

**MINUTE OF MEETING of the
CLACKMANNANSHIRE COUNCIL
held within the Council Chamber,
Greenfield, Alloa, on THURSDAY 4th
JUNE 2009.**

PRESENT

**Provost Derek Stewart (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Eddie Carrick
Councillor Kenneth Earle
Councillor Mark English
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley**

**Rev Mairi Lovett, Religious
Representative
Father Michael Milton, Religious
Representative**

IN ATTENDANCE

**Angela Leitch, Chief Executive
Grahame Blair, Director of Services to People
Garry Dallas, Director of Development and
Environmental Services
Jeni Graham, Director of Corporate
Development Services
Peter J Broadfoot, Head of Administration
and Legal Services (Clerk to the Council)
Stephen Bell, Head of Development Services
Deirdre Cilliers, Head of Social Services
Barry Dickson, Head of Business
Improvement and Technology Services
John Gillespie, Head of Housing
Jim Goodall, Head of Education
Brian Hutchison, Head of Human Resources
Elaine McPherson, Head of Strategic Policy
Gordon Stewart, Head of Property Services
Muir Wilson, Head of Finance**

Before the start of business, the Council made a presentation to APSE Apprentice of the Year award winner, Kristopher Fraser, Apprentice Plumber, Clackmannanshire Council.

CC.11 APOLOGIES

None

CC.12 DECLARATIONS OF INTEREST

There were no declarations of interest.

CC.13 MINUTE OF MEETING HELD ON 23rd APRIL 2009

There was submitted a minute of the meeting held on Thursday 23rd April 2009, a copy of which had been circulated previously to each Member.

The minute of the meeting held on Thursday 23rd April 2009 was accepted as a correct record and signed by the Provost.

Councillor English joined the meeting during debate on the following item (9.35 am)

CC.14 SCRUTINY COMMITTEE ANNUAL PLAN, CODE OF PRACTICE AND TERMS OF REFERENCE

There was submitted a report by the Convener of the Scrutiny Committee, a copy of which had been circulated previously to each Member.

Moved by Councillor Balsillie. Seconded by Councillor Womersley.

The Council agreed :

- to approve the Annual Scrutiny Plan
- to approve the Scrutiny Committee Code of Practice
- to approve the Scrutiny Committee Terms of Reference; and
- to authorise the Convener of the Scrutiny Committee to agree and amend the timing of certain reports in the Annual Scrutiny Plan as the Committee deems appropriate.

Action: Chief Executive

Councillor McAdam joined the meeting during debate on the following item (9.45 am)

**CC.15 MEMBERSHIP OF EAST OF SCOTLAND EUROPEAN
CONSORTIUM**

There was submitted a report by the Head of Strategic Policy, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor McLaren.

On a division, the Council agree by 10 votes to 2 with 6 abstentions to give notice to ESEC of its intention to withdraw membership and to cease membership of ESEC in 12 months time.

Action: Chief Executive

**CC.16 TREASURY MANAGEMENT STRATEGY STATEMENT 2009/10
AND PWLB RESCHEDULING UNDERTAKEN APRIL 2009**

There was submitted a report by the Head of Finance, a copy of which had been circulated previously to each Member.

Moved by Councillor McGill. Seconded by Councillor Matchett.

The Council agreed to approve the Treasury Management Strategy Statement for 2009/10 and to note the PWLB rescheduling exercise that took place in April 2009.

Action: Director of Corporate Development Services

CC.17 DISPOSAL OF THE FORMER ZONES LEISURE CENTRE

There was submitted a report by the Head of Property Services, a copy of which had been circulated previously to each Member.

Councillor Womersley moved a short adjournment to consider an amendment to the paper that could be agreed on a cross party basis.

The Council agreed to adjourn at 10.40 am. When the meeting resumed at 10.53 am, there were 18 members present.

Councillor Cadenhead moved that Council approve the recommendations set out in the report subject to the undernoted amendment. Seconded by Councillor Balsillie.

"To include as a third recommendation to the report that Council reiterates its recommendation of 14th August 2008 that all proceeds from the sale are reinvested in Clackmannanshire leisure and cultural facilities."

On a division of 14 votes to 4, the report as amended was agreed by Council:

- that the property be advertised for sale on the open market, with a report detailing offers received being submitted for the consideration of a subsequent Council meeting
- that Council is not bound to accept the highest or any offer and would wish to consider in terms of its powers of well-being how any offer promotes improvement of the economic, social and environmental well-being of Clackmannanshire
- that Council reiterates its recommendation of 14th August 2008 that all proceeds from the sale are reinvested in Clackmannanshire leisure and cultural facilities

Action: Director of Development and Environmental Services

Councillor English and Rev Lovett (Religious Representative) withdrew from the meeting at this point in the proceedings (11.20 am).

CC.18 POWER FAILURES TO ALLOA TOWN CENTRE, DECEMBER 2008

There was submitted a report by the Director of Development and Environmental Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Balsillie. Seconded by Councillor Carrick.

The Council agreed to note the information set out in the report and the response from Energy Network to the Chief Executive dated 14th May 2009.

CC.19 CLACKMANNANSHIRE COUNCIL CORE PATHS PLAN

There was submitted a report by the Director of Development and Environmental Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor Balsillie.

The Council agreed unanimously to approve the adoption of the finalised Core Paths Plan.

Action: Director of Development and Environmental Services

CC.20 IMPLEMENTING THE PLANNING ETC (SCOTLAND) ACT 2006

There was submitted a report by the Head of Development Services and the Head of Administration and Legal Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor Campbell.

The Council agreed unanimously to support the recommendations set out in the report, to:

- (i) nominate the Director of Development and Environmental Services to be the appointed person to determine applications for planning permission and other applications as defined in Section 43A of the Town and country Planning (Scotland) Act 1997.
- (ii) approve the amendments to the Council's Scheme of Delegation (Appendix 1 of the report) to take effect from 3rd August 2009.
- (iii) agree the categories of application that would be subject to pre-determination hearings as set out in paragraph 3.16 of the report.
- (iv) agree to the creation of a Local Review Body comprising 8 elected members, and to note that only three members at a time will be required to attend any meeting of the Local Review Body, and that the Chair of the Local Review Body be the current Convener of the Planning Committee.
- (v) note the requirement for training for elected members as set out in paragraph 3.17 of the report not only for members of the Local Review Body but also for all elected members.
- (vi) agree in principle the changes to the Council's Standing Orders set out in paragraph 3.15 of the report and to note that final approval to the changes will be sought at the next meeting of the Council.

Action: Director of Development and Environmental Services/Chief Executive

CC.21 HRA CAPITAL PROGRAMME: RUNNING ORDER

There was submitted a report by the Head of Housing, a copy of which had been circulated previously to each Member.

Moved by Councillor Reverend Ovens. Seconded by Councillor Matchett.

The Council agreed to note :

- the information set out in the report.
- the Capital Programme Planning and Appraisal Processes
- the 3 year programme street by street running order.

Father Milton (Religious Representative) withdrew from the meeting at this point in the proceedings (12.07 pm).

CC.22 CORPORATE PARENTING STRATEGY

There was submitted a report by the Head of Social Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Reverend Ovens. Seconded by Councillor Matchett.

The Council agreed unanimously to approve the Corporate Parent Strategy document and its explicit strategic priorities and targets.

The Council also agreed that progress reports be submitted to Council on an annual basis.

Action: Director of Services to People

CC.23 AMENDMENTS TO THE SCHEME OF SCHOOLS' PROVISION

There were submitted reports by the Head of Education and Community Services, copies of which had been circulated previously to each Member.

Moved by Councillor Matchett. Seconded by Councillor Earle.

(a) Proposal to change the zoned area boundary between Deerpark and Sunnyside Primary Schools

The Council agreed to approve a statutory consultation exercise on the proposal to amend the zoned (catchment) area boundary between Deerpark and Sunnyside Primary Schools. The public consultation period to run for 28 days from Monday 8th June to Sunday 5th July 2009.

A further report on the outcome of the consultation to be submitted to Council of 13th August 2009 and to make a final recommendation for amendment to the zoned area boundary.

(b) Proposal to change the zoned area boundary between Abercromby and St Serf's Primary Schools

The Council agreed to approve a statutory consultation exercise on the proposal to amend the zoned (catchment) area boundary between Abercromby and St Serf's Primary Schools. The public consultation period to run for 28 days from Monday 8th June to Sunday 5th July 2009.

A further report on the outcome of the consultation to be submitted to Council of 13th August 2009 and to make a final recommendation for amendment to the zoned area boundary.

Action: Director of Services to People

CC.24 CLOSURE OF CLACKMANNAN NURSERY SCHOOL AND ESTABLISHMENT OF A NURSERY CLASS OF CLACKMANNAN PRIMARY SCHOOL

There was submitted a report by the Head of Education and Community Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Matchett. Seconded by Councillor McLaren.

The Council agreed unanimously to approve the proposal by Education and Community Services to close Clackmannan Nursery School and to re-establish the service in the same location, with the same staff and under the management arrangements which have applied for the last 18 months, as the nursery class of Clackmannan Primary School.

Action: Director of Services to People

Councillor Holden moved that the following item of business (Single Status) be considered in public. Seconded by Councillor Biggam.

On a division of 9 votes to 8, the Council resolved that the matter be considered in private.

Councillor Holden indicated that he would not participate in debate if this item was to be taken in private and, therefore, withdrew from the Council Chamber (12.40 pm).

EXEMPT INFORMATION

On a division (9 votes to 8), the Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 11.

CC.25 SINGLE STATUS

There was submitted a report by the Head of Human Resources and Organisational Development, a copy of which had been circulated previously to each Member.

Moved by Councillor McGill. Seconded by Councillor Earle.

The Council agreed by 11 votes with 5 abstentions, to support the recommendations set out in the report.

Action: Director of Corporate Development Services

