



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held in the Council Chamber, Kilncraigs, Alloa, on Thursday 30 November 2023 at 9.30 am.

PRESENT

Councillor Phil Fairlie, Convener (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Denis Coyne
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor William Keogh
Councillor Fiona Law
Councillor Graham Lindsay
Councillor Kathleen Martin
Councillor Mark McLuckie
Councillor Jane McTaggart
Councillor Janine Rennie
Councillor Bryan Quinn

IN ATTENDANCE

Nikki Bridle, Chief Executive
Pete Leonard, Strategic Director (Place)
Lorraine Sanda, Strategic Director (People)
Stuart Crickmar, Strategic Director (Partnership & Performance)
Lee Robertson, Senior Manager, Legal and Governance (Partnership & Performance) (Clerk to the Council)
Lindsay Sim, Chief Finance Officer (Partnership & Performance)
Chris Alliston, Senior Manager, HR and Workforce Development (Partnership & Performance)
Clair Fullarton, Communications Officer (Partnership & Performance)
Emma Fyvie, Senior Manager – Development (Place)
Robbie Stewart, Senior Manager, Sport and Leisure (People)
Andrew Buchanan, Housing Operations Manager (Place)
Katie Roddie, Senior Housing Officer (Place)
Kate Fleming, Senior Housing Strategy Officer (Place)
Michelle Rogers, Community Justice Policy Co-ordinator (People)
Scott McDonald, Senior Manager, Justice Services (People)
Wilson Lees, Homelessness and Supporting People Manager (Place)
Wendy Morrison, Senior Manager Transformation
Calum Wylie, Tenant and Participation Officer, Housing (Place)
Ewan Prentice, Stirling Council (Item 10)
Gillian White, Committee Services (Partnership & Performance)
Melanie Moore, Committee Services (Partnership & Performance)

CC(23)111 APOLOGIES

Apologies were received from Councillor Darren Lee and Councillor Craig Holden.

CC(23)112 DECLARATIONS OF INTEREST

None.

CC(23)113 MINUTES OF CLACKMANNANSHIRE COUNCIL – 5 OCTOBER 2023

The minutes of the meeting of the Clackmannanshire Council held on 5 October 2023 were submitted for approval.

Decision

The minutes of the meeting of Clackmannanshire Council held on 5 October 2023 were agreed as a correct record and signed by the Convener.

CC(23)114 HOUSING POLICIES AND SERVICE REDESIGN RECRUITMENT

The report, submitted by the Strategic Director (Place), was in response to a motion agreed at Council on 5th October 2023. The motion stated, "Officers will present a report to the next meeting of the Council providing timescales for the advertisement of a Policy Officer and Service Planning & Participation Officer with details of the policies and procedures (where required) to be reviewed by the Housing Service and presented to Council over the course of the next two years.

Katie Roddie, presenting the report, advised of an error. In paragraphs 2.2 and 3.9 of the report, it refers to a table at paragraph 3.18. The table is set out in paragraph 3.10.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Fiona Law.

Decision

The Council:

1. Approved the list of policies to be reviewed by the Housing Service over the course of the next two years (in table 3.10); and
2. Noted the process undertaken by the service and HR for the grading of a Policy Officer and Service Planning & Participation Co-ordinator (3.5).

Action

Strategic Director (Place).

CC(23)115 HOUSING SERVICES EVICTION DATA AND APPROACH

The report, submitted by the Strategic Director (Place), was in response to a motion agreed at Council on 5th October 2023. The motion stated, "that Officers will present a report to the next meeting of the Council outlining the Housing Service approach to evictions following confirmation of a 350% increase in Council Evictions between the period 2021/22 and 2022/23."

Motion

To agree the recommendations set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Fiona Law.

Decision

The Council:

1. Noted the data in relation to evictions.
2. Noted the legislative background and approach taken by the Housing Service in regards to evictions action.

CC(23)116 PETITIONS COMMITTEE

The report, submitted by the Chief Executive, provided Council with additional information in respect of the proposed changes to the governance arrangements for petitions and to consider, and thereafter agree, consequential changes to the Standing Orders and the Scheme of Delegation in relation to the treatment of petitions. The additional information provided addressed the issues raised prior to, and as a consequence of, Council's amendment to and debate of, the paper it considered at its meeting on the 5 October 2023.

Motion

To agree the recommendations set out in the report.

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

Decision

The Council:

1. Approve the establishment of a Petitions Committee for the purpose of hearing petitions submitted by members of the public and businesses within Clackmannanshire in line with the criteria set out in the Guidance (Appendix 1A and Appendix 2);
2. Agreed to make consequential changes to Standing Orders and the Scheme of Delegation; the petitions criteria, and guidance, and the petitions template as set out in Appendices 2 and 3 of this report; and
3. Agreed that having nominated eight members and their substitutes to sit on the Petitions Committee (quorum 4), in line with the political balance agreed at the Statutory Meeting of Clackmannanshire Council held on 25 May 2023, the undernoted Councillors were appointed:

SNP Group (Administration)

Committee Members: Councillors Lindsay, Law, Harrison and Balsillie

Substitutes: Councillors Forson, Fairlie, McTaggart and Hamilton

Labour Group

Committee Members: Councillors Keogh and McLuckie

Substitutes: Councillors Earle and Martin

Conservative Group

Committee Member: Councillor Benny

Substitute: Councillor Coyne

Independent Member

Committee Member: Councillor Quinn

4. Noted that a Chair and Vice Chair of the Petitions Committee will be appointed from within the nominated Committee membership at the first meeting of the Committee;
5. Noted the additional information set out in paragraphs 3.2 to 3.5 of the report and Table 1, covering the matters escalated by Council following amendment to, and agreement of, the Petitions paper (item 13) on 5 October 2023;

6. Noted that Appendix 2 showed a tracked changes version of the original Guidance and Criteria for submission of Public Petitions presented at October Council. These changes are based on the clarifications provided in Table 1 of this paper together with an analysis of the Council's Petitions database;
7. Noted that the Petitions Committee would report on every petition, in respect of which it had heard representations, to Council with its recommendation on how the petition should be disposed of;
8. Noted that any elected member sitting on the Petitions Committee should consider their responsibilities as set out in the Councillors' Code of Conduct, in terms of their involvement with any petition submitted, particularly where the petition solely concerns their Ward; and
9. Noted that as set out in Standing Orders 9.21 to 9.25, should the matter solely relate to a single Ward, Ward Councillors may speak on a matter at a committee they are not a member of, subject to the Chair's approval.

Action

Chief Executive

CC(23)117 ALLOA FIRST LTD BID BOARD REPRESENTATION

The report, submitted by the Chief Executive, advised Council of additional information provided by Alloa First Limited in respect of the application process and role of an Alloa First Business Improvement District (BID) Board member. This additional information provided contextual and procedural clarification which aimed to facilitate the Council's request for a Board Member position for a nominated elected member representative of Clackmannanshire Council as requested at its meeting on the 14 September 2023.

Motion

To agree the recommendations set out in the report.

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

Councillor Forson, in moving the report, congratulated Diane Brown, leader of Alloa First who had been selected as the winner of the Place Leader prize at the Scotland Loves Local Awards.

Councillor Forson advised that the nominee to the position would not be representing the Council in participating in the BID Board, and therefore as there may be a consequential conflict of interest, there were no nominations from the Administration.

The Convener asked if there were any nominations for the position. There were no nominations and that time and at the request of Councillor Quinn, the Convener agreed to adjourn the meeting at 10.01 am to facilitate a discussion on potential nominations. The meeting reconvened at 10.08 am with all 16 members present when Councillor Quinn nominated Councillor Denis Coyne as the potential Alloa First BID member. Councillor Quinn also suggested that, if required, he would be prepared to act as a substitute member.

The Chief Executive advised that there was no requirement for a substitute member.

Decision

The Council:

1. Agreed to nominate Councillor Denis Coyne as a potential Alloa First BID Board member; and
2. Agreed that the Senior Manager (Development) will continue as an advisor to the Board and, subject to the Board's appointment of the Council's nominated member, note that the officer will also support the Council's Board member (paragraphs 3.4 to 3.6).

3. Noted the key roles and responsibilities of a Board member of Alloa First BID (Appendix 1);
4. Noted the requirements of the BID in respect of completion of a nomination form which is to be submitted to the BID Board (Appendices 2 and 3); and
5. Noted that as Council has agreed its nomination per recommendation 2.1.1, the Senior Manager (Development) will engage with the Councillor Denis Coyne to complete the nomination form and submit it to Alloa First Board (paragraph 3.6).

Action

Chief Executive

CC(23)118 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

The report, submitted by the Chief Executive, sought Council approval of recommendations which have been made by the Audit and Scrutiny Committee on 26 October 2023.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Graham Lindsay

Decision

The Council:

1. From the Audit and Scrutiny Committee of 26 October, 2023 in relation to the report entitled "Audit & Scrutiny Committee Annual Report & Forward Planning 2023/24"
 - a. Agreed its forward plan for 2023/24 as set out at Appendix 2 of the above report; and
 - b. Agreed its Annual Report 2023 as set out at Appendix 3 of the above report
2. Noted that the report relating to Audit and Scrutiny Committee is available on the Council's website.

Action

Chief Executive

CC(23)119 BUDGET STRATEGY UPDATE

The report, submitted by the Chief Finance Officer, maintained the Council's regular update on the approved Budget Strategy. The report provided a high level financial overview and an update on the Budget process for 2024/25 including upcoming key milestones.

Motion

To agree the recommendation set out in the report.

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

Decision

The Council agreed to note:

1. The extremely challenging financial position faced by the council and current in year risks;
2. That the indicative funding gap remains at £11.6m in 2024/25 rising to £22.0m by 2026/27 (paragraph 4.1 and Appendix A);
3. The progress on the 2024/25 budget approach including the work of the Budget Working Group and output of Budget Challenge sessions (paragraph 5.3);
4. The timeline of upcoming key milestones in preparing the budget and briefings (paragraph 5.4 and Appendix B);
5. The re-established officer Capital Operations Group and the work to progress the update to the approved 20 year capital plan (section 6.0); and
6. The update on progress with the HRA Business plan to support the development of the 2024/25 Revenue and Capital Budgets (section 7.0)

CC(23)120 TREASURY MANAGEMENT QUARTERLY UPDATES AT 30TH JUNE 2023 & 30TH SEPTEMBER 2023

The report, submitted by the Chief Finance Officer, presented an update of Treasury Management activity for the first 2 quarters of the year - 1st April to 30th September 2023.

Motion

To agree the recommendations set out in the report.

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

Decision

Having commented on and challenged the review of the Council's Treasury Management activities, the Council agreed to note the report.

CC(23)121 PLACE & PARTNERSHIP AND PERFORMANCE BUSINESS PLANS

The report, submitted by the Strategic Directors (Place and Partnership & Performance), presented for consideration the directorate Business Plans for Place and Partnership & Partnership Business Plan 2023/24.

Stuart Crickmar, presenting the report, advised of an error. The recommendation set out in Paragraph 2.1 should read "Council is asked to note, comment on, challenge and agree the report"

Motion

To agree the recommendations set out in the report (as corrected).

Moved by Councillor Fiona Law. Seconded by Councillor Ellen Forson.

Decision

Having commented on and challenged the Place and Partnership and Performance Business Plans, the Council noted and agreed the report.

Action

Strategic Directors (Place and Partnership & Performance)

CC(23)122 HR POLICIES – REDEPLOYMENT

The report, submitted by the Senior Manager, HR and Workforce Development, (Partnership and Performance) sought approval to amend the Council's Redeployment Procedure.

Motion

To agree the recommendations set out in the report.

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

Voting

In terms of Standing Order 14.7, Councillor Brian Quinn asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

To vote for the recommendations set out in the report (15)

Councillor Phil Fairlie
Councillor Graham Lindsay
Councillor Mark McLuckie
Councillor Donald Balsillie
Councillor Martha Benny
Councillor William Keogh
Councillor Fiona Law
Councillor Wendy Hamilton
Councillor Janine Rennie
Councillor Jane McTaggart
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Scott Harrison
Councillor Kathleen Martin
Councillor Denis Coyne

To vote against the recommendations set out in the report (1)

Councillor Bryan Quinn

The motion was carried by 15 votes to 1 with 0 abstentions.

Decision

On a division of 15 votes to 1, with 0 abstentions, the Council:

1. Noted that the report sought to maintain the clear intent and expectation of redeploying, where possible, all employees in the event that their post has been removed as a result of organisational transformation or change, whilst recognising that, where a reasonable period has lapsed it is in the interest of both parties to conclude employment and provide appropriate compensation to the employee;
2. Noted the proposed change from an indefinite redeployment period to a maximum period of 6 months (paragraph 5.25, Appendix 2);
3. Noted the redeployment benchmarking information provided at Appendix 1; and
4. Agreed the proposed changes to the Redeployment Procedure (Appendix 2).

Action

Senior Manager, HR and Workforce Development (Partnership and Performance)

CC(23)123 REGIONAL ENERGY MASTERPLAN AND LOCAL ENERGY EFFICIENCY STRATEGY

The report, submitted by the Strategic Director (Place), sought approval of the draft Stirling and Clackmannanshire Regional Energy Masterplan both as a strategic plan to take Clackmannanshire towards achieving net zero energy systems by 2045 and to satisfy the requirements of the Scottish Government's Local Heat and Energy Efficiency Strategy (LHEES) Statutory Order 2022.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Fiona Law. Seconded by Councillor Ellen Forson.

Decision

The Council:

1. Approved the draft Regional Energy Masterplan;
2. Agreed that the Regional Energy Masterplan will be reviewed, updated, and brought to Council every 5 years; and
3. Noted that obligations of the LHEES statutory order have been fully met within the content of the Regional Energy Masterplan.

Action

Strategic Director (Place)

In line with Standing Order 10.23, the Convener adjourned the meeting at 11.14 am for a short comfort break. When the meeting resumed at 11.28 am, 16 members remained present.

CC(23)124 STRATEGIC HOUSING INVESTMENT PLAN 2024- 2029

The report, submitted by the Strategic Director (Place), sought approval of the Strategic Housing Investment Plan 2024-2029 (SHIP). The SHIP sets out the operational framework for affordable housing development in Clackmannanshire over the next 5 years, establishing the investment priorities.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Fiona Law.

Decision

The Council:

1. Approved the Strategic Housing Investment Plan for 2024-2029, including the summary 5 year programme of housing sites, detailed in Appendix 1;
2. Approved the relocation of tenants at Pompee Road, Sauchie (Band 1 priority) and to clear the site for new housing development;
3. Noted that Paragon Housing Association intend to participate in off the shelf purchases from the open market (as the Council and Ochilview Housing Association currently do), detailed in paragraph 7.2 of the report; and

4. Noted that regular updates on the progress of the SHIP will be brought Housing Performance meetings on an ongoing basis from early 2024.

Action

Strategic Director (Place)

CC(23)125 PLACE BASED INVESTMENT PROGRAMME 2023/24

The reports, submitted by the Strategic Director (Place), provided an update to Council on activity around the Council's Place Based Investment Programme. The report described the process that Council Officers have undertaken to create a plan for the appropriate use of the Scottish Government's Place Based Investment Funds for the year 2023/24.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Fiona Law.

Decision

The Council:

1. Noted the work that has been undertaken to give a robust view on the place-based capital projects that are achievable within the timescales of the 2023/24 fund (Appendix 1);
2. Approved the allocation of the Place Based Investment Fund 2023/24 for a set of projects taken from the list set out in in Appendix 1; and
3. Approved the authorisation of a flexible approach to delivering the projects set out in the report so that underspends in one project can be allocated to overspend or added value elements in other projects.

Action

Strategic Director (Place)

CC(23)126 REINFORCED AUTOCLAVED AERATED CONCRETE

The report, submitted by the Strategic Director (Place), outlined the Council's response to Reinforced Autoclaved Aerated Concrete (RAAC) being found within three buildings of mixed ownership properties in Tillicoultry. The report also provided Council with an update on the programme of surveys being carried out by the Council's appointed building engineers in response the UK wide issues on RAAC within Council's assets.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Fiona Law.

Decision

The Council noted:

1. The position on the evacuated buildings within Tillicoultry;
2. The programme of surveys being carried out on Council assets;
3. The care for people response;
4. Reporting requirements; and

5. current financial expenditure to date as a result of the management of RAAC

In line with Standing Order 10.25, the Convener adjourned the meeting at 12.45 pm for a meal break. Councillor Kenneth Earle withdrew from the meeting during the break. When the meeting resumed at 1.30 pm, 15 members remained present.

CC(23)127 COMMUNITY JUSTICE OUTCOME IMPROVEMENT PLAN 2023-2028

The report, submitted by the Community Justice Coordinator, sought approval of the Clackmannanshire Community Justice Outcome Improvement Plan 2023-2028.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Wendy Hamilton.

Decision

The Council:

1. Approved the Clackmannanshire Community Justice Outcome Improvement Plan (CJOIP) 2023-2028 (Appendix 1);
2. Approved the plans for further development of the Delivery Plan to support the CJOIP by Autumn 2024 (para 3.10 of the report).

Action

Community Justice Coordinator (People)

CC(23)128 WELLBEING HUB AND LOCHIES SCHOOL PROJECT UPDATE

The report, submitted by the Senior Manager, Sport and Leisure (People), provided Council with an update on the progress of the Wellbeing Hub & Lochies School project.

Motion

To agree the recommendations set out in the report.

Moved by Councillor Scott Harrison. Seconded by Councillor Graham Lindsay.

Decision

The Council noted:

1. Commencement of engagement programme with key stakeholders to inform the concept designs. (Paragraphs 3.1 to 3.5);
2. The selection of Animate as the advisors for the Co-Design process and the progress of the recruitment of people with lived experience. (Paragraphs 3.6 to 3.7); and
3. The launch of a design competition for S3-6 pupils to be run in partnership with the Futures Institute of Dollar Academy (FIDA) (Paragraphs 3.8 to 3.11).

CC(23)129 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16 – THE CLACKMANNANSHIRE TARTAN

A notice of motion in terms of Standing Order 16.0 was submitted by Provost Donald Balsillie..

Motion

“Subject to the Council entering into a validly executed Agreement with the designer of the winning entry of the Clackmannanshire Tartan Schools Competition, and finalising any additional legal requirements the Council agrees that:

1. The tartan design and story, the winning entry to the design a “Clackmannanshire Tartan” Schools Competition, is agreed and approved as “The Clackmannanshire Tartan”; and
2. That the “Clackmannanshire Tartan” will be registered by Clackmannanshire Council with the Scottish Register of Tartans for the businesses and people of Clackmannanshire.”

Moved by Provost Donald Balsillie. Seconded by Councillor Jane McTaggart.

Decision

The motion was unanimously agreed by Council.

Action

Chief Executive / Provost

Ends: 2.44 pm

