



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

# **Meeting of Clackmannanshire Council**

**Thursday 10 May 2018 at 9.30 am**

**Venue: Council Chamber, Kilncraigs,  
Greenside Street, Alloa, FK10 1EB**

Date	Time
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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.

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**1 May 2018**

**A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 10 May 2018 at 9.30 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. Confirm Minute of Meeting of Clackmannanshire Council held on Thursday 12 April 2018 (copy herewith)	07
4. Committee Meetings Convened Since the Previous Council Meeting on 12 April 2018 (For information only)	--
(i) Scrutiny Committee on 19/04/18	
(ii) Clackmannanshire Licensing Board on 24/04/18	
(iii) Planning Committee on 26/04/18	
5. Appointment to Clackmannanshire Licensing Board - report by the Head of Resources and Governance (Copy herewith)	15
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## Clackmannanshire Council – Councillors and Wards (From 1 March 2018)

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### Councillors

### Wards

Provost	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Darren Lee	1	Clackmannanshire West	CONS
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
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	Helen Lewis	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	IND
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.





**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 12 APRIL 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

**IN ATTENDANCE**

Elaine McPherson, Chief Executive  
Stephen Coulter, Head of Resources and Governance  
Celia Gray, Head of Social Services  
Anne Pearson, Chief Education Officer  
Lindsay Sim, Chief Accountant  
Chris Alliston, Service Manager (Human Resources)  
Julie Hamilton, Development Services Manager  
Lesley Baillie, Strategy and Performance Adviser  
Debbie Carter, City Deal Programme Manager  
Richard Thomson, Community Justice Policy Co-ordinator  
Lindsay Thomson, Service Manager (Legal and Democracy) (Clerk to the Council)  
Gillian White, Committee Services (Legal and Democracy)

**The Provost, on behalf of the Council, offered congratulations to the Alloa swimmer, Duncan Scott, who had won several medals while participating in the Commonwealth Games in Australia.**

**CC.100            APOLOGIES**

None.

**CC.101            DECLARATIONS OF INTEREST**

None.

**CC.102            MINUTES OF MEETING OF CLACKMANNANSHIRE COUNCIL  
12 APRIL 2018**

The minutes of the meeting of the Clackmannanshire Council held on 12 April 2018 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Council held on 12 April 2018 were agreed as a correct record and signed by the Provost.

**CC.103            COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL  
MEETING ON 8 MARCH 2018**

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

- (i)     Audit and Finance Committee on 15/03/18
- (ii)    Planning Committee on 22/03/18
- (iii)   Clackmannanshire Licensing Board on 27/03/18

**CC.104            APPOINTMENT OF COUNCIL LEADER AND OTHER MEMBER  
APPOINTMENTS**

The report, submitted by the Chief Executive, advised Council of the resignation of Councillor Les Sharp as Council Leader and invited Council to appoint a new Leader; advised Council of other resignations from member positions and invited Council to appoint to those vacancies; invited Council to amend its spokespersons; and advised Council of various member resignations from outside bodies and invited Council to appoint to those vacancies.

**Motion**

That Council agrees the recommendations set out in the report.

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

**Decision**

The Council agreed to:

- a. Note that Councillor Les Sharp has resigned as Council Leader;
- b. Note that Councillor Ellen Forson has resigned as Depute Leader with effect from 12 April 2018;
- c. Appoint Councillor Ellen Forson as the new Council Leader (Moved by Councillor Les Sharp. Seconded by Councillor Craig Holden)
- d. Appoint Councillor Phil Fairlie as the new Depute Council Leader (Moved by Councillor Ellen Forson. Seconded by Councillor Craig Holden)
- e. Note that Councillor Ellen Forson has resigned as Health and Social Services Spokesperson with effect from 12 April 2018;
- f. Appoint Councillor Les Sharp to the post of Spokesperson for Health and Social Services (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie)



- g. Note that Councillor Phil Fairlie has resigned as Partnership and Third Sector spokesperson with effect from 12 April 2018;
- h. Appoint Councillor Helen Lewis to the post of Spokesperson for Partnership and Third Sector (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- i. Create a new spokesperson role of Audit and Finance (replacing the Chair of Audit and Finance post in terms of special responsibility allowance);
- j. Appoint Councillor Phil Fairlie to the post of Spokesperson for Audit and Finance (Moved by Councillor Ellen Forson. Seconded by Councillor Craig Holden)
- k. Appoint Councillor Helen Lewis to the vacancy on the Scrutiny Committee left by the resignation of former Councillor Archie Drummond (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- l. Appoint Councillor Helen Lewis to the vacancy on the Licensing Board left by the resignation of former Councillor Archie Drummond (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- m. Appoint Councillor Helen Lewis to the vacancy on the Planning Committee left by the resignation of former Councillor Archie Drummond (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie)
- n. Note that Councillor Ellen Forson has resigned as the Council's representative on the Board of NHS Forth Valley with effect from 12 April 2018;
- o. To appoint the Spokesperson of Health and Social Services (Councillor Les Sharp) as the Council's representative on the Board of NHS Forth Valley (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- p. Note that Councillor Ellen Forson has resigned as a member of the Integration Joint board with effect from 12 April 2018;
- q. Appoint Councillor Les Sharp as a member of the Integration Joint Board (noting that Councillor Sharp will also fill the post of vice-chair of the Integration Joint board) (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- r. Note the resignation of Councillor Derek Stewart from the Clackmannanshire and Stirling Environmental Trust and that no replacement member is required as the organisation has reduced its request for representatives from three to two;
- s. Note that Councillor Phil Fairlie has resigned as Council representative on the Board of SEStran;
- t. Appoint Councillor Donald Balsillie as the Council's representative on the Board of SEStran (Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie);
- u. Note the appointment of Councillor Donald Balsillie as the Council's representative on the Falkirk Pension's board. Councillor Balsillie replaced Councillor Drummond at the Council Meeting held on 9 November 2017;
- v. Note the resignation of Councillor Les Sharp as the Council's representative on the Scotland Excel Committee; and
- w. Appoint Councillor Phil Fairlie as the Council's representative on the Scotland Excel Committee (Moved by Councillor Ellen Forson. Seconded by Councillor Craig Holden).

**Action**

Chief Executive

## **CC.105 COUNCIL DECISION-MAKING FRAMEWORK**

The report, submitted by the Chief Executive, put to Council proposals for an amended decision-making framework in the context of wider organisational redesign.

### **Motion**

That Council agrees the recommendations set out in the report.

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

### **Decision**

The Council agreed:

- a. The proposals for an amended decision-making framework as set out in the report;
- b. To note that consequential changes will be made to Standing Orders and the Scheme of Delegation (notice of changes to Standing Orders having been given at the last Council meeting in March 2018);
- c. The composition of each of the People, Place and Performance Committees as set out in the report;
- d. That the convenors and vice convenors of those committees should come from the Administration Group;
- e. That the convenors and vice convenors from that Group should be the members set out in paragraph 3.7 of the report, namely:

*People Committee*

Convenor – Councillor Graham Lindsay

Vice-Convenor – Councillor Les Sharp

*Place Committee*

Convenor – Councillor Craig Holden

Vice-Convenor – Councillor Donald Balsillie

*Performance Committee*

Convenor – Councillor Phil Fairlie

Vice-Convenor – Councillor Helen Lewis

- f. To appoint a further two members of the Administration as members of those committees;
- g. To appoint four members from other political groups to those committees; and
- h. The cycle of meetings set out in the appendix to the report.

Councillor Clark advised that the Labour Group will provide details of member appointments to the People, Place and Performance Committees at a later point.

### **Action**

Chief Executive

**CC.106 FINANCIAL REGULATIONS**

The report, submitted by the Head of Resources and Governance, sought approval of the revised Financial Regulations.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Phil Fairlie. Seconded by Councillor Helen Lewis.

**Decision**

The Council agreed to adopt the revised Financial Regulations.

**Action**

Head of Resources and Governance

**CC.107 SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS**

The report, submitted by the Head of Strategy and Customer Services, set out the outcome of the third stage of consultation on the content of a proposed new Scheme for the Establishment of Community Councils.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Phil Fairlie. Seconded by Councillor Helen Lewis.

**Decision**

The Council agreed to:

1. Note the summary of final representations on the proposed Scheme attached as Appendix 1 to the report;
2. Approve for adoption the proposed new Scheme for the Establishment of Community Councils attached as Appendix 2 to this report; and
3. Note the timetable for introduction of the new Scheme, including the scheduling of the next review, attached as Appendix 3 to the report.

**Action**

Head of Strategy and Customer Services

**CC.108 CLACKMANNANSHIRE COMMUNITY JUSTICE OUTCOMES IMPROVEMENT PLAN 2018/2023**

The report, submitted by the Head of Social Services, presented Clackmannanshire's Community Justice Improvement Plan 2018/23 for approval. The plan will replace the transitional single year Community Justice Plan 2017/18.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Graham Lindsay.

### **Decision**

The Council agreed to approve the Community Justice Improvement Plan for 2018/23, which will be published on the Council's website.

### **Action**

Head of Social Services

### **CC.109 CONSERVATION AREA APPRAISALS – CLACKMANNANSHIRE LOCAL DEVELOPMENT PLAN UPDATE**

The report, submitted by the Executive Director, sought approval of the Finalised Conservation Area Appraisals (CAA) for Alloa Glebe, Tillicoultry, Clackmannan, Kennet and Dollar, prepared under the current LDP and also provided an update on the commencement of the Local Development Plan (LDP) Review.

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Ellen Forson.

### **Decision**

The Council agreed to approve the Finalised Conservation Area Appraisal documents, including the proposed alterations to the Conservation Area boundaries at Alloa Glebe, Tillicoultry and Dollar (copies of which had been provided to Members in the Group rooms along with the consultation documents received).

### **Action**

Executive Director

### **CC.110 CITY REGION DEAL: HEADS OF TERMS AGREEMENT**

The report, submitted by the Executive Director, advised that negotiations have been taking place with both UK and Scottish Governments to reach a Heads of Terms Agreement on a City Region Deal for Stirling and Clackmannanshire. This is approaching its conclusion and it is anticipated that an offer will shortly be forthcoming, which Clackmannanshire council must be in a position to accept or reject within a short period after the offer is made.

### **Motion**

That Council agrees the recommendations set out in the report.

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

### **Decision**

The Council agreed to delegate authority to the Chief Executive, in consultation with Group Leaders, to accept the offer of a Heads of Terms Agreement for a City Region Deal for Stirling and Clackmannanshire, in so far as its content relates to Clackmannanshire.

### **Action**

Executive Director

*The Provost adjourned the meeting for 10 minutes at this point in the proceedings (11.10 am)*

*When the meeting resumed at 11.20 am, eighteen (18) elected 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 items of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 8 and 12.**

Standing Order 17.1 advises that no motion that tries to alter or withdraw a council or committee decision (or has that effect) will be considered or passed for at least six months from the date of the original decision. However, the Provost advised that as she was satisfied that circumstances had changed in a relevant way, in that it related to urgent remedial works, to support people on low income and to resolve the issue of use of defective material, she agreed to set aside Standing Order 17.1 to allow the Council to take a decision on the report.

### **CC.111 BOWMAR COMMUNITY ENERGY SAVINGS PROGRAMME**

The report, submitted by Councillor Craig Holden, informed elected members of the defective workmanship associated with the Bowmar Community Energy Savings Programme, obtain approval for the funding and commissioning of remedial works to owner occupied homes and secure a review of the contractual arrangements.

#### **Motion**

That Council agrees the recommendations set out in the report.

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

*Councillor Clark requested an adjournment. The Provost agreed to adjourn the meeting for 5 minutes at this point in the proceedings (11.49 am)*

*When the meeting resumed at 11.52 am, eighteen (18) elected members remained present.*

#### **Decision**

The Council agreed the recommendations as set out in the report.

#### **Action**

Councillor Craig Holden

Ends: 12.12 pm



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**Report to Clackmannanshire Council**

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**Date of Meeting: 10 May 2018**

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**Subject: Appointment to Clackmannanshire Licensing Board**

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**Report by: Head of Resources & Governance**

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**1.0 Purpose**

- 1.1. This report asks Council to note the resignation of a member of the Licensing Board and approve the appointment of a new member of the Board.

**2.0 Recommendations**

- 2.1. It is recommended that Council
- 2.1.1. note the resignation of Councillor Holden from the Licensing Board and
- 2.1.2. approve the nomination of Councillor Balsillie for appointment to the Licensing Board.

**3.0 Considerations**

- 3.1. On the 18 May 2017 Council approved the appointment of nine members to the Licensing Board. This nomination included Councillor Holden. The Administration has now indicated that Councillor Holden wishes to resign from this appointment. The Administration has also nominated Councillor Balsillie for appointment.
- 3.2. In terms of Standing Orders the Council can appoint no fewer than five and no greater than 10 members to the Licensing Board. In addition there is no requirement for there to be a political balance on the Licensing Board. Members of the Licensing Board cannot sit until they have undergone mandatory training.

**4.0 Sustainability Implications**

- 4.1. None

**5.0 Resource Implications**

- 5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes X

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes X

5.4. *Staffing – no impact*

## 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No X

## 7.0 Declarations

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

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all X

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

None

## 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?  
Yes X No

## 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. Yes X

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".



None

### 11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)



Yes  (please list the documents below) No

### Council Report Appointments to the Licensing Board 18 May 2018

#### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lindsay Thomson	Clerk to the Licensing Board	2084

#### Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources and Governance	
Elaine McPherson	Chief Executive	



**CLACKMANNANSHIRE COUNCIL**

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**Report to Council**

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**Date of Meeting: 10<sup>th</sup> May 2108**

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**Subject: Budget Strategy Update**

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**Report by: Depute Chief Executive**

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**1.0 Purpose**

- 1.1. The purpose of this report is to maintain Council's regular update on the approved Budget Strategy. This report provides an update on the fiscal outlook and provides updates on key financial publications over the last few months.

**2.0 Recommendations**

2.1 It is recommended that Council notes:

- a. the fiscal outlook and information on the UK Chancellor's Spring Statement set out in paragraphs 3.1 to 3.7
- b. the key messages from the three recent reports by the National Audit Office and the Scottish Accounts Commission on the challenges and performance of English and Scottish councils respectively (paragraphs 3.8 to 3.18)
- c. the revised financial planning assumptions set out in Table 5 and the consequential high, median and low financial planning scenarios having applied this range of assumptions (paragraphs 4.3 and 4.4 and Tables 6 to 8)
- d. current work to implement 2018/19 approved Budget and early work to support the further development of the Council's medium term priorities and aligned financial plans (paragraphs 4.5 to 4.7).

**3.0 Fiscal outlook**

- 3.1 The March 2018 Fiscal Affairs Scotland briefing focuses mainly on the UK Government's Spring Statement and accompanying Office for Budget responsibility (OBR) forecasts. Additionally it considers the potential implications of these for public sector spending.
- 3.2 The main focus of the UK Chancellor's Spring Statement is now to update economic and fiscal forecasts by the OBR rather than to radically amend spending plans. The key points made are:

- The Economy: the OBR forecast remains largely unchanged and does not reflect recent improvements seen in UK productivity levels
- The Fiscal Balance: has improved a little but the picture remains considerably worse than it was forecast at this time last year
- The next Spending Review: the Chancellor announced that the next UK Spending Review will take place in 2019 and that this is likely to cover the period 2020/21 to 2022/23.

3.3 The UK's economic outlook has also been reviewed with forecasts on growth and inflation remaining largely unchanged. Interest rate forecasts, however have been amended with steeper incremental increases forecast as a result of the last two OBR forecasts.

3.4 As anticipated, no major new tax or spending policies were announced in the Spring Statement. This means that there are no Barnett Consequential's and no impact on the Scottish Budget to reflect. Any such potential changes will feed through the Autumn Budget which is scheduled for November 2018.

3.5 One of the key uncertainties is whether in the Autumn Budget, the Chancellor will be able to found on more recent positive economic and fiscal trends. Clearly, this will depend on whether these trends are sustained and reflected into future OBR forecasts. If so, this potentially provides some potential for public spending to be increased without adversely affecting the delivery of UK fiscal targets.

3.6 If a more positive fiscal position emerges, there is likely to be significant UK Departmental requests to access it, including the NHS following the severe winter pressures and ongoing pressure for further increase in wages. Additionally, mounting pressures in English councils to balance budgets is also likely to be raised.

3.7 Overall, future funding levels remain highly uncertain, without factoring the potential financial impacts of Brexit, and are likely to remain so until at least the time of Brexit.

3.8 In the FAS April 2018 Briefing, the following recent publications are considered:

- 'Financial Sustainability of (English) local authorities 2018 by the UK National Audit Office (NAO)
- 'Local Government in Scotland: Challenges and performance 2018' by the Scottish Accounts Commission (SAC).

The key features of these reports are summarised below.

3.9 The UK NAO report looked at:

- how budgets and budget pressures had changed
- how local authorities had responded to this , in terms of where cuts occurred
- how sustainable the model is in the medium to long term.

### 3.10 The NAO report indicates:

- a 49% real terms reduction in local authority funding over the period 2010/11-2017/18
- a 29% reduction in funding after council tax is included
- within these UK level figures, the pattern and incidence of reductions has varied considerably, for instance between 2010/11 and 2016/17, there was a real terms reduction in spending on adult social care of 3%, while non-social care spending fell by 33%. Table 1 below shows these trends over the wider range of services between 2010/11 and 2016/17.

**Table 1: % change in net current expenditure, by service, 2010-11 to 2016-17, in real terms**

Service	% change in spend 2010-11 to 2016-17
Children's social care	3%
Adult Social Care	-3%
Central services	-15%
Environmental services	-17%
Cultural & related	-35%
Highways & transport	-37%
Housing services	-46%
Planning & development	-53%

Source: Figure 7, Financial sustainability of local authorities 2018, NAO

3.11 The NAO also notes that reduction in funding is happening at the same time, as many councils are seeing increased demand for services. This aspect is illustrated by the recent Institute Fiscal Studies (IFS) paper 'adult social care funding: a local or national responsibility?' which highlights the increasing pressure of rising adult social care costs. The IFS estimates that these costs could rise at around 4.4% real terms, meaning that over the next 20 years the cost of adult social care could rise from less than one third of overall revenues to over half.

3.12 The NAO also found that English councils responded to pressures in different ways over the period 2010/11- 2016/17. For the first three years there was a focus on making savings and building reserves to provide a medium term financial 'cushion'. Examples of typical service reductions over this period include:

- a reduction of 34% in weekly domestic waste collection
- a reduction of 67% in the number of health and safety enforcement notices issued by councils
- a reduction of 48% of council supported bus service mileage (outside London).

3.13 In the second three year period, reductions in service spending accounted for less than half of the required savings. Instead councils have managed to find other forms of savings or income. The NAO appear to be fairly pessimistic about the current direction of travel:

*'The current trajectory for local government is towards a narrow core offer increasingly based on social care. This is the default outcome of sustained increases in demand for social care and of tightening resources'.*

3.14 The Scottish Accounts Commission paper is similar to the NAOs, looking at the financial challenges facing Scottish local authorities. In terms of the scale of reductions in council funding, there is an issue over the comparability of the two systems. In particular, a key element of Scottish Local Government spending, on schools, no longer applies in England. As the schools budget in Scotland is relatively large and has been protected, it means that the overall fall in the Scottish local government budget (10% real terms reduction between 2010/11 and 2018/19) is notably smaller than is seen for English councils.

3.15 Table 2 below shows the differences in the way Scottish and English councils have implemented budget reductions in services. In particular, Scottish councils have made much bigger reductions in Central Services, while English councils have targeted other services, particularly Cultural and Planning and Development.

**Table 3: % change in net revenue expenditure, by service, 2010-11 to 2016-17, in real terms**

Service	Budget £m 2011-12	Scotland	UK	Difference
Social Work	2857	0%	-3%	-3%
Environmental	660	-7%	-17%	-10%
Cultural & Related	640	-19%	-35%	-16%
Roads & Transportation	490	-28%	-37%	-9%
Planning & Development	310	-34%	-52%	-18%
Non-HRA Housing	390	-35%	-46%	-11%
Central*	550	-39%	-15%	24%
Also				
Education	4650	-6%	N/A	

Source: Scottish Local Government Financial Statistics 2016-17 and 2014-15, also Table 1 above.

\* Comparability of Scottish Central services data may be affected by the transfer of Police in Fire in 2013-14, despite adjustments having been made.

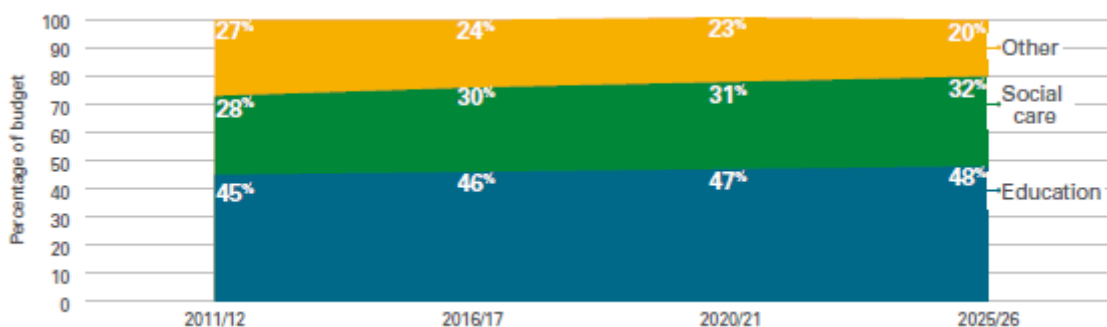
3.16 The SAC paper also considers the impact of population change on demand for council saving and funding. It highlights the variation in the population related challenges which face different councils over the period 2014 to 2039, ranging from a decline of more than 10% to a rise of over 20%. Clackmannanshire is forecast to have a 3% reduction in the population over this period.

3.17 The report also highlights a sharp increase in older people, with fewer people of

working age when compared with people of pensionable and school age. SAC forecast that without service redesign or policy change, councils could be spending 80% of their budgets on education and social care by 2025/26 (Table 3).

#### Forecast of council spending patterns

Without service redesign or policy changes our modelling suggests that councils could spend 80 per cent of their budgets on education and social care by 2025/26.



Other Social care Education  
 Note: Calculations are based on cash terms.

Source: *Scottish Local Government Finance Statistics 2016/17* Audit Scotland, November 2016

3.18 These recent reports highlight a more explicit reporting of the conflict between reducing council spending and protecting key services such as education and adult social care, leading to questioning of the sustainability of the current system and the continuing need to focus on transformation.

#### 4.0 Budget Strategy Implementation

4.1 On the 8<sup>th</sup> March 2018, the Council approved its budget for 2018/19. At that time, Council was also provided with updated details of the indicative funding gap for three years from 2019/20. This information is reproduced at Table 4 below and shows an indicative funding gap of £12.5 million for 2019/20 and a cumulative gap of £29.9 million over the three year period to March 2022.

**Table 4: General Services Budget 2019/20-2021/22 Indicative funding gap**

	2019/20	2020/21	2021/22
	£000	£000	£000
Net expenditure	126,313	133,335	140,370
Net Funding	113,804	112,061	110,423
Cumulative indicative Funding Gap	12,509	21,274	29,947
Annual indicative Funding Gap	12,509	8,765	8,673

4.2 The main assumptions for all three years included within Exhibit 2 are as follows:

- 3% Increase in Council Tax
- Pay inflation 3%

- Contract inflation £600k
- General demand pressures, £2.4m 2019/20 and £3m for 2020/21 and 2021/22
- Cash reduction on general fund grant of 3.5%
- That the additional £1.217m received in 2017/18 is baselined for future years
- The recurrent share of the additional social care funding of £250m baselined each year
- That the additional £1.502m received for 20118/19 is not at this stage baselined for future years.

4.3 As previously indicated to Council the fuller range of financial scenarios have been refreshed based on a High, Medium and Low impact categorisation. Whilst it is unlikely all key financial planning variables will fall neatly into a single category, the scenarios provide a useful indication of the potential range of likely outcomes for financial planning purposes. Table 5 summarises the underpinning assumptions for each of the three scenarios.

**Table 5: Financial Planning Scenarios: Assumptions for 2019/20 to 2021/22**

	Low	Medium	High
<b>General Revenue Grant Reduction</b>	0%	3%	5%
<b>Council Tax</b>	0%	2%	3%
<b>Non-Domestic Rates Income</b>	3.5%	0%	-3.5%
<b>Additional share of £130m revenue</b>	2%	3%	3%
<b>Pay award (teaching and non-teaching staff)</b>	£2.5m	£3.5m	£4.0m
<b>Demand pressures (General and contract inflation)</b>	2%	3%	4%

4.4 The application of these assumptions results in the three scenarios summarised in Tables Exhibits 6 to 8 for High, Median and Low impact categorisations respectively. These scenarios result in a range of potential indicative funding gaps from £9.6 million to £14 million for 2019/20 and £18.8 million to £33 million for the three years cumulatively to March 2022. It is considered prudent to plan for the High scenario outcome, though in practice the Median scenario is typically used as the most likely/ realistic outcome.



**Table 6: HIGH SCENARIO: Indicative funding gap 2019/20 to 2021/22**

Year	2019/20	2020/21	2021/22
Net expenditure	127,312	134,734	142,168
Net funding	113,272	111,107	109,151
Annual Indicative funding gap	14,041	9,587	9,390
Cumulative Indicative funding gap	14,041	23,628	33,018

**Table 7: MEDIAN SCENARIO: Indicative funding gap 2019/20 to 2021/22**

Year	2019/20	2020/21	2021/22
Net expenditure	126,812	133,734	140,668
Net funding	113,945	112,529	111,195
Annual Indicative funding gap	12,867	8,338	8,269
Cumulative Indicative funding gap	12,867	21,205	29,474

**Table 8: LOW SCENARIO: Indicative funding gap 2019/20 to 2021/22**

Year	2019/20	2020/21	2021/22
Net expenditure	124,671	129,452	134,241
Net funding	115,117	115,241	115,403
Annual Indicative funding gap	9,554	4,657	4,627
Cumulative Indicative funding gap	9,554	14,211	18,838

### Implementation of 2018/19 Budget

- 4.5 The delivery of savings approved in the 2018/19 budget will continue to be closely monitored. This is particularly important, given the more challenging experience of the Council in delivering its 2017/18 budget savings, the level of additional pressures (welfare reform and adult social care in particular), and the potential scale of the indicative funding gap for 2019/20.
- 4.6 Detailed information on delivering the Council's General Services and Housing Revenue Account revenue and capital budgets will continue to be provided in the Council's corporate monitoring outturn reports. Progress in delivering savings will be reported in the regular update reports to Council and in service performance reports.

## **Budget preparation 2019/20**

4.7 Work is also progressing to develop the Council's proposed Budget for next/ future years. Prior to recess a number of significant activities are being undertaken which will inform the development of future years' priorities and from these will flow the financial plans. Key activities include:

- the submission of the new Corporate Plan aligned with the new LOIP priorities
- the review of all major asset plans (property, lands, fleet, IT, school estate,) with a view to realigning capital investment priorities with those set out in the LOIP and Corporate Plan
- the development of Programme Management and Governance arrangements to support the further development, monitoring and implementation of the Council's continuing organisational redesign plans.

## **5.0 Conclusions**

5.1 This report provides an update on the fiscal outlook, impact of the UK Spring Statement and recent publications on the challenges and funding issues affecting local government.

5.2 On the basis of this wider fiscal and economic update, Council is also presented with refreshed financial planning assumptions and recalculated High, Medium and Low impact financial planning scenarios.

5.3 The report also provides an update on the monitoring arrangements for the 2018/19 Budget summary within the new decision making structures and early work already underway in support of the development of the Council's medium term plans which are closely aligned with the development of future year's budgets.

## **6.0 Sustainability Implications**

6.1. N/A

## **7.0 Resource Implications**

7.1 *Financial Details*

7.2 Accountancy has been consulted and has agreed the financial implications as set out in the report.

## **8.0 Exempt Reports**

8.1 Is this report exempt?            No

## **9.0 Declarations**

The recommendations contained within this report support or implement our Corporate

Priorities and Council Policies.

**(1) Council Policies**(Please detail)

Budget Strategy

**10.0 Equalities Impact**

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

**11.0 Legality**

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

**12.0 Appendices**

N/A

**13.0 Background Papers**



13.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Council Budget 2018/19	March 2018
Fiscal Affairs Scotland	March, April 2018 briefing
NAO	Financial Sustainability of (English) Local Authorities 2018
SAC	Local Government in Scotland: Challenges and Performance 2018
IFS	Audit Scotland Care Funding: A Local or National Responsibility?

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Depute Chief Executive	
Elaine McPherson	Chief Executive	



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 10 May, 2018**

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**Subject: External Grant Funding**

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**Report by: Chief Executive**

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## **1.0 Purpose**

The purpose of this report is to ask Council to agree governance protocols for applications for external grant funding and to brief Council on the return of a grant which had previously been awarded to the Council.

## **2.0 Recommendations**

2.1 It is recommended that Council agrees:

- a) the governance protocols for future applications for external grant funding set out at section 5 of this report;
- b) that these protocols should be incorporated into the Council's Financial Regulations; and
- c) that grant of circa £151,000 previously drawn down by the Council to fund floodlighting at Lornshill Academy athletics track should be returned to sportscotland.

## **3.0 Background**

- 3.1 External grants can be a useful source of funding provided that the case for applying for such grants stacks up and the parameters of any funding received are fully appreciated.
- 3.2 Prior to any application for grant funding, one of the most important considerations should be strategic purpose and fit, i.e: *is the application for funding for a purpose which is a Council priority (as demonstrated through various plans, strategies and approved budgets)?* Similarly, there should be clearly articulated business objectives and expected outcomes behind any decision to apply for external funding.
- 3.3 An assessment should be made of the costs/benefits of making an application, with active consideration being given to any match-funding requirements (whether capital or revenue) and sustainability issues when the funding is exhausted or the funding period comes to an end.

- 3.4 The Council generally has made good use of funding for a range of services and projects; however, there have been occasions where applying for and receiving grant funding has not been efficient or effective and one of those is set out in the next section of this report.
- 3.5 Going forward, to ensure that there is an explicit framework for applying for external funding, it is proposed that formal protocols are introduced as set out in Section 5 of this report.

#### **4.0 External Grant for Lornshill Academy Athletics Track Floodlighting**

##### Background (2010-mid 2016)

- 4.1 A grant of £239k was awarded to the Council by sportscotland in October, 2011, for the provision of floodlighting at Lornshill Academy. This was made in response to an application for funding based on a decision by Council to allocate money in its capital budget for the demolition of Lornshill Academy and associated issues including the installation of floodlighting. A report to the Scrutiny Committee of 8 April, 2010, notes that *'application for sportscotland funding for will be made next year.'*
- 4.2 When the grant award was made in 2011, the Clackmannanshire Schools Education Partnership Ltd (CSEP) had been established and contracts agreed for the long term management of the new school facilities, including Lornshill Academy. The proposal to install floodlighting at Lornshill represented a change to the agreed contracts and discussion took place between the Council's Facilities Management service and CSEP about the potential cost of contract variation to install and maintain floodlighting.
- 4.3 Initial costs estimates were:
- £172,800 for installation – one off capital expenditure
  - £47,250 for lifecycle related costs – one off revenue cost associated with change to the contract
  - £10,950 per annum maintenance – recurring indexed linked cost (4.5% per annum) associated with change to the contract.
  - Other costs associated with planning consents, building warrants and securing estimates, with additional energy consumption to be metered separately.
- 4.4 These costs were not thought sustainable at the time and efforts were then made by Facilities Management and Education to negotiate a reduction in costs to make the financial case stack up.
- 4.5 Between 2011 and into 2013 efforts focused on addressing the contractual issues concerning variations, reviewing costs, planning consent and building warrants, and other technical issues (e.g. a requirement for additional special foundations due to unfavourable ground conditions).

4.6 £151k of the total grant award was drawn down in March, 2013, and placed in a suspense account, with a report to the Resources & Audit committee in September of 2013 stating that *'the process for agreeing terms was nearing completion.'* This position was reiterated to the then Enterprise & Environment Committee in January 2014 in the Facilities Management Performance Report.

4.7 In 2014 estimated costs changed to:

£179,559 for installation – one off capital

£18,196 for lifecycle related costs – one off revenue

£2,242 per annum for maintenance – recurring revenue indexed linked

and another review of the proposal was undertaken by Council officers. The conclusion of that review was:

*'We have consulted with the school's deputy head, principal teacher (P.E.), leisure services and sports development staff to ascertain the anticipated usage of the floodlit running track and concluded that due to the limited individuals and organisations who have expressed an interest there is no case to support value for money for the floodlighting and apart from the substantial capital costs there will be ongoing annual maintenance costs that will not be recouped through hire-out fees/charges.'*

*'In conclusion, the capital, lifecycle and annual expenditure involved in providing floodlighting, the anticipated limited usage of the floodlighting and the initial disruption to the school curriculum lead us to conclude that this proposed variation to the PPP Schools contract cannot be recommended for approval.'*

4.8 File records suggest that this conclusion was shared with relevant spokespersons and that there was the intention to take the matter to the Education Committee for consideration and to enter into discussions with sportscotland to ascertain whether the grant funding might be used for another purpose. This is confirmed in references in Council financial performance reports to the then Resources & Audit Committee (ref 26/2/15 and 3/12/15) where the possibility of returning the grant is mooted.

4.9 The last reference in Council reports of the matter is in April of 2016 when it was reported to the Resources & Audit Committee as follows:

*'Discussions with sportscotland ongoing to establish if funding can be used for another purpose if decision from Education committee does not align with Council priorities. Any unspent grant will have to be repaid.'* (Ref - Capital budget update in Council Financial Performance Report, 21/4/16).

4.10 There is no record of the matter ever being considered by the Education Committee. This may be due to the fact that the next month the then political Administration resigned, with a new Administration being appointed in June of 2016, at which time various standing committees (including the Education Committee) were disestablished. This period also coincided with the dissolution of shared services with Stirling and the transfer of senior education managers back to Stirling.

4.11 Since that time, there has been no reference to the matter at Council or committees and the £151k grant remains unspent and held in a suspense account.

#### Recent Events & Current Position

4.12 Since April, 2016, various other options have been explored regarding the potential provision of floodlighting – however, these have not resulted in any permanent resolution. In December of 2017, sportscotland intimated that while they remained keen to fund floodlighting for athletics, if the Council was not proceeding with the proposal then the grant monies of £151k should be returned.

4.13 It remains the position that the business case for installing floodlighting at Lornshill does not stack up. Current revenue for the athletics track is approximately £1,200 per annum, this income coming solely from one club. Even were there to be a growth in local clubs, it would be unrealistic to assume significantly more than a doubling of income to around £2,500-3,000.

4.14 The revenue costs associated with varying the contract, which are indexed linked at 4.5% per annum, would require ongoing Council subsidy which would not likely be recovered due to limited income generating potential.

4.15 Setting aside any cost issues which would still pertain if the Council were to revisit a potential contract variation with CSEP, the capital costs would now be well beyond the grant sum available and would require additional council capital investment.

4.16 Given these value for money considerations, the financial challenges facing the Council and other priorities for spend which the Council has, it is recommended that the £151k received in grant for the purpose of installing floodlights at Lornshill Academy is returned to sportscotland.

#### **5.0 Protocols for Applying for Grant Funding**

5.1 It is clear from reviewing the history of the funding application and award for floodlights at Lornshill that there were some governance omissions in the process. Specifically, there is no record that the following were carried out in advance of the application being made:

- Cost benefit analysis
- Value for money appraisal
- Risk assessment
- General feasibility study

5.2 This resulted in wasted time and effort once the grant had been awarded in trying to find a way to implement the proposal. There also appeared to be absence of forethought in respect of the potential ongoing revenue and maintenance costs of the proposals.

5.3 While there is no evidence that there are significant issues more generally across the Council in relation to proposals to source external funding, neither is there explicit guidance or governance framework to support officers who are trying to bring in income and find creative solutions to resourcing initiatives.



- 5.4 Accordingly, it is recommended that all proposals to apply for external funding over £50,000 are subject to a preliminary assessment which will require information to be provided at a fairly high level on the following:

*Proposal Description*

- what the external funding is for
- why external funding is needed
- estimated start and finish dates
- key milestones

*Strategic Purpose and Fit*

- how proposal fits with existing priorities as set out in Community Plan, budget, Corporate Plan, other strategies
- what are the business objectives of the proposal and expected outcomes are

*Evidence of Demand/Need*

- demonstration of the demand for proposal with relevant and firm evidence

*Finance and Resources*

- total cost of initiative
- total grant sought
- capital or revenue?
- if capital, are there ongoing revenue costs and are these already approved?
- is there resource in Council budget already?
- is any required match-funding in place?
- if revenue grant, what will happen when the funding stops?
- VFM considerations
- confirmation there is sufficient and appropriate capacity to effectively project manage the proposal

*Options Appraisal*

- status quo option to be appraised alongside proposal for funding
- outline cost/benefit analysis for each option considered
- impact if full amount of funding applied for is not awarded

*Sustainability*

- is funding for one-off initiative or ongoing service?
- impact once funding ends and actions to be taken

## *Project Governance & Risk*

- evidence of effective approach to project management for externally funded projects
  - regular reports throughout project highlighting any delays and slippage
  - risk assessment to be carried out
- 5.5 It is further recommended that approval to apply for external funding is authorised at the level of chief officer (and potentially of Council depending on the proposal in question). Approvals should be reported through the committee system so that there is elected member oversight and a forum for elected member monitoring of progress and performance.
- 5.6 It is recognised that on occasion opportunities for receiving external funding may arise at short notice and require a quick turnaround which could preclude a full preliminary assessment being undertaken. In such circumstances, the relevant chief officer, the Chief Executive and relevant spokesperson will be required to authorise such an application.
- 5.7 These protocols should ensure that relevant funding can be applied for if appropriate but that:
- resources are not wasted in applying for funding for non-priority activities
  - mainstream resources are not diverted or skewed to non-priority activities simply because external funding is available
  - feasibility and sustainability are analysed in advance of an application being made.
- 5.8 It is also recommended that the protocols, if agreed, are incorporated into the Council's Financial Regulations.
- 5.9 Bringing in additional resources forms part of the Council's overall budget strategy. There are opportunities as part of the new organisational design to create a corporate role to: identify potential sources of external funding, support the development of applications for funding, advise how to submit bids and generally co-ordinate the Council's activity in this area. This was included in the Best Value Assurance Report Action Plan which Council approved in March as part of the proposed action to: *establish a Programme Management Office to support organisational redesign incorporating: project management, funding and digital support (resourced – in part – from the existing Transformation Fund)*.
- 5.10 A report on the establishment of the Programme Management Office is scheduled to come to Council in June (per the Best Value Assurance Report Action Plan).
- 6.0 Sustainability Implications** – the proposals in this report aim to ensure that due consideration is giving to financial sustainability when external funding is being applied for.
- 7.0 Resource Implications** – the proposals in this report aim to increase the resources coming in to the Council from external sources.

**8.0 Exempt Reports** - this report is not exempt.

**9.0 Declarations**

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

**Our Priorities**

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all  
Our families; children and young people will have the best possible start in life  
Women and girls will be confident and aspirational, and achieve their full potential  
Our communities will be resilient and empowered so that they can thrive and flourish

**10.0 Equalities Impact** – n/a

**11.0 Legality**


11.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers.

**12.0 Appendices** - none

**13.0 Background Papers**

Minutes of meetings of Council and Resources & Audit Committee as referred to in the report

File notes re Lornshill floodlighting

NAME	DESIGNATION	TEL NO / EXTENSION
Elaine McPherson	Chief Executive	



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**Report to Council**

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**Date of Meeting: 10<sup>th</sup> May 2018**

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**Subject: Procurement Strategy Report**

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**Report by: Head of Resources & Governance**

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**1.0 Purpose**

- 1.1. The Procurement Reform (Scotland) Act 2014 Section 18 States that the Council must prepare a procurement strategy by 31 December 2016.
- 1.2. Following on from the interim procurement strategy approved by Council on 15th December 2016, approval is sought from the Council to adopt the procurement strategy to cover the period from 2018/19 to 2020/21 to comply with the requirements of the Procurement Reform (Scotland) Act.

**2.0 Recommendations**

- 2.1. It is recommended that Council agrees to adopt the Procurement Strategy.

**3.0 Considerations**

- 3.1. This Strategy sets out how the Council will:
  - Make procurement more straightforward for suppliers and the Council alike
  - Increase the professionalism and commercial skill of those carrying out procurements for the Council
  - Provide opportunities to local and SME suppliers, including third sector organisations, to participate by increasing visibility of the Council's procurement plans and opportunities
  - Maximise innovation, sustainability and collaboration in procurement activities
  - Work with the Integrated Joint Board(IJB) in the provision of Adult Social Care Services
- 3.2. The Procurement strategy provides a vision for procurement, identifies procurement principles and a work plan to deliver the 6 key themes. Its

development followed on from the adoption of an interim strategy which committed to an engagement exercise being carried out with local stakeholders. The engagement exercise was widely promoted amongst stakeholder groups and the feedback is reported in Appendix 2. In total, 3 organisations responded.

#### 4.0 Sustainability Implications

- 4.1. The strategy refers to support to encourage an effective local supplier market including the voluntary sector and the promotion of local social value in contracts
- 4.2. It also demonstrates how the Flexible Framework Self-Assessment Tool (FFSAT) will provide a Sustainable Action Plan to establish the performance level of sustainable procurement across the council and commits to establish systems to record the impact of procurement policies and practices in support of the council's climate change duties.

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

##### 5.4. *Staffing*

#### 6.0 Exempt Reports

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

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

- (1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**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?  
 Yes  NA

**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. Yes

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

- Appendix A - Procurement Strategy
- Appendix B – Procurement Consultation Report

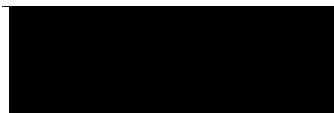

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes  (please list the documents below) No

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources & Governance	
Nikki Bridle	Depute Chief Executive	







**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

# Clackmannanshire Council Procurement Strategy

**April 2018 – March 2021**



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## Appendices

<b>A</b>	Glossary of commonly used procurement terms and acronyms	
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## Useful Contacts

Please contact me if you have any questions or comments about this Procurement Strategy or about tendering for Council business:

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# 1 Introduction

This Strategy is aimed at promoting effective procurement across the Council.

This Strategy sets out how the Council will:

- make procurement easier for suppliers and the Council alike
- increase the professionalism and commercial skill of those carrying out procurements for the Council
- give opportunity to local and SME suppliers to participate by increasing visibility of the Council's procurement plans and opportunities
- maximise innovation, sustainability and collaboration in procurement activities

The Council has developed this Procurement Strategy to comply with the requirement to prepare and publish a procurement strategy by 31 December 2016. The Council produced its interim procurement strategy to cover the latter part of the 2016/17 financial year and the full 2017/18 financial year<sup>1</sup>

During 2017/18 the Council undertook a consultation exercise in order to prepare the full procurement strategy. The Consultation was undertaken using the Council consultation hub and took place between August and September 2017.

Correspondence was also sent to a number of external stakeholders making them aware of the consultation and seeking views from their members and extended networks.

The purpose of the Consultation was to ensure that the Council's approach and procurement strategy takes account of stakeholders' views and those stakeholders had the opportunity to engage and contribute to development of the strategy.

The Council wanted to gain a better understanding of the needs of the area and tailor the strategy to reflect those needs. One of the key areas that the strategy addresses is the Council's policy on consulting and engaging with those affected by its procurements.

The Council aims to be flexible and to respond to the rapidly changing environment around public sector procurement and to learn from its own experience and the experiences of others. The rapidly changing environment is well illustrated by the pace of technological change currently associated with e-procurement.

The overarching purpose of the Strategy is to support the delivery of high quality public services that offer value for money and, in a sustainable way, take account of best practice and EU and Scottish procurement legislation.

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<sup>1</sup> Statutory Guidance under the Procurement Reform (Scotland) Act 2014  
<http://www.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct/statutoryguidance>

## 2 Background

There have been some significant changes in the last few years, in particular:

- The EU Procurement Directives which aim to ensure that public purchases are made in a transparent and fair manner.
- The Procurement Reform (Scotland) Act 2014 that provides a national legislative framework for sustainable public procurement that supports Scotland's economic growth through improved procurement practice.

As a whole, both the Act and the Directives provide the statutory foundations for the Scottish Model of Procurement illustrated in Figure 1.

Figure 1: Scottish Procurement Model

### Scottish Procurement



Scottish Model of Procurement



These important changes to the rules on public procurement in Scotland resulted from:

- Procurement Reform (Scotland) Act 2014
- EU Procurement Directive on public procurement
- EU Procurement Directive on the award of concession contracts
- EU Procurement Directive on the award of contracts by entities operating in the water, energy, transport and postal services sectors
- EU Procurement Directive for electronic invoicing in public procurement

The Scottish Model of Procurement, simplifies, standardises and streamlines procedures for both businesses and public bodies. It places sustainable and socially responsible purchasing at the heart of the process. Some of these changes are mandatory. The Council's key procurement documents, the Procurement Journey, introduced in 2012 and Contract Standing Orders will align with the requirements of the Scottish Model.

### **3 Purpose of the Strategy**

Historically the Council has spent approximately £60 million a year on procuring goods, works and services and it needs to maximise value from this expenditure. The next few years are likely to see further financial pressures so achieving and providing evidence of value for money is paramount.

This Strategy provides a high-level view about the Council's direction of travel, identifies the actions that the Council will take and the principles it will follow to maximise value from its procurement activity.

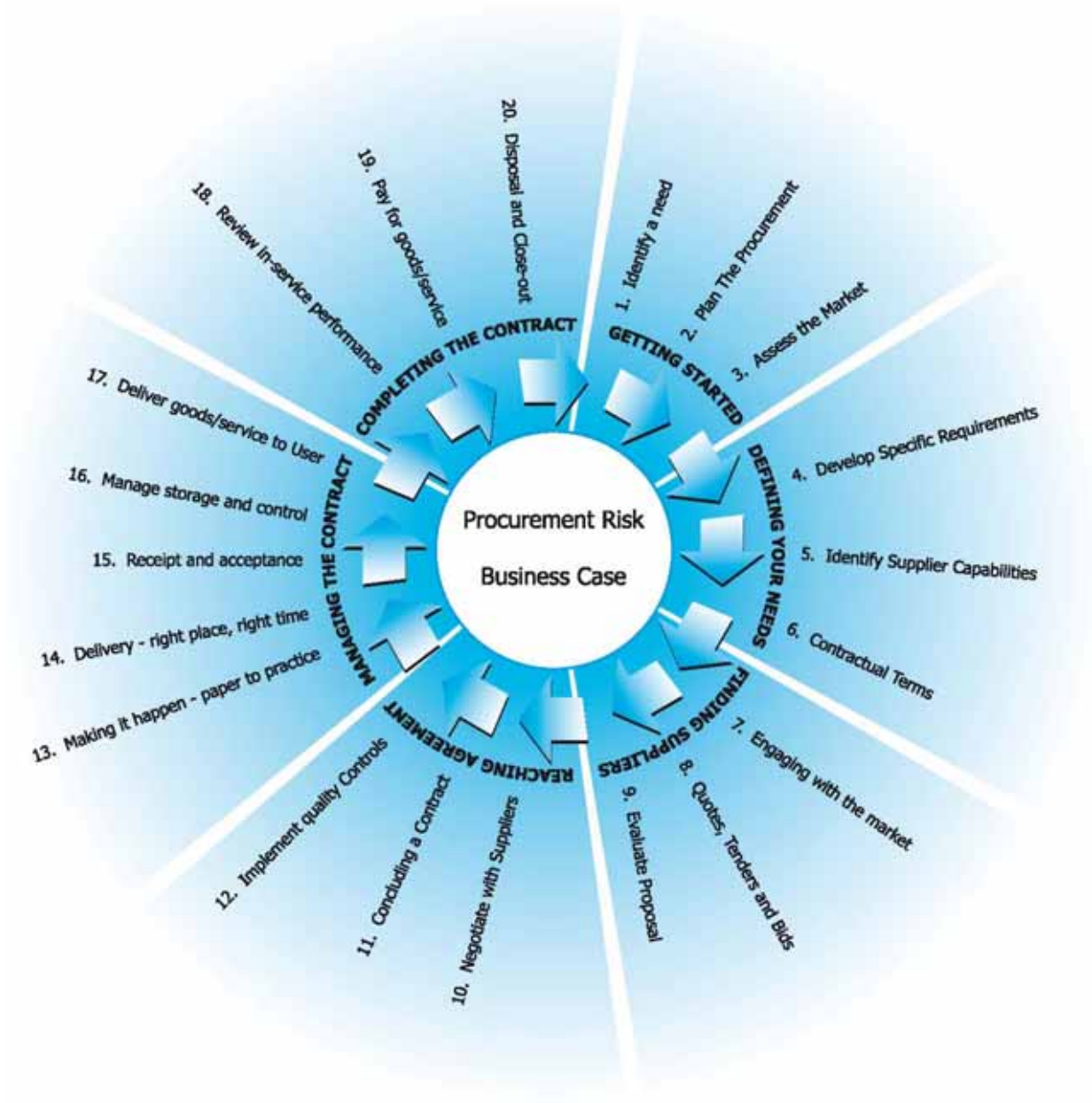
### **4 What is Procurement?**

The Council directly provides some services from in house staff/ resources. Where it needs to acquire goods, services or works that cannot be provided in-house they are procured from external providers which may be a contractor, third sector supplier or another public sector body. Procurement is the process that is used to acquire such goods, services and works from those external providers.

Whilst responsibility for procurement resides in each Council service area, there is advice available from suitably qualified staff in the corporate centre to assist service areas with their procurement responsibilities and provide policy advice and training.

Procurement activity forms a cycle, illustrated in Figure 2, extending from recognising an unmet need right through to management of the end contract, and where appropriate will include authorisations and audit arrangements. Depending on the need being addressed, the procurement cycle may vary from a simple transactional process, such as the on-line ordering of stationery, to the complexity of a multi-year, multi million pound project such as the procurement of a design, build and ongoing facilities management solution for a school. Well-trained procurement practitioners add value to every stage of the procurement cycle, minimising costs and maximising value.

Figure 2 : The Procurement Cycle



## 5 The Vision for Procurement

The Procurement Strategy aligns with the Corporate Plan and outcomes as expressed in the Clackmannanshire Local Outcomes Improvement Plan

- Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all.
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential.
- Our communities will be resilient and empowered so that they can thrive and flourish

In particular the strategy aims to support outcomes 1 and 4 by developing capability of businesses in Clackmannanshire to bid for public sector contracts and wherever possible, any opportunities for the Council to retain its procurement spend within Clackmannanshire and deliver wider community benefits will be maximised.

The Council will only procure what it needs to deliver the best services possible within its available resources.

To do this we have adopted the following Strategic Themes for the period covered by the Strategy.

<b>Strategic Theme 1</b>
<b>Straightforward:</b>
<b>To make procurement as straightforward as possible for the Council and potential suppliers, in particular to improve access for local suppliers and SMEs and to eliminate anything that does not add value to the procurement</b>

<b>Strategic Theme 2</b>
<b>Professional:</b>
<b>To continue to embed professional procurement and contract management skills and support the growth of commercial acumen within the Council.</b>

**Strategic Theme 3**

**Maximise local opportunities:**

**To support and encourage an effective local supplier market including the voluntary sector and the promotion of local social value in contracts.**

**Strategic Theme 4**

**Strategic:**

**To use sound procurement practices and innovative solutions to promote sustainability and value for money, making use of clear and detailed procurement/purchasing data, collaboration and partnership opportunities where appropriate.**

**Strategic Theme 5**

**Fair:**

**To ensure that, where applicable, contractors comply with Living Wage and Blacklisting Policies and to ensure that account is taken of the possible impact that the Council's approach to major projects might have on different groups of people.**



**Strategic Theme 6**

**Compliance:**

**To ensure that all procurement activity across the Council is compliant with procurement regulations, Contract Standing Orders and Financial Regulations.**

The actions that we will take to deliver these themes are set out in the work plan for the service at Section 8.

## **6 The Council's Procurement Principles**

Fundamental to this strategy are Procurement Principles that will guide how the Council conducts and develops its procurement activities.

### **General**

- 6.1 Throughout any procurement the Council will be clear about the outcomes and objectives it wants to achieve.
- 6.2 The Council's required outcomes from each procurement project will be properly assessed in relation to the Council's priorities, other statutory requirements and affordability.
- 6.3 The assessment of risk associated with each procurement project will aim to achieve a balance with commercial outcomes and placing risk where it is best managed.
- 6.4 Wherever possible requirements will be expressed in terms of outcome and performance to provide scope for bidder innovation.

### **Value for money**

- 6.5 The Council will aim to increase value for money (defined as the best whole-life cost and quality ratio to fulfil the stated requirements) and reduce processing costs.
- 6.6 The Council will take a long-term strategic view of the procurement of its requirements, including the potential for innovative funding and the opportunity for working with other public authorities especially for goods and services which can be procured more cost-effectively in a collaborative group.

### **Sustainability**

- 6.7 Any procurement decision will aim to minimise harm to the environment and to promote conservation of natural resources.

### **The local supplier base**

- 6.8 The Council will support businesses local to Clackmannanshire through a range of initiatives including:
  - Making it simpler to do business with the Council;
  - Reduce where possible the bidding burden on suppliers;
  - Have regard to the impact on small/local firms of the way in which a procurement is structured; and
  - Providing clear information about selling to the Council on our website.

### **Relationships with suppliers**

- 6.9 In longer-term contracts, the Council will incorporate provisions for continuous improvement both within the contracted service and to the benefit of the community it is serving.

- 6.10 In higher value contracts the Council will challenge contractors to identify ways in which they can contribute to improving the economic, social and environmental well-being of Clackmannanshire.
- 6.11 In construction contracts the Council will ask potential contractors to self-declare that have not been and will not be involved in blacklisting and where a potential contractor is unable to do this the Council will carry out a review in a proportionate and reasonable manner to conclude whether or not the organisation should be excluded from the competition.
- 6.12 The Procurement Reform (Scotland) Act 2014 has addressed and defined living wage in national legislation. It provides for Scottish Ministers to issue statutory guidance on how a company's approach to recruitment, remuneration (including living wage), and other terms of engagement should be considered when selecting bidders and awarding public contracts, where such matters will affect the quality of service that the bidder may provide.

## **Equality**

- 6.13 Procurement processes and documentation will reflect the Council's Equalities and Diversity Policy in line with the Equality Act 2010.
- 6.14 Equality legislation places duties on the Council to promote equality through our actions and they must have due regard to whether the award and conditions of a contract should include considerations to enable better performance of the public sector equality duty. In addition human rights standards recognise the right of everyone to just and favourable working conditions; in particular fair and equal pay, safe and healthy working conditions and reasonable working hours.
- 6.15 Section 9 of the Procurement Reform (Scotland) Act 2014 places a sustainable procurement duty on the Council before carrying out a regulated procurement, to consider how in conducting the procurement process it can improve the economic, social, and environmental wellbeing of the Council area. Wellbeing of the Council area includes, in particular, reducing inequality in the area. The Council will contribute towards improving the social wellbeing element of its sustainable procurement duty by adopting a policy to promote fair work practices in relevant public contracts.

## **Conduct**

- 6.16 In all our dealings in the procurement process, the Council will preserve the highest standards of honesty, integrity, impartiality and objectivity and shall comply with the Council's staff conduct policies at all times.
- 6.17 In selecting contractors the Council will evaluate offers received on the basis of the most economically advantageous tender and will take into account, where appropriate, whole life costing seeking an appropriate balance between cost and quality.
- 6.18 In any procurement the Council will ensure that its approach to the market is consistent with these principles.

## **Health and Social Care Procurement**

- 6.19 Section 12 of the Procurement Reform (Scotland) Act provides for a contracting authority, such as the Council to award health and social care contracts or framework agreements between 50,000 GBP and 615,278 GBP without seeking offers in relation to the

proposed contract. There are however provisions that still apply if the Council chooses to award a contract without advertising for example Section 23(2) of the Act: The Council must publicise a contract award notice on Public Contracts Scotland. Many health and social care contracts require special consideration because the quality or availability of these services can have a significant impact on the quality of life and health of people who might use these services as well as their carers. Also, services are becoming increasingly personalised to better meet people's needs which, in turn, has implications for how support is planned and purchased.

- 6.20 The Council also has to work with the Integrated Joint Board(IJB) in the provision of Adult Social Care. The IJB is responsible for producing a commissioning strategy but the IJB cannot, as an entity, contract with suppliers. It is for the Council along with the other IJB partners to manage the procurement. Services in regard to children and criminal justice services will also be expected to be procured within the context of a commissioning strategy.
- 6.21 The Council will exercise its responsibilities in compliance with the provisions in Section 12 in a responsible and proportionate way ensuring that the best interests of service users are accommodated within fair and transparent procurement practices.

## 7 Spend / Finance

This section details historical and projected spend information and spend analysis for the Council covering the financial year 2016/17. Greater detail is provided in the Annual Procurement report which is available on the Council's website.

<b>Total spend with Trade Creditors</b>	<b>£61,034,429</b>
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<b>Suppliers (trade Creditors) used in 2016/17</b>	<b>2,226</b>
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<b>Top 20 suppliers by Trade Classification (Thomson)</b>	<b>Total Spend</b>
Facilities Management	7,792,039.42
Nursing Homes	5,142,204.89
Residential Care Homes	2,709,422.39
Home Care Services	2,321,481.06
Civil Engineers	2,017,724.54
Property Maintenance & Repairs	1,959,738.48
Childcare Services	1,749,268.70
Building Refurbishment & Restoration Contractors	1,648,784.38
Adoption & Fostering	1,609,381.06
Social Services	1,608,163.90
Disability & Special Needs - Services	1,570,165.57
Builders	1,493,329.01
Pvc-u Products - Mnfrs & Suppliers	1,414,852.14
Electricity Companies	1,248,360.56
Waste Disposal Services	904,418.57
Insurance - Other	845,874.63
Recycling Services	747,365.29
Employment & Recruitment Agencies	744,145.44
Construction Contractors - General	739,359.55
Computer Systems & Software (development)	692,584.82

<b>Percentage Spend with Local Suppliers</b>	<b>14.55%</b>
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<b>Percentage Spend with Small to Medium Enterprises</b>	<b>62.63%</b>
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The Council will pay suppliers promptly, and includes a clause in its standard terms and conditions stating that undisputed invoices will be paid within 30 days from receipt.

The Council wish to ensure that this behaviour flows through the supply chain and will include a clause stating that:

“where you sub-contract any work under the Contract, that sub-contract must contain a clause requiring you to pay your sub-contractor within 30 days of you receiving a valid invoice from your sub-contractor.”

## 8 Action Plan

The table below summarises the actions and initiatives planned over the Strategy period to achieve the outcomes set out in the Vision for Procurement at section 5.

A number of these are aspirational and priority will be given to statutory obligations.

Elements of the effectiveness of the procurement strategy will be measured via the [Procurement & Commercial Improvement Programme](#) (PCIP).

### Definitions

Responsible	"The person or persons that will undertake the objective"
Accountable	"The person that is answerable and has liability for the objective"
Consult	"Prior to making a decision"
Inform	"After decision is made"

<b>PROCUREMENT ACTION PLAN April 2018 – March 2020</b>		
<b>Strategic Theme 1 Straightforward Procurement</b>		
To make procurement as straightforward as possible for the Council and potential suppliers, in particular to improve access for local suppliers and SMEs and to eliminate anything that does not add value to the procurement		
<b>Action</b>	<b>Responsibility</b>	<b>Target Date</b>
Deliver electronic procurement systems to satisfy new legislative requirements.	TechnologyOne Project Team	Reviewed on an annual basis
	<b>Accountable</b>	
	Chief Accountant	
	<b>Consult</b>	
	Procurement Manager	
Review impact of newly implemented EU Procurement Rules and UK legislation and make necessary changes to existing approaches.	<b>Inform</b>	A per Scottish Procurement policy notes which are published on an ad hoc basis to provide advice on current policy issues.
	Head of Resource and Governance	
	<b>Responsibility</b>	
	Procurement Manager	
	<b>Accountable</b>	
	Head of Resource and Governance	
	<b>Consult</b>	
	CMT	
	<b>Inform</b>	
	CMT	

Guidance produced for local/third sector suppliers and SMEs is clear concise and easy to follow, and includes a section with regard to local and national support bodies, and how they can improve access.	<b>Responsibility</b>	Reviewed on an annual basis
	Procurement Manager	
	<b>Accountable</b>	
	Head of Resource and Governance	
	<b>Consult</b>	
	CMT	
Continue to use Public Contract Scotland portal as our main advertising media for all regulated procurements.	<b>Inform</b>	Ongoing
	Elected members	
	<b>Responsibility</b>	
	All Purchasing staff	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Procurement Manager	
	<b>Inform</b>	
	All Council staff	

## PROCUREMENT ACTION PLAN April 2018 – March 2020

### Strategic Theme 2 Embed professional and contract management Skills

To continue to embed professional procurement and contract management skills across the Council. This goes hand in hand with moves to increase the commercial acumen of the Council

Action	Responsibility	Target Date
Provide strategic professional advice to the corporate review of how to transform the way the Council procures its works, services and supplies and to propose a new model for procurement and purchasing activities across the Council.	Procurement Manager	Ongoing
	<b>Accountable</b>	
	CMT	
	<b>Consult</b>	
	CMT	
	<b>Inform</b>	
Provide support and learning and development opportunities to staff, contractors, stakeholders, unions and elected members engaged in procurement processes to ensure they are able to deliver effectively and are empowered to deal with and understand the impact of any procurement decisions/ issues.	Elected Members	Reviewed on an Annual basis
	<b>Responsibility</b>	
	Procurement Manager	
	<b>Accountable</b>	
	CMT	
	<b>Consult</b>	
	<b>Inform</b>	
	CMT	
	All Stakeholders	

Review the role of the Procurement Matters Group and the terms of reference for the group.	<b>Responsibility</b>	October 2018
	Procurement Manager	
	<b>Accountable</b>	
	CMT	
	<b>Consult</b>	
	CMT	
	<b>Inform</b>	
Procurement Matters Group Internal Audit		
Assist CTSi in the development and delivery of training with regard to 'Understanding Social Enterprise/Third Sector Legal Structures', and the impact/opportunities re Community Benefit Clauses	<b>Responsibility</b>	March 2019
	Procurement Manager and CTSi	
	<b>Accountable</b>	
	Procurement Manager	
	<b>Consult</b>	
	CTSi	
	<b>Inform</b>	
Elected Members		
Collaborate with CTSi on the production of a guide for analysing and measuring social value/impact in the assessment of bids.	<b>Responsibility</b>	March 2019
	Procurement Manager and CTSi	
	<b>Accountable</b>	
	CTSi	
	<b>Consult</b>	
	CTSi	
	<b>Inform</b>	
CMT		



**PROCUREMENT ACTION PLAN April 2018 – March 2020**

**Strategic Theme 3 Support and encourage the local supplier market**

To support and encourage an effective local supplier market including the voluntary sector and the promotion of local social value in contracts.

<b>Action</b>	<b>Responsibility</b>	<b>Target Date</b>								
Revise guidance on Council's website about selling to the Council.	<table border="1"> <tr><td>Procurement Manager</td></tr> <tr><td><b>Accountable</b></td></tr> <tr><td>Procurement Manager</td></tr> <tr><td><b>Consult</b></td></tr> <tr><td>Procurement Matters Group</td></tr> <tr><td><b>Inform</b></td></tr> <tr><td>Head of Resources and Governance</td></tr> </table>	Procurement Manager	<b>Accountable</b>	Procurement Manager	<b>Consult</b>	Procurement Matters Group	<b>Inform</b>	Head of Resources and Governance	December 18 there after on an annual basis	
Procurement Manager										
<b>Accountable</b>										
Procurement Manager										
<b>Consult</b>										
Procurement Matters Group										
<b>Inform</b>										
Head of Resources and Governance										
Refresh and publish online schedule of proposed procurements to promote future contract opportunities.	<table border="1"> <tr><td><b>Responsibility</b></td></tr> <tr><td>Procurement Manager</td></tr> <tr><td><b>Accountable</b></td></tr> <tr><td>Heads of Service</td></tr> <tr><td><b>Consult</b></td></tr> <tr><td>All Services</td></tr> <tr><td><b>Inform</b></td></tr> <tr><td>All Stakeholders</td></tr> </table>	<b>Responsibility</b>	Procurement Manager	<b>Accountable</b>	Heads of Service	<b>Consult</b>	All Services	<b>Inform</b>	All Stakeholders	As part of the annual report and as per capital budget as agreed by Council February / March each year
<b>Responsibility</b>										
Procurement Manager										
<b>Accountable</b>										
Heads of Service										
<b>Consult</b>										
All Services										
<b>Inform</b>										
All Stakeholders										
<p>Where possible, utilise the Public Contract regulations to enable Officers to place contracts with supported businesses more readily without having to resort to full tendering exercises, e.g.</p> <ul style="list-style-type: none"> <li>Identify third sector suppliers that meet 'Supported Business' criteria; and</li> <li>Identify opportunities to make use of reserved contracts for local supported businesses at monthly CTSI meetings.</li> </ul>	<table border="1"> <tr><td><b>Responsibility</b></td></tr> <tr><td>Purchasing Staff</td></tr> <tr><td><b>Accountable</b></td></tr> <tr><td>Heads of Service</td></tr> <tr><td><b>Consult</b></td></tr> <tr><td>Procurement Manager</td></tr> <tr><td><b>Inform</b></td></tr> <tr><td>Procurement Matters group</td></tr> </table>	<b>Responsibility</b>	Purchasing Staff	<b>Accountable</b>	Heads of Service	<b>Consult</b>	Procurement Manager	<b>Inform</b>	Procurement Matters group	Ongoing
<b>Responsibility</b>										
Purchasing Staff										
<b>Accountable</b>										
Heads of Service										
<b>Consult</b>										
Procurement Manager										
<b>Inform</b>										
Procurement Matters group										
For non regulated procurement exercises officers will purchase via local suppliers and will include at least one local supplier to tender where there is one available.	<table border="1"> <tr><td><b>Responsibility</b></td></tr> <tr><td>Purchasing Staff</td></tr> <tr><td><b>Accountable</b></td></tr> <tr><td>Heads of Service</td></tr> <tr><td><b>Consult</b></td></tr> <tr><td>Procurement Manager</td></tr> <tr><td><b>Inform</b></td></tr> <tr><td>Procurement Matters group</td></tr> </table>	<b>Responsibility</b>	Purchasing Staff	<b>Accountable</b>	Heads of Service	<b>Consult</b>	Procurement Manager	<b>Inform</b>	Procurement Matters group	Every route 1 contract request
<b>Responsibility</b>										
Purchasing Staff										
<b>Accountable</b>										
Heads of Service										
<b>Consult</b>										
Procurement Manager										
<b>Inform</b>										
Procurement Matters group										

<p>Support businesses local to Clackmannanshire through a range of initiatives including:</p> <ul style="list-style-type: none"> <li>• Making it simpler to do business with the Council;</li> <li>• Reduce to a minimum the bidding burden on suppliers;</li> <li>• Have regard to the impact on small/local firms of the way in which a procurement is structured and how they are paid;</li> <li>• Provide clear information about selling to the Council on the Council's website.</li> <li>• Production of a clear and concise guide for Third Sector suppliers that includes guidance with regard to partnership/consortia bids</li> <li>• Run a series of 'Meet the Supplier' events to encourage greater engagement from the third sector with the procurement process, and to create greater understanding of Third sector suppliers amongst council officers</li> </ul>	<p><b>Responsibility</b></p> <p>Procurement Manager Supplier Development programme CTSI</p> <p><b>Accountable</b></p> <p>Procurement Manager</p> <p><b>Consult</b></p> <p>All Stakeholders</p> <p><b>Inform</b></p> <p>Elected Members</p>	<p>Throughout each year and reported in the Procurement annual report</p>
<p>Take in to account and align with the Council's Local Outcome Improvement Plan (LOIP) and that communication of its purpose, priorities and outcomes are better communicated across departments. Where possible align the procurement journey so that procurement exercises are attractive to local businesses and people and ensure fair opportunities for all.</p>	<p><b>Responsibility</b></p> <p>Purchasing Staff</p> <p><b>Accountable</b></p> <p>Heads of Service</p> <p><b>Consult</b></p> <p>Procurement Manager</p> <p><b>Inform</b></p> <p>CMT</p>	<p>Every procurement exercise</p>
<p>Extend awareness of implications of Public Procurement Reform legislation through;</p> <ul style="list-style-type: none"> <li>• Workshop discussions to brief third sector on Council procurement policy and changes in legislation; and</li> <li>• Establish monthly communication between Council procurement manager and CTSI.</li> </ul>	<p><b>Responsibility</b></p> <p>Procurement Manager CTSI</p> <p><b>Accountable</b></p> <p>Procurement Manager CTSI</p> <p><b>Consult</b></p> <p>Procurement Manager CTSI</p> <p><b>Inform</b></p> <p>Procurement Manager CTSI</p>	<p>March 2019</p>

<p>Better Align Service Level Agreements with Alliance Priorities by:</p> <ul style="list-style-type: none"> <li>• Mapping grant-aid and commissioned spend from the Council to the local third sector; and</li> <li>• Initiating a review and appropriate changes to Service Level Agreements based on Alliance policy priorities.</li> </ul>	<b>Responsibility</b>	March 2019
	Purchasing staff	
	<b>Accountable</b>	
	Heads of service	
	<b>Consult</b>	
	CMT Elected members	
	<b>Inform</b>	
	All grant aid funded suppliers	
<p>Advise and work in partnership with the Integration Joint Board (IJB) in line with The Public Bodies (Joint Working) (Scotland) Act 2014 as the IJB are not able to contract or hold contracts with third parties as contractual arrangements remain with the local authority.</p>	<b>Responsibility</b>	Every adult commissioning exercise
	Social Services Commissioning IJB	
	<b>Accountable</b>	
	Social Services Commissioning IJB	
	<b>Consult</b>	
	Procurement Manager	
	<b>Inform</b>	
	CMT	

<b>PROCUREMENT ACTION PLAN April 2018 – March 2020</b>		
<b>Strategic Theme 4 Sound procurement practices and innovative solutions</b>		
To use sound procurement practices and innovative solutions to promote sustainability and value for money, making use of clear and detailed procurement/purchasing data, collaboration and partnership opportunities where this accords with the Council's Principles of partnership working.		
<b>Action</b>	<b>Responsibility</b>	<b>Target Date</b>
<p>Ensure that all regulated procurements comply with the sustainable procurement duty and in the case of commissioning ensure these are aligned to the Integration Joint Board joint strategic commissioning plans which pull together the forecast of overall need across the local authority area, together with the availability of services or resources to meet that need and makes recommendations following an option appraisal for how these should be met</p>	<b>Responsibility</b>	All regulated procurement exercises
	Purchasing Officers Social services commissioning	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Procurement Manager IJB	
	<b>Inform</b>	
	CMT	

Establish systems to record the impact of procurement policies and practices on the council's climate change duties.	<b>Responsibility</b>	March 2020
	Procurement Manger	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	CMT	
Review scope for and deliver further corporate contracts to consolidate spend.	<b>Responsibility</b>	Ongoing agenda item with the Procurement Matters Group
	Procurement Matters Group	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	CMT	
Revise template documents and guidance with intention of promoting scope for innovation by the market in appropriate procurements.	<b>Responsibility</b>	Ongoing agenda item with the Procurement Matters Group
	Procurement Manager	
	<b>Accountable</b>	
	Procurement Manager	
	<b>Consult</b>	
	Procurement Matters Group	
When exploring outsourcing and private partnership solutions, these will not be procured in insolation and consultation with staff, service users, unions and stakeholders will be undertaken when market testing.	<b>Responsibility</b>	When required
	Heads of Service	
	<b>Accountable</b>	
	CMT	
	<b>Consult</b>	
	All Stakeholders	
Utilise the Scottish Government's sustainable prioritisation tool to identify and prioritise procurement activity.	<b>Responsibility</b>	March 2020
	Purchasing Staff	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Procurement Manager	
	<b>Inform</b>	
	CMT	

Utilise the Flexible Framework Self-Assessment Tool (FFSAT) to provide a Sustainable Action Plan to establish the performance level of sustainable procurement across the council.	<b>Responsibility</b>	September 2019
	Purchasing Staff	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Procurement Manager	
Create and manage a sustainable register to capture, monitor and report on the sustainable outcomes achieved via procurement activity, and link to related internal and external reporting requirements.	<b>Responsibility</b>	December 2020
	Procurement Manager	
	<b>Accountable</b>	
	Procurement Manager	
	<b>Consult</b>	
	All stakeholders	
Explore innovative solutions through greater collaborative approaches between the Council and the local Third sector	<b>Responsibility</b>	March 2019
	Purchasing Staff CTSI	
	<b>Accountable</b>	
	Purchasing Staff CTSI	
	<b>Consult</b>	
	Procurement Matters Group CTSI	
Explore the development of a subcontractor community benefit directory	<b>Responsibility</b>	March 2020
	CTSI	
	<b>Accountable</b>	
	CTSI	
	<b>Consult</b>	
	Procurement Manager	
	<b>Inform</b>	
	Procurement Matters Group	

## PROCUREMENT ACTION PLAN April 2018 – March 2020

### Strategic Theme 5 Fair procurement

To ensure that, contractors comply with our Living Wage and Blacklisting Policies and to ensure that we take account of the possible impact that our approach to major projects might have on different groups of people.

Action	Responsibility	Target Date
Ensure that all procurement follows the fundamental principles of (transparency, equal treatment and non-discrimination, proportionality and mutual recognition), the legal requirements of the Procurement Reform (Scotland) Act 2014, The Public Contracts (Scotland) Regulations 2015, The Procurement (Scotland) Regulations 2016, statutory guidance issued under the Act and Scottish public procurement policy generally and including the Scottish specific equality duty.	Purchasing Staff	Every Regulated procurement exercise
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Procurement Manager	
Establish simple methodology for assessing best value case for using the Living Wage requirement in service and works contracts,	<b>Inform</b>	March 2019
	CMT	
	<b>Responsibility</b>	
	Procurement Manager	
	<b>Accountable</b>	
Procurement will also foster and adopt the Fair Work directive where legally permissible by removing contractors who use Zero Hour Contracts and contractors who do not provide a minimum of pay in line with the living wage	Procurement Manager	Where Identified
	<b>Accountable</b>	
	Procurement Manger	
	<b>Consult</b>	
	Procurement Matters group	
Embed Blacklisting protocols in procurement processes for construction contracts.	<b>Inform</b>	Ongoing
	Purchasing Staff	
	<b>Responsibility</b>	
	Procurement Manager and Works purchasing officers	
	<b>Accountable</b>	
Procurement Manger	Ongoing	
<b>Consult</b>		
Procurement Matters group		
<b>Inform</b>		
Purchasing Staff		

Procurement will encourage, through the tender process and support to contractors, provision of apprenticeships and promote health and safety and utilise environmentally sustainable solutions	<b>Responsibility</b>	Every appropriate regulated procurement exercise
	Purchasing officers	
	<b>Accountable</b>	
	Purchasing officers	
	<b>Consult</b>	
Procurement Manager		
	<b>Inform</b>	
	Procurement Matters group	
Ensure that where appropriate EQIA's are completed for regulated procurements.	<b>Responsibility</b>	Every appropriate regulated procurement exercise
	Purchasing officers	
	<b>Accountable</b>	
	Purchasing officers	
	<b>Consult</b>	
Stakeholders		
	<b>Inform</b>	
	Procurement Manager	

<b>PROCUREMENT ACTION PLAN April 2018 – March 2020</b>		
<b>Strategic Theme 6 Compliance</b>		
Procurement will continue to identify, manage and control risk by developing policy and procedures which consider risk, and balance operational effectiveness and compliance.		
<b>Action</b>	<b>Responsibility</b>	<b>Target Date</b>
Update Council Contract Standing Orders to support compliance with the new procurement rules and cascade changes to informed clients and key stakeholders.	<b>Responsibility</b>	July 2018
	Procurement Manager	
	<b>Accountable</b>	
	Head of Resources and Governance	
	<b>Consult</b>	
Elected Members, CMT and procurement Matters group		
	<b>Inform</b>	
	Purchasing Officers	

Adapt internal procedures, processes and documentation to reflect the required legislative changes.	<b>Responsibility</b>	September 2018
	Procurement Manager	
	<b>Accountable</b>	
	Procurement Manager	
	<b>Consult</b>	
	Procurement Matters group	
Produce a procurement workforce plan to consider what skills and development requirements will be necessary within the Council to comply with the new procurement rules.	<b>Responsibility</b>	November 2018
	Procurement Manager	
	<b>Accountable</b>	
	Procurement Matters Group	
	<b>Consult</b>	
	Purchasing Officers OD Officer	
Implement measures in conjunction with Internal Audit to ensure that the opportunity for procurement fraud is minimised	<b>Responsibility</b>	Ongoing
	Procurement Manager and Internal Audit	
	<b>Accountable</b>	
	Heads of Service	
	<b>Consult</b>	
	Heads of Service	
Produce an annual procurement report in line with legislative requirements as soon as possible after the financial year end.	<b>Responsibility</b>	September – Annually
	Procurement Manager	
	<b>Accountable</b>	
	Head of Resources and Governance	
	<b>Consult</b>	
	CMT and Elected members	
	<b>Inform</b>	
	Scottish Government	



## Appendix A

### Glossary of commonly used procurement terms and Acronyms

This list includes some of the commonly used words, acronyms and phrases. It is not comprehensive and will be added to from time to time. If you think there is something that should be added to it please contact Derek Barr, whose contact details are given at the start of this Strategy.

<b>Agreement</b> Another word for “Contract”. The legally binding contract terms and conditions between the parties.
<b>Category Management</b> An approach to procurement within the Council that places projects of a particular type (e.g. construction, IT) with staff that are expert in procurements of that type.
<b>Collaboration</b> In this context, public sector organisations that engage in a joint procurement for works, services or supplies with the intention of obtaining better value for money through economies of scale and reduced tendering costs.
<b>Commissioning</b> The process of specifying, securing and monitoring services to meet people’s needs at a strategic level. It applies to all services, whether they are provided by the local authority, NHS, other public agencies, or by the private and voluntary sectors
<b>Competitive Tendering</b> Awarding contracts following a process to obtain competing tenders.
<b>Contract</b> A binding agreement between two or more parties that is enforceable in law.
<b>Contract Officer</b> An officer of the Council who has been nominated to manage the contract.
<b>Contractor</b> A firm or person who has entered into a contract with the Council to supply works, goods or services.
<b>EU</b> European Union.
<b>ESPD</b> European Single Procurement Document allow businesses to complete one document containing their basic selection and exclusion information and use this in competitions across Europe, building on the progress made in Scotland through the development of the standard pre-qualification questionnaire. Only used for EU procurements.
<b>Evaluation</b> A detailed assessment and comparison by the Council of offers made in response to a request for quotations or tenders in accordance with published criteria.
<b>Framework Agreement</b> An agreement with suppliers which sets out the terms and conditions (including maximum prices) under which specific orders can be made throughout the term of the agreement.
<b>IJB</b> The Integration Joint Board for Clackmannanshire and Stirling Health and Social Care Partnership is made up of representatives from Clackmannanshire Council, Stirling

<p>Council, NHS Forth Valley, Third Sector representatives, service users and carers. The Integration Joint Board*, through its Chief Officer, has the responsibility for the planning, resourcing and the operational oversight of a wide range of health and social care services.</p>
<p><b>Invitation to Tender</b> A formal document inviting an organisation to tender to provide a service, supply goods or to carry out works for the Council. It will include the instructions for submitting a tender, the specification for the requirement, the criteria against which the tender will be assessed, the proposed terms and conditions for the contract and, in some cases, a business questionnaire.</p>
<p><b>ITT</b> Invitation to Tender.</p>
<p><b>KPI</b> Key Performance Indicator. KPIs are placed against certain elements of a contract or service level agreement and indicate the items that are to be measured to see if the contractor has achieved the required contract standard.</p>
<p><b>Life cycle costing</b> The systematic consideration of all relevant costs and revenues associated with the acquisition and ownership of an asset.</p>
<p><b>Local Suppliers or Suppliers local to Clackmannanshire</b> – Local suppliers are defined as suppliers based within the boundary of Clackmannanshire to reflect the type of procurement and the maturity of the supplier market within the County, Sub-region is defined as Forth valley</p>
<p><b>LOIP</b> Local Outcome Improvement Plan</p>
<p><b>MEAT</b> Most Economically Advantageous Tender</p>
<p><b>Method Statement</b> A document used in the invitation to quote or to tender which sets out specific questions for the bidder to answer to explain to the Council how a service is to be delivered/works to be carried out. The answers will be evaluated and form a part of the contract.</p>
<p><b>Most Economically Advantageous Quotation/Tender</b> The quotation or tender offering the Council the greatest benefit in terms of cost and quality.</p>
<p><b>OJEU</b> Official Journal of the European Union. The on-line publication in which notices advertising Council tenders that fall within the EU thresholds must be placed at the start and end of the procurement.</p>
<p><b>PQQ</b> Pre-Qualification Questionnaire. A document asking the tenderer to provide information about their business and experience. Used below EU level procurements.</p>
<p><b>Procurement</b> The process of the acquisition by the Council of the goods, services and works that it needs to deliver its services.</p>
<p><b>PCS</b> Public Contracts Scotland the Scottish Government advertising portal which local authorities are required to use for the publication of information about contract opportunities worth £50,000 or over.</p>
<p><b>Quotation</b> An offer by a supplier to supply goods or services or to carry out works requested either</p>

orally or in writing.

**Regulations**

The Procurement Reform (Scotland) Act 2014  
Public Contracts (Scotland) Regulations 2015  
Procurement (Scotland) Regulations 2016  
Concessions Contracts (Scotland) 2016

**Small to Medium Enterprises (SME)**

**Small**

Less than 50 employees, regardless of turnover, or, if the number of employees is unknown, then turnover of less than £5.6m will be taken as an indicator that it is a small enterprise.

**Medium**

Between 50 and 249 employees, regardless of turnover, or, if the number of employees is unknown, then turnover of greater than or equal to £5.6m and less than £22.8m will be taken as an indicator that it is a medium enterprise.

**Large**

Greater than or equal to 250 employees, regardless of turnover, or, if the number of employees is unknown, then turnover of greater than or equal to £22.8m will be taken as an indicator that it is a large enterprise.

**Specification/Statement of Requirements**

A description of the requirements for the service, supply or works to be provided.

**Supported Business**

**Firstly**, a supported business' primary aim is the social and professional integration of disabled or disadvantaged persons.

**Secondly**, at least 30% of the employees of those businesses should be disabled or disadvantaged. The precise proportion of staff may fluctuate over time. However this requirement is underpinned by the main aim of the business being the social and professional integration of disabled and disadvantaged people.

**Supplier/Service Provider**

Other words for "Contractor".

**Tender**

The offer submitted by the tenderer in response to the Invitation to Tender.

**VFM**

Value for money.

## Appendix B

Links Procurement Policies and Procedures



[Contract Standing Orders](#)



[Corporate Procurement Process](#)



[Terms and Conditions for Orders and Contracts](#)



[Procurement Strategy](#)



[Doing Business with Clackmannanshire Council - A Suppliers' Guide](#)



[Contract Register](#)



[Public Contracts Scotland](#)



**Clackmannanshire  
Council**

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

# Clackmannanshire Council Procurement Strategy

## Consultation response report



## Overview

The Council developed an Interim Procurement Strategy to comply with the requirement to prepare and publish a procurement strategy by 31 December 2016. The first procurement strategy covered the remainder of the Council's 2016/17 financial year and its full 2017/18 financial year.

We stated that during 2017/18 the Council would undertake relevant and proportionate consultation and engagement when preparing the full procurement strategy before approval by the Council.

The Consultation was undertaken using the Council consultation hub and opened on 9th August 2017 and closed on 29th September 2017 seeking views on the interim Procurement Strategy and Action plan. Correspondence was also sent directly to a number external stakeholders making them aware of the consultation and seeking views from their members and extended networks.

The council received two responses over this period and one comment after this period that has also been included within this report.

Responses received from:

UNISON

CTSI

NHS – Heath and Social Care Integration

# Consultation Questions and Responses

## Strategic Context

**Question:** Are there any strategic issues which the strategy has not considered? If yes please identify them below and give details of how the Procurement Strategy should address them.

### Responses:

- 1 Clackmannanshire Council should focus on the local economy through a buy local procurement strategy which would increase the Council's overall sustainability by adding additional finance to the local economy. Environmentally, this will also increase the green credentials of the Council by reducing product delivery/contractors commute and reducing the overall contract delivery miles. Procurement can be used as a viable tool in fostering both economic and environmental goals and as a key policy and planning tool.
- 2 Procurement must also foster and adopt the Fair Work directive by removing contractors who use Zero Hour Contracts, who do not provide a minimum of pay in line with the living wage and who do not pay for travelling time and expenses. Procurement should also be weighted in favour of companies which provide apprenticeships, promote health and safety and utilise environmental sustainable policies.
- 3 Outsourcing and private partnerships have time and time again been shown to cost more in the long run when compared to keeping services and staff in house. For instance, PPP used to procure new schools; there are numerous examples in UK public sector of IT Services being outsourced only to be brought back in house due to spiralling costs or the outsourcer going bust. Don't procure in insolation; consult with staff, service users, unions and stakeholders prior to testing the market. Often business cases are blinkered and all the facts are not known until after contracts are awarded.
- 4 In the spirit and ethos of this procurement consultation process, there should be recognition of the fact that if procurement contracts have a high proportion of their costs coming from the revenue budget, this will directly impact the Council's ability to employ staff and thereby support the local economy. It is, therefore, in the spirit of this consultation to adopt a procurement strategy that favours Capital expense over Revenue.
- 5 Any outsourcing/framework companies should recognise Trade Unions, protect workers rights in line with the internal corporate polices and maintain pay awards at a minimum in line with local government awards. No employees should be disadvantage through being out-sourced. When considering any out sourcing options, the contract should include an insolvency clause or Performance Bond in case the company becomes insolvent, ceases trading or is taken over.
- 6 UNISON has already submitted a procurement agreement covering a lot of these points and more, including consultation with stakeholders. We would ask that this paper should also be considered in formulating this strategy as well as being subject to further discussion with UNISON

On reading I found no reference to the Health and Social Care Partnership or the Integration Authority and that councils will require to procure services for the Partnership as

directed by the Integration Authority (Integration Joint Board). This is an important strategic development locally that should be referenced.

## How Clackmannanshire Council Carries Out Procurement

**Question:** The Interim Procurement Strategy has been put in place to ensure the Council procures only what it needs to deliver the best services possible within its available resources

**Are there any specific issues which relate to the way in which the Council carries out procurement which you would like to see covered by the new policy?**

**Responses.**

1 Answered previously

## Strategic Themes

**Question:** Six priority themes have been identified in the Strategy:

**Straightforward:**

**Professional:**

**Maximise local opportunities:**

**Strategic:**

**Fair:**

**Compliance:**

**What are your views on the themes identified?**

**Responses.**

1 This can't be answered until I have read your definitions provided on the next pages.

**Question:** Would you propose an additional or alternative theme(s)?

**Responses.**

1 Local Economy  
Fair Work  
Protecting Service Delivery  
Safe Work  
Protecting Futures  
No to outsourcing"



<b>Strategic Theme 1 Straightforward Procurement</b>
To make procurement as straightforward as possible for the Council and potential suppliers, in particular to improve access for local suppliers and SMEs and to eliminate anything that does not add value to the procurement
<b>Action</b>
Deliver electronic procurement systems to satisfy new legislative requirements.
Review impact of newly implemented EU Procurement Rules and UK legislation and make necessary changes to existing approaches.

**Question:** Are these the right Actions for this theme? (Please tick Yes or No below.)

**Response** Yes:

**Question:** Do you have any views on the actions we have set for these themes?

**Response**

- 1 CTSi comment/recommendation: Any guidance produced for local/third sector suppliers and SMEs is clear concise and easy to follow, and includes a section with regard to local and national support bodies, and how they can improve access.

<b>Strategic Theme 2 Embed professional and contract management Skills</b>
To continue to embed professional procurement and contract management skills across the Council. This goes hand in hand with moves to increase the commercial acumen of the Council
<b>Action</b>
Provide strategic professional advice to the corporate review of how to transform the way the Council procures its works, services and supplies and to propose a new model for procurement and purchasing activities across the Council.
Provide support and learning and development opportunities to staff engaged in procurement processes to ensure they are able to deliver effectively and are empowered to deal with procurement issues.

**Question: Are these the right Actions for this theme? (Please tick Yes or No below.)**

**Response** Yes:

**Question: Should we include any more actions (please detail).**

**Response**

- 1 Don't look at procurement as they only training and development action.
- 2 Training and procurement need to involve the professionals in that service, stakeholders, unions, staff at the coal face, and elected officials to ascertain what the impact of any procurement decision will have. Do not procure in isolation.
- 3 CTSi comment/recommendation: The development and delivery of training with regard to 'Understanding Social Enterprise/Third Sector Legal Structures', and the impact/opportunities re Community Benefit Clauses could be offered via CTSi. CTSi and the Council could collaborate on the production of a guide for analysing and measuring social value/impact in the assessment of bids.

**Question: Do you have any views on the actions we have set for these themes?**

**Response**

- 1 Procurement must also foster and adopt the Fair Work directive by removing contractors who use Zero Hour Contracts, who do not provide a minimum of pay in line with the living wage and who do not pay for travelling time and expenses.
- 2 Procurement should also be weighted in favour of companies which provide apprenticeships, promote health and safety and utilise environmental sustainable policies

<b>Strategic Theme 3 Support and encourage the local supplier market</b>
To support and encourage an effective local supplier market including the voluntary sector and the promotion of local social value in contracts.
<b>Action</b>
Revise guidance on Council's website about selling to the Council.
Refresh and publish online schedule of proposed procurements to promote future contract opportunities.
Continue to use Public Contract Scotland portal as our main advertising media.
Where possible, utilise the Public Contract regulations to enable Officers to place contracts with supported businesses more readily without having to resort to full tendering exercises, e.g. <ul style="list-style-type: none"> <li>• Identify third sector suppliers that meet 'Supported Business' criteria; and</li> <li>• Identify opportunities to make use of reserved contracts for local supported businesses at monthly CTSI meetings.</li> </ul>
For non regulated procurement exercises officers will include at least one local supplier to tender where possible
Support businesses local to Clackmannanshire through a range of initiatives including: <ul style="list-style-type: none"> <li>• Making it simpler to do business with the Council;</li> <li>• Reduce to a minimum the bidding burden on suppliers;</li> <li>• Have regard to the impact on small/local firms of the way in which a procurement is structured and how they are paid; and</li> <li>• Provide clear information about selling to the Council on the Council's website.</li> </ul>
Extend awareness of implications of Public Procurement Reform legislation through; <ul style="list-style-type: none"> <li>• Workshop discussions to brief third sector on Council procurement policy and changes in legislation; and</li> <li>• Establish monthly communication between Council procurement manager and CTSI.</li> </ul>
Better Align Service Level Agreements with Alliance Priorities by: <ul style="list-style-type: none"> <li>• Mapping grant-aid and commissioned spend from the Council to the local third sector; and</li> <li>• Initiating a review and appropriate changes to Service Level Agreements based on Alliance policy priorities.</li> </ul>

**Question: Are these the right Actions for this theme? (Please tick Yes or No below.)**

**Response** No:

**Question: Should we include any more actions (please detail).**

1. Third sector should not be at the cost of Council Staff.
2. Procurement must also foster and adopt the Fair Work directive by removing contractors who use Zero Hour Contracts, who do not provide a minimum of pay in line with the living wage and who do not pay for travelling time and expenses.
3. Procurement should also be weighted in favour of companies which provide apprenticeships, promote health and safety and utilise environmental sustainable policies.

4. CTSi comment/recommendation: We would propose lowering the threshold to £5K with regard to tender exercises to meet the needs of smaller local Third Sector suppliers.
5. We would also recommend that the Procurement Strategy take in to account and align with the Council's Local Outcome Improvement Plan (LOIPs) and that communication of its purpose, priorities and outcomes are better communicated across departments.
6. Production of a clear and concise guide for Third Sector suppliers that includes guidance with regard to partnership/consortia bids.
7. CTSi is working towards mapping social enterprise trading activity within the county, with a view to producing a directory of social enterprise suppliers. We also feel it may be useful to run a series of 'Meet the Supplier' events to encourage greater engagement from the third sector with the procurement process, and to create greater understanding of Third sector suppliers amongst council officers

**Question: Do you have any views on the actions we have set for these themes?**

**Response**

- 1 Any outsourcing/framework companies should recognise Trade Unions, protect workers rights in line with the internal corporate polices and maintain pay awards at a minimum in line with local government awards. No employees should be disadvantage through being out-sourced.
- 2 When considering any out sourcing options, the contract should include an insolvency clause or Performance Bond in case the company becomes insolvent, ceases trading or is taken over.

<b>Strategic Theme 4 Sound procurement practices and innovative solutions</b>
To use sound procurement practices and innovative solutions to promote sustainability and value for money, making use of clear and detailed procurement/purchasing data, collaboration and partnership opportunities where this accords with the Council's Principles of partnership working.
<b>Action</b>
Review scope for and deliver further corporate contracts to consolidate spend.
Revise template documents and guidance with intention of promoting scope for innovation by the market in appropriate procurements.
Utilise the Scottish Government's sustainable prioritisation tool to identify and prioritise procurement activity.
Utilise the Flexible Framework Self-Assessment Tool(FFSAT) to provide a Sustainable Action Plan to establish the performance level of sustainable procurement across the council.
Create and manage a sustainable register to capture, monitor and report on the sustainable outcomes achieved via procurement activity, and link to related internal and external reporting requirements.
Establish systems to record the impact of procurement policies and practices on the council's climate change duties.

**Question: Are these the right Actions for this theme? (Please tick Yes or No below.)**

**Response** Yes:

**Question: Should we include any more actions (please detail).**

**Response**

- 1 CTSi comment/recommendation: We believe that innovative solutions can be found through greater collaborative approaches between the Council and the local Third sector. Social Enterprises have long been a source of social and economic innovation, and opportunities exist to harness this locally, for example, the development of community benefit clause subcontracting to third sector organisations or consortia, and/or the development of a subcontractor community benefit directory.

**Question: Do you have any views on the actions we have set for these themes?**

**Response** No

<b>Strategic Theme 5 Fair procurement</b>
To ensure that, contractors comply with our Living Wage and Blacklisting Policies and to ensure that we take account of the possible impact that our approach to major projects might have on different groups of people.
<b>Action</b>
Establish simple methodology for assessing best value case for using the Living Wage requirement in service and works contracts,
Embed Blacklisting protocols in procurement processes for construction contracts.
Ensure that where appropriate EQIA's are completed for regulated procurements.

**Question: Are these the right Actions for this theme? (Please tick Yes or No below.)**

**Response** Yes:

**Question: Should we include any more actions (please detail).**

**Response**

- 1 Procurement must also foster and adopt the Fair Work directive by removing contractors who use Zero Hour Contracts, who do not provide a minimum of pay in line with the living wage and who do not pay for travelling time and expenses.
- 2 Procurement should also be weighted in favour of companies which provide apprenticeships, promote health and safety and utilise environmental sustainable policies.

**Question: Do you have any views on the actions we have set for these themes?**

**Response** No

<b>Strategic Theme 6 Compliance</b>
Procurement will continue to identify, manage and control risk by developing policy and procedures which consider risk, and balance operational effectiveness and compliance.
<b>Action</b>
Update Council Contract Standing Orders to support compliance with the new procurement rules and cascade changes to informed clients and key stakeholders.
Adapt internal procedures, processes and documentation to reflect the required legislative changes.
Produce a procurement workforce plan to consider what skills and development requirements will be necessary within the Council to comply with the new procurement rules.
Implement measures in conjunction with Internal Audit to ensure that the opportunity for procurement fraud is minimised
Produce an annual procurement report in line with legislative requirements as soon as possible after the financial year end.

**Question:** Are these the right Actions for this theme? (Please tick Yes or No below.)

**Response** Yes:

**Question:** Should we include any more actions (please detail).

**Response** No

**Question:** Do you have any views on the actions we have set for these themes?

**Response** No

## Comments

**Question:** Are there any other comments you would like to make about the interim Strategy?

**Response** None





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**Report to Council**

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**Date of Meeting: 10<sup>th</sup> May 2018**

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**Subject: Health & Safety Policy**

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**Report by: Head of Resources & Governance**

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**1.0 Purpose**

1.1. This paper invites Council to review the revised Health & Safety Policy.

**2.0 Recommendations**

2.2. To approve the new Health and Safety Policy.

**3.0 Considerations**

- 3.1. The policy was originally developed by the Health and Safety Advisors and was agreed at the Management/Trade Union Policy forum. It was presented for further discussion and comment with elected members at the Tripartite meeting held on 28<sup>th</sup> March. Following discussion and comment, Tripartite agreed that the Policy should be submitted to Council for approval
- 3.2. The Council is required by law to:
- Compile and implement a comprehensive general policy statement on health and safety;
  - Regularly review and update the policy and
  - Bring it to the attention of all employees.
- 3.3. The revised policy clarifies roles and responsibilities for employees at all levels of the organisation, as well as Elected Members. This should allow greater accountability of actions or omissions by individuals.
- 3.4. The policy includes more detail on the general arrangements which should be in place across the Council as part of its Health & Safety Management system such as incident reporting and how Health & Safety Concerns should be addressed.
- 3.5. The policy also now includes arrangements for monitoring the effectiveness of health & safety measures to provide the Council with a measure of assurance that the arrangements are working as intended.

#### 4.0 Sustainability Implications

4.1. There are no sustainability implications arising from this report.

#### 5.0 Resource Implications

5.1. *Financial Details*

5.2. There are no financial implications arising from the recommendations set out in the report. Yes

5.3. *Staffing*

5.4. There are no implications of additional staff resource arising from the recommendations set out in this report.

#### 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

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

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

#### 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?

Yes  No

#### 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. Yes

#### 10.0 Appendices

10.1 Appendix 1 – Health & Safety Policy

## 11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)



Yes  (please list the documents below) No

### Best Value & Sustainability Checklist

#### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Seónaid Scott	Health & Safety Adviser	2174

#### Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources & Governance	
Nikki Bridle	Depute Chief Executive	



# Health and Safety Management System



Clackmannanshire  
Council

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

## Health and Safety Policy

February 2018

## DOCUMENT CONTROL SHEET:

### Key Information:

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<b>Date Issued:</b>	<u>April 2018</u>
<b>Date Effective From:</b>	
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<b>Approver:</b>	Council
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Version:	Date:	Summary of Changes	Name:	Changes Marked:
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**Approvals:** This document requires the following signed approvals.

Name:	Signature:	Title:	Date:	Version:

**Distribution:** This document has been distributed to

Name:	Title/Service:	Date of issue:	Version:

# Health & Safety Policy

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## General Introduction

This policy sets out the way that Clackmannanshire Council will work to promote high standards of health and safety. The management of occupational health and safety is not to be considered a special case, nor is it to be considered as an afterthought or 'optional extra'. Health and Safety should be managed in the same way as we manage any other aspect of the Council's business. This requires a structured approach to the identification of hazards and the evaluation and control of work-related risks.

## Health & Safety Policy

To do this, the Council uses a basic management approach of Plan-Do-Check-Act.

<b>Plan:</b>	establish the objectives and processes necessary to deliver results in accordance with the organisation's policy
<b>Do:</b>	implement the processes
<b>Check:</b>	monitor and measure processes against policy, objectives, legal and other requirements, and report the results.
<b>Act:</b>	take actions to continually improve performance.

The Health and Safety Team publish a series of arrangement documents in a collaborative approach with appropriate stakeholders setting out the framework for the management of health and safety throughout the Council. These documents will ensure that the Council meets all legal obligations under the [Health and Safety at Work Act 1974](#), [Corporate Manslaughter and Corporate Homicide Act 2007](#) and all associated regulations.

In addition, the team will provide ongoing guidance, support and assurance in relation to the implementation of this framework. This will provide the basis for the safety management system. It will however be for individual services to ensure that such arrangements are implemented within their areas of operation and are fully integrated within day to day service operational culture.

### Policy Statement

Clackmannanshire Council (hereafter referred to as 'the Council') recognises the responsibilities and obligations that the Health and Safety at Work etc. Act 1974 and attendant legislation places upon the organisation and accepts that, so far as is reasonably practicable, it will take the necessary steps to conduct its activities and business in a manner that minimises the health and safety risks to which its employees and those affected by such activities are exposed.

The Council acknowledges that effective management of health, safety and wellbeing makes a significant positive contribution to the overall organisational performance and delivery of the Council's services and seeks to create the environment and culture that appropriately supports this view.

The Council accepts that as a Local Authority it should be seen as being an exemplary employer in relation to health, safety and wellbeing, so far as is reasonably practicable, and will therefore always strive to achieve best practice.

The above culture will be proactively achieved by the Council committing to support the implementation of the organisation, roles, responsibilities and arrangements outlined in the Council's Organisation and Arrangements set out below.

In my role as Chief Executive, I have the responsibility of ensuring that the Council works towards these objectives.

Elaine McPherson  
Chief Executive  
April 2018



### **Organisation**

The established organisation in the Council is designed to encompass the framework set out in the Health and Safety Executive document HSG 65, "Managing for Health and Safety". The framework shows a clear line of responsibility with the overall responsibility for health, safety and wellbeing compliance resting within the role and remit of the Chief Executive. The Chief Executive is supported in this role by Chief Officers, Senior Managers and employees with management responsibility.

Every employee has a responsibility for their own health safety and welfare and that of others affected by their actions and inactions. However employees with management responsibility also have collective responsibility for their team. All employees have a duty to cooperate with their employer to ensure that their employer meets the health and safety statutory obligations placed upon that employer.

#### **Chief Executive**

The Chief Executive has the overall responsibility for the health, safety and welfare at work for all Council employees and also for those affected by the activities undertaken taken by the Council. The Chief Executive will ensure:

- 3.1.1.** that so far as is reasonably practicable, adequate resources are made available to enable this policy to be fully implemented.
- 3.1.2.** that competent advice is used to enable the Council to meet the statutory health, safety and welfare obligations placed upon the organisation by the Health and Safety at Work etc. Act 1974 and attendant legislation.
- 3.1.3** a suitable and sufficient structured health and safety management system is established which ensures alignment to the principles of HSG 65 "Managing for Health and Safety". The health and safety management system has robust policies, procedures, guidance, and other key documentation including an effective monitoring, audit and review process.
- 3.1.4** that health and safety is an integral aspect of the Council's business strategic management culture and planning processes and actively promotes a positive and proactive approach to raising the standards of health, safety and wellbeing amongst all employees.
- 3.1.5** that health and safety is included as a standing item on the Corporate Management Team agenda . Appropriate Heads of Service and other employees will attend the CMT meeting as required to present relevant business. The H&S Adviser will attend this meeting on a half yearly basis to present a summary in depth H&S report.
- 3.1.6** that a corporate health and safety improvement plan is developed, implemented and monitored by the corporate management team (CMT) and through the Executive Health and Safety Committee to improve the existing health and safety management system and performance

#### **Chief Officers**

Chief Officers are accountable to the Chief Executive and have responsibility for the health, safety and health of the staff and the services delivered within the areas of their responsibility. Chief Officers will ensure:

## Health & Safety Policy

- 3.2.1 that the Council's health and safety policy and supporting documentation are fully implemented in the area of their responsibility.
- 3.2.2 so far as is reasonably practicable, that adequate resources are made available to implement the Council's health and safety policy.
- 3.2.3 their actions demonstrate a positive commitment to achieving a high standard of health, safety and welfare and with a continuous improvement approach to achieving best practice.
- 3.2.4 they include health and safety as a standing agenda item on Senior Management Forum meetings with their Heads of Service and other Senior Managers within their areas of responsibility. These meetings are to enable health and safety issues to be raised, discussed, actioned or communicated. Where appropriate these meetings will be attended by the Health and Safety department.
- 3.2.5 that they undertake their role and responsibilities in line with HSE Guidance "Leading Health and Safety at Work".
- 3.2.6 that health and safety is an intrinsic part of the strategic business planning for their areas of responsibility.

### **Senior Managers**

Senior Managers are accountable to a Chief Officer, as appropriate, and have responsibility for the coordination of compliant delivery and implementation of the Council's health and safety policies, procedures, guidance and other key documents in their service area. Senior Managers will ensure:

- 3.3.1 that sufficient resources are made available, so far as is reasonably practicable, to achieve compliance with relevant health and safety obligations.
- 3.3.2 that the Council's policies, procedures, guidance and other key documents are communicated and implemented in their areas of responsibility and resulting activities are carried out.
- 3.3.3 they include health, safety and wellbeing as a standing agenda item at Service and operational management team meetings to enable health and safety matters to be raised, discussed, actioned or escalated. Where appropriate these meetings will be attended by representatives from the Health & Safety Team.
- 3.3.4 health and safety performance is included as part of their employees professional development and review process.
- 3.3.5 that they liaise with the health and safety team for competent advice and support to achieve compliance with health and safety obligations and strive towards best practice in their areas of responsibility.
- 3.3.6 their participation in the Council's consultation process to develop, review and ratify relevant Health and Safety related policies, procedures, guidance and other key documents.
- 3.3.7 that where joint working with partners, other shared working groups or organisations exists, that cooperation and agreement is reached between them to establish a responsible person(s) who will coordinate health and safety arrangements in that work area.

### **Managers**

Managers are accountable to their respective Senior Manager. Managers have responsibility for the coordination of compliant delivery and implementation of the Council's health and safety policies, procedures, guidance and other key documents in their area of responsibility. Managers will ensure:

## Health & Safety Policy

- 3.4.1 that sufficient resources are made available, so far as is reasonably practicable, to achieve compliance with relevant health and safety obligations.
- 3.4.2 that the Council's policies, procedures, guidance and other key documents are communicated and implemented in their areas of responsibility and resulting activities are carried out.
- 3.4.3 they include health, safety and wellbeing as a standing agenda item at Service and operational management team meetings to enable health and safety matters to be raised, discussed, actioned or escalated. Where appropriate these meetings will be attended by representatives from the Health & Safety team.
- 3.4.4 health and safety performance is included as part of their employees professional development and development process.
- 3.4.5 that they liaise with the health and safety team for competent advice and support to achieve compliance with health and safety obligations and strive towards best practice in their areas of responsibility.

### **Premises Duty Holders**

Each Council building/premise will have a manager nominated by Senior Management to be the Premises Duty Holders. Appropriate Depute(s), administrative support and communication lines should also be in place for the Duty Holders at all buildings. A list of these people will be maintained by the Planned Works & Compliance team.

Where the premises are shared with other organisations, the Premise Duty Holder will be responsible for ensuring effective communication with these organisations to ensure effective maintenance and emergency arrangements are established and maintained.

The details of the responsibilities and guidance on how to carry them out will be provided in the Premise Duty Holders Handbook. Appropriate training for all Premise Duty Holders and Deputies will be provided to enable them to fulfil these duties.

### **Employees with Line Management responsibility**

Employees who have line management responsibility are responsible for the health safety and welfare of their teams in the areas in which they work. They will ensure that:

- 3.6.1 workplace hazards and risks have been identified using the Council's risk assessment process and suitable and sufficient control measures have been implemented.
- 3.6.2 persons working under their control are made fully aware of the hazards and risks to which they are exposed as identified in the risk assessments.
- 3.6.3 employees receive appropriate health and safety training and instruction, including emergency procedures, to enable them to work safely, and also follow the Council's approved health and safety policies.
- 3.6.4 they make all relevant health and safety information available and regularly communicate this to their teams.
- 3.6.5 all accidents/ incidents and near misses are reported using the Council's approved procedure.
- 3.6.6 all plant, machinery and equipment is suitable for its intended use and is regularly professionally maintained by competent trained persons so as to be in a safe condition for use.

## Health & Safety Policy

- 3.6.7 they liaise with health and safety team for competent advice and support to achieve compliance with health and safety obligations and strive towards best practice in their areas of responsibility.
- 3.6.8 employees adopt the safe working practices and systems of work applicable to their workplace.
- 3.6.9 they make certain that any employee whose role exposes them to hazards that require monitoring or assessment, are available for health surveillance / monitoring by the Council's occupational health provider.
- 3.6.10 where joint working with partners, other shared working groups or organisations exists, that cooperation and agreement is reached between them to establish a responsible person(s) who will coordinate health and safety arrangements in that work area.

### **Employees**

Employees have a duty to co-operate with their employer to ensure that their employer meets the statutory duties placed upon it by the Health and Safety at Work etc. Act 1974 (Section 7). Employees also have a duty to take reasonable care for their own health and safety and of other persons who may be affected by their acts or omissions at work. In order to meet these obligations employees should ensure that:

- 3.7.1 they follow the Council's policies, procedures, guidance and other key documentation and work practices relating to health, safety and wellbeing in their work.
- 3.7.2 they report all accidents / incidents and near misses to their line management and the H+S team, using the corporate documentation.
- 3.7.3 they undertake health and safety training appropriate to their work.
- 3.7.4 they use all plant, machinery and work equipment safely, in line with the instructions and training provided.
- 3.7.5 they immediately inform their line management of any situation which presents a significant risk to their own or another person's health and safety.
- 3.7.6 they do not misuse or fail to use anything that has been provided in the interests of health and safety.
- 3.7.7 they correctly use and maintain any personal protective equipment issued to them, in line with the instruction and training given.
- 3.7.8 they participate in the Council's risk assessment delivery programme.
- 3.7.9 where joint working with partners or other organisations occurs they co-operate with the appointed responsible person for health and safety at their place of work. The appointed responsible person may not always be their line manager or a Council employee.
- 3.7.10 they participate in and cooperate with the Council's occupational health provider with regard to relevant and appropriate monitoring / assessment of their health and wellbeing.

**All employees should be aware that they are personally responsible for their behaviour and may be held to account for their actions or omissions in disciplinary hearings and/or legal proceedings.**

### **Competent Health and Safety Advice**

Competent health, safety and wellbeing advice is provided to the whole of the Council from a central corporate Health and Safety Team. This section comprises of trained and qualified advisers who provide authoritative and informed advice and training to enable the Council to achieve compliance with the Health and Safety at Work etc. Act 1974 and its attendant legislation. The Health and Safety Adviser leads this team and is responsible to the Human Resources Manager. The Health and Safety Adviser shall, so far as is reasonably practicable, ensure;

## Health & Safety Policy

- 3.8.1** that in conjunction with the Human Resources Manager a clear health and safety strategy and business plan is established to directly support the Corporate strategic business plans for the Council and enable the Council achieve compliance with the Health and Safety at Work etc. Act 1974, and its attendant legislation.
- 3.8.2** the delivery of a structured health and safety management system including policies, procedures, guidance and other key documents to satisfy the requirements of HSG65 and also to enable auditing of the safety management system against BS OHSAS 18001:2007 – Occupational health and safety management systems – requirements.
- 3.8.3** the provision of sufficient operational resources to provide health, safety and wellbeing advice and training to Council business sections to allow them to safely meet the objectives set out in their strategic business plans.
- 3.8.4** support and participate in the consultation with safety representatives and health and safety committee for the ratification of all Health and Safety related policies, procedures, guidance and other key documents except for this Corporate Health and Safety Policy. This will be ratified and then formally approved by CMT and full Council procedure.
- 3.8.5** that the Human Resources Manager is advised of new health and safety legislation and impending legislative changes that will impact upon the Council's strategic and business plans.
- 3.8.6** positive working relationships with regulatory bodies, advisory groups and other partner organisations are established and maintained. (e.g. Scottish Fire and Rescue Service; Health and Safety Executive; Care inspectorate; Procurator Fiscal's Office; Occupational Health specialists; Insurers; NHS Forth Valley/ medical professionals; ALEO's).
- 3.8.7** the provision of audit reports and statistical information relating to the performance of the Health and Safety Team and other sections of the Council to the Human Resources Manager by means of quarterly reports by service and an annual H&S report.
- 3.8.8** that advice and support is given to Human Resources Manager in presenting relevant health and safety matters including performance indicators to the Corporate Management Team and Elected Members as required.
- 3.8.9** that all documents approved by the Health and Safety Committee are published onto the intranet - Connect. This also includes the Corporate Health and Safety Policy.

### **Elected Members**

The elected members of Clackmannanshire Council will be consulted on Health and Safety via their associated party leadership. The relevant leadership will:

- 3.9.1** actively promote the Council's health, safety and wellbeing policies amongst all their other elected members.
- 3.9.2** ensure that elected members demonstrate due consideration has been given to health and safety aspects when making decisions for and on behalf of the Council.
- 3.9.3** ensure that elected members consult with the Health and Safety team for competent, authoritative and independent advice pertinent to Council business to assist them in their roles.

### **Union Safety Representatives**

The Council acknowledges the importance of employee involvement in health and safety matters and the importance of the positive role played by Safety

## Health & Safety Policy

Representatives appointed under the Health and Safety at Work Act etc. 1974, the Management of Health and Safety at Work Regulations 1999, Safety Representatives and Safety Committees Regulations (SRSCR) 1977 (as amended 2009.) and Health and Safety (Consultation with Employers) Regulations (HSCER) 1996 (as amended 2009). In order to meet these obligations the Council has established a consultation process for health and safety policies, procedures, guidance and other key documents involving employees.

Employees who are appointed to these roles will ensure that they:

- 3.10.1** fully participate in the consultation and ratification process.
- 3.10.2** raise health, safety and wellbeing issues brought to their attention from within their areas of responsibility to the 'Health and Safety Committee' and also disseminate the responses from the committee to employees and Unions.
- 3.10.3** communicate and disseminate all approved policy and guidance documents etc. into their areas of responsibility through the designated communication processes. (See 4.1 below)

### **Arrangements**

Clackmannanshire Council recognises that in order to meet its statutory duties arising from the [Health & Safety at Work Act](#) and attendant legislation this main policy needs to be supported by supplementary policies, procedures guidance and other key documents which detail specific health and safety responsibilities and other essential actions required to achieve compliance. However, the following general arrangements should be present in all Council workplaces. These will allow the Council to champion a positive health and safety culture which ensures compliance with health and safety legislation including the [Health & Safety at Work Act](#) and the [Corporate Homicide & Corporate Manslaughter Act](#).

### **Communication**

Clackmannanshire Council is committed to open and clear communication of all health and safety related information to all employees. In order to achieve this important aspect the Council will publish all such documents on CONNECT (the Council's intranet) thereby making the information available to all employees who have access to a computer. For those employees that do not have access to an electronic version then hard copies should be made available to them, by their manager, upon request. It must be noted that any hard copy becomes an 'uncontrolled copy' immediately upon printing and as such may only be current at the time of printing. Documents published on CONNECT constitute the 'current' status.

**4.1.1** The Consultation with Safety Representatives and Health and Safety Committee forum is also used as a means of communicating health and safety information, statistics and results as well as all new health and safety documents, policies, procedures, guidance and other relevant information to representatives from all sectors of the Council.

**4.1.2** Communication of all documents before approval (consultation) and post approval (dissemination) is carried out by presentation of all documents by H&S team to Chief Offices, nominated recognised Union representatives, Senior management representatives from business sectors as required. Where documents have a specific operational relevance to specific managers these managers will also be included in the consultation and dissemination process in order to ensure the relevant key personnel are fully involved in the awareness of, contribution to, and communication of Health and Safety documents relating to their area of responsibility

### **Emergency Procedures**

The Management of Health & Safety at Work Regulations 1999 requires procedures to be established where there is a serious and imminent danger to employees or other persons.

The Health & Safety Adviser will be responsible for co-ordinating all serious health and safety incidents and will liaise with the appropriate regulatory authorities, the Council's Emergency Planning Officer and Insurance Section. He/she will report directly to the relevant Director on such matters.

The Emergency Planning Officer will be responsible for integrated emergency management and co-ordination of all emergency planning and will liaise with the appropriate regulatory authorities, the Council's Corporate Health and Safety Team

## Health & Safety Policy

and Insurance Section. He/she will report directly to the relevant Director on such matters.

Each Premises Duty Holder will be responsible for ensuring suitable systems and procedures are in place for the building(s) in their responsibility using the appropriate corporate template(s) as required.

Each employee has a responsibility to look after their own health and safety. If an employee feels that they are in serious or imminent danger, they should cease work, take whatever action is required to remove themselves from harm and report the issue to a manager immediately.

### **Incident Reporting & Investigation**

All incidents and near-misses must be reported to line managers. They in turn will ensure that appropriate details are submitted to the Corporate Health & Safety Team in line with the Accident & Dangerous Occurrence Reporting & Investigations arrangements.

Any incident resulting in a fatality or major injury must be reported immediately to the Corporate Health & Safety Team and to relevant appointed safety representatives.

It is important that all incidents and near misses are reported for the following reasons:

- To prevent reoccurrences of similar incidents to protect personnel and the public
- To fulfil legal obligations to report certain incidents
- To reduce the costs incurred by the Council as a result of incidents.

### **Occupational Health**

The aim of the Council's Occupational Health provision is to prevent ill health and promote good health and wellbeing at work. The broad aims are to:

- Develop employee health services by promoting health screening and surveillance and preventative medical services.
- Develop health promotion and education initiatives as appropriate.

All Service areas have access to Occupational Health Services, which will normally be co-ordinated through Human Resources. The Corporate Health & Safety Team will provide advice on occupational health hazards and will co-ordinate health surveillance activities.

### **Risk Assessment**

The most effective method of achieving high standards of health and safety is to anticipate the effect of work activities and service delivery on people and premises prior to commencement.

The Management of Health and Safety at Work Regulations 1999 require risk assessments to be conducted and it is the responsibility of each manager to ensure these assessments are carried out.



## Health & Safety Policy

Line Managers are responsible for ensuring that they have received appropriate training and consult with staff to ensure these responsibilities are carried out in line with the [Risk Assessment Policy](#).

All employees, with their line managers, must read and understand all risk assessments and associated documents developed.

In addition to general risk assessment, there are particular regulations which require more in-depth and specific assessments to be made in line with service provision. Further guidance on these is contained within the relevant [Council policies](#).

### **Information, Instruction and Training**

The Council recognises the importance of having well informed and competent employees if it is to achieve a safe working environment. On commencement of employment all employees will receive health & safety training as part of an induction programme. This will include, but is not limited to:

- The action to take in the event of serious and imminent danger from fire and other incidents, including their role in the emergency evacuation procedures.
- Display Screen Equipment (DSE) self-assessment as required.
- Any specific skills/knowledge necessary to work safely, such as safe lifting and handling and operating equipment as identified in risk assessments for activities undertaken by the employee.

The training needs of all managers and employees will be regularly assessed using a risk based approach and the personal review and development (PRD) process and where appropriate information, instruction and training on health & safety matters will be provided. It is **essential** that managers and employees attend and/or complete appropriate training. Ongoing consideration will be given to the requirements of new legislation and the outcomes of job related risk assessments and/or a risk based approach.

The effective communication, by managers and team leaders, of policies, procedures and safe working practice will assist in achieving high standards of health & safety performance.

Information, instruction and training will be provided in a way that is easily understood and takes into account the intended audience.

## Health & Safety Policy

### Addressing Health & Safety Concerns

The following escalation procedure should be followed as a means of resolving issues arising from the management and operation of Health & Safety across the Council: -

Stage 1	<b>Employee</b> raises issue with their <b>Manager or Supervisor</b> .
Stage 2	<b>Employee</b> raises issue with their <b>TU/Workplace Safety representative</b> . The <b>Safety representative</b> raises issue with an appropriate <b>Manager</b> .
Stage 3	<b>Employee</b> and/or <b>Safety representative</b> should consult the Corporate Health & Safety Team for advice.
Stage 4	<b>Safety representative</b> raises issue at Service Bi-partite (or Service H&S meeting where these exist) for resolution.
Stage 5	<b>Senior Manager</b> consulted for resolution. If issue is wider than one service, or insufficient progress is being made a member of the <b>Executive Management Team</b> may be consulted for a decision.
Stage 6	The <b>Executive H&amp;S Committee</b> consider and scrutinise the issue to ensure corrective actions are implemented.

Where appropriate, the above steps should be recorded and managed using the service risk register/risk management and escalation framework.

There will be situations where it is appropriate for the employee to raise an issue with their Safety representative without having raised it with their Manager first.

### Contractor Management and Partnership Working

Throughout the Council's work there are situations where we use the goods or services of other organisations, or work in partnership with them. All employees and managers involved in the procurement or management of these provisions must ensure that health and safety standards are identified, agreed and maintained throughout the life of any contract in line with the appropriate corporate policy.

Where Council employees are working with other agencies, managers should ensure they are clear on any health and safety processes which may need followed to comply with the other agencies policies, provided this is no less than the standard set in Council policies. Any employees from partner agencies will also adhere to Council policies, and these should be drawn to their attention by the relevant manager.

## **Measuring Health & Safety Performance**

Clackmannanshire Council recognises the benefits of conducting active monitoring as a means to measure health & safety performance and to prevent incidents or cases of ill health before they occur. This includes monitoring the achievement of health and safety improvement plans and compliance with standards set out in this and supporting policies, procedures and guidance documents.

Development and implementation of corrective actions to rectify unsatisfactory health & safety performance can only occur through regular line management monitoring of health & safety data to determine where resources will be deployed for best effect.

Each Service Manager must ensure that the health & safety performance data is cascaded widely through each Service and in partnership with the Trade Union Safety Representatives should be involved in exploring the development of shared health & safety solutions.

### **Active Monitoring**

Active monitoring methods used include:

- Inspection of premises, plant and equipment.
- Environmental monitoring.
- Health surveillance.
- Observation of work behaviour by line managers.
- Health & safety audits.

This type of monitoring measures success and reinforces positive achievement by recognising good work, rather than penalising failure after an event.

### **Reactive Monitoring**

Reactive monitoring enables the organisation to learn from incidents, ill health cases or other deficiencies in health & safety performance which have already occurred. Measures of this include reporting of:

- Near miss incidents.
- Injuries and cases of ill health, including monitoring of sickness absence.
- Damage to property.
- Hazards (including Violent or Intimidating Behaviour).
- Weaknesses in performance standards.

### **Legal compliance**

The Health & Safety Team will undertake formal health & safety audits and inspections based on a sampling approach at specific points in time to ensure that Council health & safety policies and practice are undertaken in line with current legislation.

It is, however, the individual responsibility of the service management teams, as set out within this policy, to ensure that the deployment of their operational service delivery remains fully compliant with all appropriate legislation.

## Health & Safety Policy

### **Best Practice approach**

It will be the aim of the Council to ensure health & safety management systems across all Council areas operate to the standards and methodology outlined by UKAS accredited organisations and any best practice measures identified through trade groups, HSE or work with other agencies.

### **Reporting Health & Safety Performance**

The Health & Safety Team will produce an annual report summarising health & safety performance across the Council. This will refer as appropriate to key performance indicators and comparisons with other local authorities and best practice.

### **Monitoring and Review**

This document is subject to annual review and / or at any significant change to the Council's policy and organisation. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions. Any reviewed document must be endorsed by the signature of the Chief Executive of Clackmannanshire Council.

Policy Name	Health & Safety
Department	Performance
Policy Lead	H&S Adviser
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQAI complete	N/A
Date Approved	
Review Date	

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**Report to Council**

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**Date of Meeting: 10<sup>th</sup> May 2018**

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**Subject: HR Policies**

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**Report by: Head of Resources and Governance**

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**1.0 Purpose**

- 1.1. This paper seeks Council approval of the HR Policies which have been developed in consultation with the management and trade union policy group.
- 1.2. It is intended that the policies shall apply to all Council staff.

**2.0 Recommendations**

- 2.1. Council agrees to the revised staff PVG (Protecting Vulnerable Groups), Overseas Criminal Checks, Flexible Retirement and Casual Workers (Relief) policies.

**3.0 Considerations**

- 3.1. In order to ensure collaborative and partnership working a policy group was created which comprised representatives from management and trade unions.
- 3.2. The aim of the policy group is provide a forum to enable effective joint discussions between management and trade union representatives on the modernisation or development of HR/OD policies and procedures within Clackmannanshire Council.
- 3.3. The overarching aim of the policy group is to ensure that all policies comply with current legislation and good practice.
- 3.4. A further key objective is that the Council's processes are clearly understood by all parties and are applied consistently, equitably and within reasonable timeframes across the Council.
- 3.5. The outputs of the policy group which the Council is being invited to agree to are overarching statements of policy and principles in respect of PVG, Overseas Criminal Checks, Flexible Retirement, and Casual Workers (Relief) which are supported by clear procedures where appropriate.

- 3.6. The policies were discussed with elected members at the tripartite group held on 28<sup>th</sup> March and comments and questions were received and noted or answered. Tripartite agreed that the policies be submitted for formal approval. The policies have been made available to elected members in their group rooms and subject to Council approval will be published on Connect.
- 3.7. A programme of briefings on the operation of the new policies and procedures will be put in place between HR and OD.
- 3.8. It is intended that the new policies becomes effective from the date of formal approval by Council.

**4.0 Sustainability Implications**

- 4.1. There are no sustainability implications arising from this report.

**5.0 Resource Implications**

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations set out in the report.
- 5.3. Staffing
- 5.4. There are no implications of additional staff resource arising from the recommendations set out in this report.

**6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

**7.0 Declarations**

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

- (1) **Our Priorities** (Please double click on the check box )

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

X

(2) **Council Policies** (Please detail)

### 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? Yes

X No

### 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. Yes X

### 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

### 11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes X (please list the documents below) No

PVG Policy

Overseas Criminal Checks Policy


Flexible Retirement Policy

Casual Workers (Relief) Policy

#### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Chris Alliston	HR Service Manager	2184

#### Approved by

NAME	DESIGNATION	SIGNATURE
S Coulter	Head of Resources and Governance	
N Bridle	Depute Chief Executive	