



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 8 MARCH 2018 at 9.30 am.

PRESENT

Provost Tina Murphy (In the Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Dave Clark
Councillor Chris Dixon
Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Ellen Forson
Councillor Craig Holden
Councillor Darren Lee
Councillor Helen Lewis
Councillor Graham Lindsay
Councillor Kathleen Martin
Councillor Bill Mason
Councillor George Matchett, QPM
Councillor Les Sharp
Councillor Derek Stewart
Councillor Mike Watson

Appointed Members (Religious Representatives)

Father Michael Freyne, Roman Catholic Church (Items 1-5)

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Depute Chief Executive
Garry Dallas, Executive Director
Stephen Coulter, Head of Resources and Governance
Celia Gray, Head of Social Services
Ahsan Khan, Head of Housing and Community Safety
Anne Pearson, Chief Education Officer
Lindsay Sim, Chief Accountant
Chris Alliston, Service Manager (Human Resources)
Michael Boyle, Improving Outcomes Business Manager
Ian Doctor, Service Manager (Regulation)
Brian Forbes, Customer Service Manager
Julie Hamilton, Development Services Manager
Murray Sharp, Service Manager (Revenues and Strategy)
Chris Sutton, Service Manager (Strategy)
Lindsay Thomson, Service Manager (Legal and Democracy) (Clerk to the Council)
Gillian White, Committee Services (Legal and Democracy)

CC.89 APOLOGIES

None.

CC.90 DECLARATIONS OF INTEREST

None.

CC.91 MINUTES OF MEETINGS: CLACKMANNANSHIRE COUNCIL

(i) Minutes of Meeting: Clackmannanshire Council 8 February 2018

The minutes of the meeting of the Clackmannanshire Council held on 8 February 2018 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 8 February 2018 were agreed as a correct record and signed by the Provost.

(ii) Minutes of Special Meeting: Clackmannanshire Council 23 February 2018

The minutes of the special meeting of the Clackmannanshire Council held on 23 February 2018 were submitted for approval.

Decision

The minutes of the special meeting of the Clackmannanshire Council held on 23 February 2018 were agreed as a correct record and signed by the Provost.

CC.92 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 8 FEBRUARY 2018

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 8 February 2018.

- (i) Scrutiny Committee on 15/02/18
- (ii) Regulatory Committee on 20/02/18
- (iii) Clackmannanshire Licensing Board on 27/02/18

CC.93 PLACING REQUEST – RESERVED PLACES

The report, submitted by the Chief Education Officer, identified the number of places required to be reserved in Clackmannanshire schools during academic session 2018/19 to ensure there is sufficient provision for children at their local catchment schools. The Education service annually reviews the number of reserved places it needs in order to manage admission to schools to ensure children who move into school catchment areas after the normal enrolment can still be accommodated.

The Chief Education Officer advised that there was a typographical error in paragraph 2.1 of the report. The reference to Craigbank Primary School is to be removed.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed to:

1. Approve the recommended places to be reserved for catchment area children for session 2018/19 at the following primary schools: Abercromby, Park, Redwell, St Serf's, Strathdevon and Sunnyside and Lornshill Academy; and
2. Delegate authority to the Chief Education Officer to determine allocation of reserved places at specific year stages in each school.

Action

Chief Education Officer

The Appointed Member (Religious Representative) withdrew from the meeting at this point in the proceedings.

CC.94 CLACKMANNANSHIRE COUNCIL BEST VALUE ASSURANCE REPORT – ACTION PLAN

The report, submitted by the Chief Executive, proposed an Action Plan to progress the recommendations contained in the Best Value Assurance Report which was published by Audit Scotland in January 2018, and presented to Council at its meeting of 8 February 2018.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

In respect of Recommendation 2.1 and the action plan referred to therein it is recommended that the plan is amended in the following respects:-

Add a new column at 2D after item (v) to read:

(vi) that a long term plan be set out for the next three years addressing the continuing substantial changes necessary to respond to ongoing anticipated reduction in budget.

Amend the existing paragraph 4 and column F – i) to read:

“carries out a programme of training in leading and transformational change for **all** managers in the authority (funded from the existing corporate training budget)”.

Add at new column at 4F after item (iii) to read:

(iv) That a report be prepared for the Scrutiny Committee on how the balance between accomplishing the savings required with the need for sufficient office time and skills to support change will be achieved.

Councillor Dave Clark moved the amendment which was accepted as part of the substantive motion by Councillor Les Sharp.

Decision

The Council agreed the Action Plan as amended which was attached as an appendix to the report.

Action

Chief Executive

CC.95 RECRUITMENT OF HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

The report, submitted by the HR Service Manager, invited Council to agree the process for recruitment to the Head of Paid Service (Chief Executive) position.

The Clerk to the Council had previously circulated an addendum to recommendation 2(ii) which set out two options for the constitution of the Appointments Committee:

- (i) Option 1 - that there are 7 members of Council appointed to the Appointments Committee in the following ratio: 3 SNP members, 2 Labour members and 2 Conservative members.
- (ii) Option 2 - that there are 4 members of Council appointed to the Appointments Committee as follows: the Leader and Depute Leader of Council and the Leaders of the Labour and Conservative Groups.

Motion 1

That Council agrees the recommendations set out in the report and selects Option 2 for the constitution of the Appointments Committee.

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

Motion 2

That Council agrees the recommendations set out in the report and selects Option 1 for the constitution of the Appointments Committee.

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

The Provost adjourned the meeting for 5 minutes at this point in the proceedings (10.00 am)

When the meeting resumed at 10.05 am, eighteen(18) elected members remained present.

Voting

Voting for Motion 1 9 votes
Voting for Motion 2 9 votes

Motion 1 was carried on the casting vote of the Provost.

Decision

On the casting vote of the Provost, the Council agreed:

- (i) that open recruitment is undertaken to fill the position of Head of Paid Service (Chief Executive) on a permanent basis;
- (ii) to establish a politically balanced Appointments Committee to appoint the Head of Paid Service (Chief Executive) made up of 4 members to include the Leader and Depute Leader of the Council, Leader of the Labour Group and Leader of the Conservative Group;
- (iii) that the existing Head of Paid Service (Chief Executive) oversees this recruitment process and remains in post until the conclusion of permanent recruitment;
- (iv) that an independent adviser, together with the HR Service Manager, be approached and asked to engage with the recruitment process for the permanent position of Head of Paid Service (Chief Executive) to provide professional advice and guidance to the Appointments Committee;
- (v) that the Society of Local Authority Chief Executives in Scotland (SOLACE) undertake the recruitment assessment centre exercise for the permanent position of Head of Paid Service (Chief Executive); and
- (vi) the proposed recruitment processes and timeline will be as presented in Appendix 1 of the report.

Action

HR Service Manager

CC.96 GENERAL SERVICES REVENUE AND CAPITAL BUDGET 2018/19

The report, submitted by the Depute Chief Executive, presented the Administration's General Services Budget for 2018/19. The report builds on the regular Budget Strategy Update reports and briefings presented to Council, and the Audit and Finance Committee throughout the year. The Council's financial sustainability has continued to be the focus of several member and trade union briefings held during the year.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

1. To amend recommendation 2.1.12., paragraph 6.20 and Appendix C to reflect a proposed Resource Transfer of £15.77m to the Health and Social Care Partnership, reflecting a reduction of £271,232 which is to be used to fund the changes to the proposed savings which total £271,232.
2. To request that the S95 officer make consequential amendments to the proposed budget summarised at Appendix C to reflect these amendments which sustain a balanced position.

3. To amend the proposed savings proposals as follows:
 - a. Amend Appendix A2 saving SCSR03 to delete reference to “Alva CAP to relocate to Primary School” and replace with “Alva CAP to relocate to Cochrane Hall” (no financial impact on savings).
 - b. Amend Appendix A2, saving SCSR05 to delete reference “Transfer for Cochrane Hall, Alva” (saving reduced by £30,822 from £47,702 to £16,880).
 - c. Remove from Appendix E, saving SCSR17 in respect of Sauchie Active 8 (£16,000);
 - d. Remove from Appendix E, saving DEP02 re Alloa Christmas Lights subsidy;
 - e. Remove from Appendix E, saving RGP02 in respect of Changes in Terms and conditions (£200k in 2018/19 and £215k in 2019/20);
 - f. Remove from Appendix E, saving SCSSR14 in respect of Coalsnaughton Café Society (£9,910)
4. To amend Appendix L1, the proposed 2018/19 Capital Programme to reduce project A33 from £508k to £408k and create a new capital project in 2018/19 to undertake the necessary capital works in respect of relocating the CAP to Cochrane Hall (£100k).

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

The Provost adjourned the meeting at this point in the proceedings (11:20 am)

When the meeting resumed at 11.30 am, eighteen (18) elected members remained present.

Voting on the Amendment

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

For the Amendment (5 votes)

Councillor Dave Clark
 Councillor Kenneth Earle
 Councillor Derek Stewart
 Councillor George Matchett, QPM
 Councillor Kathleen Martin

Against the Amendment (13 votes)

Councillor Bill Mason
 Councillor Martha Benny
 Councillor Darren Lee
 Councillor Mike Watson
 Councillor Chris Dixon
 Councillor Phil Fairlie
 Councillor Helen Lewis
 Councillor Graham Lindsay
 Councillor Craig Holden
 Councillor Donald Balsillie
 Councillor Ellen Forson
 Councillor Les Sharp
 Provost Tina Murphy

The amendment was defeated by 13 votes to 5.

Voting on the Motion

In terms of Standing Order 14.7, Councillor Kenneth Earle asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 elected members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For the Motion (9 votes)

Councillor Chris Dixon
Councillor Phil Fairlie
Councillor Helen Lewis
Councillor Graham Lindsay
Councillor Craig Holden
Councillor Donald Balsillie
Councillor Ellen Forson
Councillor Les Sharp
Provost Tina Murphy

Against the Motion (0 votes)

Abstain from Voting (9 abstentions)

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

The motion was carried by 9 votes to 0 with 9 abstentions.

Decision

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

1. the corporate redesign, associated management structure and implementation process set out in Appendix A of the report;
2. the proposals for demand pressures (Appendix B);
3. the General Services Revenue Budget for 2018/19 (Appendix C);
4. the policy savings set out in Appendix E;
5. the 2018/19 Schedule of Funding to Voluntary Organisations and Income and Charging Strategy and Register of Charges (Appendices H and G);
6. the 3% increase in the level of Council Tax for 2018/19, resulting in Band D Council tax of £1217.91 (Appendix J) and the change to the payment date from the 1st to 15th of the month;
7. the utilisation of £0.669m of Capital Receipts Reserve and £0.959m uncommitted General Services Revenue reserves (paragraph 6.9 of the report);
8. to develop a plan to augment the level of the Employment Fund to ensure continued availability of funding for approved severances through ongoing redesign activity (paragraph 6.9 of the report);

9. to fund a voting share proportion (25%) of the Health and Social Care Partnership net operating deficit for 2017/18 up to the value of £500k (paragraph 6.24 of the report);
10. rent increase of 2% to the weekly rent for the travelling persons site (paragraph 6.4 of the report);
11. the continued utilisation of capital receipts to fund permitted elements of severance costs per Finance Circular 4/2015 (paragraph 6.11 of the report);
12. net resource transfer of £16.041m in respect of Adult Social Care to the Clackmannanshire/Stirling Health and Social Care Partnership (paragraph 6.20);
13. the financing limits placed on capital investment for 2018/19-2022/23 based on the underpinning assumptions in Table 5 and paragraph 8.8 of the report; and
14. the General Services Capital Budget for 2018/19-2027/28 (Appendices L1 and L2).

The Council also agreed to note:

1. that the redesign would offer potential staffing and non-staffing revenue savings of circa £1.7m over the next three years based on the proposed reductions detailed in Appendix A of the report;
2. that further reports will come to Council with proposals to progress the organisational redesign, including details of Programme oversight by Council;
3. the feedback from recent budget consultation and engagement activity detailed in section 4 of the report;
4. the previously approved savings (2017/18) which deliver benefit in 2018/19 (Appendices D1 to D3);
5. the schedule of management efficiencies (Appendix F);
6. the anticipated level of uncommitted reserves of £4.766m by 31 March 2018, prior to setting this budget (paragraph 6.7 of the report);
7. that the full anticipated year end balance of the Capital Receipts Reserve of £0.669m has been applied in setting the 2018/19 Budget (paragraph 6.9 of the report);
8. balance of £3.807m in uncommitted General Services Revenue reserves after setting this budget which equates to 3% of net expenditure in line with the minimum level set by the Council's approved Reserve Strategy (paragraph 6.9 of the report);
9. the cumulative indicative gap of £29.947m to 2022 following setting this budget, and a funding gap of £12.509m in 2019/20 (Table 4 of the report);
10. that the budget proposed for 2018/19 aims to deliver the Scottish Government's settlement package measures (paragraph 6.14 and 6.15 of the report);
11. that the Council's regular Budget Strategy Update reports will update Council on progress with implementing agreed proposals, including those relating to the Corporate redesign; and
12. the demand pressures submitted by the Chief Officer HSCP totalling £3.9m (Appendix K).

Action

Depute Chief Executive

The Provost adjourned the meeting at this point in the proceedings (12:30 pm)

When the meeting resumed at 1.00 pm, sixteen (16) elected members remained present.

CC.97 TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

The report, submitted by the Chief Accountant, presented the Council's Treasury Management Strategy Statement for 2018/19 and Prudential Indicators for 2018/19 to 2022/23.

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 Council on 12 April 2018.

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 approve the Treasury Management Strategy Statement for 2018/19 and prudential indicators for the years 2018/19 to 2022/23 in compliance with the Prudential Code requirements attached as Appendix A to the report.

CC.98 IMPLEMENTATION OF THE CARERS (SCOTLAND) ACT 2016

The report, submitted by the Head of Social Services, provided an update to Council about the implementation of the Carers (Scotland) Act 2016 (the Act). The report focused on implementation of the provisions in respect of young carers.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie.

Decision

Having commented on and challenged the report, the Council agreed:

1. To note progress on implementation;
2. To approve the Local Eligibility Criteria in respect of young carers (Appendix 2 of the report);
3. To approve the threshold at which young carers will be assessed as having an entitlement to access support from the responsible (local) authority. It is proposed that young carers assessed as having substantial or critical needs will be entitled to access support from the responsible authority. Young carers who are not eligible for services under the criteria will be provided with alternative sources of support and assistance or advice and information. The threshold will be reviewed on an annual basis and determined by the Council;

4. To agree that a further report will be presented to Council in June 2018, to update on implementation of the Act; and
5. To note that the duty to set local eligibility for carer support in respect of adult carers sits with Integration Authorities. There is a requirement to amend the Clackmannanshire and Stirling Health and Social Care Partnership's Integration Scheme to take account this. Revised Integration Schemes require to be submitted to the Scottish Ministers for approval in March 2018. A report will be presented to the Integration Joint in respect of implementation of the Carer's Act in respect of adult carers in March, 2018.

Action

Head of Social Services

CC.99 CARERS (SCOTLAND) ACT 2016 – DELEGATION OF FUNCTIONS TO THE INTEGRATION JOINT BOARD

The report, submitted by the Head of Resources and Governance, updated Council about an amendment to the regulations which govern the delegation of local authority functions to the Integrated Joint Board (IJB). The amendment follows on from the enactment of the Carers (Scotland) Act 2016. The amendment to the regulations has required some revision to the schedule to the Integration Scheme which sets out the functions which are delegated to the IJB. The revised Integration Scheme required Council approval.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed to:

1. Note the functions set out in the regulations which require to be delegated by Council to the IJB by way of an amendment to the Integration Scheme;
2. Note that there has been a short consultation with stakeholders in relation to the change to the Integration Scheme;
3. Approve the amendment to the Integration Scheme which formally delegates the functions set out in paragraph 3.2.1 – 3.2.6 of the report and in terms of Appendix 1 to the report; and
4. Note that after Council approval the Integration Scheme will be submitted to the Scottish Government.

Action

Head of Resources and Governance

Ends 13:35 hours