A local policing plan for Clackmannanshire is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012 and sets out the priorities and objectives for policing in Clackmannanshire for a 3 year period from 2017 to 2020.

The Council heard a presentation from Chief Inspector Drew Sinclair, Police Scotland, on Clackmannanshire's Local Policing Plan and had opportunity to put questions to Chief Inspector Sinclair.

Motion

That Council approves the Clackmannanshire Local Policing Plan for 2017-20.

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

Decision

The Council agreed to approve the Clackmannanshire Local Policing Plan for 2017-20.

Action

Head of Strategy and Customer Services

Chief Inspector Sinclair withdrew from the meeting at this point in the proceedings (9.45 am)

Councillor Kathleen Martin withdrew from the meeting during debate on the following item of business (10.10 am). Sixteen (16) members remained present.

CC.46 EXTERNAL AUDIT FINAL REPORT TO MEMBERS ON THE 2016/17 AUDIT

A report which presented to Council the report by the Council's external auditors (Audit Scotland) on the Council's 2016/17 audit was submitted by the Depute Chief Executive. The report represents the completion of the first year of Audit Scotland's five year audit appointment.

Following the conclusion of the audit, the final amended Financial Statements for the year ended 31 March 2017 were placed in members' rooms in advance of the Council meeting to facilitate approval.

The Council heard a presentation from Mr Gordon Smail, Assistant Director, Audit Scotland, and had opportunity to put questions to Mr Smail.

Motion

That Council notes the content of the External Audit report and agrees the final amended Financial Statements for the year ended 31 March 2017.

Moved by Councillor Archie Drummond. Seconded by Councillor Les Sharp

Decision

The Council agreed to note the content of the External Audit report and agreed the final amended Financial Statements for the year ended 31 March 2017.

Action

Depute Chief Executive

CC.47 CLACKMANNANSHIRE LOCAL OUTCOME IMPROVEMENT PLAN (LOIP) 2017-27

A report which presented Clackmannanshire's Local Outcome Improvement Plan (LOIP) 2017/2027 to Council for endorsement was submitted by the Head of Strategy and Customer Services. The Plan was developed by Community Planning partners and was endorsed by the Clackmannanshire Alliance on 1 September 2017.

It is a statutory requirement that community planning partnerships should publish Local Outcome Improvement Plans and associated Locality Plans by 1 October 2017.

Motion

That Council endorses the Local Outcome Improvement Plan 2017/27 and notes that the Plan will be published on the Council's website prior to the statutory deadline of 1 October 2017.

Moved by Councillor Les Sharp. Seconded by Councillor Phil Fairlie.

Decision

The Council agreed to endorse the Local Outcome Improvement Plan for 2017/27.

The Council also agreed to note that the Plan will be published on the Council's website prior to the statutory deadline of 1 October 2017.

Action

Head of Strategy and Customer Services

Councillor Kathleen Martin re-joined the meeting during debate on the following item of business (11.15 am). Seventeen (17) members were then present.

CC.48 CHILDREN AND YOUNG PEOPLE'S SERVICE PLAN 2017-2020

A report which presented the Clackmannanshire Children's Services Plan 2017-2020 was submitted by the Head of Social Services. The Clackmannanshire Children's Services Plan 2017-2020 sets out a strategic direction to protect, support and promote the wellbeing of Clackmannanshire's children and young people.

Motion

That Council approves the Children's Service Plan for 2017-2020 and notes that the plan will be sent to the Scottish Government.

Moved by Councillor Ellen Forson. Seconded by Councillor Graham Lindsay.

Decision

The Council agreed to approve the Children's Service Plan for 2017-2020 and to note that the plan will be sent to the Scottish Government.

Action

Head of Social Services

CC.49 WORKFORCE COMMITTEE – PROPOSED CHANGE IN REMIT

A report which asked Council to change the remit of the Workforce Committee was submitted by the Leader of the Council.

At its meeting on 15 December 2016, the Council agreed to transfer the Workforce Committee's responsibility for hearing appeals by employees below the level of Head of Service to Chief Officers of the Council.

Motion

That Council changes the remit of the Workforce Committee to delegate to it the hearing of appeals by employees below the level of Head of Service.

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

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 elected

members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For the Motion (8 votes)

Provost Tina Murphy
Councillor Les Sharp
Councillor Archie Drummond
Councillor Phil Fairlie
Councillor Ellen Forson
Councillor Craig Holden
Councillor Graham Lindsay
Councillor Donald Balsillie

Against the Motion (9 votes)

Councillor Darren Lee
Councillor Bill Mason
Councillor Mike Watson
Councillor Martha Benny
Councillor Kathleen Martin
Councillor Derek Stewart
Councillor George Matchett, QPM
Councillor Kenneth Earle
Councillor Dave Clark

Decision

The motion was defeated by 9 votes to 8.

The Provost adjourned the meeting for 35 minutes at this point in the proceedings (11.50 am).

When the meeting resumed at 12.25 pm, seventeen (17) members remained present.

CC.50 BUDGET STRATEGY UPDATE

A report which maintained Council's regular update on its approved Budget Strategy was submitted by the Depute Chief Executive. The report provided an update on the fiscal outlook and focused on the potential impact of increases in pay inflation above the 1% cap that has been in place in recent years.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Phil Fairlie.

Decision

The Council agreed to note:

- (a) The fiscal outlook and information on wages and living standards set out in paragraphs 3.1 to 3.6 of the report.
- (b) The key policy initiatives announced by the Scottish Government in its programme for government on 5 September 2017 (paragraph 3.7 of the report).
- (c) The refined median financial planning scenarios to reflect the full exclusion or inclusion of the Council's share of the additional £130m allocated to local government by the Scottish Government in December 2016 (Exhibits 2 and 4 of the report respectively).

- (d) The impact of different rates of pay inflation on the Council's indicative funding gap (Exhibits 5a, 5b, 5c, 6a, 6b and 6c of the report).

CC.51 COUNCIL POLICY PAPERS: DISCIPLINARY, CAPABILITY, MAXIMISING ATTENDANCE AND RECRUITMENT AND SELECTION POLICIES

A paper which sought Council approval of the revised disciplinary, capability, maximising attendance and recruitment and selection policies which have been developed by the management and trade union policy group was submitted by the Head of Resources and Governance.

The policies and associated procedures will apply to all Council employees. In respect of teaching staff, under terms of the national framework, such policies and procedures require to be agreed through the Local Negotiating Committee for Teachers (LNCT). The capability and disciplinary policies only will require to be formally approved through the LNCT before implementation.

Motion

That Council agrees the revised staff disciplinary, capability, maximising attendance and recruitment and selection policies attached at Appendices 1, 2, 3 and 4 of the report.

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

Decision

The Council agreed the revised staff disciplinary, capability, maximising attendance and recruitment and selection policies attached as appendices 1, 2, 3 and 4 of the report.

Action

Head of Resources and Governance

CC.52 MIXED OWNERSHIP AND COMMON REPAIRS

A report which set out three recommendations to deal with repairs to common property in mixed ownership was submitted by the Head of Housing and Common Repairs.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Craig Holden. Seconded by Councillor Donald Balsillie.

Decision

Having commented on and challenged the report as appropriate, the Council agreed to note the information provided and agreed unanimously:

- (1) To set aside a budget of 500k from Housing Revenue Account (HRA) surpluses to fund the establishment of a self-financing loan scheme for private owners. The loan scheme to be used by private owners subject to specific criteria as set down in the Housing (Scotland) Act 2006 (the details of which as set out in Appendix 3 of the report).
- (2) The acquisition of properties within mixed ownership tenements where major common repairs are required, subject to grant and budget availability and suitability of property.

- (3) To declare as surplus for disposal on the open market, property where the Council (i) is the minority owner in a tenement block of mixed ownership and (ii) has agreed with the Council's tenant to transfer his/her or their tenancy to another Council owned property to allow such property to be sold with vacant possession.

Action

Head of Housing and Community Safety

CC.53 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 – NAMING OF CHANGING FACILITIES AT WEST END PARK, ALLOA

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Craig Holden.

Motion

That Council agrees to name the changing facilities at the West End Park, Alloa, in memory of Conor Brown.

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

Decision

The Council agreed unanimously to name the changing facilities at the West End Park, Alloa, in memory of Conor Brown.

Action

Executive Director

At this point in the proceedings, Councillor Les Sharp, Leader of the Council, gave notice under Standing Order 20.7 that proposals to amend Standing Orders would be brought before the next meeting of the Council (9 November 2017).

Councillor Craig Holden withdrew from the meeting during questions to officers on the following item of business (1.20 pm). Sixteen (16) members remained present.

CC.54 BUS SERVICES SUPPORTED BY CLACKMANNANSHIRE COUNCIL AND NHS FORTH VALLEY

A report which updated Council on the potential integration of services C1 and C2, currently supported by Clackmannanshire Council, and bus services H1 and H2 currently supported by NHS Forth Valley was submitted by the Executive Director as an item of urgent business.

In terms of Standing Order 11.6, the Provost agreed to accept this item onto the agenda as as the Council must carry out a procurement process in order to jointly procure the bus services. If the procurement process does not start by the end of September 2017 there would be a risk of not being able to achieve the statutory deadline.

Motion

That Council notes the information set out in the report.

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

Decision

The Council agreed to note the intention to start the joint procurement process with the options tendered comprising:

- The status quo (four routes); and
- Full integration between what are currently separate Council and NHS services (combined into three routes).

Councillor Ellen Forson, Councillor George Matchett, QPM, and Councillor Darren Lee withdrew from the meeting at this point in the proceedings (1.50 pm). Thirteen (13) 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, Paragraph 8.

CC.55 PPP FACILITIES MAINTENANCE

A report was submitted by the Depute Chief Executive which updated Council on the ongoing work with Clackmannanshire Schools' Education Partnership (CSEP) and Amey, Facilities Management Contractor, and made recommendation.

Councillor Archie Drummond had submitted the following amendment:

As a consequence of the written and verbal updates provided and as were intimated by paragraph 4.10 of the report, the following amendment is proposed:

- Recommendation 2.2(a) is deleted and reference to recommendation 2.2(a) is removed from both recommendations 2.2(b) and 2.2(c).
- At the start of both recommendations 2.2(b) and 2.2(c) the following is inserted:
"Subject to the finalisation and agreement of the Supplemental Agreement, the Memorandum of Understanding and the Historic Deductions Scope of Services"
- Paragraphs 2.2(b) and 2.2(c) are re-numbered 2.2(a) and 2.2(b) respectively.

It was agreed that the amendment be incorporated in the motion.

Motion

That Council agrees the recommendations set out in the report subject to the agreed amendment.

Decision

The motion as amended was agreed without division.

Accordingly the Council agreed the recommendations as amended.

Action

Depute Chief Executive

Ends 2.05 pm