



**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held via MS Teams, on
THURSDAY 10 SEPTEMBER 2020 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 Ellen Forson
Councillor Darren Lee
Councillor Helen Lewis
Councillor Graham Lindsay
Councillor Kathleen Martin
Councillor George Matchett QPM
Councillor Jane McTaggart
Councillor Les Sharp
Councillor Mike Watson

IN ATTENDANCE

Nikki Bridle, Chief Executive
Pete Leonard, Strategic Director (Place)
Stuart Crickmar, Strategic Director (Partnership & Performance)
Lorraine Sanda, Chief Education Officer
Lindsay Sim, Senior Manager (Partnership & Performance)
Chris Alliston, Senior Manager (Partnership & Performance)
Cherie Jarvie, Senior Manager (Partnership & Performance)
Debbie Carter, City Deal Programme Manager
David Hunt, Programme Management Officer
Rose Hetman, Strategy and Performance Adviser
Lesley Baillie, Strategy and Performance Adviser
Caroline Wylie, Head of Community Health and Care, Clackmannanshire & Stirling Health & Social
Care Partnership
Murray Sharp, Senior Manager (Place)
Tom Reid, Audit Scotland
Lindsay Thomson, Senior Manager (Partnership & Performance) (Clerk to the Council)
Gillian White, Committee Services (Partnership and Performance)

CC.319 APOLOGIES

Apologies were received from Councillor Derek Stewart, Councillor Craig Holden and Fiona Duncan, Chief Social Work Officer.

CC.320 DECLARATIONS OF INTEREST

None.

**CC.321 MINUTE OF MEETING OF CLACKMANNANSHIRE COUNCIL
25 JUNE 2020**

The minutes of the meeting of the Clackmannanshire Council held on 25 June 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 25 June 2020 were agreed as a correct record.

**CC.322 MINUTES OF SPECIAL MEETING OF CLACKMANNANSHIRE COUNCIL
10 JULY 2020**

The minutes of the special meeting of the Clackmannanshire Council held on 10 July 2020 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 10 July 2020 were agreed as a correct record.

**CC.323 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL
MEETING ON 25 JUNE 2020**

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 25 June 2020.

- (i) Education Appeal Committee on 16 June 2020 (Reconvened 7 July 2020)
- (ii) Licensing Board on 3 July 2020
- (iii) Licensing Board Sub Committee on 10 July, 24 July, 14 August and 1 September 2020

Councillor Kenneth Earle, Chair of the Clackmannanshire Licensing Board wished to put on record his thanks to the staff and members of the Licensing Board for their support and participation in the Licensing Boards for their consideration of applications for review and Licensing Board Sub Committees, where many occasional licence applications had been considered.

CC.324 BE THE FUTURE UPDATE

The report, submitted by the Chief Executive, provided an update on progress with the activities outlined in the Respond, Recover and Renew paper agreed by Council in June 2020. The report focussed on activity undertaken to date to establish a strategic and integrated approach to facilitate the Council's ongoing Covid-19 pandemic response and necessary recovery activity, whilst renewing the Council's agreed Be the Future Plan.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

The Council agreed:

1. The seven priorities set out within paragraphs 5.5 and 5.7, based on the feedback from iESE detailed in Appendix B and based on the reprioritisation of activity set out within the Be the Future Programme, the Organisational Redesign Plan and the Recovery Plan;

2. Funding of £58k from the Transformation Fund, in addition to the £520k previously approved, to provide the additional resources to support ongoing response, recovery and renewal activity set out in Table 1;

The Council also agreed to note:

3. The Background information set out in section 3;
4. The outcome of the Health and Wellbeing survey undertaken and summarised at Appendix A and para 3.8;
5. The Recovery Framework and Plan as well as the strategic recovery themes highlighted for inclusion in the refreshed Be the Future priority projects (section 4);
6. The work undertaken by iESE to refresh the agreed Be the Future priority projects (section 5 and Appendix B);
7. That subject to agreement of the seven priorities detailed in paragraphs 5.5 and 5.7, work will be taken forward to prioritise and develop specific proposals within the context of the agreed Be the Future Framework (paragraph 5.6);
8. That arrangements are currently being developed to hold a workshop with iESE to feed back on the separate and broader review of transformation activity within the Council, feedback from which was delayed due to the pandemic (paragraph 5.9);
9. The progress made in respect of a range of previously approved Be the Future projects (paragraph 5.7) and the separate reports on this Council agenda which provide more detail on progress in specific projects;
10. The agreed additional resources and associated costs to support ongoing response, recovery and renewal activity set out in table 1 and section 6; and
11. That a separate, detailed Finance update report is also on this Council meeting agenda (para 7.1).

Action

Chief Executive

CC.325 CITY REGION DEAL UPDATE – SCOTLAND'S INTERNATIONAL ENVIRONMENT CENTRE

The report, submitted by the Strategic Director (Place), presented an update to Council on the development of Scotland's International Environment Centre (SIEC) under the Stirling and Clackmannanshire City Region Deal. While the vision, purpose and intended outcomes from the SIEC remain undiminished, the delivery plan for achieving those requires major revision. This is to reflect recent national policy developments, the findings from a sustained programme of business and stakeholder engagement since original SIEC plans were prepared, and the financial impact of the COVID-19 pandemic on the ability of the Council and the University of Stirling to implement the SIEC programme as originally proposed.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

The Council agreed:

1. To note the revised programme for the first four years of SIEC as set out in paragraph 3.7 and that a formal change request has been submitted to, and accepted by, the Scottish and UK Governments in this regard.
2. To note commencement of discussions between Clackmannanshire Council and the University of Stirling with a view to the establishment of a company to offer services to businesses through SIEC. To note that full recommendations for consideration will be brought to Council (and the University) as an outcome of those discussions.
3. To approve the repurposing of up to £250k of the £1m capital budget earmarked by Council for the SIEC development, in order to enable rapid progress with establishing operational premises within Alloa, as part of the Council's leveraged contribution to City Region Deal funding. The forecast profile of spend is up to £100k in the current Financial Year, and up to £150k in 2021-22.

Action

Strategic Director (Place)

CC.326 CLACKMANNANSHIRE WELLBEING ECONOMY UPDATE

The report, submitted by the Strategic Director (Place), provided Council with an update on progress of the Wellbeing Economy work, together with additional information on related activity.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

The Council agreed to:

1. Note the general update on Wellbeing Economy progress.
2. Note and endorse the role the Centre for Local Economic Strategies (CLeS) will play in complementing the wellbeing economy through the Community Wealth Building Diagnostic exercise.
3. Note and endorse the role of the SIPHER Consortium (Systems Science in Public Health & Economics Research) as they undertake local virtual workshops to inform policy development.

Action

Strategic Director (Place)

CC.327 SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS

The report, submitted by the Senior Manager (Legal and Governance) updated Council on the election which was due to take place in September for community councils and provides an interim way forward for those community councils at risk of dissolution.

Motion

That Council agrees the recommendations as set out in the report.

Moved by Councillor Helen Lewis. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed:

1. To note that council officers are not able to support community council elections which were due to take place in September 2020 as a result of the coronavirus impacts of the current community council election processes and that officers will continue to consider when it may be safe to hold an election process anticipated to be in the summer of 2021;
2. To note that the inability of community councils to have new members elected places a number of community councils at risk of not being able to operate in accordance with the minimum numbers required in the Scheme of Establishment for Community Councils (the Scheme);
3. To note that as a result of the low number of elected members of community councils that the community councils are not able to co-opt additional members without breaching the elected member/co-opted member ratio requirements in the Scheme;
4. That, as a consequence of the inability to deliver elections, the Council will not pursue suspension of any of the community councils on the basis of any breach of the co-option provisions in paragraphs 8.10 and 8.11 of the Scheme, continuing to recognise those councils as the voice of their communities; and
5. To begin a focussed consultation process in accordance with the statutory requirements to amend the Scheme on arrangements for community councils in circumstances such as pandemics and other unexpected events.

Action

Senior Manager (Legal and Governance)

Councillor Chris Dixon withdrew from the meeting following the introduction to the undernoted item of business.

CC.328 DIGITAL STRATEGY – ENHANCING DIGITAL FOUNDATIONS

On 18 April 2019, the Council agreed a Digital Strategy 2019-25 as a key enabler of Be the Future. Whilst the principles of that strategy remain relevant, the emergence of Coronavirus (COVID-19) as a global pandemic has necessitated an extremely rapid shift to digital.

The report, submitted by the Strategic Director (Partnership and Performance), sought approval for expenditure on a key project that will enable accelerated progression towards objectives set out in the Digital Strategy, whilst supporting essential elements of COVID-19 recovery and enabling ongoing business continuity.

Motion

That Council agrees the recommendations as set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Helen Lewis.

Decision

The Council agreed:

1. That the Council will subscribe to Enterprise Level 3 of Microsoft 365 Option c at paragraph 3.10;
2. Capital investment of £350,000 in 2020/21 to fund the initial purchase and implementation costs of Microsoft 365 Enterprise Level 3;
3. Capital investment of £50,000 in 2020/21 to fund a further supporting laptop and PC purchase and replacement programme and an ongoing capital funding investment of £50,000 per annum to continue the replacement programme;
4. To note ongoing revenue costs of approximately £250,000 per annum from 2022/23 (£125,000 in 2021/22) for Microsoft 365 Enterprise Level 3 and agrees use of £90,000 from the Transformation Fund in 2021/22 to enable project initiation; and,
5. To note that officers will work with Digital Office Scotland in preparation for the 2021/22 budget to fully define a 5 year benefits realisation plan that will deliver M365 efficiencies and benefits to the Council.

Action

Strategic Director (Partnership and Performance)

The Provost adjourned the meeting at 11.25 am. When the meeting resumed at 11.40 am, 14 members remained present.

CC.329 ANNUAL REVIEW OF DEBTORS 2019/20

The report, submitted by the Chief Finance Officer (S95 Officer) provided Council with the annual update on income collection and to propose the “write-off” of those debts which are deemed as irrecoverable or “bad debts”. The presentation of the report is a key milestone in the preparation of the Council’s draft financial statements.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

The Council agreed to:

1. Note the trends in income collection for 2019/20;
2. Approve the proposed write-off £807,727 as per 6.2 (Appendix B); and
3. Note and comment as appropriate on other matters raised in the report.

Action

Chief Finance Officer

CC.330 ANNUAL TREASURY MANAGEMENT REPORT 2019/20

The report, submitted by the Chief Finance Officer (S95 Officer) detailed the treasury management activities for the Council for the year ended 31 March 2020 and how this compares to the 2019/20 Treasury Management Strategy Statement set in March 2019.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

Having considered the report, the Council agreed to note the Annual Report for 2019/20 on the Council's Treasury Management Activities.

CC.331 DRAFT FINANCIAL STATEMENTS 2019/20

The Local Authority Accounts (Scotland) 1985 Regulations require the Chief Finance Officer, as the Council's s95 officer, to prepare the Statement of Accounts as soon as practicable after the end of each financial year and to submit for Audit to the Councils External Auditor. This is normally by the 30th June, however due to COVID 19 pandemic, this was extended in agreement with the External Auditors. A Management Commentary is included within the accounts that presents the collective view of those charged with governance and apply relevant sections of the Companies Act 2006 in respect of the preparation of a Strategic Report. The Management Commentary is signed by the Leader of the Council, Chief Executive and Chief Finance Officer (as s95 officer). The Management Commentary includes the financial outlook for the Council. However, there is also a separate Finance Update report coming forward to the next Council meeting to provide for a fuller consideration of recent information.

The Council's Draft Financial Statements also include the annual Remuneration Report, and the Annual Governance Statement (AGS) which is signed on behalf of the Council by the Leader of the Council and the Chief Executive. Improvement actions associated with the AGS are incorporated within routine performance reporting using the Pentana system.

Motion

That Council agrees the recommendations as set out in the report.

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

Decision

The Council agreed to:

1. Note the 2019/20 draft financial statements;
2. Note that the draft financial statements were submitted for audit to the Councils external auditors;
3. Note that audited financial statements will be presented to the next appropriate Committee following conclusion of the audit, and
4. Note the contents of the report.

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Dave Clark.

Motion

“This Council grieves those who have lost their lives during the Coronavirus Epidemic in Clackmannanshire. It finds particularly distressing the number of our vulnerable elderly citizens who have died in residential care and is resolved to learn from events in an atmosphere of transparency and frankness. This Council agrees to carry out an independent inquiry with the following terms of reference so that as far as possible the Council can ensure that such circumstances never prevail again and that future lives will be secured. The cost of the enquiry will be in the region of £25000 and it will be resourced from the non-ring fenced governmental monies made available to manage the Coronavirus crisis. Should this resource be insufficient, the Council’s non committed reserves will act as the resource. The services of expertise will be sought through a process of procurement with an expected date of report to be May 2021.

The terms of reference for the inquiry are:

1. When information on the consequences of Coronavirus became apparent did the Council act with sufficient urgency with reference to its schools and the care sector.
2. Was the Council Emergency Plan adequate in dealing with the crisis and was the Council’s plan sustainable for an incident which lasted a number of months.
3. Did the Council have sufficient staffing capacity and skill to manage the incident
4. Did the Council have sight of the emergency plans of the private care sector. Did the Council assess their adequacy. Did they cover the effect of the pandemic on the private sector’s workforce. If the plans were found to be inadequate, what steps did the Council take.
5. What care services do the Council commission? Since the coronavirus epidemic has the Council taking contractual action against any care provider it commissions from?
6. What information did the Council receive in relation to the process for testing patients at discharge into care homes and was the Council aware of any patients being discharged into a care home in Clackmannanshire who were either displaying symptoms or who had a positive test.
7. At what point was PPE made available to Council employed care staff and was this PPE provided early enough and was it to a sufficient level. Did the Council provide PPE to any external organisation and if so, on what basis and at what point.
8. Did any Council employed care staff fail to use PPE in accordance with the risk assessments and if so what were the consequences of that failure.
9. Were Health and Safety risk assessments undertaken in all Council owned care Settings and were these assessments complied with by Council/ HSCP staff
10. Was there guidance offered by the Health and Social Care Partnership staff to private Care Services and was it complied with.
11. What arrangements were put in place by Clackmannanshire Council when “Test and protect” was introduced and were those arrangements implemented in practice.
12. Was information sharing between the Council and other reporting bodies such as NHS, effective and was information shared internally effectively and in accordance with the law.

13. What measures were in place to support Clackmannanshire staff during the pandemic and were those measures effective.
14. What other lessons need to be learned for the future
15. Was Clackmannanshire Council adequately prepared for a possible second wave of coronavirus”

Moved by Councillor Dave Clark. Seconded by Councillor Kenneth Earle

Amendment No. 1

That Council :

- (1) Agree that the Council grieves those who have lost their lives during the Coronavirus Epidemic in Clackmannanshire. It finds particularly distressing the number of our vulnerable elderly citizens who have died in residential care and is resolved to learn from events in an atmosphere of transparency and frankness.
- (2) delete the remainder of the motion
- (3) add the following text to the motion

“This Council understands that the last six months have been exceptional circumstances which have prompted a new way of working and delivering services; notes the exceptional efforts of staff, the third sector and our communities in responding to the crisis; acknowledges that the pandemic is still on-going; understands that a national enquiry will take place into a number of areas relating to the response; agrees to bring forward a report which reviews its response to the public health emergency with a particular focus on lessons learned, new ways of working and planning for future events.”

Moved by Councillor Ellen Forson. Seconded by Councillor Les Sharp

Voting on Amendment No. 1

In terms of Standing Order 14.7, Councillor Matchett QPM asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 14 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For Amendment 1 (10)

Provost Tina Murphy
Councillor Darren Lee
Councillor Les Sharp
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Helen Lewis
Councillor Jane McTaggart
Councillor Mike Watson
Councillor Ellen Forson
Councillor Graham Lindsay

Against Amendment 1 (4)

Councillor George Matchett QPM
Councillor Dave Clark
Councillor Kenneth Earle
Councillor Kathleen Martin

On a division of 10 votes to 4, the amendment was carried.

Amendment No. 2

That Council agree to amend the motion as amended by Amendment No. 1:

- (1) To delete “agrees to bring forward a report which reviews its response to the public health emergency with a particular focus on lessons learned, new ways of working and planning for future events.”

from the motion as amended and to replace it with

- (2) Council agrees to delegate authority to the Audit Committee to review the outcome of the national Inquiry, when available, and the Council’s own emergency planning debrief process and
- (3) That following the Audit Committee’s scrutiny of the Inquiry and debrief process, to receive a report from the Audit Committee making recommendations to Council about any further review activity which is required for Clackmannanshire Council.

Moved by Councillor Martha Benny. Seconded by Councillor Mike Watson

Voting on Amendment No. 2

In terms of Standing Order 14.7, Councillor Matchett QPM asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 14 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For Amendment 2 (10)

Provost Tina Murphy
Councillor Darren Lee
Councillor Les Sharp
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Helen Lewis
Councillor Jane McTaggart
Councillor Mike Watson
Councillor Ellen Forson
Councillor Graham Lindsay

Against Amendment 2 (4)

Councillor George Matchett QPM
Councillor Dave Clark
Councillor Kenneth Earle
Councillor Kathleen Martin

On a division of 10 votes to 4, the amendment was carried.

Decision

The Council agreed:

1. That the Council grieves those who have lost their lives during the Coronavirus Epidemic in Clackmannanshire. It finds particularly distressing the number of our vulnerable elderly citizens who have died in residential care and is resolved to learn from events in an atmosphere of transparency and frankness.
2. That this Council understands that the last six months have been exceptional circumstances which have prompted a new way of working and delivering services; notes the exceptional efforts of staff, the third sector and our communities in responding to the crisis; acknowledges that the pandemic is still on-going; and understands that a national enquiry will take place into a number of areas relating to the response.
3. To delegate authority to the Audit Committee to review the outcome of the national enquiry, when available, and the Council's own emergency planning debrief process; and
4. That following the Audit Committee's scrutiny of the enquiry and debrief process, to receive a report from the Audit Committee making recommendations to Council about any further review activity which is required for Clackmannanshire Council.

Action

Chief Executive

Ends: 13:20 hrs

