



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

# **Meeting of Clackmannanshire Council**

**Thursday 16 December 2021 at 9.30 am**

**Via Video Conference (MS Teams)**



## **Clackmannanshire Council**

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 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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**8 December 2021**

**A MEETING of the CLACKMANNANSHIRE COUNCIL will be held via VIDEO CONFERENCE (MS TEAMS), on THURSDAY 16 DECEMBER 2021 at 9.30 AM.**



**NIKKI BRIDLE  
Chief Executive**

**B U S I N E S S**

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1. Apologies	--
2. Declaration of Interests <i>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.</i>	--
3. Confirm Minutes of Meeting of Clackmannanshire Council held on Thursday 21 October 2021 (Copy herewith)	07
4. Committee/Forum/Board Meetings Convened Since the Previous Council Meeting on 21 October 2021 (For information only)	--
(i) Partnership and Performance Committee 28/10/21	
(ii) Place Committee 04/11/21	
(iii) Planning Committee 04/11/21	
(iv) Special Meeting of the Place Committee 11/11/21	
(v) People Committee 18/11/21	
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### EXEMPT INFORMATION

**It is anticipated (although this is not certain) that the Council will resolve to exclude the press and public during consideration of this item.**

It is considered that the undernoted reports are treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraph 9 of the Local Government (Scotland) Act 1973.

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## Clackmannanshire Council – Councillors and Wards

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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	Jane McTaggart	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	Denis Coyne	5	Clackmannanshire East	CON



**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held via MS Teams, on  
THURSDAY 21 OCTOBER 2021 at 9.30 am.**

**PRESENT**

Provost Tina Murphy (In the Chair)  
Councillor Donald Balsillie  
Councillor Martha Benny  
Councillor Dave Clark  
Councillor Denis Coyne  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Craig Holden  
Councillor Darren Lee  
Councillor Helen Lewis  
Councillor Graham Lindsay  
Councillor Kathleen Martin  
Councillor George Matchett QPM  
Councillor Jane McTaggart  
Councillor Les Sharp  
Councillor Derek Stewart  
Councillor Mike Watson

**IN ATTENDANCE**

Nikki Bridle, Chief Executive  
Stuart Crickmar, Strategic Director (Partnership & Performance)  
Lorraine Sanda, Strategic Director (People)  
Pete Leonard, Strategic Director (Place)  
Fiona Colligan, Strategic Director (Transformation)  
Annemargaret Black, Chief Officer, Clackmannanshire & Stirling Health & Social Care Partnership  
Lindsay Sim, Chief Finance Officer (Partnership & Performance)  
Chris Alliston, Senior Manager – HR and Workforce Development (Partnership & Performance)  
Emma Fyvie, Senior Manager – Development (Place)  
Marjorie MacFarlane, Sports Development Manager (People)  
Alison Mackie, Active Primary School Co-ordinator (People)  
Alison Davidson, Team Leader – Economic Development (Place)  
Fiona Grinly, Senior Manager (Transformation)  
Toby Harling, Box Architects (Item 8)  
Neil Richardson, Total Swimming (Item 8)  
Lee Robertson, Legal Team Leader (Partnership & Performance) (Clerk to the Council)  
Melanie Moore, Committee Services (Partnership & Performance)  
Morgan Kerr, Member Services (Partnership & Performance)

**CC.440            APOLOGIES**

None

**CC.441            DECLARATIONS OF INTEREST**

None.

**CC.442 CONFIRM MINUTES OF MEETINGS OF:**

- (i) **Clackmannanshire Council held on Thursday 19 August 2021; and**
- (ii) **Special Meeting of Clackmannanshire Council held on Friday 24 September 2021**

The minutes of the meeting of Clackmannanshire Council held on 19 August and the Special Meeting of Clackmannanshire Council held on 24 September 2021 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Council held on 19 August 2021 and the Special Meeting of Clackmannanshire Council held on 24 September 2021 were agreed as a correct record.

**CC.443 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 19 AUGUST 2021**

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 19 August 2021.

- (i) Clackmannanshire Licensing Board Sub Committee 25/08/21
- (ii) Partnership and Performance Committee 26/08/21
- (iii) Place Committee 09/09/21
- (iv) People Committee 16/09/21
- (v) Regulatory Committee 23/09/21
- (vi) Education Appeals Committee 29/09/21
- (vii) Audit Committee 30/09/21
- (viii) Clackmannanshire Licensing Board 05/10/21

**CC.444 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL**

The report, submitted by the Chief Executive, sought Council approval of recommendations which had been made by the Partnership and Performance Committee of 26 August, 2021 and Place Committee on 9 September 2021.

**Motion**

To agree the recommendations as set out in the report.

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

**Decision**

The Council agreed from the Partnership and Performance Committee of 26 August, 2021 in relation to the report entitled "HR Policies" to agree the revised policies and from Place Committee of 9 September 2021 in relation to the report entitled "Affordable Housing Update" approve the find mix for Primrose Street, Alloa and approve the funding for the demolition at 28-38 Engelen Drive, Alloa.

**Action**

Strategic Directors (Partnership and Performance) and (Place)



#### **CC.445            BUDGET STRATEGY UPDATE**

The report, submitted by the Chief Finance Officer, provided an update on the Councils Budget strategy and the proposed process for setting the 2022/23 General Fund and HRA Revenue and Capital Budgets to ensure a balanced position.

#### **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 note:

1. the financial impact of the Covid19 pandemic on projected revenue outturns;
2. the 2022/23 indicative budget gap and illustrative Low, Medium and High scenarios;
3. the approach to setting the 2022/23 budget to ensure a balanced position;
4. the expected timing of the 2022/23 UK Spending Review and the draft Scottish budget and Local Authority Settlement;
5. the ongoing commitment to Participatory Budgeting (PB), and;
6. progress on the GF and HRA budget process for 2022/23 and timeline of key activities.

The Council agreed to approve:

1. the allocation of the remaining 2020/21 earmarked Covid19 discretionary funding after commitments, to offset the General Fund projected overspend attributable to Covid19 (paragraph 3.4).

#### **Action**

Chief Finance Officer

#### **CC.446            BE THE FUTURE UPDATE**

The report, submitted by the Strategic Director (Transformation), provide Council with an update on progress on the Be the Future Programme.

#### **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 note:

1. The work on the budget strategy and the position that the Be the Future programme will have within the strategic narrative for the budget (paragraph 3.1).
2. The work on developing fully-costed business cases for the priority projects associated with the budget strategy which provides the context for the resource requests that are outlined in paragraphs 3.2 – 3.5.

3. The progress in completing work on establishing the governance and deliver model approved at the June Council meeting, including the progress on setting up the first three working groups in the Be the Future programme (paragraphs 3.42 – 3.44).
4. The progress on the Capacity analysis and Skills Audit tender and the next steps in the process as outlined in paragraph 3.12.
5. The work with Scottish Futures Trust (SfT) to develop the rapid scoping assessment and associated 'prospectus' for the Transformation Zones in Alloa (paragraphs 3.13 – 3.31).
6. The opportunity to accelerate the development of Scotland's international Environment Centre to maximise the impact of the Transformation Zones (paragraphs 3.9 – 3.31).
7. The direction of travel for future funding bids and grants that relate to the Be the Future programme as outlined in paragraphs 3.34 – 3.37.

The Council agreed to approve:

8. Repurposing the £467k previously approved budget from the Transformation Fund as set out in paragraph 3.8.
9. Subject to approval of 8. above, that £203k of the £467; repurposed funds are used to fund the resources outlined in paragraph 3.7 and the remaining balance be added to the delegated flexible resourcing fund (paragraphs 3.8 – 3.10).
10. The repurposing of £300k from the approved 2021/22 Capital Plan to accelerate Scotland's International Environment Centre as outlined in paragraph 3.30; and.
11. The principal of spending up to £145,500 at risk for two City Region Deal Skills and inclusion projects relating to Digital and Active travel skills which would be met from uncommitted reserves if funding was not approved (paragraph 3.33).

#### **Action**

Strategic Director (Transformation)

#### **CC.447 WELLBEING HUB**

The report, submitted by the Strategic Director (People), provided Council with an update on the progress of the development of a new wellbeing Hub and Pool for Clackmannanshire and on the development of the interim arrangements (hire of a swimming pool) until the new development is fully operational. Toby Harling from Box Architects and Neil Richardson from Total Swimming presented a presentation to Council on the set up of a temporary swimming pool and answered any questions from members.

#### **Motion**

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

Moved by Councillor Craig Holden. Seconded by Councillor Graham Lindsay.

#### **Decision**

The Council:

1. Noted the outcome of RIBA Stage 0 and the Engagement to date (paragraph 3);
2. Agreed to progressing the RIBA Stage 1 to take forward a detailed Options Appraisal to inform the Business Case (paragraph 3.7);

3. Noted the outcome of both initial and detailed Feasibility Studies for the fire of an Interim Swimming Pool at Marshall, Alloa as outlined by officers at the Council meeting (paragraph 4.4);
4. Agreed that plans progress to Design stage for an Interim Swimming Pool with a procurement exercise in line with procurement guidelines (paragraph 4.3);
5. Agreed that a detailed Business Case for the hire of an Interim Swimming Pool at Marshall, Alloa should be also progressed (paragraph 4.5);
6. Subject to satisfactory full Business Case, agreed that officers initiate the appropriate procurement journey for the hire of an Interim Swimming Pool on the basis that estimated costs do not exceed budget levels already approved by Council for the provision of Leisure services (paragraph 4.5);
7. Agreed the Interim Business Case and project progress is reported to Council on 16 December 2021 (paragraph 4.5);
8. Noted that should estimated costs within the Business Case exceed approved Leisure service provision budget levels, that officers will seek Council consideration and approval before initiating procurement for the hire of an Interim Swimming Pool (paragraph 4.5);
9. Noted that officer are exploring the costs of re-introducing swimming lessons for all P5 school pupils, and that detailed proposals and budget implications will come back to Council for consideration in December (paragraph 4.3).

**Action**

Strategic Director (People)

*The Provost agreed to a 10 minute comfort break at 11.55 am until 12.05 pm*

**CC.448 COUNCIL RESPONSE TO THE NATIONAL CARE CONSULTATION**

The report, submitted by the Strategic Director (People), sought agreement on the approach to a Council response to the National Care Service Consultation which was launched by the Scottish Government in August 2021.

**Motion**

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

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

**Decision**

The Council agreed to the proposal in paragraph 3.7 that a response to the Consultation is submitted by the required deadline.

**Action**

Strategic Director (People)

**CC.449 SENIOR MANAGER RECRUITMENT**

The report, submitted by the Strategic Director (People), invited Council to agree the ongoing recruitment process for vacant Senior Manager posts with the People Directorate.

**Motion**

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

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

**Decision**

The Council:

1. Agreed that, notwithstanding the previous Council decision and current terms of the Scheme of Delegation which provide that recruitment of senior managers is delegated to the Appointments Committee, that the recruitment to vacant Senior Manager posts within the People Directorate, not including final interview, is delegated to the Strategic Director (People);
2. Agreed that for final interviews a politically balanced Appointments Committee, supported by relevant officers, be convening comprising:
  - 2 SNP members (Portfolio Holder and Depute of the People Committee)
  - 1 Labour member
  - 1 Conservative member
3. Noted the considerations outlined in the paper

**Action**

Strategic Director (People)

**CC.450 ECONOMIC DEVELOPMENT UPDATE: SHORT TERM ACTION PLAN (ECONOMIC DEVELOPMENT SERVICE) AND EMPLOYABILITY UPDATE**

The report, submitted by the Strategic Director (Place), presented a short term Action Plan of activity within the Economic Development Team which will contribute to a wider Economic Recovery Plan for Clackmannanshire, highlighted new and extensions to current Employability programmes that the Council is being asked to deliver, updated on Covid business grants, including an update on Discretionary Fund Phase 3, highlighted current Partnership working and also highlighted key challenges that will need to be considered in relation to the implementation and delivery of a range of new Employability programmes which will have capacity and resource implication for the Economic Development Team.

**Motion**

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

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

**Decision**

The Council agreed to :

- Note and agree the Economic Development team short term Action Plan (attached as Appendix A to this report);

- Note the activities currently being undertaken within Economic Development, in particular the update to the range of current and new employability programmes delivered through Clackmannanshire Works;
- Note the proposals for Young Persons Guarantee Activity 2021/22 (full detail at Appendix B to this report);
- Note the extension to the current European Social Fund (ESF) programme to end of March 2023, in line with the end of the Fair Start programme;
- Note the spend on the Discretionary Fund to date, and arrangements now in place for use of the underspend (Discretionary Fund Phase 3);
- Note the current Partnership working, and opportunities for and examples of Regional Working;
- Note the challenges faced by the Economic Development Team in terms of capacity and capabilities to be able to respond to the rapidly moving employability agenda and a changing set of immediate employability priorities for Local Government;
- Note that a team redesign is planned during the next 18 months in order to be able to respond to the new delivery model which will be required through No-one Left Behind, aligned to the end of our ESF and Fair Start programmes early in 2023.

**Action**

Strategic Director (Place)

***Ends 12:43 hrs***



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Committee Recommendations Referred to Council**

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**Report by: Chief Executive**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to seek Council approval of recommendations which have been made by the Partnership and Performance Committee on 28 October 2021.
- 1.2. Under the Council's decision-making framework, Council has delegated certain matters to committees and has reserved certain powers. Included in the latter are the approval of main policies and strategies (Scheme of Delegation 3.2), the approval of budgets (Scheme of Delegation 3.19) and the spending of money not budgeted for (Scheme of Delegation 3.20).
- 1.3. Standing Order 8.4 requires that where a Committee passes a report to Council, the full Committee report shall not be included again on the Council agenda and that officers should prepare a brief report that refers to the relevant Committee report and recommendation(s).

## **2.0 Recommendations**

- 2.1. It is recommended that Council:
  1. from the **Partnership and Performance Committee of 28 October, 2021**, in relation to the report entitled "*HR Policies*"
    - a) Agrees the revised policies – Flexible Retirement, Overseas Criminal Record Checks, Continuing Further Education and Mental Health, Stress and Wellbeing.
- 2.2 The report relating to Partnership and Performance Committee is available on the Council's website.

## **3.0 Sustainability Implications**

- 3.1. N/A

## 4.0 Resource Implications

### 4.1. Financial Details

4.2. 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

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

### 4.4. Staffing

## 5.0 Exempt Reports

5.1. Is this report exempt? No

## 6.0 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)

## 7.0 Equalities Impact

7.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 8.0 Legality

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

## 9.0 Appendices

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

None.



## 10.0 Background Papers

10.1 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)

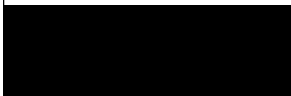
Yes  (please list the documents below) No

a) Agenda, together with Minute of the Partnership and Performance Committee of 28 October, 2021

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Nikki Bridle	Chief Executive	452002

### Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Chief Executive	



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Budget Strategy Update**

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**Report by: Chief Finance Officer**

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## **1.0 Purpose**

- 1.1 This paper provides an update on the Councils Budget Strategy and the process for setting the 2022/23 General Fund and HRA Revenue and Capital Budgets to ensure a balanced position.

## **2.0 Recommendations**

2.1 Council is asked to note:

2.1.1 the financial impact of the Covid19 pandemic on projected revenue outturns as at August;

2.1.2 the 2022/23 indicative budget gap and illustrative Low, Medium and High scenarios and the Local Authority Settlement;

2.1.3 the budget approach to setting the 2022/23 budget to ensure a balanced position and progress update;

2.1.4 progress on the GF and HRA budget process for 2022/23 and timeline of key activities.

2.2 Council is asked to approve:

2.2.1 Funding from uncommitted reserves to meet the in year cost pressure for property Repairs and Maintenance up to an amount of £0.585m (para 3.4)

### **3.0 Financial Overview 2021/22**

#### **General Fund Revenue**

- 3.1 The Covid19 pandemic continues to have a significant impact on the Councils financial position for 2021/22. At the previous Council meeting in October, Council approved the use of the earmarked discretionary COVID funding to offset in year COVID spend across services. The latest forecast outturn report as at August presented to the Audit Committee in November 2021 indicated a projected overspend of £2.445m, of which £2.174m directly related to Covid19. Allocating the earmarked discretionary funding would reduce this overspend to £0.945m.
- 3.2 It was agreed that as the in year forecasted overspend due to COVID and the balance on the earmarked reserves may fluctuate throughout the year, that this will be monitored and the allocation adjusted to reflect the final position as at 31 March 2022. The allocation of any further funding will also be considered and offset against Covid19 spend as appropriate.
- 3.3 Further details on the financial impact of COVID19 for 2021/22 will continue to be reported through monitoring reports to Service Committees with a summarised Council position reported to the Audit Committee.
- 3.4 During the year there has been an abnormal amount of unforeseen additional repairs and maintenance required to the property portfolio. This has resulted in a forecasted unbudgeted in year cost pressure of £0.585m. Council is asked to approve the use of uncommitted reserves upto the value of £0.585m to fund this pressure where the pressure cannot be met from the existing budget.
- 3.5 The total abnormal repairs and maintenance costs for the year are forecast to be £0.631m, however, some of these costs have already been absorbed into the existing revenue budget. The remaining balance of £0.585m is required to meet current year liabilities. The abnormal cost items have been grouped into three main areas of spend; Bedford Place £291k, vacant public buildings £156k and essential spend on other public buildings £184k. Further details of spend within the 3 areas are provided in Appendix 2.

### **4.0 Indicative Budget Gap 2022/23**

- 4.1 In the absence of any further information at this time, the indicative budget gap for 2022/23 and future years remains to be based on the assumptions previously set out in the 2021/22 Budget paper with an indicative budget gap for 2022/23 of £5.980m rising to £13.656m by 2024/25. Low Medium and High Scenarios reflecting uncertainty around possible scenarios were presented in the last Budget Strategy paper to Council in October and these also remain unchanged. In these scenarios the indicative gap ranges from £5.508m to £13.142m with a cumulative indicative gap of between £12.240m and £35.142m.
- 4.2 **Appendix 1** provides detail of the Indicative gap and Low, Medium and High scenarios and the assumptions used.

## **Budget Settlement**

- 4.3 It is anticipated that the assumptions within the indicative gap will be able to be revised following the budget announcements throughout December:
- Draft Scottish budget expected 9<sup>th</sup> Dec which will provide a high level summary of the total Budget for Scotland with indicative figures for 2023/24 and 2024/25,
  - Local Authority Settlement is due to be announced on 16 December with the Draft circular setting out full details issued on 20 December.
- 4.4 These announcements will be analysed to assess the impact of the settlement on the Councils budget gap. In particular, the draft settlement should provide confirmation of the level of core Grant funding, information on any constraints on the setting of Council Tax Levels and any ringfenced funds for Health and Social Care that may offset proposed demand pressures.

## **5.0 2022/23 Budget Approach**

- 5.1 The Budget Approach for 2022/23 has previously been set out in Budget Strategy updates to Council and in the recent briefings to All members and Trade Union representatives. The leading approach for this year is to focus on Strategic Analysis. This covered a number of key tasks including: historic trend analysis using various sources of internal and external data, forward looking demand pressures and the risk and impact of various cash reduction scenarios.
- 5.2 This work is progressing and has been used to inform discussions to identify and prioritise investment for future years and the resultant development of savings and pressures.

## **General Fund Capital**

- 5.3 In the 2021/22 Budget, Council set an ambitious 20year programme of capital investment. As part of budget process for 2022/23 the programme is being reviewed and updated for any known changes or estimated uncertainty due to factors such as Brexit and Covid and for any new investment priorities. Officers have been working with the Capital Accountant reviewing each project against the following challenge areas:
1. Affordability and deliverability – does the Phasing of the projects and the estimated costs require updating – impact of current economic conditions around the availability of resources covering suppliers/contractors, materials, skilled labour both internally and externally
  2. Priority – are the approved projects still the investment priority, recognising changing demands
  3. New bids – are there new projects that can be achieved instead of others that are being rephased

4. Affordability – is the revised programme still affordable in line with increased interest rates.
- 5.4 2 Workshops have been held with officers to review and scrutinise the revised plans to formulate proposals for revision to the programme. It is intended these will then be presented to members for discussion.

## 6.0 2022/23 Budget Process and Timeline

6.1 The budget timeline was set out in the Budget Strategy Report to council in August. This section sets out the progress so far and updates the indicative timeline.

6.2 Progress during October to December since the last budget report to Council in October:

- **Briefings** - Initial session held with the Administration Group. This session set out the current budget gap and assumptions and budget approach. Briefings for All Members and Trade Union representatives were held week beginning 15<sup>th</sup> November.
- **Capital** - Officers reviewing capital projects within approved programme and preparing business cases for any capital bids. 2 Capital Workshops held with Officers to review and revise the agreed capital budget and to scrutinise new capital bids including nay jointly related with HRA.
- **Demand Pressures** - 3 Sessions have been held with SLG to review and agree proposed Demand pressures.
- **Savings** - Work ongoing to refine proposed savings and identify any further savings. Directors are meeting to discuss savings proposals with Conveners.
- **HRA** - draft budget preparation work including review of rent level and proposals out for consultation with the tenants federation.

6.3 An indicative budget timeline for further budget activities is set out below.

- **December** – Release of the Draft Local Authority Settlement which will be reviewed and the indicative gap assumptions updated to reflect the proposed settlement. Briefing on the impact of the settlement to be issued to all members.

Demand pressures proposal finalised - Budget gap will be updated with proposed bids.

SLG to review the remaining budget gap after applying savings and pressures proposals and further development of proposals will take place if required.

- **January** – roll-forward budget to be completed and the Budget gap updated.

Consultation and engagement activity to be concluded for both GF savings proposals and HRA rent levels.

Further work by Officers on refining and finalising savings proposals and to refine and prioritise the Capital Budget.

Briefings will be held with Elected Members and Trade Union representatives to provide an update on: the Settlement impact, any changes to assumptions, approved savings and demand pressures and the resultant budget gap.

- **February/March** - A workshop will also be held with Senior Officers and the Administration Group to finalise the Administration's Budget.

The 2022/23 budget proposal will be finalised and Full Council meeting will be held to set the 2022/23 Budget.

2022/23 HRA budget to be finalised and presented to Council for approval no later than Thursday 10 February 2022. This is to enable compliance with the mandatory notice period to tenants of any rent change.

- 6.4 Updates on progress on this timeline will be provided at briefings and through future Budget Strategy reports to Council.

## **7.0 Sustainability Implications**

- 7.1 There are no direct environmental sustainability implications arising from this report.

## **8.0 Resource Implications**

### *8.1 Financial Details*

- 8.2 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

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

### *8.4 Staffing*

- 8.5 There are no direct staffing implications arising from this report.

## **9.0 Exempt Reports**

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

## **10.0 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)

**11.0 Equalities Impact**

- 11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

**12.0 Legality**

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

**13.0 Appendices**

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

Appendix 1 – Indicative Budget Gap and Assumptions

Appendix 2 – Buildings Repairs and Maintenance Additional Spend

**14.0 Background Papers**



- 14.1 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)  
General Services Revenue and Capital Budget 2021/22



**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Lindsay Sim	Chief Finance Officer	2022

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Lindsay Sim	Chief Finance Officer	
Stuart Crickmar	Director of Partnership & Performance	

## INDICATIVE BUDGET GAP

Extract from Budget Strategy Report presented to Council in October 2021

**Table 1: Indicative budget gap 2022/23 to 2024/25 – Low, Medium & High**

Annual Indicative Funding Gap	Current £000	Low £000	Medium £000	High £000
2022/23	<b>5,980</b>	5,508	9,206	13,142
2023/24	<b>4,156</b>	3,684	7,382	11,318
2024/25	<b>3,520</b>	3,048	6,746	10,682
<b>Cumulative Indicative Funding Gap</b>	<b>13,656</b>	<b>12,240</b>	<b>23,334</b>	<b>35,142</b>

**Table 2: – Budget Gap Variables**

Variables	Current £000	Low £000	Medium £000	High £000
Pay Award	2%	3%	4%	5%
Grant Funding	0%	+1%	-1%	-3%
Council Tax	3%	3%	2%	0%
Demand Pressures	£2.5m	£2m	£3m	£4m

- 4.3 The table above shows the Current indicative budget gap for 2022/23 is £5.980m with a cumulative indicative gap of £13.656m upto 2024/25. The indicative gap across the Low, Medium and High scenarios for 2022/23 ranges from £5.508m to £13.142m with a cumulative indicative gap of between £12.240m and £35.142m.
- 4.4 It should be noted that the Low, Medium and High scenarios are illustrative of a possible range of outcomes for each variable and it is unlikely that all variables will realise as they are set out in one scenario. As further information becomes known on each variable, this will be factored into the scenarios and planning assumptions and reported through briefings and/or future budget strategy reports.

## BUILDING REPAIRS AND MAINTENANCE ADDITIONAL SPEND

<b>ABNORMAL Revenue Spend - Bedford Place</b>	
Scaffolding per annum	£24,000
Security/Intruder systems	£15,000
Professional Fees	£83,000
Additional propping and repairs	£169,000
<b>Total</b>	<b>£291,000</b>

<b>ABNORMAL Revenue Spend on vacant public buildings</b>	
Clacks Primary and Secondary Support Unit	£28,562
St Mungos	£8,157
Ditch Farm	£974
ABC Nursery	£1,498
Alloa Leisure Bowl	£5,641
Marshall House	£769
Greenfield House	£31,518
Glentana Mill	£1,102
<b>Total Cost Year to date (7mths)</b>	<b>£78,221</b>
<b>Total Forecasted cost to year end</b>	<b>£156,000</b>

<b>ABNORMAL Revenue Spend on other essential Public Buildings</b>	
Deerpark/Lochies Primary School (additional security measures vandalism repairs, attendances for call outs)	£56,000
Park Primary School Structural Works Gym Hall	£50,000
St Bernadettes/The Orchard	£5,000
Car Park Improvement Works Dumyat Centre	£23,000
Class Cuisine Refurbishment Works	£50,000
<b>Total</b>	<b>£184,000</b>

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**Report to: Clackmannanshire Council**

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**Date: 16 December 2021**

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**Subject: Treasury Management Update at 30th September 2021**

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**Report by: Chief Finance Officer**

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## **1.0 Purpose**

1.1 The purpose of this report is to present an update of Treasury Management activity for the period to 30th September 2021.

## **2.0 Recommendations**

2.1 It is recommended that the Council note, comment and challenge as appropriate on the mid year review of the Council's Treasury Management activities.

## **3.0 Considerations**

3.1 The Treasury Management Strategy Statement (TMSS) for 2021/22 and the Prudential Indicators for 2021/22 to 2023/24 were approved by the Council on 24 March 2021. No changes to the TMSS are proposed in this report.

3.2 The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that Council be updated on treasury management activities regularly (Treasury Management Strategy Statement, annual and midyear reports). This midyear report therefore ensures the Council is implementing best practice in accordance with the Code.

3.2 The report covers the following:

- The Economy and Interest Rates;
- Interest Rate Forecast;
- Investment Outturn for 2021/22;
- Borrowing Requirement and Debt;
- Borrowing Outturn for 2021/22, and
- Compliance with Treasury and Prudential Limits.

## The Economy and Interest Rates

- 3.3 The COVID-19 pandemic has had major impact on the UK and world economies. In reaction to this, the Bank of England's Monetary Policy Committee (MPC) took emergency action to cut Bank Rate to 0.25% (from 0.75%) on 10 March 2020 and then further reduced it to 0.1% on the 19 March 2020. The rate remained unchanged since then during 2020/21 and the first 6 months of 2021/22 standing at 0.1% as at 30 September 2021.
- 3.4 The Bank of England's Monetary Policy Committee (MPC) sets monetary policy to meet the 2% inflation target, with the aim of sustaining growth and employment. The MPC recent forecast is that inflation will rise above the 2% target. This is due to the impact of the pandemic and BREXIT which have been disruptive of extended worldwide supply chains. A rise in oil and gas prices and businesses struggling to meet extra demand due to shortages of materials and workers are also contributing to this increase in inflation. The MPCs forecast is that inflation will peak at around 5% in spring 2022 and as such are considering interest rate rises over the coming months.

### Interest Rate Forecast

- 3.7 The Council's treasury advisors, Link Group, have provided the following interest rate forecast on 29 September 2021, which is in line with the economic outlook set out in paragraphs 3.3 & 3.4 above.

**Table1: Investment Forecast provided by Link Asset Management**

	Dec 21	Mar 22	Jun 22	Sep 22	Dec 22	Mar 23	Jun 23	Sep 23	Dec 23	Mar 24
<b>Bank Rate View</b>	0.10	0.10	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.75
<b>5yr PWLB Rate</b>	1.40	1.40	1.50	1.50	1.60	1.60	1.60	1.70	1.70	1.70
<b>10yr PWLB Rate</b>	1.80	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.10
<b>25yr PWLB Rate</b>	2.20	2.20	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.60
<b>50yr PWLB Rate</b>	2.00	2.00	2.10	2.20	2.20	2.20	2.20	2.30	2.30	2.40

- 3.8 The coronavirus outbreak has had a significant detrimental impact on the UK and other economies around the world. As outlined in paragraph 3.3 above the Bank Rate as at 30 September 2021 is 0.1%. The forecast is for three increases within the forecast period ending March 2024: June 2022 0.25%, June 2023 0.5% and March 2024 0.75%. There is a high level of uncertainty as the economy recovers from the pandemic which could lead to the forecast being changed within a short timeframe.

- 3.9 As shown in the interest forecast table above for PWLB certainty rates, there is likely to be a steady increase in PWLB certainty rates over the next two years.

### **Investment Outturn for 2021/22**

- 3.10 The Treasury Management Strategy Statement (TMSS) for 2021/22 includes the Annual Investment Strategy, which sets out the approved upper limits of investments with fixed and variable interest rates. It can be confirmed that these limits were not breached during the six months ending 30th September 2021.
- 3.11 As at 30 September 2021, the Council held cash balances of £33.7m, of which £7.7m was immediately available in the Council's bank accounts and a further £21.0m immediately available from holdings in money market funds (MMF) and short duration bond funds (SDBF). £5m was held in short term deposit accounts with banks. The average level of funds available for investment during the period to 30 September 2021 was £11.1m. These funds were available on a temporary basis and vary depending on a number of factors including cash flow and the borrowing strategy.

In order to maintain the availability of cash to meet daily cashflow payments, cash is held in current accounts, money market funds (MMF) and short duration bond funds (SDBF). Current accounts generally have low interest rates, therefore cash has been invested in MMFs and SDBFs on a short term basis to achieve a higher return. MMFs and SDBFs are mutual funds that invest in a range of short-term and medium-term money market instruments such as cash deposits (e.g. with banks), short term fixed and variable income securities (such as bonds) and, for SDBFs, mortgage and asset backed securities. These funds allow investors to participate in a more diverse and high-quality portfolio holdings than if they were to invest independently. Their primary aims are the preservation of capital and the provision of liquidity whilst offering a level of return consistent with money market investment. This aim is consistent with the Council's investment priorities of security first, liquidity second and then returns.

A deposit of £3m that was invested for a fixed term of one year matured on 30 September 2021.

- 3.12 The benchmark investment returns over the 12 months ended 30th September 2021 are illustrated in the undernoted table:

**Table 2: Benchmark Investment Returns 2021/22**

<b>Benchmark</b>	<b>Benchmark Return</b>
<b>7 day</b>	(0.08%)
<b>1 month</b>	(0.07%)

<b>3 month</b>	(0.05%)
<b>6 month</b>	(0.02%)
<b>12 month</b>	0.07%

- 3.13 The Council's budgeted cash investment return for 2021/22 is 0.10%. This is a composite rate of all investments which is a mixture of instant access balances and short term investments with maturity dates up to 100 days. The budgeted rate was based on an expected bank rate of 0.10% for 2021/22.

For the period ended 30 September 2021 the Council achieved an actual investment return of 0.11% (£11k) which is marginally higher than budgeted. Individual investments performed in line with the benchmarks. Investments in MMF and SDBF achieved rates of between 0.00% and 0.11% against the negative benchmarks of (0.08%). One 6 month investment of £2.5m achieved a return of 0.06% against the negative benchmark of (0.02%) and two investments over one year achieved returns of 0.20% and 0.05% against the benchmark of 0.07%. A return of 0.01% was achieved on everyday cash balances, which outperformed the benchmark for 7 day investments which was negative for the period.

The bank rate has remained at 0.1% since March 2020 but is expected to rise to 0.75% over the next 3 years. Investment rates generally follow the bank rate, however it is expected to continue to be a very difficult investment market in terms of earning interest. Opportunities to meet the budgeted investment return for the remainder of the 2021/22 financial year are therefore limited but are hoped to be achieved.

### **Borrowing Requirement and Debt**

- 3.14 The Council's underlying need to borrow to finance capital expenditure, termed the Capital Financing Requirement (CFR) is shown below. This shows a decrease in the CFR from budgeted, due to the net effect of:
- the General Fund capital expenditure for 2020/21 being less than anticipated;
  - the forecast General Fund capital expenditure for 2021/22 being less than anticipated (with proposed re-phasing of spend into future years), and
  - the realisation of the investment in Coalsnaughton NHT 2012 LLP in March 2021.

Overall this results in a net decrease from the budgeted CFR.



**Table 3: Borrowing Requirement (CFR) 2021/22**

	<b>31 March 2021</b>	<b>31 March 2022</b>	<b>31 March 2022</b>
	<b>Actual</b>	<b>Budget Estimate</b>	<b>Projected as at</b>
	<b>£000</b>	<b>£000</b>	<b>30th September</b>
			<b>2021</b>
			<b>£000</b>
CFR General Fund	120,666	131,547	125,182
CFR HRA	22,451	21,855	22,147
<b>Total CFR</b>	<b>143,117</b>	<b>153,402</b>	<b>147,329</b>

**Borrowing Outturn for 2021/22**

3.15 During the period to 30 September 2021, the Council reduced its external borrowing by £617k. This included repayment of £31k of towards the Salix interest free loan and repayments of £586k towards the Council's PFI and finance lease.

3.17 The budgeted capital spend was funded from internal borrowing (cash balances) with no additional external borrowing being undertaken for the first 6 months of the year. At this time there is no additional external borrowing forecasted to be undertaken by 31 March 2022 but this will be subject to progress on the capital programme and the level of cash balances held.

3.18 The Council's external borrowing position as at 30 September 2021 and expected year end position is illustrated in the undernoted table:

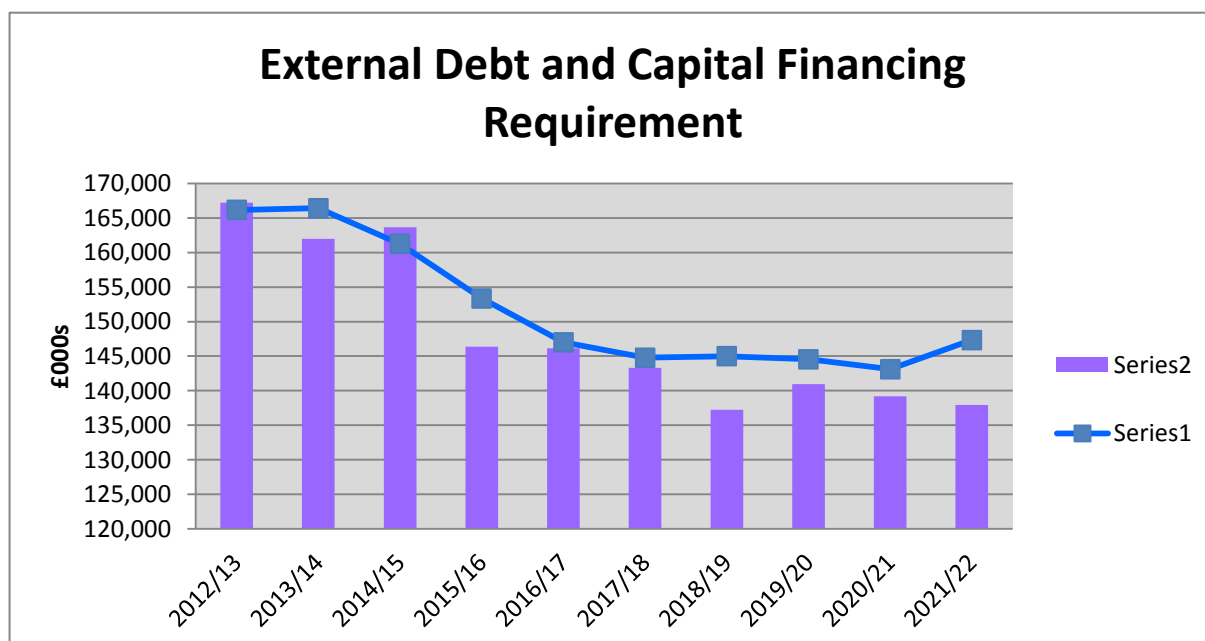
**Table 4: External borrowing at 2021/22**

	<b>Actual</b>	<b>Actual</b>	<b>Projected</b>
	<b>March 2021</b>	<b>September 2021</b>	<b>March 2022</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Public Works Loan Board	77,098	77,098	77,096
Market Loans	18,500	18,500	18,500
LOBO Loans	5,000	5,000	5,000
Other long term liabilities	250	219	188
Long term Liabilities under Finance Lease	37,845	37,259	36,672
<b>Total</b>	<b>138,693</b>	<b>138,076</b>	<b>137,456</b>

3.19 The level of borrowing forecast to marginally reduce by the end of 2021/22. This is on the basis that no new external borrowing is undertaken during the remaining 6 months of the year.

The following chart shows the actual and forecast level of debt up to the end of 2021/22. In addition to programmed capital spend, repayment profiles of debt maturity mean there are variations in annual change in debt year on year.

**Table 5: External debt and Capital Financing Requirement (actual and forecast)**



3.20 Overall there is a forecasted reduction in cumulative external debt of £34m (21%) since 2012, showing that over the longer term the Council has not increased its level of debt to finance its capital programme. However the capital programme for 2021/22 to 2040/41, approved at Council on 24 March 2021, included a significant increase in expenditure on previous budgets and it is anticipated that new external borrowing will need to be undertaken to ensure sufficient cash is available to meet the capital investment. As a result external debt is forecast to increase in the medium term, falling again towards the end of the 20year programme. Repayments towards PFI and finance leases also continue to reduce the Council’s overall level of external debt on an annual basis.

In line with 2021/22 TMSS and the Prudential Indicators, total external debt of £137m forecast at end of the year remains below the Operational Boundary for External Debt (£152m) and the Authorised Limit for External Debt (£164m).

**Borrowing in advance of need**

3.21 The Council has not borrowed in advance of need in the six months ended 30 September and has no intention to borrow in advance during the remainder of 2021/22.

## **Debt Rescheduling**

- 3.22 Debt rescheduling opportunities have been very limited in the current economic climate, given the consequent structure of interest rates, which has impacted on PWLB new borrowing rates since October 2010. Consequently no debt rescheduling has been undertaken in the current financial year.

## **Compliance with Treasury and Prudential Limits**

- 3.23 It is a statutory duty for the Council to determine and keep under review the affordable capital expenditure limits. The Council's Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.
- 3.24 All treasury and prudential indicators set out in the Council's TMSS have been complied with in the financial period to 30 September 2021. These prudential and treasury Indicators are shown in Appendix 2.

## **4.0 Conclusions**

- 4.1 Cash balances as at 30 September were at a level of £33.7m which contributes to supporting the Council's capital financing requirement internally.
- 4.2 The Councils return on investments was higher than the benchmark rates for the first six months of the financial year and is marginally higher than the budgeted return.
- 4.3 The Council has repaid £0.586m towards PFI and Finance leases and £0.031m towards other external debt.
- 4.4. No new external borrowing is expected to be undertaken during the remainder of the financial year.
- 4.5 Immediate cash balances have decreased by £2.172m over the first six months of the year and £21m is held in two money market funds and two short duration bond funds. It is anticipated that the balances in the MMFs and SDBFs will reduce during the remainder of the financial year as funds are transferred to fulfil revenue and capital commitments.

## **5.0 Sustainability Implications**

- 5.1 None

## **6.0 Resource Implications**

### *6.1 Financial Details*

- 6.2 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

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

Yes

6.4 Staffing

6.5 None

## 7.0 Exempt Reports

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

## 8.0 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)

Treasury Management Policy Statement and Practices

## 9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

N/A Yes  No

## 10.0 Legality

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

## 11.0 Appendices

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

Appendix 1 – Investment Portfolio as at 30th September 2021

Appendix 2 - Prudential and Treasury Indicators as at 30th September 2021

## 12.0 Background Papers

12.1 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)

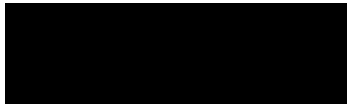
Yes  (please list the documents below) No

**Treasury Management Strategy 2021/22 - report to Council March 2021**

### Author

NAME	DESIGNATION	TEL NO / EXTENSION
Helen Coleman	Corporate Accountancy Team Leader	

### Approved by

NAME	DESIGNATION	SIGNATURE
Lindsay Sim	Chief Finance Officer	
Stuart Crickmar	Director of Partnership & Performance	

APPENDIX 1: Investment Portfolio as at 30 September 2021

<b>Borrower</b>	<b>Principal (£000)</b>	<b>Interest Rate</b>	<b>Start Date</b>	<b>Maturity Date</b>
Bank of Scotland plc	2,500	0.05% Fixed	367 day call account	
Bank of Scotland plc	2,500	0.06% Variable	175 day call account	
Aberdeen Standard Money Market Fund	6,000	Variable	Instant access	
Aberdeen Standard Ultra Short Dated Bond Fund	10,000	Variable	Instant access	
Blackrock Ultra Short Dated Bond Fund	5,000	Variable	Instant access	
Royal Bank of Scotland plc	8,171	0.01% (balances above £1m)		
Bank of Scotland plc	3,018	0.0%		
Other Accounts	32	-		
<b>Total Cash and Cash Equivalents</b>	<b>37,221</b>			

<b>Short Term Investments</b>	<b>Principal (£000)</b>
CSBP Clackmannanshire Investments Ltd	1
<b>Total Short Term Investments</b>	<b>1</b>

<b>TOTAL INVESTMENTS</b>	<b>37,222</b>
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APPENDIX 2: Prudential and Treasury Indicators as at 30 September 2021

Treasury Indicators	2021/22 Budgeted Estimate	Actual as at 30 September 2021	Projected 31 March 2022
	£'000	£'000	£'000
Authorised limit for external debt	164,000	164,000	164,000
Operational boundary for external debt	152,000	152,000	152,000
Gross external debt	145,125	138,543	137,919
Investments	35,951*	37,222	37,222
Net borrowing	109,174	101,321	100,697

\*Actual as at 31  
March 2021

Maturity structure of fixed rate borrowing - upper and lower limits (excluding PFI and Finance Leases)	Upper and Lower Limits	Fixed Rate Borrowing as at 30 September 2021 £'000	% of Total Fixed Rate Borrowing
Under 12 months	25% - 0%	3,040	3.02%
12 months to 2 years	25% - 0%	0	0.00%
2 years to 5 years	50% - 0%	3,670	3.64%
5 years to 10 years	75% - 0%	5,630	5.58%
10 years and above	100% - 0%	88,478	87.76%
		100,849	100.00%

## APPENDIX 2: Prudential and Treasury Indicators

Prudential Indicators	2021/22 Budgeted Estimate	2021/22 Projected Outturn as at 30 September 2021	Variance
	£'000	£'000	£'000
Capital expenditure - General Fund Services	15,320	14,597	(723)
Capital expenditure - Housing Revenue Account	8,901	8,992	94
Capital Financing Requirement (CFR) - General Fund	131,547	125,182	(6,360)
Capital Financing Requirement (CFR) - HRA	21,885	22,147	(262)
In year borrowing requirement	8,277	9,410	1,133
Ratio of financing costs to net revenue stream - General Fund	3.78%	3.78%	0.00%
Ratio of financing costs to net revenue stream - HRA	7.57%	7.48%	(0.09%)



**CLACKMANNANSHIRE COUNCIL**

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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Wellbeing Hub Update**

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**Report by: Strategic Director (People)**

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**1.0 Purpose**

- 1.1. This paper provides Council with an update on progress with the development of the new Wellbeing Hub for Clackmannanshire and Interim Provision.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- 2.2. Agrees to the two possible sites to be included in the Options Appraisal (para 3.2)
- 2.3. Agrees to the principles to be applied to the Options Appraisal (para 3.3)
- 2.4. Notes progress made with Engagement (paras 3.4 and 3.5)
- 2.5. Notes Ongoing Swimming arrangements at Dollar Academy (para 3.6)
- 2.6. Notes Progress with the procurement of an Interim Pool (paras 3.7)
- 2.7. Notes Progress with the demolition of the Alloa Leisure Bowl (para 3.8).

**3.0 Considerations**

Following approval and agreement by Council on 21 October, progress has been made in a number of areas.

- 3.1 Work on an Options Appraisal to consider the viability, feasibility and needs of a new Wellbeing Hub has now progressed with Hub East Central. The study will consider a long list of options, including taking learning from elsewhere. It is expected that a report from this work will provide a short list of options (maximum three) and concept design. This should be available by May 2022. This will inform a Business Case (RIBA Stage 2) which will be brought to Council for consideration.

- 3.2 Two possible sites have so far been identified within Alloa and will be considered as part of the Options Appraisal process.

Alloa West – see map at **Appendix 1**

The former Alloa Leisure Bowl site.

- 3.3 In considering the options, and in line with the feedback from both strategic and public engagement, HubCo have been requested to apply the principles of:

- Community Wealth Building
- Environmental Sustainability
- Affordability and Inclusivity
- Accessibility

- 3.4 Engagement continues with a number of key stakeholders. Team Wellbeing has been established which is tasked with ensuring ongoing engagement with key interest groups such as Alloa Swimming Club, Alloa Bowlers, private and partners providers, to ensure that they are fully engaged as the programme continues to progress. The Active Communities Group (full membership at **Appendix 2**) will be a key group going forward and regular meetings are being put in the diary to ensure that the project continues to be community led as it progresses through the design stage and complete RIBA Process.

- 3.5 A new web pages have been developed which raise awareness of existing activities and leisure opportunities within Clackmannanshire to make it easier for residents to see the range of what is already available and how to book. The web pages also provide ongoing updates on the Wellbeing Hub for the public as the project progresses. (See link in para 11 Background Papers)

- 3.6 Interim Swimming continues to be offered at Dollar Academy and for children with additional support needs at Alloa Academy Hydrapool.

- 3.7 As agreed at Council on 21 October, the procurement journey for an Interim Swimming Pool has progressed. In line with procurement requirements, an award has been made for the Concept Design Stage for a Interim Pool. A full Business Case, outlining detailed options and costs will come forward to Council, including costs to allow P5 Swimming lessons as part of the Interim arrangement.

- 3.8 As agreed by Council on 31 May 2021, the plans for demolition of Alloa Leisure Bowl are now progressing. The process for procurement for the demolition has now commenced.

## 4.0 Sustainability Implications

- 4.1 Clackmannanshire Council has committed to developing a comprehensive Climate Change Strategy within the next 12 months which will deliver a framework to ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to net zero greenhouse gas emissions by 2045.
- 4.2 In the absence of this strategy, guidance is provided in the Scottish Government's Net Zero Public Sector Buildings Standard. This standard was developed by the Net Zero team at the Scottish Futures Trust in collaboration with Zero Waste Scotland and Health Facilities Scotland with input from across the construction and public sectors in Scotland.

## 5.0 Resource Implications

### 5.1 *Financial Details*

The full financial implications will be set out in full within the business case and any revenue and capital implications considered within the context of the budget.

### 5.2 *Staffing*

The support of a Professional Adviser is now in place following a successful procurement exercise. The Adviser will maximise strategic engagement and seek potential investment in the Wellbeing Hub. There continues to be considerable interest in the development from Heath, University of Stirling and other key partners. Sport Scotland are continuing to provide staffing support as well as professional advice.

Further staffing support is being progressed through the Be the Future Programme Management Office, in particular for Public Engagement and Project Management (Construction). Overall Programme Management is still a gap in the project and will be raised through the Be the Future Programme.

## 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  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  No

**10.0 Appendices**

Appendix 1 – Alloa West Site Map

Appendix 2 – Active Communities Groups

**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


Link to the Leisure Website: <https://www.clacks.gov.uk/leisure/>

[https://www.sustainabilityexchange.ac.uk/files/nzpsb\\_standard\\_22march2021.pdf](https://www.sustainabilityexchange.ac.uk/files/nzpsb_standard_22march2021.pdf)

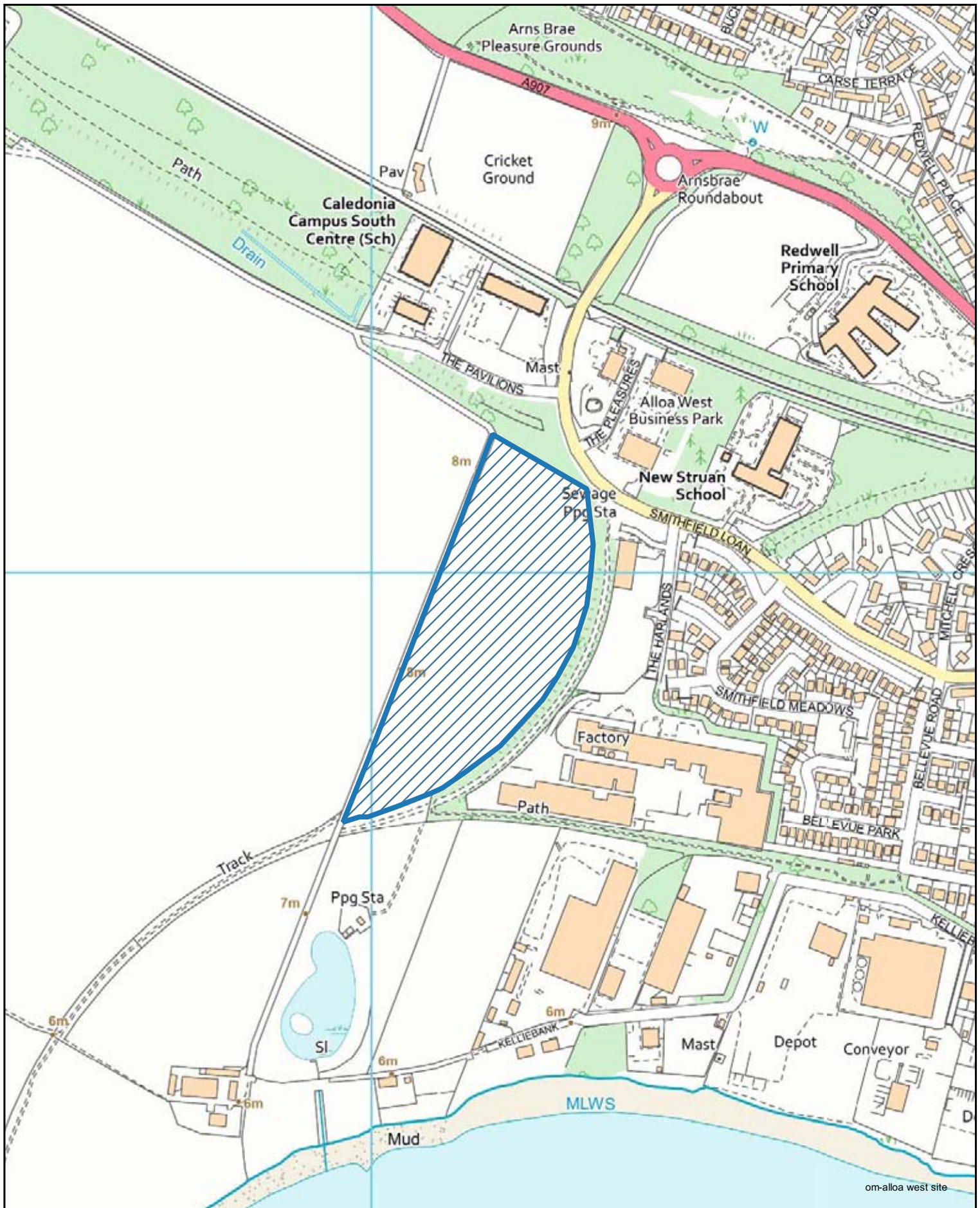
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**Approved by**

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Lorraine Sanda	Strategic Director (People)	





0 50 100 150 200 metres

Scale: 1:5000 Date printed: 23 November 2021

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## Land at Alloa West Smithfield Loan Alloa

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## **Appendix 2**

### **Active Communities Groups**

- SportsScotland
- HubCo
- Sports Development
- Community Learning Development
- Clackmannanshire Third Sector Interface
- Clackmannan Development Trust
- Dumyat Centre
- NHS Forth Valley
- Braveheart
- Dollar Academy - Futures initiative
- Clackmannanshire Sports Council
- Scottish Disability Sport
- Sauchie Active 8
- Wild Wimmin
- Clackmannanshire Tenant's and Resident Association
- Active Schools
- Lornhill Active Travel Hub
- Clackmannanshire Council Energy and Sustainability



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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Strategic Waste Management Update**

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**Report by: Strategic Director (Place)**

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**1.0 Purpose**

- 1.1. This report updates Members on national changes in waste collection and disposal which are being brought about in order to end the practice of sending biodegradable municipal waste to landfill and to contribute to climate change targets, ensuring that Scotland's waste is managed in a sustainable way. The paper also outlines plans for a review of waste services to comply with national policy initiatives.
- 1.2. The Council's Waste Service operates in a complex environment in terms of market changes, compliance requirements, budget and procurement. This Report provides :
- An interim update on the Scottish Materials Brokerage Service for Residual Waste Treatment contract.
  - An update on the legislative changes to the Biodegradable Municipal Waste Ban commencement date and the Council's legal duties.
  - An update on the Local Authority joint working group for a collaborative procurement exercise, supported by the Scottish Government and Zero Waste Scotland.
  - Details of the review and appraisal being undertaken by Zero Waste Scotland on household waste activities.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- 2.1.1 endorses the commitment to ending the practice of sending biodegradable municipal waste to landfill.
- 2.1.2 endorses the regional collaborative approach to procuring a medium term residual waste treatment solution, in order to secure a best value and reliable waste treatment solution that enables the Council to meet its statutory duties

under the Waste Management (Scotland) Regulations 2012, and in particular the ban on Biodegradable Municipal Waste which comes into effect in 2025.

- 2.1.3 notes the timetable for the proposed procurement process and especially that the Council is not legally committed to the outcome of this process at this time.
- 2.1.4 notes the review of household waste activities being carried out in partnership with Zero Waste Scotland.
- 2.1.5 notes the submission of three bids to the Scottish Government's £70m recycling infrastructure fund.

### **3.0 Considerations**

#### ***Current Residual Waste Disposal***

- 3.1 On 12 September 2019 the Place Committee consented that the Council become a signatory to the Scottish Procurement Agency Agreement, in order to access the 'Scottish Materials Brokerage Service for Residual Waste Treatment/Disposal'. This joint Local Authority contract ensured a medium term, legally compliant disposal solution for the Council's approximately 13,000 tonnes of residual and bulky waste to the Avondale Environment Limited (Polmont) site, which including available extension periods will run until 31 October 2024.
- 3.2 Ongoing joint quarterly contract management meetings are in place with all parties to the Materials Brokerage Contract and Clackmannanshire continues to work with Avondale Environmental Limited for the disposal to the Polmont landfill facility of all of the Authorities residual waste (household, commercial and bulky).
- 3.3 Whilst it was originally envisaged that Avondale Environmental Limited would develop an Energy Recovery Facility at this site, this has not happened due to a number of reasons. Consequently, Clackmannanshire's Municipal Waste is currently being landfilled.

#### ***National Strategy***

- 3.4 As part of the longer term aim to make Scotland a zero waste society with a circular economy, the Scottish Government has several ambitious targets for reducing waste and increasing recycling. By 2025 the aim is to:
  - reduce total waste arising in Scotland by 15% against 2011 levels
  - reduce food waste by 33% against 2013 levels
  - recycle 70% of remaining waste
  - send no more than 5% of remaining waste to landfill.

- 3.5 A number of strategic actions are being implemented by the Scottish Government in order to manage these targets including:-
- introduction of a Deposit Return Scheme (DRS) for drinks containers
  - taking action to reduce and recycle food waste
  - improving resource efficiency through actions such as discouraging use of single-use materials. This includes a review of Extended Producer Responsibility (EPR) as a financial incentive to producers and distributors to reduce their environmental impacts (i.e. failure to do so will incur additional financial penalties)
  - funding Zero Waste Scotland to deliver waste-reducing initiatives
  - a review of the Charter/Code of Practice for Household Recycling in Scotland.

### ***Landfill Ban***

- 3.6 The Council's Waste Management service operates in a highly regulated environment. This regulatory regime covers the type of collection services that must be provided to households and businesses, the operation of our facilities, and how material can be processed. The most significant regulatory issue that the Council currently faces is the ban on landfilling Biodegradable Municipal Waste as introduced through the Waste Management (Scotland) Regulations 2012. There is to be full compliance by 31 December 2025.
- 3.7 Biodegradable Municipal Waste is typically defined as household waste, such as black bag waste and other mixed municipal wastes collected from households and commercial businesses. The waste sector has petitioned the Scottish Government for clarity on where bulky household waste fits within this definition.

### ***Collaborative Procurement***

- 3.8 On the 12 September 2019, the Place Committee consented for the Council to explore potential Local Authority collaborative procurement opportunities, for a medium term (10 plus 5 year) residual waste solution. The benefits of which would be to potentially produce an amalgamated economies of scale residual waste tonnage and to regionally secure access to a best value Energy Recovery Facility.
- 3.9 Waste Services continues to work closely with its primary partner Stirling Council, to ensure a fully joined up approach, due to the sharing of a Waste Transfer Station facility. Timely decision making and governance procedures are required to ensure both Council's meet their legislative commitments ahead of the 31 December 2025 landfill ban.
- 3.10 Scottish Ministers have clearly communicated that Local Authorities are expected to make continued and demonstrable progress (at pace) in becoming compliant ahead of schedule to meet this legislative requirement. The Scottish Government has stated that it is "unacceptable to see action deferred to create another pressure point as we approach 2025". Landfill Tax

also continues to rise incrementally annually in Scotland, to further incentivise a prompt shift away from landfilling residual waste.

- 3.11 Collaborative procurement meetings for the Central area have been ongoing since December 2019. Meeting attendees include the Head of the Scottish Government’s Zero Waste Unit, Zero Waste Scotland, Scotland Excel, and interested Local Authorities within the Central Belt. Four local authorities (Clackmannanshire, Falkirk, Perth & Kinross and Stirling) currently retain interest in this procurement project.
- 3.12 The Scottish Government has committed financial support for the joint procurement exercise which will incorporate the setting up of an expert team of technical, procurement and legal specialists to oversee the production of the joint tender. Collaborative intentions will be managed under a Memorandum of Understanding or Inter-Authority Agreement.
- 3.13 On 19 March 2021, Stirling Council (on behalf of the Group) published a Public Information Notice (PIN) on Public Contract Scotland for ‘Soft market testing in relation to municipal waste treatment capacity in advance of the 2025 Landfill Ban’. Market providers were invited to present potential solutions at virtual meetings held between the 6 and 15 April 2021. Response to the PIN was very positive, resulting in eleven of the leading UK service providers presenting to the Group.
- 3.14 Feedback from this exercise will tailor the procurement project to ensure a pragmatic solution is achievable. Considerations will focus on achieving best value through economies of scale; provide good community benefits and maximise realistic environmental outcomes.

***Procurement Timescales***

- 3.15 It is important for Members to note that the timetable for the procurement process is challenging. Sufficient notice must be provided to the market by means of a complete tender in 2022, to ensure facilities are built and through commissioning stage in order to be certain of offtake in time for the landfill ban. To this end, officers continue to work on this collaborative procurement process.

The procurement timetable is set out below.

<b>Timescale</b>	<b>Key Task</b>	<b>Clackmannanshire Council Essential Actions</b>
August 2021	September 21 – Scottish Government Award Consultant to provide technical advice and to undertake procurement	Commitment from Council to be Collaborative Partner for Waste Treatment Procurement
September 2021	Develop Procurement Spec and Brief for Central RWT Group	Council Officers assist in development of brief

April 2022	Invitation to Tender Issued	Council Officers to have internal Procurement Documentation ready for issue (Form 1 & Contract Strategy)
August 2022	Review Bids	Council Officers partake in review Panel & determine Best Value Bidder
October 2022	Award Contract to Waste Treatment Handler	Council Officers issue Clacks contract award in line with procurement process

- 3.16 At this stage, the Council is not legally committed to the outcome of this process. The Council will have to make a formal decision to engage in any joint tender process by the time that the Invitation to Tender is issued, currently scheduled for May 2022.
- 3.17 Officers intend to bring forward a paper to a future meeting of Council which will set out a proposed procurement strategy and seek Council approval for same.
- 3.18 Any decision to engage in the process is likely to be confirmed in a formal agreement with partners, either via a Memorandum of Understanding or Inter-Authority Agreement

### **Treatment Options**

- 3.19 Biostabilisation of waste prior to landfill has been considered as a possible future treatment, as it would theoretically have lower carbon emissions than energy from waste or landfill. This is where municipal waste is treated by various mechanical and biological processes with the aim of reducing the amount of waste going to landfill, and making that waste inert. However, in practice, biostabilisation plants across the UK cannot meet the standard to allow treated municipal waste to be landfilled post 2025. Research into the use of biostabilisation to treat municipal waste may continue, but its use is a long term aim not a short term feasible possibility. The biostabilisation stage is only assumed to reduce the biogenic carbon in waste entering landfill from 15% to 5% according to Zero Waste Scotland research.
- 3.20 The view of the Residual Waste Treatment Group is that the only proven, viable and available technology for treating non-recyclable municipal waste is via an energy from waste process. It is widely accepted across the industry that this model is currently the most appropriate conduit to achieve best value and to provide a reliable waste treatment solution.
- 3.21 It should be noted that Energy from Waste plants are heavily regulated by SEPA under the Pollution Prevention and Control (Scotland) (PPC) Regulations 2012, which includes controls required under the European Waste Incineration Directive (WID) and must be permitted. Plants must take account of the SEPA Best Available Techniques and their Thermal Treatment of Waste Guidelines 2014 when describing the proposed activity and its environmental effects. Particularly with regard to satisfying the requirements

of Regulation 9F of the Waste (Scotland) Regulations 2011, which demands that the recovery of energy takes place with a high level of energy efficiency.

- 3.22 Members may be aware that recently the Scottish Government signalled a review of the role of incineration in the waste hierarchy. This has raised an element of uncertainty about the Scottish Government's future policy position. The Cabinet Secretary for Net Zero, Energy and Transport has since written to Clackmannanshire Council, setting out the Government's position and confirming support for the Local Authority collaborative procurement approach. This letter is attached at Appendix 1.

### ***Risk Implications***

- 3.23 Failure to adopt the collaborative procurement approach described in this report would lead to significant financial, legal compliance and reputational risk.
- 3.24 Failure to have suitable arrangements in place for the procurement of the residual waste treatment would place the Council in breach of the Waste Management (Scotland) Regulations 2012. The only likely alternative to an ERF solution would be to transport waste to a landfill facility outwith Scotland (in most likelihood England, where there is no landfill ban due to come into force). In practice this would involve unsustainable and damaging operations such as haulage of residual waste to sites at locations far from Clackmannanshire.
- 3.25 The Council's residual waste disposal costs for 2020/21 were £1,468,506. Failure to achieve economies of scale in future contracts would therefore have significant impact on ongoing revenue costs for the contract duration (typically ten years).
- 3.26 Clackmannanshire and Stirling Councils must remain in-line on decision making given aspects of shared infrastructure and existing contractual arrangements. Failure to do so is likely to increase costs for both Councils, as new waste handling infrastructure would need to be built at a significant cost.
- 3.27 There are no guarantees that all Local Authorities within the collaboration exercise will reach agreement on the benefits of collaboration, or secure the necessary internal approvals. Should any Local Authority not join, the benefits of collaboration will be reduced.
- 3.28 Waste Services has commenced work on submitting an application to SEPA for Thermal Treatment Derogation (TTD). The granting on this application will demonstrate (to the market) that the Council has sufficient kerbside recycling collection systems and policies in place, to prevent recyclable materials entering the residual waste stream. Failure to achieve Derogation will result in a requirement to pay significantly high pre-treatment gate fees to remove recyclates.
- 3.29 Waste Services anticipates that it will meet all requirements of the Thermal Treatment Derogation application, however, SEPA is currently struggling with significant pressures, which are delaying timely decision making and responses. Representations have been made to SEPA in relation to the



forthcoming application and our commitment to the Scottish Government to move at pace and enable us to out to the market with specification clarity.

### ***Continual Improvement – Recycling***

- 3.30 The Service will continue to focus on maximising opportunities for recycling and appraising options to further reduce residual treatment, such as consideration of metal extraction. This strategy will be assisted by forthcoming national policies; the Deposit Return Scheme (currently scheduled for implementation in June 2022); and Extended Producer Responsibility. These policies will have a significant impact on Council operations for waste collection and disposal.
- 3.31 Clackmannanshire Council continues to achieve a reasonably high recycling rate with 55.4% in 2019. This is indicative of good practice and compliance in relation to recycling capture and treatment. However, leadership at all levels is required to bolster local efforts to tackle climate change and to enable the Service to achieve the national recycling target of 70% within the next three years. Further measures to encourage behaviour change are likely to feature in the developing practice guidance, such as the Household Recycling Charter.
- 3.32 Agreement for the Council to sign up to the Household Recycling Charter was reached at Enterprise and Environment Committee on 19 May 2016. The Council officially signed up to the Charter on April 2017. The Code of Practice: Household Recycling in Scotland sets out a number of requirements that signatories of the Household Recycling Charter for Scotland are required to follow. A review and options appraisal of Waste Services is being commissioned to further align our activities with the Charter.

### ***Review/Options Appraisal***

- 3.33 Zero Waste Scotland has committed funding for an external assessment of the Service's waste activities during summer 2021. The appointed consultant will examine Clackmannanshire's waste procedures and data; modelling this against the predicted effects of the Deposit Return Scheme and Extended Producer Responsibility. The aim of the appraisal is to develop options to maximise the volume and quality of recyclates being recovered.
- 3.34 The Service has recently extended contracts for the treatment of all our household food waste through anaerobic digestion (AD) and for the composting of all garden waste. Increasing the volume of waste being sent to these sustainable treatment facilities is a key objective.

### ***Recycling Infrastructure Fund***

- 3.35 In March 2021, the Scottish Government launched a five year £70m fund to improve recycling infrastructure across Scotland. The aim of the initiative is to assist local authorities to take forward projects that tackle key challenges and increase recycling performance.

- 3.36 The Service is in the process of submitting three Expressions of Interest (EOI) to the fund under the themes of:
- Physical Infrastructure (e.g. HWRC Improvements, Buildings)
  - Digital Infrastructure (e.g. In Cab Software, Contamination Data Systems)
  - Fleet & Equipment (e.g. Electric RCVs, Trucks and New Equipment)

These bids will be developed to facilitate funding requirements for the outcome(s) of the appraisal in 3.32 above.

- 3.37 The development of re-use facilities at Forthbank HWRC to aid partnership working with social enterprises is included within the bids.

#### **4.0 Sustainability Implications**

- 4.1 Waste Services are seeking to implement measures focusing on reducing, re-using and recycling waste as far as reasonably practicable. This reflects directly on the four strategic priorities in the Council's Sustainability and Climate Change Strategy.
- 4.2 Adoption of the approach set out in this paper will enable Clackmannanshire Council to end the practice of sending biodegradable municipal waste to landfill and to contribute to climate change targets, ensuring that Scotland's waste is managed in a sustainable way.

#### **5.0 Resource Implications**

- 5.1 Financial – The revenue cost of residual waste treatment sits within the existing Waste Services disposal budget. Market forces during the tender process will determine gate fees at ERF's going forward, however the soft market testing has indicated a high level of commercial interest.
- 5.2 Subject to Council agreeing the recommendations of this report, the Scottish Government, via Zero Waste Scotland and Scotland Excel, will pay for the technical support required to support the procurement process, and will manage that process together with the participating Councils. Recycling infrastructure improvements would be funded by the Scottish Government and the recycling options appraisal is being carried out by a consultant funded and procured by Zero Waste Scotland.
- 5.3 Staff – Agreeing the recommendations of this report would minimise pressure on existing staff resources. The Service is supported in preparing funding bids by the internal Funding Officer and Zero Waste Scotland.

#### **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 )

Yes ✓

- (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 ✓

## 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

Appendix 1 – Letter from Cabinet Secretary

## 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 ✓

Landfill Scotland Regulations 2003

<http://www.legislation.gov.uk/ssi/2003/235/contents/made>

Waste (Scotland) Regulations 2012

<http://www.legislation.gov.uk/ssi/2012/148/contents/made>

New Climate Change Plan <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/>

SEPA Guidance: Biodegradable Municipal Waste Ban

[https://www.sepa.org.uk/media/352595/sepa\\_bmw\\_landfill\\_ban\\_guidance\\_note.pdf](https://www.sepa.org.uk/media/352595/sepa_bmw_landfill_ban_guidance_note.pdf)

Zero Waste Scotland: Scottish Materials Brokerage Service

<https://www.zerowastescotland.org.uk/brokerage>

Public Contract Scotland – Scottish Materials Brokerage Service contract award notice

[https://www.publiccontractscotland.gov.uk/Contracts/Contracts\\_View.aspx?id=514180](https://www.publiccontractscotland.gov.uk/Contracts/Contracts_View.aspx?id=514180)

Scottish Government Recycling Policy

<https://www.gov.scot/policies/managing-waste/>

WRAP Gate Fees Report 2017

[http://www.wrap.org.uk/sites/files/wrap/Gate%20Fees%20report%202017\\_FINAL\\_clean.pdf](http://www.wrap.org.uk/sites/files/wrap/Gate%20Fees%20report%202017_FINAL_clean.pdf)

SEPA – Frequently asked questions about Energy from Waste facilities

[https://www.sepa.org.uk/media/28979/energy-from-waste\\_faqs.pdf](https://www.sepa.org.uk/media/28979/energy-from-waste_faqs.pdf)

Department for Environment, Food & Rural Affairs – Energy from Waste (Guide to the debate)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf)


European Commission – The role of waste-to-energy in the circular economy

<http://ec.europa.eu/environment/waste/waste-to-energy.pdf>

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**Approved by**

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Pete Leonard	Strategic Director (Place)	

**Cabinet Secretary for Net Zero, Energy and Transport**  
 Rùnaire a' Chaibineit airson Net Zero, Cumhachd agus Còmhdhail  
**Michael Matheson BPA/MSP**



**Scottish Government**  
 Riaghaltas na h-Alba  
 gov.scot

Councillor Craig Holden  
 cholden@clacks.gov.uk

Our Reference: 202100224313  
 Your Reference: CH210716

18 August 2021

Dear Councillor Holden,

Thank you for your letter of 17 July, on the Scottish Government's commitment to review the role of incineration in the waste hierarchy. Please accept my apologies for the delay in responding to you.

I am aware of the hard work that has been going on across numerous local authorities to prepare for the forthcoming ban on landfilling biodegradable municipal waste (BMW) and I welcome the Clackmannanshire SNP Administration Group's commitment to ending the practice of sending BMW to landfill. As a key step towards net zero, Scottish Ministers remain fully committed to ending the practice of sending BMW to landfill by 2025, in line with recommendations made by the Climate Change Committee. While we make our transition to a fully circular economy we still need capacity to treat residual waste, which cannot be reused or recycled.

In making the difficult decision to delay the landfill ban from 2021 to 31 December 2025, Scottish Ministers concluded that there should be a positive, centrally coordinated intervention to help remaining local authorities procure solutions for the ban, supported by Scottish Government, where appropriate. I welcome Clackmannanshire Council's ongoing work with counterparts in Falkirk, Stirling, and Perth and Kinross Councils to progress the Central Scotland residual waste treatment collaboration and the significant progress made to date.

Scottish Government remains fully committed to continuing to support local authorities' ongoing collaborative procurement approaches. As you are aware, we have agreed to fund the provision of some technical, procurement, and legal support for the Central Scotland collaboration, and other collaborations of Councils who are also making welcome progress towards procuring solutions for the Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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[www.gov.scot](http://www.gov.scot)



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ban.

As you note, we have committed to review the role that incineration plays in the waste hierarchy, which ranks waste management options according to the best environmental outcome, taking into consideration the lifecycle of materials. I have committed to updating Parliament on plans for the review in September, including a timeline for this work. Of course, it would not be appropriate for me to pre-empt decisions on the scope or outcome of the review into incineration at this stage. However, I would reassure you that Scottish Government remains firmly committed to delivering the ban on BMW to landfill by 2025 and recognises that local authorities will need to continue to procure alternative solutions, based on their assessment of available options. However, I have noted your concerns about potential uncertainty created by the forthcoming review and will ask my officials to provide you with further information on its scope and timeline, once this is agreed.

In the meantime, in terms of other relevant policy, it is important to note that our recent update to the Climate Change Plan commits to developing a route map to maximise the waste sector's contribution to Scotland's net zero journey, to work with waste operators and developers to further improve the efficiency of Energy from Waste (EfW) plants, drawing on best evidence, and consider how waste infrastructure can be 'future-proofed' for Carbon Capture and Storage technology in line with recent Committee on Climate Change recommendations.

You may also be interested in a Zero Waste Scotland report that was published in July. This updated report highlights that the carbon impacts of incinerating municipal waste in Scotland are 27% lower than landfilling the same waste. The report also highlights the importance of increasing recycling to reduce fossil carbon (e.g., plastics) in the residual waste stream. The report can be found here: [The climate change impact of burning municipal waste in Scotland | Zero Waste Scotland](#)

I hope the above response is helpful and reassures you that the collaborative approach being undertaken by Clackmannanshire Council to procure solutions to deliver the forthcoming landfill ban is supported by the Scottish Government.

Yours sincerely

**MICHAEL MATHESON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Statutory Consultation for Clackmannanshire Secondary School Support Services**

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**Report by: Chief Education Officer (Interim)**

---

**1.0 Purpose**

- 1.1. This report seeks Council approval and authority to hold a statutory consultation process on a proposal to permanently move Secondary School Support Services to its current location at The Orchard, Tullibody. (Former St Bernadette's Primary School) where it has been located since the closure of the Bedford Place building in July 2020.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- Agrees to officers taking forward a formal consultation on the proposal to permanently move Secondary School Support Services from its previous location at Bedford Place to its current location at the Orchard, Tullibody.
  - Agrees that a full consultation proposal will be presented at a meeting of the People Committee in January 2022. This requires to be a formal consultation under the Schools Consultation (Scotland) Act 2010.

**3.0 Considerations**

**Background on Former CSSS building at Bedford Place**

- 3.1 The Bedford place school building was built in 1875 and is a Category "C" Listed Building. Bedford place is within a Conservation area.
- 3.2 The Bedford Place school building was closed in July 2020, further to an inspection report of July 2020, and is now a vacant school building. It remains closed due to structural failure of the roof and wall masonry, as outlined in a Progress Report Update to the Senior Leadership Group in October 2021.

- 3.3 In September 2021, an independent structural engineer (FLN Consulting Engineers) gave the Council a second opinion in a further report on the structural integrity of the Bedford Place building. In this report, several options for the future of the building are considered - either refurbishment, demolition or sale to a developer.
- 3.4 In the extracts below from Report on Structural Condition of Bedford Place Building by FLN Consulting Engineers, the costs to refurbish and retain the Bedford Place building as a school building are extensive, as outlined below:

*'Works would include, roofing replacement works, specialist stonework, DDA compliance, complete rewiring, re-plumbing, removal of asbestos, full internal refurbishment including internal decoration and external landscaping. It is noted that this is within the original school building footprint and the building would not have external space for PE or a drop off area as per a modern school. A full strategic options appraisal of the building including a suitability assessment is required to ascertain viability and costs. Projected capital costs to sustain this as a future school facility are expected to be in excess of £3.5M excluding project fees.'*

*For the refurbishment option a close inspection requires to be made internally in order to establish the degree of deterioration, the repair options available and the cost of these repairs. Repair and refurbishment of the roof structure alone will involve a considerable amount of work and cost. It is anticipated that the extent of structural deterioration may be too far advanced for any repairs and that full removal and replacement of the entire roof structures will be required. This will be a significant undertaking without factoring in the cost of the repairs to the external fabric such as dormer façade rebuilding, repairs to the stone copes, general stone repairs, repointing and internal refurbishment. The refurbishment cost of the school will be far higher than the cost of a full or partial demolition and we can conclude that refurbishment whilst technically feasible would be cost prohibitive. Our recommendation purely on the grounds of cost would be to either undertake a full demolition with the site being made available for re-development or to sell the building on to a prospective developer. (Extract from report by FLN Consulting Engineers on Structural Condition of Bedford Place Building)*

#### **4.0 Sustainability Implications**

- 4.1. The Scottish Government requires all new school developments to be carried out with regard to the following principles:-
- 4.1.1 To have regard for others who do not have access to the same levels of resources.
  - 4.1.2 To minimise the impact of actions on future generations by reducing the use of resources and minimising environmental impacts.
  - 4.1.3 To live within the capacity of the planet to sustain our activities and replenish resources we use.



4.1 4 Making use of The Orchard as a learning environment would ensure that Clackmannanshire Council meets the criteria noted in points 4.1.1, 4.1.2 and 4.1.3.

## **4.2 Educational Aspects of Proposal**

The proposal to retain the provision of Secondary School Support Service at The Orchard, Tullibody, has clear educational benefits, including:

4.2.1 The co-location of primary, secondary and outreach supports the Senior Management Team to retain a high profile in all sectors, thereby promoting a very positive ethos for young people and staff and enhancing learning experiences.

4.2.2 The sensory garden provides a wide range of opportunities for outdoor learning in a safe, contained environment for all age groups. There is scope for these areas to potentially support children's broader achievements, including developing their skills when outdoors.

4.2.3 There are clear benefits for maintaining the school in its current locality, including the seamless transitions for learners and capacity to support outreach pupils in school grounds.

4.2.4 Excellent links have been established with 'blue house', Tullibody Community Garden and Civic centre, which lends itself to the DYW agenda.

4.2.5 On its current site, the school community has achieved a 6th Eco flag and increased volunteering qualifications by 100%

4.2.6 Partnerships have been forged with NHS, FVEL, CTSI, NHS Braveheart, Scottish Trust for Conservation Volunteers, the Gate and Robertson Construction.

4.2.7 Has been a significant reduction in 'safe holds' as children and young people are encouraged to self-regulate using the safe space within the grounds.

4.2.8 The shared experiences of joining up sectors has offered additional benefits to learners and enhanced staff development.

4.2.9 Children, young people and staff have settled well into The Orchard facility, ensuring no interruption to learning.

## **4.3 Next steps**

This is required to be a formal consultation under the Schools Consultation (Scotland) Act 2010 with a focus on the educational benefits of the proposal.

Should the Council agree to the proposal of a consultation, a Paper will be brought to People Committee in January 2022, outlining a timeline of next steps, including the involvement of Education Scotland.

## 5.0 Resource Implications

5.1 There are no staffing implications, as all staff have moved to The Orchard.

## 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  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  No

## 10.0 Appendices - N/A

## 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)



Bedford Place Structural Report and Structural Addendum Report– CRA Ltd  
Alloa

Report on Structural Condition of Bedford Place Building, FLN Consulting  
Engineers

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Catriona Scott	Improving Outcomes Manager	01259 452469

### Approved by

NAME	DESIGNATION	SIGNATURE
Cathy Quinn	Interim Chief Education Officer	
Lorraine Sanda	Strategic Director (People)	



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Refugee Resettlement Programme**

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**Report by: Strategic Director (Place)**

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## **1.0 Purpose**

- 1.1. The aim of this paper is to update Council on internal developments resulting from Council's approval on 24 September 2021, to widen previous approvals regarding refugee resettlement so as to include refugees coming from Afghanistan and other possible future conflict zones.

## **2.0 Background**

- 2.1. Council initially approved the resettlement of 24 families from the conflict in Syria on 17 September 2015.
- 2.2. Following the success of that programme and the ongoing humanitarian crisis in the Syrian region, Council granted approval for participation in the revised Syrian resettlement programme. The revised programme widened the scope of those who might be considered to have been displaced by the conflict. Council, on 24 October 2019, granted approval for the reception of up to a further 24 families. The first of these families arrived in Clackmannanshire on 5 October 2021.
- 2.3. Following urgent request from the UK government for assistance in resettling refugees and those who assisted UK forces in Afghanistan, Council agreed, on 24 September 2021, to widen the scope of the previously approved programme to encompass those displaced from Afghanistan.
- 2.4. Approval was also extended to cover future UK resettlement programmes.
- 2.5. In summary, Council has approved the reception of up to, but no more than, 24 refugee families seeking settlement under a Home Office supported resettlement program. The period for this approval runs until 31<sup>st</sup> March 2027.

### **3.0 Management and Learning from the First Programme**

- 3.1. Management of the initial scheme sat with Housing Services, who provided financial oversight and liaised with the Home Office and CoSLA on matters regarding the contract with the Home Office.
- 3.2. Additional Housing Support Officers were employed, with specific language skills, to greet the families from the airport, provide the ongoing community support required by the families and to set up their accommodation. This proved a successful model of delivery.
- 3.3. Education had a highly successful integrated approach which focused on health and well-being and included support for children in the classroom trauma approaches, family support and social work intervention. It was based on the 1951 Convention relating to the Status of Refugees and took a holistic, rights based approach, which was recognised at national level and short listed for Scottish Education Awards.
- 3.4. Education Community Learning and Development (CLD) oversaw the provision of English for Speakers of Other Languages (ESOL) tuition for adults. This proved a successful model of delivery, as evidenced in the impact statements from participants, however it was recognised that one year initial funding was not enough to meet the needs of the adults accessing this provision. CLD continue to offer support for the Syrian refugees in Clackmannanshire, including ESOL at different levels - pre National 2/3 and National 2/3 levels, with lessons in literacy, writing and communication. There is also support to access community activities and extra curricular activities, as part of this integrated approach.
- 3.5. Place and People Services met to discuss how best to learn from the previous programme and to agree on the most effective distribution of funds made available by the Home Office.

### **4.0 Relevant Considerations**

- 4.1. Desktop modelling has been used to identify service and staffing demands related to the provision of services to arriving families; this can be found at Appendix 1. The first family under this approval has already arrived and it is assumed that remainder will begin arriving during 2022/23 with arrivals spread evenly over the remaining years of the approval.
- 4.2. Housing Services are in discussion with RSL partners who have expressed a willingness to assist in the provision of accommodation.
- 4.3. Third Sector organisations, such as Forth Valley Welcome, have expressed an interest in supporting new arrivals and officers are setting up discussions with these groups. The Council is keen to continue to work with these groups and recognises the valuable contribution they make to resettlement activity but no funding has been allocated for this work at this time.

- 4.4. The various Afghan programmes set up by the Home Office require the provision of support for a three year period. Families supported under other Home Office programmes are, currently, expected to receive support over a five year period. Ongoing support is currently being provided for existing Syrian refugees, as well as the newest arrivals.
- 4.5. Given the period over which families are expected to arrive and the length of support expected by the Home Office, plans should be made for a programme of support extending over a ten year period.
- 4.6. Irrespective of the programme under which each family is supported, Council will receive minimal funding of £20,520 per each individual, spread over the period of the programme.
- 4.7. Additional, year one, funding of £850 is provided for each adult to cover English language tuition.
- 4.8. Specific, year one, one-off, education funding is provided depending upon the age of the child at date of arrival.
- Age 0-3 = £0
  - Age 3-5 = £2,250
  - Age 5-18 = £4,500
- 4.9. Additional special education needs funding is available from the Home Office on a case by case basis. During the course of the previous programme application was made for assistance for two children over a two year period; additional provision of £220,822 was made available for a place at Lochies specialist provision and Alloa Extended Additional Support provision.
- 4.10. It must be noted that Home Office funding is time limited and that experience has shown that the needs of individuals who have experienced trauma may not be immediately apparent or may continue well beyond the period of funding provided by the Home Office. There is, therefore, a risk that the Council may need to bear longer term, ongoing, costs in appropriately supporting incoming refugee families and their children. These costs cannot be quantified at this time and, therefore, have not been identified in this paper.
- 4.11. Officers will work closely with CoSLA and the Home Office to ensure that families coming to Clackmannanshire will benefit from the range of services available within the area without placing undue strain on those services or diminishing provision to existing service users.

## **5.0 Proposals**

- 5.1. It is proposed that management, financial oversight, and liaison with CoSLA and the Home Office remain with Housing.
- 5.2. That the programme be managed as a ten year programme, inclusive of the current year, 20/21, with budget set up accordingly. This recognises that

service provision will run at deficit in the early years but will be programmed to deliver a balanced budget at the end of year ten.

- 5.3. That 1.5 FTE Housing Support Officers are employed for a period of seven years to support the families with their needs in the community. One FTE would be retained for a further year. This recognises the diminishing needs of families as they become settled and more independent. Funding for the full time Housing Support Officer post is to be drawn from the previous VPR program budget until 2025/26 and this is factored into costings attached at Appendix 1.
- 5.4. In order to fully support a 'Team around the Families' approach, People Directorate would require one Additional Support Needs teacher, one English as an Additional Language (EAL) teacher and one English for Speakers of Other Languages (ESOL) CLD worker to be recruited for eight years of the programme to meet the educational needs of the children and families. This would be based on the earlier award winning model. Funding for the (ESOL) CLD post is to be drawn from the previous VPR program budget until 2023/24 and this is factored into costings attached at Appendix 1.
- 5.5. Additionally, 0.4 FTE Educational Psychologists would be recruited for a nine year period. This post would be working in close partnership with Social Work colleagues.
- 5.6. Detailed costings are attached at Appendix 1 exploring the affordability of this proposal. Wage inflation is allowed at 2.5%
- 5.7. An uncommitted funding amount of £284,920 has been identified by the model which may be used to cover unforeseen expenditure. Please note that no allowance has been made for redundancy costs.

## **6.0 Next Stages**

- 6.1. Officers will continue to discuss the refugee programme with CoSLA, the Home Office, RSLs and Third Sector partners in preparation for the first arrivals.

## **7.0 Recommendations**

- 7.1. Council notes the proposed actions.

## **8.0 Sustainability Implications**

- 8.1. None.



## 9.0 Resource Implications

### 9.1. *Financial Details*

9.2. 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

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

### 9.4. *Staffing*

## 10.0 Exempt Reports

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

## 11.0 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 )

Yes

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

## 12.0 Equalities Impact

12.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes

## 13.0 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

Appendix 1 – Afghan Families Resourcing

## 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  No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Wilson Lees	Team Leader	2357

### Approved by

NAME	DESIGNATION	SIGNATURE
Pete Leonard	Strategic Director (Place)	

Resource Requirement													
People Directorate	FTE	Anticipated Costs	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)	Year 5 (25/26)	Year 6 (26/27)	Year 7 (27/28)	Year 8 (28/29)	Year 9 (29/30)	Year 10 (30/31)	Total
Additional Support Needs (ASN) teacher	1	-	£0	£56,375	£57,784	£59,229	£60,710	£62,227	£63,783	£65,378	£67,012	£68,687	£561,186
English as Additional Language (EAL) teacher	1	-	£0	£56,375	£57,784	£59,229	£60,710	£62,227	£63,783	£65,378	£67,012	£68,687	£561,186
Educational Psychologist	0.4	-	£0	£36,900	£37,823	£38,768	£39,737	£40,731	£41,749	£42,793	£43,863	£44,959	£367,322
ESOL CLD Worker	1	-	£0	£0	£42,004	£43,054	£44,130	£45,234	£46,365	£47,524	£48,712	£49,930	£366,952
<b>TOTAL :</b>													<b>£1,856,645</b>
Place Directorate	FTE	Anticipated Costs	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)	Year 5 (25/26)	Year 6 (26/27)	Year 7 (27/28)	Year 8 (28/29)	Year 9 (29/30)	Year 10 (30/31)	Total
Housing Support Officer	1	-	£0	£0	£0	£0	£41,040	£42,066	£43,117	£44,195	£0	£0	£170,418
Housing Support Officer	0.5	-	£0	£19,055	£19,531	£20,019	£20,520	£21,033	£21,558.70	£0	£0	£0	£121,717
<b>Staffing Total</b>													<b>£292,135</b>
Property Set Up(24 families)	-	£120,000		-	-	-	-	-	-	-	-	-	£120,000
Airport Pick Up	-	£7,200		-	-	-	-	-	-	-	-	-	£7,200
Clothes(Children)	-	£4,800		-	-	-	-	-	-	-	-	-	£4,800
Cash Advance	-	£24,000		-	-	-	-	-	-	-	-	-	£24,000
Interpretation	-	£50,000		-	-	-	-	-	-	-	-	-	£50,000
Standby	-	£30,000		-	-	-	-	-	-	-	-	-	£30,000
<b>Expenses Total</b>													<b>£236,000</b>
<b>PLACE TOTAL:</b>													<b>£528,135</b>
<b>ANTICIPATED EXPENDITURE - GRAND TOTAL</b>													<b>£2,384,780</b>

**Potential Income**

Families	Scheme	Anticipated Income	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)	Year 5 (25/26)	Year 6 (26/27)	Year 7 (27/28)	Year 8 (28/29)	Year 9 (29/30)	Year 10 (30/31)	Total	
Family 1	Other	Syrian arrival Oct 21	£55,550	£25,000	£18,500	£11,500	£5,000	£0	£0	£0	£0	£0	£115,550	
Family 2	Afghan	Year 1 funding for each family includes any education and ESOL supplement. These calculations assume a family of 5, one child below age 3, one aged 3-5 and one aged 5-18 - an additional £312,000 will be provided to the Health Board directly from the Home Office	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050	
Family 3	Afghan		£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050	
Family 4	Afghan		£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050	
Family 5	Afghan		£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050	
Family 6	Afghan		£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050
Family 7	Afghan		£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050
Family 8	Afghan		£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050
Family 9	Afghan		£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050
Family 10	Afghan		£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£0	£111,050
Family 11	Afghan		£0	£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£111,050
Family 12	Afghan		£0	£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£111,050
Family 13	Afghan		£0	£0	£0	£60,950	£30,000	£20,100	£0	£0	£0	£0	£0	£111,050
Family 14	Other		£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£0	£111,050
Family 15	Other		£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£0	£111,050
Family 16	Other		£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£111,050
Family 17	Other		£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£111,050
Family 18	Other		£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£111,050
Family 19	Other		£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£111,050
Family 20	Other		£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£0	£111,050
Family 21	Other		£0	£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£0	£111,050
Family 22	Other		£0	£0	£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£111,050
Family 23	Other		£0	£0	£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£111,050
Family 24	Other		£0	£0	£0	£0	£0	£0	£51,050	£25,000	£18,500	£11,500	£5,000	£111,050
<b>ANTICIPATED INCOME - GRAND TOTAL</b>														<b>£2,669,700</b>

**Uncommitted      £284,920**

Assumptions:	
1	Families will consist of 2 adults and three children
2	One child aged less than 3, one aged 3-5 and one aged 5-18
3	12 Families will be taken in under Afghan scheme - 3 Year funding
4	12 Families will be taken in under other schemes - assume these will run for 5 years
5	Wage inflation calculated at 2.5% - further work required given known NI increase
6	Housing support to run for 2 years after arrival

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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Councillors' Safety**

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**Report by: Strategic Director – Partnership & Performance**

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**1.0 Purpose**

- 1.1. The purpose of this report is to seek Council agreement on to engage with elected members on developing a suite of safety principles and guidance notes to enable councillors to discharge their democratic duties within the community as safely as possible.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- Notes the draft principles in relation to councillor safety set out in this report.
  - Agrees that officers should set up a Members' workshop in the first part of 2022 to discuss and agree a set of safety principles and any support and training that may be necessary.

**3.0 Considerations**

- 3.1. Recent terror events including the murder of Sir David Amess, MP, in October 2021 and the suicide bombing in a taxi outside Liverpool Women's Hospital in November 2021 have led to the UK's security threat level being upgraded to Severe. This is an intelligence assessment that further terror attacks are likely.
- 3.2. The murder of Sir David Amess whilst conducting a constituency surgery follows the similarly brutal murder of Jo Cox, MP, outside a library where she was holding a surgery in June 2016. Both attacks appear to have been carried out by lone actors harbouring extreme ideological views.
- 3.3. There is no failsafe measure for protecting politicians in a liberal society where visibility, relationships and connections between elected members and the constituencies they represent is fundamental to our democracy. Recent events however have reignited the debate, nationally and locally about the

safety of members within communities. This includes recently at CoSLA Convention.

- 3.4. Elected members are not employees of the Council; therefore, they are not necessarily subject to the same policies and procedures that govern the employment relationship. This paper however recognises the risks faced by councillors in conducting their duties within communities and seeks to work towards establishing a broad framework of principles and guidance to mitigate these, based on guidance produced by CoSLA and the Local Government Association.
- 3.5. Draft principles are set out further below as a basis for discussion with elected members. The proposed next steps is that a Member's workshop is set up in the New Year to agree a set of principles that can be supported with guidance and training.

### **Draft Principles**

- 3.6. Draft principles have been developed as follows:
- Councillors will be offered training to recognise and manage risks to personal safety that may arise. This will include risk assessment on arrival at a location, but training might also suitably include:
    - conflict resolution
    - conflict de-escalation
    - managing online harms.
  - Locations used for surgeries will be risk assessed by the Health & Safety Team and exit strategies identified for use should a councillor feel endangered.
  - Councillors should consider doing surgeries or constituent meetings by video conference, telephone or by prearranged appointment only.
  - Councillors will be provided with generic guidance and or self checklist for lone working, surgeries, home visits (if there is no viable alternative), dealing with callers to your home, attending public meetings and travelling to meetings.
  - Councillors will have a means of communicating with others, e.g. a mobile phone.
  - Councillors should not make home visits on their own unless there is no feasible alternative – a public, staffed venue for appointments is recommended.
  - Councillors should not advertise if they work from home (whether during Covid restriction or at any time) and the Council will seek to ensure that their home addresses remain private as far as is practical.

- A 'buddy' system will be devised that allows councillors to provide their whereabouts, so that support staff or their nominated 'buddy' knows where the councillor is and with whom. Consideration will be given to a system that:
    - Ensures councillors can make support staff aware of their plans for their working day
    - Enables 'safety calls' for meetings with a new constituent to check perceived safety, with a predetermined code word ready in place to summon help
    - Allows councillors to 'check out' indicating that meetings have been safely completed.
  - An emergency alarm or lone working system will be made available which will enable councillors to summon assistance if necessary. This will be tested, and a response protocol put in place.
  - Councillors are encouraged to establish effective working relationships and maintain open communication lines with Police Scotland Community Policing Teams.
  - An online portal (using the Council's SHE Assure health and safety system) will be made available to all councillors (following training) to report abuse or intimidation, whether online, in writing or in person.
- 3.7. No set of safety measures is fail safe and councillors must actively consider their personal safety throughout their work, committing to attend and apply relevant training and raising any safety concerns with support staff.

### **Cost Implications**

- 3.8. It is possible that cost implications may arise once a set of principles is agreed. The cost of the recommendations within this report will be met from within the existing, agreed resource base.

### **Conclusions**

- 3.9. Recent events have underscored the risk and threats posed to councillors in undertaking their duties within communities. Whilst no system is failsafe, the recommendations in this paper seek to work towards providing suitable and appropriate mitigation measures.

## **4.0 Sustainability Implications**

- 4.1. There are no direct sustainability issues at this stage.

## **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  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 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

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stuart Crickmar	Strategic Director	2127

### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director	



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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Animal Licencing**

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**Report by: Strategic Director – Partnership & Performance**

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**1.0 Purpose**

- 1.1. The purpose of this report is to seek Council agreement on Animal Licencing fees following the introduction of the Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- notes the implications for the Licencing Authority in terms of the Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021.
  - agrees the schedule of fees as set out at Appendix 1 for 2021/22;
  - agrees that a 50% reduction should applied to the fees of Animal Welfare Establishments that are Scottish registered charities..

**3.0 Considerations**

- 3.1. The Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021 took effect from September 2021. They replace previous legislation covering pet sales and dog breeding and introduce new licencing requirements for cat and rabbit breeders, animal welfare establishments (animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licencing threshold for each activity.
- 3.2. The purpose of the new Regulations is to provide a modern system of licencing and registration for animal sanctuaries and rehoming. They also seek to improve licencing for dog, cat and rabbit breeding, dealing and selling so that conditions in breeding units in Scotland can be controlled and breeders identified when advertising animals for sale.

- 3.3. The impact of this new regime is that it broadens the scope of regulated activity as follows:
- The breeding of dogs – any person breeding 3 or more litters of puppies in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a puppy as a pet to another person
  - The breeding of cats - any person breeding 3 or more litters of kittens in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a kitten as a pet to another person
  - The breeding of rabbits - any person breeding 6 or more litters of kits in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a kit as a pet to another person
  - The sale of animals as pets in the course of a business, encapsulating the following:
    - Selling animals as pets in the course of a business
    - Selling animals, with the expectation that they will be resold as pets, in the course of a business
    - Keeping animals in the course of a business with a view to them being sold as pets
    - Keeping animals in the course of a business with a view to them being resold as pets
  - The operation of Animal Welfare Establishments - under the Regulations, an operator of an AWE (such as an animal sanctuary or animal rehoming centre) will require a licence if a threshold number of animals are kept in the AWE for their care.
  - The rehoming of animals (other than an AWE) - under the Regulations this means any operator that supplies an animal as a pet to a person in Scotland is required, subject to some exceptions, to be licenced if the following conditions are met:
    - The person being supplied physically receives the animal in Scotland, and
    - The supply takes place during a 12 month period in which at least 4 other animals are supplied by the operator as pets to a person in Scotland.
- 3.4. A licensing authority may charge such fees as it considers necessary for—
- the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
  - the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which the

licence holder is subject in circumstances other than those described in the preceding sub-paragraph including any inspection relating to that consideration, and

- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator.
- 3.5. The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

### **Licencing Period**

- 3.6. The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 allow the Local Authority to issue licences with a duration of one, two or three years. In determining the duration of a licence, the Local Authority must be satisfied that the period to be granted is appropriate on the basis of its assessment of the following:
- The risk of the applicant breaching the licence conditions (including any particular licence conditions to be attached to the licence by us in relation to that particular operator)
  - The possible impact of any such breaches on the welfare of any animals
  - Whether the applicant is already operating to higher standards of animal welfare than required by the licence condition.

### **Licencing Fees**

- 3.7. The Council's policy on fees and charges is based on the principle of full cost recovery. Proposed fees for 2021/22 are set out at Appendix 1. These reflect the administrative tasks required to process and enforce the new regulatory duties. It should be noted that there do not include fees for veterinary inspections, which, where applicable will be recharged to the applicant on a full cost recovery basis.
- 3.8. Fees will be reviewed and consulted on annually as part of the budget process in line with the schedule of fees and charges. Fees reflect administration of the new regulations, however, it should be noted that the licencing period and associated costs has the potential to move from annual to two or three yearly for most established licence holders demonstrating a high degree of assurance.
- 3.9. In recognition that Animal Welfare Establishments are for the wider public good given society's wish to protect animals from suffering and improve animal welfare it is proposed that a 50% discount should be applied if those organisations are a charity registered in Scotland.

### **Conclusions**

- 3.10. The Animal Welfare (Licensing of Activities Involving Animals) Scotland Regulations 2021 came into effect on 1 September 2021 to improve animal welfare and protect animals from suffering. The broader scope of the

Regulations has additional resource impacts for the Licencing Authority in Clackmannanshire which is required to administer them.

#### 4.0 Sustainability Implications

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

#### 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* – the Regulations will likely result in increased workloads for licencing and environmental health staff. The full implications are not known at this stage however should additional staffing be required, this will need to be reflected in future fees.

#### 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  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 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  (please list the documents below) No

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Stuart Crickmar	Strategic Director	2127

**Approved by**

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director	

## Appendix 1 – Fees 2021/22

	Sale of Pet Animals	Breeding of Dogs/Cats/Rabbits	Animal Welfare Establishments	Animal Rehoming Activities
New Application/Renewal	£140*	£140*	£140*	£140*
Variation of Licence	£118**	£118**	£118**	£118**

Based on an average estimated 6.5hrs processing effort x £21.60 per hour\*

Based on an average 5.5hrs estimated processing x £21.60 per hour\*\*

### **Note**

The licence fee is the same whether it is for a 1,2 or 3 year duration

The fee reflects the cost of processing applications. No refund will be given if an application is refused or is withdrawn

AWE – a 50% reduction will be applied for charities registered in Scotland with OSCR

Where it is required for the purposes of processing or enforcing a licence, that the services of another agency is needed to conduct an inspection, e.g. the SSPCA or a veterinary surgeon, this will be recharged to the applicant on a cost recovery basis in addition of the licencing fee.



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**Report to Clackmannanshire Council**

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**Date: 16th December 2021**

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**Subject: Scheme for the Establishment of Community Councils**

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**Report by: Strategic Director Partnership & Performance**

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**1.0 Purpose**

- 1.1. The purpose of this report is for Council to consider the outcome of the second stage of consultation on the content of a proposed new Scheme for the Establishment of Community Councils.

**2.0 Recommendations**

- 2.1. It is recommended that Council approves the proposed new Scheme for the Establishment of Community Councils attached as Appendix 1 to this report for adoption.

**3.0 Considerations**

- 3.1. The Scheme for the Establishment provides the framework within which community councils establish and operate. Clackmannanshire Council approved the preparation of a new Scheme for the Establishment of Community Councils at its meeting in September 2020 and in so doing initiated a public consultation on the contents of the document.
- 3.2. The Council aims to keep the content of the Scheme as high level as possible, giving scope for community councils to change operational aspects of their practice through their other governing documents, such as their Standing Orders and their constitution. We also aim to ensure the Scheme empowers community councils to operate as independently as possible in a way which is most appropriate to the interests of their communities and the strengths of their members.
- 3.3. During the second 8-week consultation period, the public were invited to make suggestions on the contents of the Scheme.
- 3.4. Some constraints of community council governance emerged as community councils endeavoured to fulfil their function during the course of the pandemic, in particular the limitations of the election and co-option provisions. Due to difficulties created by low membership numbers, Council agreed at its meeting in September 2020 not to pursue suspension should the community councils co-opt new members in breach the Scheme. This was applicable to all

community councils and was in operation until the Council was able to run regular elections. A Regular Community Council Election process was completed on Friday 29<sup>th</sup> of October and, accordingly, this arrangement has expired.

- 3.5. In addition, in the time since the last review of Clackmannanshire's Scheme, the matters of community council complaints and conduct have been prominently on the national agenda. Clackmannanshire's community councils have not reported any difficulty in relation to processing complaints and responses to the most recent consultation do not indicate that any further action is required in this respect at this time. With regard to community councillor conduct, Clackmannanshire had been able to boast of no significant problems but through ongoing dialogue with community councils we know there is now strong appetite to make clear and specific provision for dealing with disruptive behaviour promptly and decisively.
- 3.6. The focus of Stage 2 of consultation was an online questionnaire. The public response was very low, although the responses submitted were relevant and useful. Clackmannanshire's eight active community councils have had the opportunity to contribute to the analysis of responses from the online questionnaire conclusions and recommendations. A summary is contained in Appendix II.
- 3.7. The key changes to the Scheme proposed at the start of Stage 2 are summarised in paragraph 4 of this report. There are no further changes to the draft revised Scheme, appended to this report as Appendix I, following the completion of Stage 2 consultation.

## **4.0 Revisions to the Scheme**

### **Elections**

- 4.1. Although community councils agree that in the interests of legitimacy and transparency, the use of co-options should be regulated, some report that it has become increasingly difficult to operate from one election to the next without recourse to co-option as a means of remaining legitimate. In recognition of this, proposed paragraph 7.4 of the revised Scheme is the only substantive change. In the event that the Council is not in a position to run scheduled regular elections or interim elections, it will give officers scope to make a decision on a case-by-case basis allowing co-option beyond the two-thirds ratio and/ or to places not filled at a regular election in community councils whose numbers are close to or below minimum.

### **Addition of digital communication options**

- 4.2. Although the existing Scheme did not expressly prevent the use of digital communication, text has been added to confirm this is an option. This does not significantly change the principles of the Scheme.

## **5.0 Other revisions**

- 5.1. Although it is rare that a community councillor disrupts the business of their own community council, the impact when it happens is significant. It is

therefore proposed that guidance for community councils on sanctioning a member for persistent behaviour which impedes community council business be added to the model Code of Conduct for community councils. Proposed text for this guidance is in Appendix III.

## 6.0 Next Steps

- 6.1. Subject to Council approval, the statutory consultation is complete. The indicative timeline is included as Appendix IV. The revised Scheme will be published on the Council's website and in consultation with community councils model documents and guidance will be amended to align with changes as relevant.

## 7.0 Resource Implications

### 7.1. Financial Details

- 7.2. 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

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

### 7.4. Staffing

## 8.0 Exempt Reports

- 8.1. 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         | <input type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | X                        |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer  | <input type="checkbox"/> |
| Vulnerable people and families are supported                             | <input type="checkbox"/> |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/> |
| The environment is protected and enhanced for all                        | <input type="checkbox"/> |
| 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  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 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 draft proposed Scheme for the Establishment of Community Councils

Appendix 2 Summary of responses to stage 2 consultation

Appendix 3 proposed draft appendix to model code of conduct

Appendix 4 Indicative Review Timetable

**11.0 Background Papers**

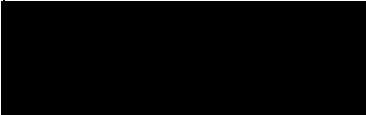
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Baillie	Strategy & Performance Adviser	2012

**Approved by**

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director Partnership & Performance	

# SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS



Clackmannanshire  
Council  
www.clacks.gov.uk

Comhairle Siorrachd  
Chlach Mhanann

## 1. Introduction

- 1.1. Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities and made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.
- 1.2. The Scheme is designed to enable the establishment of community councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

## 2. Statutory Purposes

- 2.1. The statutory purposes of community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "In addition to any other purpose which a Community Council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".

## 3. Role of Community Councils

- 3.1. Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises community councils as the voice of the community on matters which directly affect public services in their areas and as appropriate bodies to participate at all stages of Local Development Planning.
- 3.2. Community councils have a statutory right to be consulted on planning applications which affect their area.
- 3.3. Community councils are competent objectors for licensing applications.
- 3.4. It is the role of community councils to inform the community they represent of matters of public concern and enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Clackmannanshire Council also recognises the scope community councils have to promote the well-being of the communities they represent; foster community spirit, and safeguard and improve the amenities of the community council area, its buildings and its natural environment.

## 4. Boundaries and Membership

- 4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this map which annexes this Scheme.
- 4.2. There shall be minimum and maximum membership numbers of community councillors. Only members who were elected at a regular, or interim election count for minimum membership to operate. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

Community Council	Membership maximum	Minimum membership to operate	Minimum nominations at a regular election	Population est
Alloa	16 members	8 members	9 nominations	14085
Alva	14 members	7 members	8 nominations	4824
Clackmannan	14 members	7 members	8 nominations	3716
Dollar	14 members	7 members	8 nominations	3084
Menstrie	14 members	7 members	8 nominations	2826
Muckhart	12 members	6 members	7 nominations	534
Sauchie & Fishcross	14 members	7 members	8 nominations	6425
Tillicoultry	14 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	14 members	7 members	8 nominations	9345

## 5. Eligibility

- 5.1. To qualify for nomination and election to a community council, and membership, a candidate must:
- Reside in the community council area for which membership is sought and,
    - be aged 18 or over and included on the current electoral register for the Community Council Area, or
    - be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
  - Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
  - Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
  - Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

## 6. Establishment

- 6.1. Clackmannanshire Council will invite electors in an area where no community council exists to apply in writing to the Chief Executive for the establishment of a community council in their area.
- 6.2. Clackmannanshire Council will arrange an election where at least 20 electors, who in their own right would be eligible to stand for election to a community council, notify the

Chief Executive in writing within 21 days that they wish to see a community council established for their area. The method of election will be that of a regular election described in Paragraph 8.

- 6.3. If nominations are received for less than the minimum nomination number, no community council will be formed. Clackmannanshire Council will give a statement of reasons why a community council may not be formed in any area.
- 6.4. In areas where no community council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a community council. This will be subject to there being no more than two elections in a twelve month period in any one community council area.
- 6.5. Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular, National or Local election is scheduled.

## 7. Election

- 7.1. The method by which people become community councillors shall be open and transparent. Clackmannanshire Council will conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches including the use of modern ICT to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through three methods, described in Paragraph 8. They are:
  - Regular elections, every four years to fill all places on all community councils
  - Interim elections, in the event that a community council's membership falls below the minimum membership to operate, or when the community council fails to receive the minimum nominations at a regular election
  - Co-option, to be used to maintain membership numbers as soon as a vacancy arises
- 7.3. Regular and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.
- 7.4. In the event of exceptional circumstances which prevent the Council from conducting community council elections within a reasonable timescale, the Council's Monitoring Officer will have the authority to make decisions which allow a community council to maintain its membership in order to be able to fulfil its statutory function.

## 8. Election Methods

### Regular Elections and Interim Elections

- 8.1. The Returning Officer for community council elections carried out by Clackmannanshire Council will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

## Regular Elections

- 8.2. Regular elections are held every four years at a time to be determined by Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in a year National or Local Elections are scheduled.
- 8.3. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2021.
- 8.4. Clackmannanshire Council may use digital methods to conduct community council elections where appropriate.

## Regular Election Process

### 8.5. Step 1 Nominations

All places on all community councils are available. All serving Community councillors will stand down and will be eligible for re-election. For all serving community councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

Clackmannanshire Council will advertise a Notice of Election by public notices in the area covered by the community council. This notice will invite residents of the area to put forward nominations for membership of the community council.

Nominations will be in the form decided by the Returning Officer and will be subscribed by one proposer and one seconder, both of whom must be eligible for election in their own right. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

Nominations for election to a community council must be received by the Returning Officer by the time specified.

### 8.6. Step 2 Election Process

Where nominations are received for between the nomination minimum and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of places to be filled, a ballot will be held.

### 8.7. Step 3 Ballot

When a ballot is held, community councils shall be elected on the Block Voting system. The ballot will be secret and will follow the process set by the Returning Officer.

### 8.8. Optional Step: Nomination deadline extension

Should the total number of candidates nominated be below the minimum nomination number as specified for the community council area, no community council will be established in that area at that time. However, Clackmannanshire Council may, at its discretion, extend the deadline and within 6 months of the closing date for the



registration of the first call for nominations issue a second call for nominations for a community council area failing to meet the minimum nomination requirement.

### Interim Elections

- 8.9. In the event that a community council's membership falls below or is at risk of falling below the minimum membership to operate, it shall notify Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements for an interim election to be held to fill places left vacant at a regular or interim election and vacancies arising since a regular or interim election. Places filled at a regular, or previous interim election are not subject to interim elections, however, places filled by co-option are. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

### Interim Elections Process

- 8.10. The process for an interim election is that of the nominations and ballot process in a regular election but nominations shall be invited only for the number of vacancies. There will be no second call for nominations. A community councillor elected at an interim election will hold office until the next regular elections.

### Co-option

- 8.11. Should a place filled through an election become vacant, community councils shall take steps through a process of co-option to fill the vacancy to maintain membership numbers until the next election. A community council must not co-opt further members if, as a result, the number of co-opted members would exceed one third of the number of community councillors elected at a regular or interim election. Places not filled at a regular or interim election cannot be filled by co-option.
- 8.12. Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the community council by a two-thirds majority of the elected (regular and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (whether regular or interim). Co-opted members do not count for minimum operating numbers.

### Co-option Process

- 8.13. Community councils shall determine the process of co-option. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members and publicly in the community council area at least 14 days prior to the meeting at which the matter will be decided.

## 9. Meetings

- 9.1. The Returning Officer will call the first meeting of the community council after its establishment and after regular elections. This meeting will take place within 4 weeks of the election or as soon thereafter as is practicable. The election of a chairperson for that meeting from amongst community councillors present must be the first item of business

at this meeting. Until a chairperson for that meeting is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.

- 9.2. Community councils shall determine the format of their meetings subject to meetings being open to the public, with the place, date, time, nature of the business to be conducted at the meeting and draft note of any decisions made at the previous meeting advertised in the community council area at least 7 days before the meeting. Community councils may use digital meeting methods where appropriate to their community.
- 9.3. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
- 9.4. Each community council shall hold a meeting by the end of September of each regular election year and by the end of October in non-election years at which it will account for its activities in the previous year, present its annual accounts for approval and elect its office bearers.
- 9.5. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.

## **10. Constitution**

- 10.1. Each community council is required within 2 months of establishment or as soon thereafter as is practicable to adopt a Constitution which adheres to the terms of this Scheme. The constitution must meet minimum standards of legitimacy, democracy, accountability and transparency relevant to the statutory function of community council and is required to be approved by Clackmannanshire Council prior to adoption by the community council.

## **11. Resourcing**

- 11.1. Clackmannanshire Council will provide assistance to community councils to support their administrative needs. The details of this assistance and resourcing which the Council will from time to time determine will be set out in the Protocol which accompanies this Scheme.
- 11.2. Any financial assistance will be made available to community councils following receipt of bank account details and, in the case of established community councils, approval by the chief finance officer of independently examined annual accounts which the community council can demonstrate have been approved by the community council at a properly-convened meeting which is open to the public.

## **12. Dissolution and Suspension**

### **Dissolution**

- 12.1. Clackmannanshire Council will, upon request of the community in question and following due process as set out in the community council's own constitution, assist a community with the process of the dissolution of a community council.

### **Suspension**

- 12.2. Clackmannanshire Council may move to consider a community council to be suspended where:
- It has demonstrated a major single breach or a series of breaches to the requirements set out in this Scheme or its adopted constitution and where said breach(es) have not been remedied after being brought to the community council's attention.
  - A majority of its members collectively or separately have been charged with an offence under the law
- 12.3. Should Clackmannanshire Council consider a community council to be suspended, it shall publish a public notice in the area giving reasons. Within 2 months of suspension of a community council (or as soon as is practicable) Clackmannanshire Council shall set in motion a process to establish if the community wish to dissolve the community council or take action to re-instate its status. The process will be set out in the public notice.
- 12.4. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

## **13. Exchange of Information**

### **Procedures**

- 13.1. Procedures for the exchange of information on matters of mutual interest will be negotiated, and updated to suit changes in working arrangements, between community councils and Clackmannanshire Council. They are set out in the community council Protocol which accompanies this Scheme.

### **Single Point of Contact**

- 13.2. Each community council shall elect from among its members a Single Point of Contact for communication with Clackmannanshire Council and other public authorities, and provide the name and contact details of the Single Point of Contact to Clackmannanshire Council for wider publication to the public. The community council shall notify the Community Council Liaison Officer of any changes to the Single Point of Contact.
- 13.3. Each community council is required to have an electronic means of communication available for contact from the Council and for contact from the residents of its area.

### **Community Council Liaison Officer**

- 13.4. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

## Guidance

- 13.5. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

Adopted: [ Month ] 2022

Review date : 2026

DRAFT

Theme	Council comment	Council proposal
<p>1 Any aspects of the Scheme which are unhelpful for residents who want a community council to represent them</p>		
<p>1a  Limitation on co-option, this is very restrictive in a time when recruitment of councillors is difficult,</p>	<p><i>For most community councils for most of the time, the co-option ratio is not a limitation. However, this comment is accurate, when residents did not nominate enough people to the community council during a regular election, or when several community councillors leave within a short space of time, the cap on co-option is a barrier to recruitment.</i></p>	<p>New paragraph 7.4 (proposed at Stage 1) would allow scope to extend co-option in the event numbers drop and the Council is not in a position to run scheduled regular elections or interim elections</p>
<p>1b  I do believe that the elections are important and fine as they stand. They must be seen to be transparent and impartial, again as they are. the process is there to be seen and followed.</p>	<p><i>General discussions with community councils themselves also back this comment up. Community councils continue to express a preference for the formal Council-administered election.</i></p>	<p>No change to current provision.</p>
<p>1c  The criteria for eligibility is not complete, in my opinion. If a Community Councillor has failed in their duty to properly represent the community, has not followed the expected code of conduct, has been a disruptive influence within the CC to the extent that the remaining councillors feel they cannot work with them, or that individual has been excluded from the CC, they should not be able to stand for re-election. In such circumstances, the affected Community Council would be required to inform the Returning Officer, or such other authority as may be required, of the name of the individual, and their reasons for requesting the exclusion</p>	<p><i>Although we can understand why this would seem to be a logical course of action, we have two concerns about this suggestion. Firstly, it is possible that the entire membership of a community council could change following a regular election. This change to eligibility criteria would unnecessarily impose the experience and decision of an outgoing community council on the incoming community council.. Secondly, natural justice suggests that the individual might be given another chance by the incoming community council before the previous decision would be invoked, especially if a significant amount of time has passed since the original decision to exclude. Both the individual and the incoming community council may prefer to re-assess the situation.</i></p>	<p>Write a specific process for suspension / for exclusion into Model Standing Orders, but don't make the Code of Conduct mandatory?</p>

2 How important is a code of conduct for community councillors

2a	It sets a baseline that is written down, agreed to and visible.	<i>We agree transparency and openness are important to community councils.</i>	
2b	it ensures proper behaviour of individuals	<i>Whilst a code provides guidance on what constitutes proper behaviour, we are not sure that a code can in practice ensure such.</i>	
2c	Unacceptable Conduct - Given what [ area] has gone through and currently going through I do believe this issue has to be addressed as it would need to be addressed in line with any other business. There must be control / sanctions that can be put in place. I	<i>We accept that in the interests of the work of the community council and of all involved, unacceptable behaviour has to be dealt with effectively and promptly.</i>	As 1c above?
2d	Community Councillors must be able to work with each other efficiently for the benefit of the community they serve. If elected Community Councillors do not follow the expected standards, they may bring the organisation into disrepute, or it may fail completely to represent the community.	<i>We agree. For these reasons, it is important that community councils can address conduct of one or more of their individual members which actively disrupts business.</i>	As 1c and 2c above?

3 A code of conduct is not a priority because ...

3a	These are volunteers who give up their time selflessly, who monitors the code, who imposes penalties should the code be broken by a member and what would those penalties be.	<i>This is a good point. There is an inherent problem because there is no governing body for community councils. On matters of conduct they are self-regulating and depend on their own community for approval or disapproval of their actions. Community councils themselves have not unanimously asked for a Code of Conduct to be made mandatory.</i>	Keep the Code of Conduct as a Model which community council may choose to adopt and adapt.?
3b			

4 I think a complaints procedure should be optional because ...

4a	Once again these are volunteers, the imposition of such a procedure infringes on that status	<i>We agree that as a group of volunteers it does not seem appropriate to apply a procedure as if they provide a service. It is also problematic because the standards of that 'service' are whatever residents of the area say they are, so there is no gauge by which</i>	Keep the Complaints Procedure as a Model which community council may choose to adopt and adapt.?
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*to measure it.  
Community councils have so far been happy to have a model Complaints Procedure to be available but not mandatory.*

**5 I think a complaints procedure should be mandatory because ...**

5a	It means any complaint is dealt with in a standard uniform way across the county. A council make up may change over time and how to deal with complaints could be lost as members leave and the rareness of a complaint	<i>There is a model complaints procedure which fulfils this purpose. It was not made mandatory in recognition of the fact that residents not bureaucracy decide the make-up of each community council, so they are all different and we feel they should be free within reason to choose procedures which suit their make-up.</i>	[As 4 above]
5b	Elected Community Councillors should be accountable for their decisions, and be required to justify them, within reason. If actions have been carried out for which they do not have legitimate reason, there should be a process which can be followed in order for the decisions to be reviewed and corrected, if necessary.	<i>We believe the model complaints procedure already helps community councils follow a process. They can adapt it to suit their own ways of working. We feel it need not be mandatory to do this.</i>	

**6 Suggestions and ideas to enhance community participation and representation**

6a	I personally think CCs should be provided with a central Google Suite or MS Suite and domain so that all communication, document store etc can be managed uniformly and files shared with all members. As CCs aren't charities and fall outside non profits definitions they can't access free, modern essential IT services and have to cobble together services and share passwords and accounts, which is far from ideal. It's stops the loss of fidelity when members leave. Businesses can't survive using personal accounts CCs shouldn't either	<i>Thank you for this suggestion. We will discuss it with all eight community councils. This sort of arrangement does not need to be written into the Scheme itself.</i>	Raise with all 8 community councils and discuss the Joint Community Council Forum
6b	Perhaps more support for the groups would be appreciated, the current level is not particularly enticing for people to join.	<i>The Council is aware that if we are too closely involved with a community council we might seem to be directing it towards one course of action or</i>	Raise with all 8 community councils and discuss at the Joint Community Council Forum

*another. We will discuss this comment with all 8 community councils to find out what nature of support there needs to be more of. A statement on the nature and level of support sits better in the Community Council Protocol (the document which describes the working relationship).*

6d In my opinion the eligibility of a person to be a Community Councillor is not complete. If a person has not followed the code of conduct or failed to sign it, has been disruptive within the Community Council preventing the CC to act as effectively as it would wish to do so and to an extent that the remaining CCs feel they are unable to work with the person or the person has been suspended from the CC, they should not be regarded as suitable for re-election. If the above circumstances were the case, the Community Council would need to inform the Returning Officer of the name of the person and give their reasons for requesting exclusion.

[see comment for 1c above]

[ see 1c above]



## Appendix to Model Code of Conduct

### Dealing with persistent breach of the code of conduct

#### 1. Introduction

- 1.1. This guidance should be read in conjunction with the Code of Conduct. The code of conduct applies to behaviour both at community council meetings and in exchanges between people in the course of community council business between meetings.
- 1.2. In the event the behaviour of one or more of our community councillors / volunteers repeatedly behaves below the standard of behaviour we expect of our members or repeated disrupts community council business, the community council will take steps to address the conflict to ensure the community continues to operate smoothly.
- 1.3. In line with democratic principles for decision-making and conduct, we will deal with breaches of the code of conduct in as open and transparent a way as possible, bearing in mind any sensitivities and the interests of the public who attend our meetings.
- 1.4. Whilst all community council business may be conducted using existing decision-making processes and Standing Orders, due to the potential sensitivity of matters of individual conduct, this guidance has been drawn up to provide clarity to members of the public and of the community council alike on procedures for addressing, and on the community council's powers in this respect.
- 1.5. Responsibility for dealing with, and the final decision on, all breaches of the code of conduct lie solely with the community council.

#### 2. Aims of this Guidance

- 2.1. To help the community council address fairly, honestly, consistently and appropriately matters of unacceptable conduct.
- 2.2. To ensure that the community council's ability to perform its function is not hampered by excessive demands on its time and energy created by matters of conduct.

#### 3. Guiding Principles

- 3.1. Community councillors are volunteers and it is reasonable for them to expect their working environment, whether real or digital, to be a safe place.
- 3.2. Members of the public should also feel they are in a safe and respectful environment when attending community council meetings.

- 3.3. All members of the community council have the same right to equal and fair treatment.
- 3.4. All decisions relating to unacceptable behaviour will be made in an open and transparent way using explicitly-stated decision-making procedures.
- 3.5. The matter and all individuals involved will be treated with sensitivity and respect.
- 3.6. All individuals involved will be kept informed and given reasonable time to consider the information presented and respond.
- 3.7. We will deal with matters of conduct in a measured way and in proportion to the matter at hand.

#### **4. When this guidance applies**

- 4.1. This guidance is intended to be used when a simple form of redress has been attempted but has not been possible. It is also intended to address deliberate behaviour which is persistently in breach of the code of conduct or when it has not been possible to address an incident due to lack of co-operation of the party/parties involved.
- 4.2. This procedure does not apply to any matters which would normally be subject to the force of law.
- 4.3. If an incident of unacceptable conduct occurs at a community council meeting, Standing Orders will apply in order to address the behaviour at the time.

#### **5. Conditions**

- 5.1. A two thirds majority of current members is necessary to instigate the process and for all decisions relating to action to address unacceptable behaviour.
- 5.2. Any final decision on a formal sanction must be on the agenda of a meeting which is open to and advertised to the public. However, it is for the community council to decide if it is appropriate to raise the matter at an earlier stage at a community council meeting which is open to the public.
- 5.3. The community council must keep, and make available to all members, a record of all evidence and decisions, and a note of key points used to come to decisions.
- 5.4. A minimum of two meetings are required to start and end a process to address unacceptable conduct. There must be sufficient time in between all meetings for information to be shared and received and for any responses to be made. The timescales will be determined by the community council to suit the circumstances but will be based on the normal meeting cycle.
- 5.5. The dignity of the people involved will be respected and details which should be kept confidential must not appear in any minutes which are made public.

- 5.6. Decisions will state the length of time any sanctions will be in force with a review date, and/or other conditions under which they will be lifted. No sanction can be in force longer than the term of office.
- 5.7. The individual/s in question will be informed promptly of the decision, of the nature of the action the community council has agreed to take and any conditions, and of their right to appeal. The receipt of any appeal received following a decision to restrict contact and the subsequent decision will be reported to properly-convened meetings and recorded in the minutes.

## 6. Process stages

- 6.1. The community council will initiate action to address unacceptable conduct only after it is satisfied that there is reasonable evidence that conduct is unacceptable.
- 6.2. In the first instance, the community council will informally try to find the reason for the conduct in question, if there has been a misunderstanding or if it is likely to continue. If this does not rectify the situation, the cc may take more formal action.
- 6.3. The community council has the power to take an appropriate level of action. Sanctions are a last resort and will only be considered after a negotiated solution cannot be found. Formal action could take the form of

*[ to be inserted by the community council for example*

- *Asking for a formal apology*
- *A warning*
- *Formal or informal mediation*
- *Temporary removal from meetings/business*
- *Temporary suspension*
- *Exclusion ]*

## 7. Appealing a Sanction

- 7.1. As with the decision-making process, the community council will explicitly set out in writing the process by which a decision can be appealed. This will state timescales, channels of communication and options for recourse to advice and expertise.
- 7.2. The community council will make the final decision on whether the appeal is upheld or refused and on whether there should be any amendment to any conditions of the restriction arrangements. There is no further course of appeal.

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## Indicative Review Timetable

- 1.1. The steps involved in this process and proposed timescales are laid out in the Table below.

<b>Date</b>	<b>Step</b>
<i>September 2020:</i>	Council agrees to revoke existing Scheme.
<i>October 2020:</i>	Public notice of intention to revoke existing Scheme and statutory minimum 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.
<i>June 2021:</i>	<i>Council meeting considers the outcome of the consultation, recommendations arising from comments gathered during the public consultation and the contents of a draft new Scheme.</i>
<i>August 2021:</i>	<i>Public notice of second statutory minimum 8-week public consultation inviting the public to make representations on the aspects of governance of community councils and their relationship with Clackmannanshire Council which the Scheme details.</i>
<i>December 2021:</i>	Council consider any revised draft proposals on the contents of a proposed new Scheme. If there are none, Council may consider adopting a new Scheme.
<i>January 2022:</i>	If required, the public will have a 4-week period in which to make any final representations on the proposed document.
<i>April 2022:</i>	Council will consider any final representations and will formally adopt a new Scheme.
<i>April 2022:</i>	Public notice of the adopted Scheme and invitation for electors to apply for establishment in areas where no community council exists.

- 1.2. The eventual Scheme is timetabled for implementation in 2022.



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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Jubilee Holiday 2022**

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**Report by: Senior Manager – HR and Workforce Development**

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**1.0 Purpose**

- 1.1. This paper invites Council to designate Friday 3 June 2022 a Public Holiday for Council staff to mark the celebrations for Her Majesty the Queen's Platinum Jubilee celebrations in 2022.

**2.0 Recommendations**

Council is invited to:

- (i) **Note** the options considered as presented in Appendix 1 in relation to 2 and 3 June 2022.
- (ii) **Note** the exemption from the statutory requirement to provide 190 days of schooling. (paragraph 3.10)
- (iii) **Note** the provision related to 1140 hours (paragraph 3.12)
- (iv) **Note** the potential costs where staff may be required to work on 3 June 2022 should Council designate this as a local Public Holiday (paragraph 3.14)
- (v) **Agree** that Friday the 3 June 2022 is made an additional local Public Holiday in recognition of Her Majesty the Queen's Platinum Jubilee celebrations.

**3.0 Considerations**

- 3.1. In 1952, following the death of King George VI, Her Majesty was proclaimed Queen Elizabeth II. The Queen is the longest serving British monarch and 2022 will mark the seventieth year of her reign.
- 3.2. There will be year-long Platinum Jubilee celebrations throughout the United Kingdom, the Commonwealth and around the world.

3.3. A number of UK wide events are being organised by the Cabinet Office, DCMS and the Royal Household with support from Officials in the Devolved Administrations, including the Scottish Government. These events include:

- **Thursday 2 June 2022, Platinum Jubilee Beacons** - Following the long tradition of celebrating Royal Jubilees, Weddings and Coronations with the lighting of beacons, the Platinum Jubilee will also be marked in this way. Beacons will be lit throughout the United Kingdom, Channel Islands, Isle of Man and UK Overseas Territories. For the first time, beacons will also be lit in each of the capital cities of the Commonwealth countries.
- **Sunday 5 June The Big Jubilee Lunch - Every** year since the idea began in 2009, The Big Lunch has encouraged communities to celebrate their connections and get to know each other a little bit better, coming together in a spirit of fun and friendship. In 2022 The Big Lunch will bring the Jubilee celebrations into the heart of every community. People are invited to share friendship, food and fun with neighbours as part of the Platinum Jubilee celebrations.
- **Platinum Jubilee Civic Honours Competition** - Launched on 8 June 21, this includes competitions for City status and Provost status. City status and Lord Mayor or Provost status are civic honours granted by The Queen acting on the advice of Her Ministers under the Royal Prerogative. The granting of both City status and Lord Mayor or Provost status are purely honorific and come with no additional funding or powers. Since the 1970's, these awards have been granted through competitions and are usually held to coincide with Jubilee years, most recently for Her Majesty's Diamond Jubilee in 2012.
- **The Queen's Green Canopy** - This initiative is led by Cool Earth in partnership with the Woodland Trust and the UK Government. Communities, charities, schools, scout groups, councils and landowners will be invited to create a network of individual or specimen trees, tree avenues, copses and woodlands. The campaign will encourage the planting of healthy native trees that will thrive, enhancing our environment and the landscape for generations to come.

3.4. Each local council in Scotland has powers to make certain days 'local' public holidays.

3.5. As an employer we are not required to give paid leave on bank holidays however the Council does recognise 7 fixed paid public holidays which are contained with the terms and conditions of staff. These are:

New Year	1 and 2 <sup>nd</sup> January
Easter	Good Friday and Easter Monday
May	First Monday in May
Christmas	25 <sup>th</sup> and 26 <sup>th</sup> December



- 3.6. The Scottish Government has confirmed, along with the other nations of the United Kingdom, the movement of the late May Bank Holiday in 2022 and the introduction of a Bank Holiday to mark the celebration of Her Majesty's Platinum Jubilee
- 3.7. The Council does not recognise the late May Bank Holiday which has been moved from Monday 30 May 2022 to Thursday 02 June 2022.
- 3.8. Ministers have confirmed their view that it is important that families in Scotland are able to participate in the Jubilee celebrations next year.
- 3.9. The Scottish Government has advised that authorities can apply for an exemption from the requirement to provide 190 days of schooling for the schools in their area to accommodate the Platinum Jubilee bank holiday in June 2022.
- 3.10. The People Directorate has made application for exemption which could be applied if Council agree to recognise the Jubilee.
- 3.11. The Scottish Government has indicated there remains a requirement for provision for those parents entitled to 1140 hours of child care. Whilst all educational and nursery establishments would be closed, should Council agree to recognise the Jubilee holiday, Education colleagues advise if this caused families difficulty with Early Learning Childcare, the Council would use their Private Partner Provider nurseries to offer a place on that day or offer the time back at a stand alone ELC on an alternative date,
- 3.12. The Council's Senior Manager – HR and Workforce Development met with Trade Union representatives of the JTUC in September to discuss proposals. Union colleagues have advised they are supportive of the proposal to recognise the additional public holiday on 3 June 2022 and leave the early May public holiday unchanged.
- 3.13. The potential cost of staff who may be required to work on the additional public holiday is estimated at £30,000. This is based on a review of the payroll for the public holiday falling in May 2021 where it cost the Council £30,000. It is envisaged that this cost would be absorbed within service staffing budgets.
- 3.14. CoSLA has undertaken benchmarking to determine the positions of each Council. A summary of responses is outlined in Appendix 2.
- 3.15. Recognising the 3 June 2022 as a local public holiday with no other changes would mirror the position taken by Stirling Council at their October meeting and would maintain continuity of schooling provision for those schools pupils attending St Modan's High School.

#### 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

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

5.4. *Staffing*

*None*

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

Options proposals

CoSLA benchmarking summary

## 11.0 Background Papers

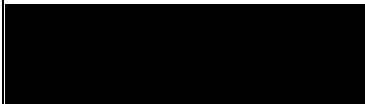
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Chris Alliston	Senior Manager – HR and Workforce Development	2184

### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director	



## APPENDIX 1

### FRIDAY 3 June 2022

Option	Detail	Pros	Cons
1	Do not recognise the Jubilee Holiday	<p>No impact on school calendar year and 190 Days schooling delivered</p> <p>No impact on other Council services</p> <p>No additional costs associated with working on a fixed holiday</p> <p>No requirement to apply the Scottish Governments exemption.</p> <p>No impact on nursery provision.</p>	<p>Scottish Government have confirmed, along with the other nations of the United Kingdom, the introduction of a Bank Holiday to mark the celebration of Her Majesty's Platinum Jubilee</p> <p>Staff may feel aggrieved if other organisations are recognising the additional public holiday and the Council are not.</p> <p>Potential reputational impact to Council to be seen not to celebrate Jubilee events.</p> <p>Unions not supportive of this position.</p>
2	Recognise the Jubilee Holiday	<p>Council would recognise the Jubilee celebrations in line with other public bodies.</p> <p>No breach of statutory requirement to ensure 190 school days as exemption as provided by Scottish Government applied.</p> <p>Unions supportive if this position.</p>	<p>Potential for complaints from those not wishing to recognise the Jubilee</p> <p>Potential from some parents who would require putting in provisional child care arrangements if their employers do not recognise the additional leave.</p> <p>Additional costs incurred as premiums applied to working fixed holidays for those service requiring to maintain service delivery.</p>

**THURSDAY 2 June 2022**

Option	Detail	Pros	Cons
1	Remains as a working day	<p>No further impact on school calendar year</p> <p>No impact on other Council services</p> <p>No additional costs associated with working on a fixed holiday</p> <p>Unions Supportive.</p> <p>Mirrors Stirling Council proposal and ensures continuity of schooling provision for those attending St Modans.</p>	<p>Staff may feel aggrieved if other organisations are recognising the 4 day weekend and the Council are not</p>
2	First Monday in May holiday is moved to 02/06/22	<p>There is previous precedent for this when the May holiday was moved from the Monday to the Friday to recognise VE day. This was in line with Scottish Government.</p> <p>4 Day weekend in line with many, but not all, organisations.</p> <p>No further impact on school calendar year as total school days would remain as 189 (If the additional public holiday is recognised)</p>	<p>Other organisations recognise both the first Monday in May and the 30<sup>th</sup> May as a holidays and are able to move the 30<sup>th</sup> May to accommodate the long weekend. The Council do not recognise May Day as fixed holiday.</p> <p>Unions not supportive of this.</p> <p>Reduced access to wider Council services for a 4 day period.</p> <p>There would be a requirement to maintain transport for those attending St Modans.</p>

3	Additional Holiday is provided by the Council	May be welcomed by non school based staff	<p>Schools would require to remain open as requirement to maintain 189 schooling days. There is no provision to apply for any additional exemption.</p> <p>Reduced access to wider Council services</p> <p>Additional costs incurred as premiums applied to working fixed holidays.</p> <p>Additional costs incurred arising from payments to school based staff to ensure parity in terms of further additional holiday.</p> <p>School based staff aggrieved.</p> <p>There would be a requirement to maintain transport for those attending St Modans.</p>
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## APPENDIX 2

What is the status of your plans for the 2nd and 3rd June 2022?	
Still to decide	2
Approach planned	11
Arrangements agreed with unions	1
Arrangements agreed with cllrs	0
Arrangements agreed with unions and cllrs	3
Arrangements agreed and published	7
Other - explain in notes	3
	27

What is planned or agreed for Friday 3 June 2022?	
Still to decide	1
Additional public holiday	9
Council closed additional day of leave to be taken	11
Council closed normal A/L to be used	0
Public holiday moved to this date	1
Council open	0
Other - explain in notes	5
	27

What is planned or agreed for Thursday 2 June 2022?	
Still to decide	1
Additional public holiday	0
Council closed additional day of leave to be taken	0
Council closed normal A/L to be used	2
Public holiday moved to this date	13
Council open	9
Other - explain in notes	2
	27