



Clackmannanshire Council

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Greenfield, Alloa, Scotland, FK10 2AD (Tel.01259-450000)

Clackmannanshire Council

Thursday 3 June 2010 at 9.30 am

Venue: Council Chamber, Greenfield, Alloa, FK10 2AD

For further information contact Finance and Corporate Services, Clackmannanshire Council, Greenfield, Alloa, FK10 2AD
Phone: 01259 452106 Fax: 01259 452230 E-mail: chiefexecutiveservice@clacks.gov.uk

Date	Time
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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 the 6 weekly 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. Co-option of religious representatives in respect of Education policy decisions is also a Council responsibility.

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.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacksweb.org.uk

If you require further information about Council or Committee meetings, please contact Finance and Corporate Services by e-mail at chiefexecutivesservices@clacks.gov.uk or by telephone on 01259 452106 or 452004.

26 May 2010

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 3 JUNE 2010 at 9.30 am.

**ELAINE McPHERSON
Head of Strategy and Customer Services**

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Clackmannanshire Council – Councillors and Wards

Councillors

Wards

Councillor	Eddie Carrick	1	Clackmannanshire West	LAB
Councillor	George Matchett	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Janis Paterson	1	Clackmannanshire West	SNP
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	John S Biggam	2	Clackmannanshire North	SLD
Councillor	Walter McAdam	2	Clackmannanshire North	SNP
Councillor	Robert McGill	2	Clackmannanshire North	LAB
Councillor	Sam Ovens	3	Clackmannanshire Central	LAB
Provost	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Gary Womersley	3	Clackmannanshire Central	SNP
Councillor	Janet Cadenhead	4	Clackmannanshire South	LAB
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Mark English	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	IND
Councillor	Alastair Campbell	5	Clackmannanshire East	CON
Councillor	Irene Hamilton	5	Clackmannanshire East	SNP
Councillor	Harry McLaren	5	Clackmannanshire East	LAB

Religious Representatives

Rev Mairi Lovett

Church of Scotland

Father Michael Milton

Roman Catholic Church



MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, ALLOA, FK10 2AD, on THURSDAY 22 APRIL 2010 at 9.30 am.

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 George Matchett
Councillor Walter McAdam
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley

IN ATTENDANCE

Angela Leitch, Chief Executive
Elaine McPherson, Head of Strategy and Customer Services (Clerk to the Council)
Deirdre Cilliers, Head of Social Policy
John Gillespie, Head of Community and Regulatory Services
Susan MacKay, Finance Manager

CC.01 APOLOGIES

Apologies for absence were received from Councillor Craig Holden.

CC.02 DECLARATIONS OF INTEREST

None

CC.03 MINUTE OF MEETING HELD ON 11 MARCH 2010

A minute of the meeting held on 11 March 2010 was submitted for approval by the Council.

The minute of the meeting held on 11 March 2010 was agreed as a correct record and signed by the Provost.

CC.04 AMENDMENTS TO THE SCHEME OF DELEGATION, FINANCIAL REGULATIONS, CONTRACT STANDING ORDERS AND NOTICE OF AMENDMENTS TO COUNCIL STANDING ORDERS

A report which sought to obtain Council approval of amendments to the Council's Scheme of Delegation, Contract Standing Orders and Financial Regulations and to give notice to the Council of proposed changes to Standing Orders was submitted by the Head of Strategy and Customer Services.

The Council noted the following amendments to the report and its appendix:

Paragraph 4.5 (page 9) of the report to be amended to read:

"Appendix 1 to this report describes the proposed changes (except titular changes already described in paragraph 4.2 of this report) with reference to the current scheme."

Appendix 1 (page 13) (item 2) to be amended to read:

"The relevant paragraphs in the proposed revised Scheme are 5.14 to 5.24".

Councillor Gary Womersley asked that it be recorded in the minute that there are some consequential effects of seeking to replace like for like which cause him concern.

Motion

That Council approves the recommendations set out in the report and:

- (a) Approves an amended Scheme of Delegation as set out in Appendix 2 of the report.
- (b) Approves amendments to the Financial Regulations as set out in paragraph 5.1 of the report
- (c) Approves amendments to Contract Standing Orders as set out in paragraph 5.1 of the report
- (d) Notes that amendments to Standing Orders as set out in paragraphs 6.1 to 6.3 of this report will be submitted to the next Council meeting for approval.

Moved by Councillor Janet Cadenhead. Seconded by Councillor Bobby McGill.

Voting

On a division, the motion was defeated by 9 votes to 8.

Decision

Accordingly, the Council did not approve the amendments to its Scheme of Delegation, Financial Regulations or amendments to Contract Standing Orders.

Councillor Matchett asked that legal guidance be sought in relation to any potential consequences of the decision for the Council's operations and that the legal opinion be recorded in the minute.

The Council agreed to adjourn at 10.20 am to seek legal guidance on its position.

The meeting resumed at 10.35 am. The 17 members who had been present during the vote were all present when the meeting resumed.

Legal Advice

The Legal Services Manager advised the Council that ultimately the Chief Executive has authority over all other officers within the Council and has the power to take any decision or action personally which may be delegated within the Scheme of Delegation to any other officer (subject to very few exceptions as prescribed by Statute). Furthermore, any decisions delegated to a particular Head of Service can also be taken by the existing Director or the Chief Executive. Where there is any doubt however, the default position is the Chief Executive who can delegate and manage as she sees fit on a day to day basis.

As regards the post of Monitoring Officer, the Legal Services Manager advised that as per the existing Scheme of Delegation, in the absence of the Head of Administration and Legal Services, the Chief Executive shall be the Monitoring Officer

Councillor Bobby McGill asked that it be recorded in the minute that all 8 members of the Administration had voted for the motion.

In terms of Standing Order 35.1, the Provost agreed that a revised paper which took into account the concerns which had been expressed during the debate on the motion might be submitted to either a future meeting or a special meeting of the Council.

Action

Chief Executive

CC.05 SERVICES AGREEMENT FOR GEOGRAPHIC INFORMATION SERVICES - EXTENSION

A report seeking approval for the Council to extend its existing current Services Agreement for the provision of Geographic Information Services (GIS) was submitted by the IT Manager.

The Provost continued the report to the next meeting of the Council (3 June 2010) for further information to be included.

Action

Chief Executive

CC.06 SCRUTINY COMMITTEE ANNUAL PLAN

A report which sought Council approval of the Annual Scrutiny Plan as agreed by the Scrutiny Committee was submitted by the Convener of the Scrutiny Committee. The Plan outlined a timetable for the presentation of reports to the Scrutiny Committee and covered the period April 2010 through to January 2011.

Motion

That Council approves the Scrutiny Committee Annual Plan for the period April 2010 to January 2011.

Decision

The Council agreed unanimously to approve the Scrutiny Committee Annual Plan for the period April 2010 to January 2011.

Action

Chief Executive

ENDS 11.25 am

Report to Clackmannanshire Council

Date of Meeting: 3rd June, 2010

Subject: Council's Financial Position 2009/10

Report by: Chief Executive

1.0 Purpose

- 1.1 At a Special Council meeting in November, 2009, a potential budget shortfall for 2010-11 was brought to the attention of the Council.
- 1.2 An undertaking was given that a report would come back to Council explaining the reasons for this situation.
- 1.3 This paper reports to Council:
 - the circumstances which led to the need to secure increased savings;
 - recommendations which have since been made for financial management and administration as a result of a review of these circumstances; and
 - progress to date in achieving those recommendations.

2.0 Recommendation

- 2.1 It is recommended that the Council notes the contents of this report.

3.0 Background

- 3.1 A potential budget shortfall due to an increase in required savings arose in late 2009. The required savings increase occurred because of several different factors, with the two key ones summarised as follows:

Schools PPP

- 3.2 *Government support awarded to the Council for the Schools PPP scheme was incorrectly reflected in the 2009/10 budget and in the provisional budget for 2010/11, thus understating the saving requirement for the Council.*
- 3.3 **Background:** General government grant received by the Council includes a number of separately determined funding streams, one of which is support for the Council's Schools PPP. It had been the Council's practice to enhance the Education PPP budget to match the notified funding from government.
- 3.4 In 2009/10 the grant in respect of the Schools PPP was not reflected in a matching increase in the Education PPP budget. As a result of this incorrect treatment, the Council's saving target for 2009/10 was £1.246M less than it

should have been, which contributed to subsequent budget difficulties in 2010/11.

The Fairer Scotland Fund

- 3.5 The *Fairer Scotland Fund* grant, which ceased to be ring-fenced from 2010/11, was not separated out from general government support or added to budgeted expenditure in assessing the budget prospects for 2010/11, thus further understating the saving requirement on the Council.
- 3.6 **Background:** The Fairer Scotland Fund replaced a number of separate funding streams and was to be managed through the community planning partnership. Amounts were awarded to the Clackmannanshire Alliance (via the Council as lead) for three years, starting in 2008/09. The allocation was to be ring-fenced in the first two years but the ring-fencing was to be removed for 2010/11.
- 3.7 Despite the ending of the ring-fencing for 2010/11, the grant amount of £2.263M was not separated out from general government support or added to budgeted expenditure in assessing the budget prospects for 2010/11. The result of this was that the Council's saving requirement was understated by that amount.

4.0 Review of Financial Management – Findings & Conclusions

- 4.1 When the issue surrounding the Schools PPP came to light, an independent review was commissioned by the Chief Executive to determine the reasons why the financial implications relating to government grant support had not been correctly identified in the Council's forward years' budgets. The issue around The Fairer Scotland Fund then came to light and was incorporated into the review.
- 4.2 The findings of this review of the Council's accounting and budgeting practices in respect of the two issues identified were as follows:
- a) while there had been incorrect treatment of budget elements, there was no misappropriation of funds or financial loss to the Council
 - b) the Council had been provided with sufficient information from the Government and CoSLA to understand the grant settlement and an analysis of the figures had been carried out in the Finance service to identify each of the components which comprised the Council's grant settlement
 - c) in relation to the Schools PPP sufficient information was known (in 2008) to include the sums from the Government as appropriate in forward years' financial plans
 - d) in relation to the Schools PPP, there did not appear to have been any attempt to ensure that the Education PPP budget accurately reflected the Government funding stream
 - e) in relation to the Schools PPP, there was sufficient information in the Financial Model 2006-2038 (provided by the Council's advisers and maintained by the Head of Finance) to ensure that the Education PPP budget correctly reflected the financial implications of the PPP
 - f) in relation to the Schools PPP there was no evidence that a reconciliation was carried out between the Financial Model and the provisional budget

- g) in relation to The Fairer Scotland Fund, in 2007 the Council's Finance service was notified of the three-year allocation. That notification confirmed that the allocation would be ring-fenced in the first two years but that the ring-fencing would be removed for 2010/11
- h) in relation to The Fairer Scotland Fund, there appeared to have been sufficient information known within the Finance service to have dealt with this matter correctly within forward budgets to ensure appropriate action was taken to deal with the consequences of ending the ring-fencing.

4.3 In light of these findings, the independent review concluded:

- a) notwithstanding the availability of this information, the budget for 2009/10 and the provisional budget for 2010/11 had not correctly reflected the expenditure implications relating to the Schools PPP and The Fairer Scotland Fund
- b) there was no evidence that the PPP Financial Model had been reconciled to the budget, thus denying the Council the opportunity to ensure that budgets were correct with regard to the treatment of items
- c) there appeared to have been no mechanisms within the Finance service to verify the accuracy of budgets in relation to PPP
- d) as there appeared to have been no mechanism within the Finance service to verify the accuracy and implications of figures in the provisional budget, there had been no opportunity to ensure budget forecasts were robust
- e) there did not appear to be an overall owner of the Schools PPP Budget.

5.0 Review Recommendations and Progress

5.1 Since the finalisation of the independent review, considerable improvements have been made in the budget process including:

- Monthly outturn figures are now prepared and considered at the Directors Group and CMT,
- Greater focus is concentrated on the variances on a monthly basis, with budget holders being held accountable for adverse movements,
- There was close partnership working between budget holders and Service Accountants in the preparation of the 2010/11 budget,
- There was regular ongoing meetings with the CMT and Director's Group to consider and discuss the detail in the budgets

5.2 Based on the findings and conclusions outlined above, the independent review put forward five recommendations. These are set out below, with some commentary on progress to date in meeting them.

Recommendation 1 - The mechanism should be put in place to ensure that the financial implications of changes in the status of government grants are correctly reflected in the budget.

Progress to Date - Responsibility for this is to be assigned to the Director of Finance and Corporate Services. During the budget preparation process for 2010/11, budget holders and Service Accountants worked closely in partnership to review and agree budget allocations and ensure appropriate levels of grant funding were identified and correctly matched.

Recommendation 2 - *The PPP Financial Model should be reconciled to forward years budgets.*

Progress to Date - The PPP Financial Model has been refined to reflect recent detailed analysis by the Director of Services to People. The Financial Strategy has been approved by Council which specifies that three year revenue and five year capital budgets will be prepared. This has improved the longer term financial planning for this Council and this will continue to be developed and refined as a priority. As part of the improved longer term financial planning, the PPP Financial Model will be reconciled at least annually to the forward year budgets.

Recommendation 3 - *The Council should review the Financial Model for the Schools PPP to confirm its veracity.*

Progress to Date - This has been completed and feedback is currently being reflected within the model. A briefing for elected members on the PPP Financial Model was held on 25th May, 2010.

Recommendation 4 - *The Council should determine the responsible officer for the preparation and monitoring of the Schools PPP budget.*

Progress to Date - It is formally recorded that the Director of Services to People is the responsible officer for the preparation and monitoring of the Schools PPP budget. This will require continued support from Finance staff.

Recommendation 5 - *The Council should ensure that longer term financial planning is put in place to allow more time to address budget issues in forward years.*

Progress to Date - The Council approved a three year Finance Strategy at its meeting on 17th December, 2009. As detailed above, the three year revenue budget and five year capital budgets are an element of one of the key objectives of the Financial Strategy. A five year capital budget was approved by Council in February, 2010 and a three year budget will be in place by March, 2011. A strategy paper will be presented to elected members in August, 2010 on the budget process for the financial year 2011/12 and future years.

6.0 Conclusion

- 6.1 The savings shortfall that has had to be addressed in 2010/11 is at a level that the Council would always have had to find. Had it been identified earlier, action could have been taken to lessen the impact of additional savings having to be found in a single year. Nonetheless, the challenging decisions the Council had (and will have) to take are inevitable and, in this case, were an issue of timing. Lessons have been learned, procedures revised, accountability for budgets reinforced and the outturn for 2009/10 will evidence the steps that have been taken to improve financial controls.

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* - N/A

8.0 Exempt Reports

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

9.0 Declarations

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

(1) **Our Priorities 2008 - 2011** (Please double click on the check box)

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

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

10.0 Equalities Impact

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

11.0 Legality

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

12.0 Appendices

12.1 None

13.0 Background Papers

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

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Angela Leitch	Chief Executive	01259 452002

Approved by

NAME	DESIGNATION	SIGNATURE
Angela Leitch	Chief Executive	Signed: A Leitch

Report to: Clackmannanshire Council

Date: 3 June, 2010

Subject: Amendments to: Scheme of Delegation, Financial Regulations, Contract Standing Orders & Notice of Amendments to Council Standing Orders

Report by: Chief Executive

1.0 Purpose

1.1 The purpose of this report is to obtain Council approval of amendments to the Council's Scheme of Delegation, Contract Standing Orders and Financial Regulations and to give notice to the Council of proposed changes to Standing Orders.

2.0 Background

2.1 In April, 2010, the Council considered a similar report but did not accept the recommendations for changes to the various governance documents.

2.2 Since that time, discussions have taken place with those elected members who raised issues around some of the initial proposals for change. These issues have been clarified and a revised paper is now coming before the Council.

2.3 The effect of approving this paper would alter the decision taken by the Council in April. This is permitted under Standing Order 35.1 which states:

"No motion that tries to alter or withdraw a council decision (or has that effect) will be considered or passed for at least six months from the date of the original decision, unless:

- *the Provost is satisfied that circumstances have changed in a relevant way; and*
- *the notice of meeting says that the decision may be withdrawn or altered (this information does not need to be specifically highlighted if the withdrawal or alteration is set out in terms of a report or of any committee minute put forward to us); or*
- *a decision is needed by law."*

2.4 In this instance, the Provost has confirmed he is satisfied that circumstances have changed in a relevant way since the Council decision of April 22, 2010.

3.0 Recommendations

- 3.1 It is recommended that the Council:
- a) approves an amended Scheme of Delegation as set out in the Appendix 3 to this report;
 - b) approves amendments to the Financial Regulations as set out in paragraph 6.1 of this report;
 - c) approves amendments to Contract Standing Orders as set out in paragraph 6.1 of this report;
 - d) notes that amendments to Standing Orders as set out in paragraphs 7.1 to 7.3 of this report will be submitted to the next Council meeting for approval;
 - e) agrees that a comprehensive review of the Scheme of Delegation and Standing Orders take place by the end of 2010.

4.0 Considerations

- 4.1 Following the recent changes to the Council's management structure, approved by Council on 28 January, 2010, it is necessary to amend the Scheme of Delegation, Contract Standing Orders, Financial Regulations and Standing Orders to ensure that the relevant officers in the new structure have the appropriate powers delegated to them.
- 4.2 The next sections of this report detail proposed changes to the Scheme of Delegation, Contract Standing Orders and Financial Regulations. In addition, this report formally indicates to the Council that consequent amendments to Standing Orders will be submitted to the next meeting of the Council in August.
- 4.3 While the changes proposed in this report are of a predominantly administrative nature, it is recognised that both the Scheme of Delegation and the Standing Orders would benefit from a more comprehensive review to improve their clarity and accessibility and to ensure they accurately reflect a range of changed contexts. This report, therefore, includes a recommendation to enable that to take place.

5.0 Scheme of Delegation

- 5.1 The Scheme of Delegation approved by Council on 31 January, 2008, sets out duties and responsibilities which are delegated to officers of the Council and specifically to the Chief Executive, Directors and Heads of Service. The Scheme further details those officers who are appointed and authorised to perform a range of statutory appointments (e.g. Chief Social Work Officer, proper officer for managing the Council's financial affairs – Section 95 officer).
- 5.2 In order to bring the Scheme of Delegation up to date with the Council's decision on its management structure and to ensure that nominated proper officers in relation to a series of statutory appointments are consistent with the agreed management structure, a number of administrative changes to titles in the Scheme require to be made. These are:

All Sections of Scheme **Except** Part 3H

- a) delete "Head of Human Resources" wherever occurring and replace with "Head of Support Services"
- b) delete "Head of Finance" wherever occurring and replace with "Director of Finance & Corporate Services"
- c) delete "Head of Administration & Legal Services" wherever occurring and replace with "Head of Strategy & Customer Services"
- e) delete "Director of Development & Environmental Services" wherever occurring and replace with "Director of Services to Communities"
- f) delete "Head of Development Services" wherever occurring and replace with "Development Service Manager"
- g) delete "Development Quality Team Leader" wherever occurring and replace with "Development Management Team Leader"
- h) delete "Head of Property Services" wherever occurring and replace with "Head of Facilities Management"
- i) delete "Head of Social Services" wherever occurring and replace with "Head of Social Policy"
- j) delete "Child Care Services Manager" wherever occurring and replace with "Senior Social Work Manager".

Part 3H

Part 3H outlines various statutory appointments which the Council must make. Proposals for changing these to appropriate officers within the new structure are set out in Appendix 2 to this report.

- 5.3 The Scheme also needs to be amended to reflect the revised configuration of services within each Directorate. The most significant of these changes relate to property-related services which formerly were located in Services to People but which in the new structure are located in Services to Communities.
- 5.4 Finally, there are some paragraphs within the Scheme which are now out of date (for example, due to changes in legislation) and some historic administrative omissions which is it proposed the Council also takes the opportunity to bring up to date at this time.
- 5.5 Appendix 1 to this report describes the proposed changes (except titular changes already described in paragraph 5.2 and Appendix 2 of this report) with reference to the current Scheme. Appendix 3 to this report presents a revised draft Scheme which incorporates these changes. No other changes except the ones described in this report have been incorporated into the revised Scheme.

6.0 Financial Regulations & Contract Standing Orders

- 6.1 Similar to the Scheme of Delegation, the Council's Financial Regulations and Contract Standing Orders also require some administrative amendments to titles to ensure they are consistent with the revised management structure recently agreed by Council. The amendments proposed to both these documents are:
- a) delete "Head of Finance" wherever occurring and replace with "Director of Finance & Corporate Services"
 - b) delete "Corporate Management Team" wherever occurring and replace with "Council Management Team"
 - c) delete "Head of Human Resources" wherever occurring and replace with "Head of Support Services"
 - d) delete "Head of BITs" wherever occurring and replace with "Head of Support Services"
 - e) delete "Head of Property Services" wherever occurring and replace with "Head of Facilities Management"
 - f) delete "Fleet Manager" wherever occurring and replace with "Head of Facilities Management"
 - g) delete "Senior Auditor" wherever occurring and replace with "Audit Manager"
 - h) delete "Head of Administration & Legal Services" wherever occurring and replace with "Head of Strategy & Customer Services, in consultation with the Legal Services Manager"
 - i) delete "Administration Team" wherever occurring and replace with "Legal Team"
- 6.2 Copies of the current Financial Regulations and Contract Standing Orders have been placed for reference in each Group Room.

7.0 Standing Orders

- 7.1 Consequent on the amendments proposed above, some changes to the Council's Standing Orders will require to be made.
- 7.2 Standing Order 3.2 states: *"The standing orders can only be changed or abolished when (at a meeting of the Council) there has been an indication that proposals to amend standing orders will be brought before the next Council meeting."*
- 7.3 The proposals to amend Standing Orders which will come forward for final approval to next Council meeting will be:

a) proposed changes to titles of relevant post-holders as a result of changes to the Scheme of Delegation

b) correction of typographical errors (e.g. in Standing Order 46.2, the number of members of the Local Review Body should be "10" and not "8").

8.0 Sustainability Implications

NA

9.0 Resource Implications

Financial Details

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

N/A

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

N/A

Staffing

N/A

10.0 Exempt Reports

Is this report exempt? No

11.0 Declarations

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

(1) **Our Priorities 2008 - 2011** (Please double click on the check box)

The area has a positive image and attracts people and businesses

Our communities are more cohesive and inclusive

People are better skilled, trained and ready for learning and employment

Our communities are safer

Vulnerable people and families are supported

Substance misuse and its effects are reduced

Health is improving and health inequalities are reducing

The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

(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? N/A

13.0 Legality

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

14.0 Appendices

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

- 1 - Proposed Changes to Scheme of Delegation
- 2 - Proposed Changes to Part 3H
- 3 - Revised Scheme of Delegation

15.0 Background Papers

- 15.1 Have you used other documents to compile your report?
Yes:

- Scheme of Delegation as amended 26.08.09
- Standing Orders as amended 26.08.09
- Contract Standing Orders, 2009-10
- Financial Regulations, February, 2008

Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Head of Strategy & Customer Services	Signed: E McPherson

Approved by

NAME	DESIGNATION	SIGNATURE
Angela Leitch	Chief Executive	Signed: A Leitch

APPENDIX 1 - Proposed Changes to Scheme of Delegation, excluding title changes listed in the report and changes to Part 3H (see Appendix 2)

	Existing Scheme Ref.	Proposed Change Incorporated Into Draft (Appendix 3) & Comment
1	1.9	Technical change - page number references changed
2	5.14 to 5.20	Delete these paragraphs and insert new ones to bring the Scheme up to date with the Council's decision on 4 June 2009 to revise the terms of reference of the Scrutiny Committee (also ref Scrutiny Committee of 21 May 2009). The relevant paragraphs in the proposed revised Scheme are 5.14 to 5.24
3	15.0, 15.1	Delete reference to "Chief Executive" to reflect change in service responsibilities.
4	16.0	Delete "Chief Executive's Services" and replace with "Finance & Corporate Services"
5	16.1	Delete "Chief Executive" and replace with "Director" Delete "Administration & Legal Services", "Strategy & Policy" ; insert "Strategy & Customer Services" and "Support Services" Delete reference to "Emergency Planning" which is already covered in paragraph 12.11 of current and proposed revised Scheme
6	16.9	Remove from this section and insert under the responsibilities of Director of Services to Communities (ref. in revised Scheme 17.33)
7	N/A insertion	Insert as 17.34 the following: "Providing Clackmannanshire Licensing Board with such services as are required for carrying out their alcohol and gambling licensing functions under the Licensing (Scotland) Act 2005 and Gambling Act 2005 with the exception of the role of the Clerk." Comment: There is no delegation arrangement specified in the existing Scheme in respect of the administration and management of alcohol and gambling licensing as previously this was dealt with in legal services via the clerk. In separating the licensing function from the Clerk's role, we need to explicitly provide for administration and management arrangements in the Scheme of Delegation under Services to Communities..
8	16.16	Delete as suspending a liquor license can now only be done by the Licensing Board.
9	16.20	Remove reference to "regeneration outcome agreement", "community regeneration fund" as they no longer exist (ref in revised draft Scheme 16.20)
10	16.21	Insert "Clacks Business Panel" after "Clacks 1000 Citizens' Panel" (ref in revised draft Scheme 16.21).
11	16.24	Remove reference to "East of Scotland European Consortium" as the Council is no longer a member
12	17.0 to 17.2	Delete these paragraphs to reflect that these responsibilities now come under the Director of Finance & Corporate Services
13	18.0	Delete "Development & Environmental Services" and replace with "Services to Communities" - ref 17.0 in draft revised Scheme)
14	18.1	Insert "Community & Regulatory" and "Facilities Management" to reflect changed structure (ref. 17.1 in draft revised Scheme)
15	N/A insertion	Insert as paragraph 17.14: "Carrying out duties and exercising powers under The Land Reform (Scotland) Act 2003." This delegated power was previously agreed by Council but has not been included in recent updates to the Scheme due to administrative omission.
16	19.1	Insert "Education" and "Social Policy" to reflect changed structure (ref 18.1 in revised Scheme)
17	19.2	Delete and replace as follows in revised Scheme: Insert at 16.14 - "Delivering, managing and promoting library, community and museum services" Insert at 17.47- "Delivering leisure services" Insert at 18.3 - "Delivering education and youth services."
18	19.37 to 19.39 19.41	Remove from this section and insert under responsibilities of relevant Directors in new structure, viz:

		19.37 becomes 16.14 in revised Scheme 19.38 becomes 16.15 in revised Scheme 19.39 becomes 17.32 (in part - related to buildings, facilities management) and 16.14 (in part - related to service management) in revised Scheme 19.41 becomes 16.22 in revised Scheme
19	19.43	Remove reference to "leisure", "environmental" and "arts." (ref 18.40 in revised draft Scheme) Insert at 16.23, "Running a system for charging people to take part in arts and community programmes and for helping to fund these, in line with our policies." Insert at 17.48, "Running a system for charging people to take part in leisure and environmental programmes and for helping to fund these, in line with our policies."
20	19.47 to 19.48	Become 18.44 & 18.45 in revised Scheme
21	19.49	Becomes 17.35, amended to delete "houses, shops, lock ups and garages we own" and insert in its place "HRA property portfolio and indented properties from Housing General fund.."
22	19.50	Becomes 17.36 - insert "in conjunction with Services to People"
23	19.51	Becomes 17.37 in revised Scheme
24	19.52	Becomes 18.46 in revised Scheme
25	19.53	Becomes 18.47; delete "accommodation we provide" and insert "tenancies"
26	19.54	Becomes 18.48 in revised Scheme
27	19.55	Becomes 18.50 in revised Scheme
28	19.56	Becomes 18.49 - insert "in conjunction with Community & Regulatory Services"
29	19.57	Change "Communities Scotland" to "Scottish Government"; ref 18.51 in proposed revised Scheme)
30	19.58	Becomes 17.39 - delete "funding" and insert "a strategy"
31	19.59	Becomes 17.40 - insert "in conjunction with Services to People"
32	19.60	Becomes 17.41 in revised Scheme
33	19.61-19.62	Becomes 17.42-17.43 in revised Scheme
34	19.63	Insert at the beginning, "in conjunction with Services to People"; delete "regenerating Sauchie, Alloa South & East and Tullibody" and insert "regeneration,,"; becomes 17.38 in revised Scheme
35	19.64	Becomes 18.52 - insert at the beginning, "in conjunction with Community & Regulatory Services"; delete "maintaining" and insert "Developing"
36	19.65	Becomes 18.56 in revised Scheme
37	19.66	Delete as Supporting People is no longer a separate ring-fenced budget
38	19.67	Insert "and providing disabled adaptations in conjunction with Services to Communities" at the end of the sentence (ref 18.57 in revised Scheme)
39	19.68	Delete - already covered in 17.45 in revised scheme
40	19.69	Delete "within the standards set by Communities Scotland" as no longer relevant; transfer amended paragraph to Services to Communities as 18.58 in revised draft Scheme
41	19.70	Becomes 18.53 - delete "emergency repairs"
42	19.71-19.72	Becomes 17.44-17.45 in revised Scheme
43	19.73	Becomes 18.54 in revised Scheme
44	19.74	Becomes 18.59 in revised Scheme
45	NA	Insert relevant acts relating to housing, homelessness and antisocial behaviour 17.46 in revised Scheme
46	19.75	Delete reference to "Parental Responsibilities Order" and insert in its place "Permanence Orders under the Adoption and Children (Scotland) Act 2007". Becomes 18.60 in proposed revised Scheme; this reflects update in legislation
47	19.79	Becomes 18.55 in revised Scheme - insert at end of sentence "in conjunction with Community & Regulatory Services"
48	21.6	Replace reference to "services plans" with "business plans" (ref 20.6 in revised Scheme)
49	22.1	In the table delete reference to "Licensing (Scotland) Act 1976" and replace with "Licensing (Scotland) Act 2005".(ref 21.1 in new Scheme, page 51); Under that heading, delete "Section 7" and replace with "Paragraph 8(1)(a) of Schedule 1." (ref 21.1 in new Scheme, page 51)
50	22.1	See Appendix 2 to this report for full list of titular changes and additions listed

		under 21.1 in the new Scheme
51	22.2	<p>In the table, delete references to clerking the District Court as that is no longer a responsibility of the Council (ref 21.1, page 53 new Scheme)</p> <p>In the table, insert "solicitor" as officer who will carry out duties of Clerk to Licensing Board if "Head of Administration & Legal Services" (to be changed to "Legal Services Manager") is not available. (ref 21.2 in new Scheme)</p> <p>In the table, insert "Finance Service Manager" as officer who will carry out duties if "Head of Finance" (to be changed to "Director of Finance & Corporate Services") is not available (ref 21.2 in new Scheme)</p>

APPENDIX 2 - Proposed Changes to Part 3h of Scheme of Delegation

Local Government (Scotland) Act 1973		
Section 3	delete "Head of Social Work Services" and insert "Head of Social Policy"	
Section 33a	delete "Head of Administration & Legal Services" and insert "Chief Executive, Head of Strategy & Customer Services, Principal Administration Officer"	
Section 33a(3)	delete "Head of Administration & Legal Services" and insert in its place "Chief Executive" and "Head of Strategy & Customer Services"	
Section 34	delete "Head of Administration & Legal Services" and insert in its place "Chief Executive"	
Section 40	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 43 (all paragraphs):	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 50b	delete "Head of Administration & Legal Services" and insert "Chief Executive/Director in consultation with Legal Services Manager"	
Section 50c	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 50f	delete "Head of Administration & Legal Services" and insert "Chief Executive/Director in consultation with Legal Services Manager"	
Sections 92 & 95	delete "Head of Finance" and insert in its place "Director of Finance & Corporate Services"	
Section 145	delete "Director of Development & Environmental Services" and insert in its place "Director of Services to Communities"	
Section 190	delete "Head of Administration & Legal Services" and insert "Chief Executive" and "Chief Officers"	
Section 191	delete "Head of Administration & Legal Services" and insert "Chief Executive, Director of Finance & Corporate Services (in consultation with Legal Services Manager)"	
Section 193	insert "in consultation with Legal Services Manager"	
Section 194	delete "Head of Administration & Legal Services" and insert "Legal Services Manager"	
Section 197	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 202	delete "Head of Administration & Legal Services" and insert "Legal Services Manager"	
Section 202B	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 204	delete "Head of Administration & Legal Services" and insert "Legal Services Manager"	
Section 206	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Section 231	delete "Head of Administration & Legal Services" and insert "Chief Executive/Director in consultation with Legal Services Manager"	
Licensing (Scotland) Act 2005		
Para 8(1)(a)	delete "Head of Administration & Legal Services" and insert "Legal Services Manager"	
Civic Government (Scotland) Act 1982 (Section 113), Ethical Standards in Public Life Etc (Scotland) Act (Register of Interests) Regulations 2003 (Section 7(1))		
Section 113 Section 7(1)	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Representation of the People Act 1983:		
Section 41	insert "presently postholder of Chief Executive"	

Weights and Measures Act 1985:		
Section 72(1)(a)	delete "Director of Development & Environmental Services" and insert in its place "Director of Services to Communities"	
Local Government & Housing Act 1989		
Section 2	delete "Head of Human Resources" and insert "Head of Support Services"	
Section 5	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services in consultation with Legal Services Managers"	
Section 19	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services"	
Environmental Protection Act 1990		
Section 149(1)	delete "Director of Development & Environmental Services" and insert in its place "Director of Services to Communities"	
Local Authorities (Contract) (Scotland) Regulations 1997:		
Regulation 4	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services in consultation with Legal Services Manager"	
The Regulation of Investigatory Powers (Scotland) Act 2002, both sections:		
Section 6 Section 7	delete "Head of Administration & Legal Services" and insert in its place "Head of Strategy & Customer Services in consultation with Legal Services Manager"	



Scheme of delegation

May 2008

(updated 26-05-10)



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Scheme of delegation – definitions

At the first stage	The first step in a process where the Head of Service has to approve any request for changing the grade of a post before that request is put to the Head of Support Services.
Chief Social Work Officer	This person is responsible for making sure we are providing all social work services properly. The Head of Social Policy is our Chief Social Work Officer.
Contract standing orders	Our set of rules for procuring services and goods, and paying for building work, building maintenance and engineering work.
Delegate	When we delegate duties or responsibilities we are giving someone else the authority to act on our behalf. We can arrange to delegate functions to a committee, subcommittee or council officer.
Development Plan	A plan made up of the Structure Plan and the Local Plan. The Structure Plan sets out our policy and general proposals for how land in Clackmannanshire can be used. The Local Plan sets out in more detail our proposals for developing and using land in Clackmannanshire.
Financial Regulations	Our set of rules to make sure we protect the public money we handle and spend it correctly and responsibly. The Regulations also help and protect staff dealing with financial business.
Head of Paid Service	The most senior council officer is the Chief Executive, who is also the Head of Paid Service. This person is the senior adviser responsible for the smooth running and co-ordination of council services.
Monitoring Officer	Every council has to appoint a Monitoring Officer who will investigate any proposal, decision or failure to act where council, a committee or an officer may have broken an Act of Parliament, a law or any code

of practice. The Monitoring Officer may have to prepare a report for us. Our Monitoring Officer is the Head of Strategy & Customer Services.

Procuring (procurement)

Buying goods and services, and paying for building work, building maintenance and engineering work. The main steps in procurement include planning, locating, purchasing, ordering, managing suppliers, and using and disposing of the product, service or asset.

Proper officers

Employees we appoint to deal with formal functions we must perform by law.

Ratification

A way of approving, at a higher level, a decision taken earlier if there is some doubt over the authority of the original decision maker.

Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman provides an open, accountable and accessible complaint system. The organisation offers free, independent advice for members of the public making complaints about public services. You can phone them on 0870 011 5378 or send an e-mail to enquiries@scottishombudsman.org.uk.

Standing orders

Our set of rules to make sure that council and committee meetings are conducted properly and that decisions are made in an open and accountable way (that is, in a way we can justify).

Vire

Transferring funds from one budget to another. The limits on the amounts that can be transferred are set out in our financial regulations.

Ward

Part of the local authority area for the purpose of electing councillors. Clackmannanshire is divided into five electoral wards. There are three wards with four councillors and two wards with three councillors (18 councillors in total).

Scheme of delegation to committees and officers

This scheme of delegation forms part of the standing orders approved by us on 31 May 2007.

1.0 Introduction

- 1.1 We approved this scheme of delegation on 31 January 2008 to delegate duties and responsibilities to committees, subcommittees and officers (that is, authorise them to act for us) as allowed under section 56 of the Local Government (Scotland) Act 1973. The scheme contains details of duties and responsibilities we have chosen to delegate and provides guidance to committees, subcommittees and officers.
- 1.2 You need to read this scheme of delegation alongside:
- our standing orders (the rules which make sure council meetings and committee meetings are run properly, and decisions are made in an open way);
 - contract standing orders (the rules for buying in goods and services); and
 - our financial regulations (rules to make sure we are honest and open when dealing with public money).
- 1.3 These documents make up the wider framework of governing rule we work within.
- 1.4 We also have 'corporate priorities' (issues which are important to us) which we may change from time to time. Where duties and responsibilities are delegated, this should always be to help us achieve our corporate priorities.
- 1.5 We aim to make sure our services are effective, focused on our customers' needs and co-ordinated across all service areas to reflect our corporate

priorities.

- 1.6 This scheme of delegation must keep to not only the terms of our standing orders, contract standing orders and financial regulations, but also all relevant council policies, procedures and guidelines. There are current versions of our main documents on our website at www.clacksweb.org.uk.
- 1.7 Human resources' policies are on our intranet site COIN.
- 1.8 We believe that decisions should be made locally, consistent with the issue involved. For this reason we aim to give each committee the power to deal with all matters relating to their service area, except for matters relating to certain restricted areas. We will clearly specify delegated duties to officers.
- 1.9 This delegation scheme is set out in the following three sections.
 - The council's duties and responsibilities (pages 7 to 10)
 - Duties and responsibilities delegated to committees (pages 11 to 17)
 - Duties and responsibilities delegated to officers (pages 18 to 53)

Scheme of delegation - part 2a

2.0 The council's duties and responsibilities

- 2.1 There are limits to the powers that the council can delegate. By law some decisions can only be taken by the council. (These include setting the Council Tax). There are also certain matters which we have chosen to deal with at council level. These include decisions about budgets.
- 2.2 As a council, we can only delegate duties and responsibilities to a committee, sub-committee, or to an officer of the council. We cannot delegate to individual councillors. However, officers may need to consult particular councillors (for example the councillors of a ward an issue relates to). In these cases the local councillors will be asked for their views but the final decision will rest with the officer.
- 2.3 Unless they are restricted by a specific council decision or by an approved council policy, all committees have the full duties and responsibilities delegated to them. This means that committees can take decisions without referring the matter to the council for approval. However, although a duty may be delegated to a committee or a council officer, we may still exercise our powers for specific decisions.
- 2.4 Committees can also refer any matter back to us for a decision.

3.0 Specific matters that must be dealt with by the full council

- 3.1 By law, only the council can do the following.
- 3.2 Define our values and main objectives and approve our main policies and strategies.
- 3.3 Decide how to share out funding between the different functions and activities of the council to reflect our priorities.
- 3.4 Approve the community plan.
- 3.5 Elect the Leader and Depute Leader of the council, the Provost and the Depute Provost.
- 3.6 Appoint committee members, conveners and vice-conveners.
- 3.7 Set up standing committees and 'adhoc' committees (those set up for a specific purpose).
- 3.8 Make schemes for members' allowances.
- 3.9 Appoint representatives to joint boards.
- 3.10 Designate one of our officers as the 'Head of Paid Service' (the most senior council officer, also known as the Chief Executive, who is the main adviser responsible for the smooth running of council services.).
- 3.11 Designate one of our officers as our monitoring officer (responsible for investigating any matter where we, a committee or an officer may have broken the law or a code of practice).

- 3.12 Approve the main roles and responsibilities of the Chief Executive, directors and heads of service depending on the authority delegated to the Chief Executive as set out in section 3c on page 22.
- 3.13 Appoint employees to act as the 'proper officers' for the specific duties set out in section 3h of this scheme of delegation.
- 3.14 Respond to the Scottish Public Services Ombudsman's findings of inefficiency or dishonesty.
- 3.15 Consider any report the monitoring officer has prepared after an investigation, and keep to section 5 of the Local Government and Housing Act 1989.
- 3.16 Approve standing orders, financial regulations, contract standing orders and the scheme of delegation.
- 3.17 Agree exceptions to the council's financial regulations or contract standing orders (other than where the powers have been delegated to the Head of Strategy & Customer Services, and Director of Finance & Corporate Services, under the exception procedure set out in contract standing orders).
- 3.18 Set the Council Tax and the rent we charge our tenants.
- 3.19 Approve budgets (This does not limit authority delegated to officers to transfer funds between budgets as set out in our financial regulations.).
- 3.20 Spending not budgeted for.
- 3.21 Borrow money.

- 3.22 Make, alter or cancel any scheme introduced by law.
- 3.23 Make, alter or cancel any byelaws.
- 3.24 Decide to issue a compulsory purchase order (where the law or the local authority insists that a property must be sold to them).
- 3.25 Approve the development plan (a document made up of the structure plan, which sets out our policy on and plans for using land in Clackmannanshire, and the local plan, which explains in detail our plans for how we will develop and use land).
- 3.26 Promote or oppose parliamentary bills.
- 3.27 Consider and respond to proposed amendments to our boundaries or the boundaries of electoral wards.
- 3.28 Decisions on planning applications which the Planning Authority is required to make in terms of the Town and Country Planning (Scotland) Act 1997, as amended.

Scheme of delegation - part 2b

4.0 Duties and responsibilities delegated to committees

- 4.1 Part 2a lists the powers we cannot delegate. All other powers can be delegated to a committee, a subcommittee or a council officer. We may change, withdraw or restrict any delegation, or refer a specific role to any committee or officer.
- 4.2 Each committee or subcommittee will have all powers and duties delegated to it except where the council places any restrictions on a power or duty. When carrying out its duties, the committee or subcommittee must keep to our standing orders and any resolutions or instructions passed by the council. Where appropriate, the committee or subcommittee may decide to refer any matter to the council for a decision, but this is only likely to happen if a committee or a subcommittee is not sure that it has enough authority to decide the matter. Decisions taken by committees and subcommittees will be considered to be the council's decision.
- 4.3 Ad-hoc committees (those set up for a specific purpose when necessary) will act in line with the duties given to them by the council.
- 4.4 A committee cannot alter its principles or membership without permission from the council. Details of proposed changes in membership must be given to the Head of Strategy & Customer Services who will arrange for the change to be considered. Changes will not apply until they have been approved by the council.
- 4.5 Committees cannot set up subcommittees without the council's approval. However, they can set up temporary working groups to examine or consider issues and report back to the wider committee.

- 4.6 Committees can only decide matters that are within the authority that has been delegated to them, although they may make recommendations to the council. If it is not clear whether a committee has the authority to decide on a matter, the Head of Strategy & Customer Services will make a decision on the matter. If a matter falls within the duties of more than one committee, it will be decided by the council.
- 4.7 The authority to appoint our chief officers (the Chief Executive, directors and heads of service) is delegated to an Appointments Committee which we set up as and when we need it.
- 4.8 Section 2c sets out the broad roles of each of the council's standing committees.

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Scheme of delegation - part 2c

5.0 Committee's roles

5.1 The standing committees of the council have the following roles.

5.2 Attendance Committee

5.3 Dealing with parents who are failing to meet their responsibility to make sure their children attend school regularly.

5.4 Referring children to the Reporter to the Children's Panel, or taking action through the courts.

5.5 Note: this committee does not have authority to change or make council policy.

5.6 Complaints Review Committee (Social Services)

5.7 Reviewing complaints about how the council has carried out its social work duties required under section 5B of the Social Work (Scotland) Act 1968 and the Social Work (Representations Procedure) (Scotland) Order 1990, and any relevant guidance issued from time to time by the Social Work Services Group of the Scottish Government.

5.8 Note: by law, the full council must set up this committee. Although it is listed as a committee set up by us, this committee does not follow our standing orders. Instead it follows its own procedural rules.

5.9 Education Appeals Committee

5.10 Carrying out our duties relating to parents' appeals under Part II of the Education (Scotland) Act 1980.

5.11 Note 1: by law the full council must set up this committee. Although it is listed as a committee set up by us, this committee does not follow our standing orders. Instead it follows its own procedural rules.

5.12 Note 2: this committee does not have the authority to change or make council policies.

5.13 Scrutiny Committee

5.14 Monitoring the performance of services against agreed standards, targets and budgets.

5.15 In accordance with Following the Public Pound, monitoring the performance of arms-length and external organisations that receive funds from us to provide important services to the public, or to provide social benefits.

5.16 Promoting internal control by the systematic appraisal of our risk management processes.

5.17 Initiating or undertaking reviews as approved by us.

5.18 Receiving periodic reports which review the position against the standards and targets set out in documents such as the Corporate Plan and the annual budget.

5.19 Receiving the following reports and accompanying analysis:

- draft annual public performance reports prior to their publication.

- external audit reports and action plans resulting from such
- internal audit update reports and action plans resulting from such
- balanced scorecards
- performance indicators submitted annually to Audit Scotland
- summary reports of all comments and complaints, and
- internal audit results of investigations

5.20 Considering and monitoring the operational and strategic internal audit plans and reviewing internal audit performance.

5.21 Monitoring and reviewing actions taken on internal and external audit recommendations.

5.22 Monitoring progress on service inspection action plans.

5.23 Agreeing an annual scrutiny plan (approved by us) that includes service and policy review proposals being :-

- items or issues identified by the Scrutiny Committee
- items referred to the Scrutiny Committee by the Administration and/or Opposition.
- items referred by us directly to the Scrutiny Committee.
- items referred to the Scrutiny Committee from other stakeholders such as partner agencies.

5.24 Reports on review will be submitted to the Scrutiny Committee who may refer them to us for further consideration

6.0 Planning Committee

6.1 Subject to Paragraphs 3.28 and 17.3, taking decisions on planning applications and enforcing planning laws.

6.2 Dealing with regulatory issues arising in the fields of building standards, trading standards, environmental health and licensing (other than liquor licensing), all in line with our policy.

7.0 Regulatory Subcommittee of the Planning Committee

7.1 Hearing appeals against officers' decisions on applications to grant or renew licences issued under the Civic Government (Scotland Act) 1982, and deciding whether to suspend or alter any licences issued under that Act.

7.2 Taking decisions on suspending or altering a premises approval as provided for under the Marriage (Scotland) Act 2002.

7.3 Holding hearings for the purposes of paragraph 7 of Schedule 1 of the Smoking Health and Social Care (Scotland) Act 2005 (the SHSCA 2005).

7.4 Hearing appeals against officers' decisions to refuse or remove a landlord's or agent's registration under part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

8.0 Workforce Committee

8.1 Hearing appeals by our employees and disputes raised by recognised trade unions, in line with Human Resources' policies and procedures.

8.2 Note: this committee does not have authority to change or make council policies.

8.0(A) Local Review Body

8.1(a) Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local

development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

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Scheme of delegation – part 3a

9.0 Duties and responsibilities delegated to officers

- 9.1 We are committed to setting the highest standards of decision-making. To achieve this we have chosen to exercise our right (under section 56 of the Local Government (Scotland) Act 1973) to delegate certain duties and responsibilities to committees, subcommittees or council officers.
- 9.2 If we or a committee has delegated authority to an officer, the officer acting on that authority must keep to any relevant, approved policies and procedures without referring the matter back to us or the committee (unless acting on the delegated authority would bring the officer into conflict with any other approved policy or procedure or would be against the law).
- 9.3 These policies and procedures include the following.
- Standing orders
 - Contract standing orders
 - Financial regulations
 - The council's human resource policies and procedures, including those relevant to devolved management of schools (where the management has been transferred to schools.)
 - Relevant plans and policies adopted by the council
 - Approved budgets
 - National code of local government conduct
 - The Scottish Joint Committee's/Councils, Terms and Conditions for all employees working for local Councils
- 9.4 When acting on the authority delegated to them, officers must make sure that they consult the Chief Executive, the appropriate director, the Head of Strategy & Customer Services and the Head of Support Services (as appropriate) about all sensitive or complex matters, or if they need advice or

guidance. In particular, officers must get technical, construction and procurement advice.

- 9.5 Officers must make sure they consult local councillors if it appears that a proposed decision or action could directly affect a particular ward. This does not apply if the decision or action has a general effect on all wards.

10.0 Further delegation

- 10.1 If duties and responsibilities have been delegated to an officer under this scheme, that officer may authorise any member of his or her staff to act for them.
- 10.2 Officers delegating powers must consider the role of the officer they intend to delegate those powers to and whether the officer has appropriate qualifications and experience. Any officer using delegated powers will be responsible to us for their actions. However, if an officer delegates their powers to another officer, this will not relieve the delegating officer of his or her responsibility for the duties they have delegated. Proper officers should make sure any delegation of statutory powers and duties is recorded.

11.0 Limits on delegated powers

- 11.1 Our scheme does not allow the following matters to be delegated to officers.
- 11.2 Matters that must be considered by the full council or a committee or subcommittee.
- 11.3 Matters not covered by this scheme of delegation.
- 11.4 Matters which, by law, cannot be delegated to an officer.

Scheme of delegation - part 3b

12.0 Specific duties and responsibilities delegated to the Chief Executive

12.1 The Chief Executive has overall authority over all other officers and has the powers he or she needs to do the following.

12.2 Efficiently manage the council's responsibilities and performance in carrying out its roles.

12.3 Set up proper decision-making and consultative forums for senior officers.

12.4 Give professional advice in the decision-making process.

12.5 Take the action considered necessary to meet any of our objectives (within the limitations of this scheme of delegation).

12.6 Review the chief officer organisational structure, in consultation with the Head of Support Services, and recommend any changes to the council.

12.7 Review the council's administration and management arrangements and, where allowed and in consultation with the Head of Support Services, make any changes necessary to improve how we provide services.

12.8 Maintain good working relationships within the council.

12.9 Promote good relations with organisations outside the council.

12.10 Maintain a corporate plan and make sure all services keep to its requirements.

12.11 Have overall responsibility for carrying out the council's role relating to

emergency planning.

12.12 Authorise action, and agree spending in emergencies or disasters.

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Scheme of delegation – part 3c

13.0 The Chief Executive - workforce issues

- 13.1 The Chief Executive is also authorised to do the following.
- 13.2 Set the grade of posts, placement of employees and date of any changes (at any level below director) as a result of a review approved by the Head of Support Services.
- 13.3 Amend service structures within the limits of existing budgets, after consulting the Head of Support Services
- 13.4 Decide on the number of posts, including altering the number of posts we have, after consulting with the Head of Support Services.
- 13.5 Authorise responsibilities being transferred among directors or heads of service, but only in consultation with the Head of Support Services, and then only if the action does not have a significant effect on the amount of responsibility held by any director or head of service (if the Chief Executive and the Head of Support Services disagree on this point, the decision must be referred to the full council.)

Scheme of delegation - part 3d

14.0 Chief Executive – strategic management

- 14.1 The Chief Executive will make proper arrangements for the strategic management (the overall management of council activities) of the council, particularly the following.
- 14.2 Making sure council policies are put into practice.
- 14.3 Making sure all parts of the council follow policies in a consistent way.
- 14.4 Reviewing how efficient and effective our management and administrative systems are.
- 14.5 Managing and developing the workforce.

Scheme of delegation - part 3e

15.0 Specific duties and responsibilities delegated to service directors

15.1 Service directors are accountable for the services set out below. They will delegate specific responsibilities to heads of service. The responsibilities delegated to heads of service are set out in their job descriptions.

16.0 Finance & Corporate Services

16.1 The Director has overall responsibility for the following services.

- Strategy & Customer Services
- Support Services

16.2 Specific responsibilities delegated to the heads of service

16.3 Providing administrative support to the council and council committees, policy forums and strategic working groups, and to scheduled meetings of senior management.

16.4 Acting as a clerk to the council.

16.5 Election administration (in line with instructions from the returning officer).

16.6 Organising and running civic ceremonies.

16.7 Providing support services for councillors.

16.8 Providing legal services to the council and council services.

16.9 Running the Children's Panel Advisory Committee and providing support

services to the Children's Panel and the Panel of Safeguarders.

- 16.10 Providing legal advice to the Joint Valuation Board.
- 16.11 Making sure we keep to the Data Protection, Freedom of Information and Regulation of Investigatory Powers (Scotland) Act 2000.
- 16.12 Making arrangements for receiving and holding tenders, in line with our contract standing orders.
- 16.13 Registering births, deaths and marriages.
- 16.14 Delivering, managing and promoting library, community and museum services
- 16.15 Charging fees for providing library services in line with our policies
- 16.16 Managing public trusts (financial arrangements).
- 16.17 Providing policy support to the council and its services.
- 16.18 Community planning.
- 16.19 Providing a research and information service to the council and its services.
- 16.20 Managing regeneration programmes.
- 16.21 Managing the Clacks 1000 Citizens' Panel, Clacks Business Panel and coordinating local forums.
- 16.22 Managing, developing and promoting arts programmes.

- 16.23 Running a system for charging people to take part in arts and community programmes and for helping to fund these, in line with our policies.
- 16.24 Running the corporate complaints procedures.
- 16.25 Giving the council and its services advice on European funding and policies.
- 16.26 Providing communication services (including managing and developing 'Clacksweb') and dealing with the media.
- 16.27 Collecting Council Tax and National Non-Domestic Rates.
- 16.28 Authorising warrants and charges for unpaid Council Tax and National Non-Domestic Rates.
- 16.29 Processing applications for Housing Benefit and Council Tax Benefit.
- 16.30 Providing for doubtful debt (debt that we may not be able to collect).
- 16.31 Accounting and budgeting.
- 16.32 Revenues (all sources of income).
- 16.33 Paying invoices.
- 16.34 Payroll (systems to make sure our employees are paid correctly and we provide accurate returns to HM Revenue & Customs).
- 16.35 Managing the loans fund.

- 16.36 Managing finance and operating leases (legal agreements).
- 16.37 Borrowing and lending funds to meet the council's needs.
- 16.38 Arranging the insurance we need.
- 16.39 Maintaining complete and wide-ranging HR management policies and procedures.
- 16.40 Promoting equal opportunities.
- 16.41 Providing advice on corporate and organisational development.
- 16.42 Keeping to health and safety laws and following good practice.
- 16.43 Setting up and maintaining the council's systems for planning services and managing performance.
- 16.44 Maintaining electronic records and exchanging information with partners we work with outside the council.
- 16.45 Improving customer service.
- 16.46 Introducing and maintaining procurement policies and procedures.
- 16.47 Managing information technology services provided to the council.
- 16.48 Providing an internal audit of our services.
- 16.49 Investigating fraud.

17.0 Services To Communities

17.1 The director has overall responsibility for the following services:

- Community & Regulatory
- Facilities Management

17.2 Specific responsibilities delegated to the heads of service

17.3 Carrying out our duties as a planning authority, including making decisions on planning applications and enforcing planning laws, subject to the following:-

As appointed persons for the purposes of Section 43A(1) of the Town and Country Planning (Scotland) Act 2007 as amended, the Director of Services to Communities, Development Service Manager, and Development Management Team Leader are authorised to make decisions on all applications made under the planning and related Acts other than where:-

- (i) The application relates to a "national development" as defined by Section 3A of the Act;
- (ii) The application relates to a "major development" as defined in the Schedule to the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008 which is significantly contrary to the development plan;
- (iii) The application is by the Council or involves development of land in which the Council has a financial, land ownership or other interest;
- (iv) The application is by a member of the Council.

17.4 Giving the council advice on land use and planning matters.

17.5 Preparing, introducing, monitoring and reviewing the development plan.

- 17.6 Monitoring planning permission and other permissions, and taking enforcement action under Part V1 and V11 of the 1997 Act, including serving notices, taking direct action and prosecuting people for not keeping to such notices
- 17.7 Carrying out our duties under the terms of the Building (Scotland) Acts and related laws.
- 17.8 Managing the powers we have under the following sections of the Civic Government (Scotland) Act 1982, Chapter 45
- Section 87 - Buildings in need of repair
 - Section 89 - Safety of platforms
 - Section 90 - Lighting of common stairs
 - Section 96(b) - Powers of entry to carry out work on statues and monuments
 - Section 97 - Naming or altering street names and house numbers
 - Section 99 - Powers of entry to private property to execute work and recover expenses
 - Section 100 - Entitlement to recover expenses and charge reasonable interest from the date of the demand for payment
 - Section 101 - Reporting of offences relating to powers of entry and carrying out of works
 - Section 106 - The right of appeal against a notice served under the Civic Government (Scotland) Act 1982
- 17.9 Carrying out our duties under the Safety of Sports Grounds Act 1975.
- 17.10 Carrying out our duties to protect public health, safety and welfare, as set

out in the Public Health Act 1897, the Health and Safety at Work Act 1974, the Water (Scotland) Act 1980, the Food Safety Act 1990, the Food Standards Act 1999, the Pest Control Act 1949, the Clean Air Act 1956, the Environmental Protection Act 1990, the Environment Act 1995 (and any new laws or amendments that come into force).

- 17.11 Licensing 'Houses in Multiple Occupation' (properties that more than one household live in) and registering private landlords under section 84 of the Anti-Social Behaviour Act 2004.
- 17.12 Carrying out our duties as a waste authority under the Environmental Protection Act and any regulations or orders made under it, including the following:-
 - Sections 87 and 88 – Fixed Penalty Notices
 - Section 33 – Illicit dumping
 - Section 59 – Notice to remove waste
 - Section 34B – Duty of care to furnish documents
 - Section 46 – Service of notice for providing and using waste receptacles
- 17.13 Carrying out our duties under the Burial Grounds (Scotland) Act 1855 to provide and manage burial grounds.
- 17.14 Carrying out duties and exercising powers under The Land Reform (Scotland) Act 2003.
- 17.15 Carrying out our duties under trading standards and consumer protection laws (for example, the Consumer Protection Act 1987, Fair Trading Act 1973, Petroleum (Consolidation) Act 1928, Trades Description Act 1968, and the Weights and Measures Acts 1979 and 1985) and any new laws or amendments that come into force.

- 17.16 Manage our roles and responsibilities relating to the following
- Land services
 - Public conveniences and amenity services
 - Public transport
 - Street lighting and street care
 - Transport and fleet management
 - Other responsibilities we have in relation to environmental services
- 17.17 Carrying out our duties as a roads authority.
- 17.18 Running the concessionary-fares scheme for public transport.
- 17.19 Carry out our duties relating to public health and related matters.
- 17.20 Agreeing terms for getting the heritable property (land and buildings) we need for any of our duties if the cost before fees is no more than £150,000 for each property, and where this action is within the approved capital programme.
- 17.21 Agreeing settlements for compensation claims under the Land Compensation (Scotland) Acts and related laws when the amount of compensation, not including fees and costs, is no more than £150,000 for each property or the total cost is within the amount approved by us for such claims.
- 17.22 Settling claims for professional fees and costs in connection with buying and selling land, and compensation claims of up to £15,000.
- 17.23 Agreeing terms for granting or taking 'minutes of waiver', and for granting or taking 'wayleaves' or 'servitude rights', as long as the amount involved, not including fees and costs, is no more than:

- £20,000 in the case of a one-off payments; or
 - £5,000 in the case of a yearly payment.
- 17.24 Agreeing terms for granting, taking or renewing leases and tenancies of land or buildings, within the limits of the relevant budget.
- 17.25 Agreeing all matters arising from leasing a property, including reviewing rents and granting permission for transferring leases, sublettings, change of use and alterations, ending leases, evicting tenants from our properties, and recovering overdue rent and other charges.
- 17.26 Agreeing terms for disposing of heritable property or grant wayleaves and servitude rights up to a value of £25,000 (not including costs).
- 17.27 Agreeing terms to dispose of property with an estimated value of more than £25,000 (If the sale is at less than market value or the highest offer is not to be accepted, the matter is referred to the full council).
- 17.28 Managing and supervising performance of services relating to environment and engineering contracts.
- 17.29 Managing and supervising our Property Contracts Unit.
- 17.30 Managing and supervising building, cleaning and catering services.
- 17.31 Providing the following services:-
- Architecture and Design
 - Mechanical and Electrical Engineering
 - Property Maintenance and Energy Services

- 17.32 Managing leisure centres, sports facilities, community centres and museums.
- 17.33 Carrying out the council's civic government licensing role under the Civic Government (Scotland) Act 1982.
- 17.34 Providing Clackmannanshire Licensing Board with such services as are required for carrying out their alcohol and gambling licensing functions under the Licensing (Scotland) Act 2005 and Gambling Act 2005 with the exception of the role of the Clerk.
- 17.35 Managing the HRA portfolio and identified properties from the Housing General Fund
- 17.36 Introducing and delivering the Business Plan in conjunction with Services to People which supports the policy on our housing, as agreed by tenants and us.
- 17.37 Meeting the Scottish Housing Quality Standard by 2015 for all of our housing.
- 17.38 In conjunction with Services to People, putting in place the parts of the Community Planning framework aimed at regeneration providing housing solutions in those areas and supporting work between partners. 17.38
- 17.39 Providing a strategy for matters relating to energy efficiency.
- 17.40 Supporting and arranging a Care and Repair Programme in conjunction with Services to People.
- 17.41 Addressing the demand for 'Housing Renewal Areas', the Tolerable Standard, the Scottish Housing Quality Standard, repairing standards,

repairing standards maintenance and repairing orders, conversions and improvements.

17.42 Leading and developing the strategy for housing in the area and monitoring and assessing the outcome.

17.43 Providing a central contact for the Scottish Government to assess housing needs, plan for providing affordable housing, and set targets in the 'Local Housing Strategy'.

17.44 Processing tenants' applications to buy their home under the 'Right to Buy' scheme.

17.45 Working with other services and agencies to carry out our duties under the Antisocial Behaviour (Scotland) Act 2004.

17.46 Carrying out our duties under the following :-

- Housing Associations Act 1985
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 1988
- Asylum and Immigration Act 1996
- Housing (Scotland) Act 2001
- Homelessness etc (Scotland) Act 2003
- Antisocial Behaviour etc. (Scotland) Act 2004

17.47 Delivering leisure services.

17.48 Running a system for charging people to take part in leisure and environmental programmes and for helping to fund these, in line with our policies.

18.0 Services to People

18.1 The director has overall responsibility for the following.

- Education Services
- Social Policy

18.2 Specific responsibilities delegated to the heads of service

18.3 Delivering education and youth services.

18.4 Managing our policies as an education authority and taking any action necessary to carry out our duties under the Education (Scotland) Act 1980 (as amended) and the Standards in Scotland's Schools etc Act 2000.

18.5 Providing guidelines and policies in response to Scottish Government and other consultations on the curriculum, developing the curriculum, and carrying out associated work.

18.6 Making decisions on requests for school places, in line with legal requirements and any guidelines we have.

18.7 Exercising the powers available to us to exclude pupils from schools.

18.8 Carrying out our duties under section 58 of the Education (Scotland) Act 1980, relating to the cleanliness of pupils in schools.

18.9 Carrying out our duties under section 53 of the Education (Scotland) Act 1980, relating to providing school meals.

18.10 Exercising our powers, under section 36 of the Education (Scotland) Act 1980, relating to pupils' attendance.

- 18.11 Carrying out our duties under section 37 of the Education (Scotland) Act 1980, relating to educating children at home.
- 18.12 Exercising our powers, under section 23 of the Education (Scotland) Act 1980, relating to providing education to people living in the areas of other councils, other councils providing education to people who normally live in Clackmannanshire, and making and receiving fees for this.
- 18.13 Arranging school transport in line with legal requirements and our policies.
- 18.14 Carrying out our duties relating to parent forums, in line with the Scottish Schools (Parental Involvement) Act 2006.
- 18.15 Issuing licences under the Children (Performances) Regulations 1968.
- 18.16 Arranging for our responsibilities relating to the Clackmannanshire Educational Trust Scheme 1957 being met (depending on the terms of any order made under the 1994 Act).
- 18.17 Setting appropriate charges for music lessons and similar services.
- 18.18 Carrying out our duties as an education authority under the Education (Scotland) Act 1980, as amended, the Education (Additional Support for Learning) (Scotland) Act 2004, and any other law relating to providing education and support for children with extra support needs.
- 18.19 Making arrangements for placing children with extra support needs in schools (including, where appropriate, residential schools) not managed by us.
- 18.20 Approving co-ordinated support plans for individual pupils.

- 18.21 Providing an educational psychology service.
- 18.22 Making arrangements for entering pupils for public examinations.
- 18.23 Paying fees and other costs (as necessary) in connection with public examinations.
- 18.24 Carrying out our legal duties relating to preschool children with extra support needs.
- 18.25 Offering places, in line with criteria agreed by us, in nurseries and family centres managed by us.
- 18.26 Providing, within available resources, for out-of-school care and similar services.
- 18.27 Setting appropriate charges for pre-school services.
- 18.28 Developing educational opportunities for adults.
- 18.29 Encouraging the development of training opportunities in the community.
- 18.30 Liaising and co-operating with institutions of further and higher education, voluntary organisations, enterprise companies and other appropriate agencies to develop training and adult education.
- 18.31 Setting appropriate charges for adult education classes.
- 18.32 Deciding on the level of grants to individuals and organisations within the community, up to a maximum decided by us.

- 18.33 Carrying out our duty, under section 54 of the Education (Scotland) Act 1980, relating to providing clothing for pupils attending public schools.
- 18.34 Making grants to pupils so they can go on courses, to conferences and on educational visits, in the UK and abroad, where our policies and resources allow this.
- 18.35 Deciding how educational trusts run by us will distribute their funds in line with the relevant trust schemes.
- 18.36 Carrying out our duties relating to managing, assessing and awarding higher school bursaries (grants).
- 18.37 Making arrangements for school catchment areas to be agreed and pupils to be transferred from primary school to secondary school.
- 18.38 Managing, developing and promoting sports and leisure facilities and services in schools and other educational establishments.
- 18.39 Managing, developing and promoting youth services.
- 18.40 Running a system for charging people to take part in, recreational, sports, and community programmes, and for helping to fund these, in line with our policies.
- 18.41 Approving the involvement of teaching staff in recognised programmes outwith the UK.
- 18.42 Approving applications (from head teachers or suitably qualified youth workers employed by us) for permission for staff to accompany groups of school pupils or other young people on recognised exchanges or

excursions outwith the UK.

18.43 Approving applications from suitably qualified staff to take part in UK or EU or similar programmes of study visits outwith the UK.

18.44 Managing housing services for council tenants in line with housing laws and council policies.

18.45 Letting council houses.

18.46 Assessing homelessness and managing the assessment process.

18.47 Managing temporary tenancies

18.48 Arranging property provided to homeless clients on a temporary basis, arranging support services, furnishings and transfers to permanent accommodation.

18.49 Providing a Homelessness Strategy in conjunction with Community & Regulatory Services aimed at preventing and ending homelessness in a way which forms a clear partnership with related services.

18.50 Taking assessed referrals of vulnerable homeless people and providing support services for vulnerable homeless people to standards set by the Scottish Commission for the Regulation of Care.

18.51 Making sure that Homeless Services meet the standards laid down by the Scottish Government.

- 18.52 In conjunction with Community & Regulatory Services, developing the common housing register.
- 18.53 Carrying out a range of duties and responding to homelessness and antisocial behaviour, out of office hours.
- 18.54 Authorising expenses, under the Housing Act 1994, to people who are old, disabled or in poor health.
- 18.55 Making a decision on a person's application for structural adaptations to their home in conjunction with Community & Regulatory Services
- 18.56 Making sure local housing support services meet the standards set locally and by the Scottish Commission for the Regulation of Care.
- 18.57 Providing the Occupational Therapy Service to assess the needs of older and disabled tenants and providing disabled adaptations in conjunction with Services to Communities.
- 18.58 Providing the Money Advice Service which gives advice on money and welfare benefits and making the most of an income
- 18.59 Carrying out our duties under the following :-
- The Social Work (Scotland) Act 1968
 - The Chronically Sick and Disabled Persons Act 1970
 - The National Health Service and Community Care Act 1990
 - The Disabled Persons (Employment) Act 1958
 - The Adoption (Scotland) Act 1978 (as amended)
 - The Adoption and Children Act 2002
 - The Adoption and Children (Scotland) Act 2007
 - The Foster Children (Scotland) Act 1984

- The Mental Health Care and Treatment (Scotland) Act 2003
- Regulation of Care (Scotland) Act 2001
- Community Care and Health (Scotland) Act 2002
- The Adults with Incapacity (Scotland) Act 2000
- The Adult Support and Protection (Scotland) Act 2007
- The Children Act 1989
- The Children (Scotland) Act 1995
- The Criminal Justice (Scotland) Act 1980
- The Criminal Procedure (Scotland) Act 1995
- Housing Associations Act 1985
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 1988
- Asylum and Immigration Act 1996
- Housing (Scotland) Act 2001
- Homelessness etc (Scotland) Act 2003
- Antisocial Behaviour etc. (Scotland) Act 2004
- Housing (Scotland) Act 2006

18.60 Managing our approved policy relating to getting Permanence Orders under the Adoption & Children (Scotland) Act 2007 and Child Protection Orders under the Children (Scotland) Act 1995 (or any new or amended law that replaces it).

18.61 Entering into contracts, with private and voluntary agencies, for carrying out our duties under the National Health Service and Community Care Act 1990.

18.62 Making decisions, in consultation with the Section 95 Officer, on applications for changing maintenance rates for private or voluntary homes not covered by the National Health Service and Community Care Act 1990.

- 18.63 Setting fees for curators ad litem (people appointed by the courts to provide a report), safeguarders (people appointed by the Children's Panel or the court to provide a report), foster parents and community carers.
- 18.64 Setting the levels of grants to individuals and organisations.
- 18.65 In line with government guidelines, maintaining the Child Protection Register of children most in need of protection from abuse.
- 18.66 Making decisions on formal complaints.
- 18.67 Taking responsibility for providing Community Care Services, including assessments of needs and the care to meet these assessed needs.
- 18.68 Maintaining appropriate standards of care.
- 18.69 Taking responsibility for arrangements for Community Care Services.
- 18.70 Co-operating with the local Community Justice Authority to promote best practice in providing Criminal Justice Services.
- 18.71 Getting appropriate resources from the Criminal Justice Authority for our part in providing Criminal Justice Services in Clackmannanshire.
- 18.72 Working with the Community Justice Authority partners to pool resources and work together when this is in the best interests of our Criminal Justice Service.

Scheme of delegation - part 3f

19.0 General duties delegated to directors

- 19.1 For the purposes of this section, the term 'director' includes the Chief Executive.
- 19.2 Directors can delegate duties to heads of service within their directorates, depending on the particular head's suitability, qualifications and experience. The authority delegated to each head of service will be defined by a job profile approved by the Chief Executive, within the limits on the Chief Executive's authority set out in section 3c of this scheme of delegation. The appointments set out in section 3g of this Scheme of Delegation must have specific approval from the council.
- 19.3 The Chief Executive and directors have overall responsibility for the following.**
- 19.4 Using approved resources as they think fit for carrying out their duties.
- 19.5 Co-ordinating and managing their services.
- 19.6 Appointing all staff below head of service level, in line with procedures set by us.
- 19.7 Reviewing the performance of services and developing services.
- 19.8 Delegating duties under the standing orders, relating to contracts entered into, and issuing orders for providing goods and services.
- 19.9 Transferring amounts between budgets in their control.

- 19.10 Delegating duties as set out in our financial regulations, for normal working practices.
- 19.11 Authorising the payment of bills for goods and services we have received.
- 19.12 Advising the Director of Finance & Corporate Services about any unusual financial obligations that will affect us.
- 19.13 Making sure the services keep to EU and UK statutory or legal requirements.
- 19.14 Responding to consultation documents within the set time limit.
- 19.15 Organising safe working procedures and processes within the current health and safety policies.
- 19.16 Maintaining proper security for staff, buildings, stocks, stores, furniture, equipment and similar items (if special arrangements are needed there should be consultation with the Director of Finance & Corporate Services and the Head of Facilities Management).
- 19.17 Making decisions on complaints made under our complaints procedure.
- 19.18 Reviewing our actions and decisions and dealing with requests for information under the Freedom of Information (Scotland) Act 2002.
- 19.19 Making sure council policies and procedures are consistent and are followed.

Scheme of delegation - part 3g

20.1 General delegations to heads of service

20.1 Authority delegated to directors may then be delegated on to heads of service. The roles and tasks that are delegated to heads of service are as contained within individual job profiles.

20.2 Heads of service must make sure that they keep to:

- relevant laws, guidance and codes of practice;
- the procedural rules of their service;
- our contract standing orders and financial regulations;
- our standing orders;
- our human resources policies and procedures;
- all relevant plans and policies we have adopted;
- all other approved codes and procedures;
- the approved budget;
- the approved service plan; and
- the rules on access to information, data protection and freedom of information.

20.3 They must set and maintain service standards to meet our priorities.

20.4 When carrying out the duties delegated to them, heads of service must consult other officers if their actions will affect the responsibilities of another head of service.

20.5 Where a head of service has been delegated authority, he or she may authorise any member of his or her staff to act on their behalf. Any head of service using delegated authority will be fully responsible to the council for their actions and those of any officer they delegate the duties to.

20.6 Heads of service have delegated responsibility for the following.

- Putting individual business plans into place and providing services set out in this Scheme of Delegation.
- Spending the approved budget appropriate to the post.
- Applying for and accepting grants or a challenge fund, as long as these do not give rise to future financial commitments that we have to meet, or do not need us to provide equal funding that cannot be met from existing budgets.
- Managing the service within the policies agreed by us.
- Buying in supplies and services in line with our financial regulations and contract standing orders.
- Entering into contracts in line with our contract standing orders.
- Promoting, marketing or presenting events.
- Managing and developing the workforce within their service areas.
- Contributing to the development of corporate policies and procedures through the Council Management Team.
- Setting charges and fees to make sure the needs of the budget are met.
- Authorising the production of publications relating to the service being provided.

20.7 Conflict of interest

20.8 If someone applying for a council service is a councillor or a council employee, before making a decision on the application the office should consider whether they need to consult the Monitoring Officer (the Head of Strategy & Customer Services), who will decide whether the application should be referred to the full council or an appropriate committee.

20.9 Job applications

20.10 If a job applicant is a relative of either a councillor or a council employee, before making a decision on the application officers must consider whether they need to consult the Head of Support Services, who will decide if the application should be referred to council.

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Scheme of delegation – part 3h

21.0 Statutory appointments of officers

21.1 Under various laws we must appoint officers for a variety of purposes.

Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. The ‘statutory appointments’ that we have made are set out in this section.

Relevant law	Role	Proper officer
Social Work (Scotland) Act 1968 Section 3	Chief Social Work Officer	Head of Social Policy
Local Government (Scotland) Act 1973 Section 33a	Proper officer for receiving councillors’ declarations that they accept their role (declaration of acceptance of office)	Chief Executive Head of Strategy & Customer Services Principal Administration Officer
Section 33a(3)	Officer the declaration of acceptance of office can be made to	Chief Executive Head of Strategy & Customer Services
Section 34	Proper officer for receiving councillors’ resignations	Chief Executive
Section 40	Proper officer for receiving general notices from councillors about any financial interest in a matter, and for recording the councillors’ interests	Head of Strategy & Customer Services
Section 43 and paragraph 1 (4) of schedule 7	Proper officer for receiving requests for special council meetings	Head of Strategy & Customer Services
Section 43 and paragraph 2 (1) of schedule 7	Proper officer for signing summonses to special council meetings	Head of Strategy & Customer Services

Section 43 and paragraph 2 (2) of schedule 7	Proper officer for receiving a councillor's notice of an alternative address	Head of Strategy & Customer Services
Section 50b	Proper officer for preventing reports containing sensitive information from being available to the public, and for providing documents to the press	Chief Executive/Director in consultation with Legal Services Manager
Section 50c	Proper officer for providing a written summary when the minutes of a meeting cannot be made available to the public	Head of Strategy & Customer Services
Section 50f	Proper officer for deciding which documents are not open to inspection	Chief Executive/Director in consultation with Legal Services Manager
Section 92	Proper officer for transferring securities	Director of Finance & Corporate Services
Section 95	Proper officer for managing our financial affairs	Director of Finance & Corporate Services
Section 145	Proper officer for asking Ordnance Survey for information	Director of Services to Communities
Section 190	Proper officer for serving notices on the council and starting legal proceedings	Chief Executive Chief Officers
Section 191	Proper officer for signing any claim on behalf of the council in any sequestration (property taken from the owner to cover a debt or to keep to a court order),	Chief Executive/Director of Finance & Corporate Services in consultation with Legal Services Manager

	liquidations (where assets are sold off to help repay debts) and similar proceedings where we are entitled to make a claim	
Section 193	Proper officer for signing notices, orders and so on	The Director responsible for the service the notice, order and so on relates to in consultation with Legal Services Manager
Section 194	Proper officer for signing deeds and using the council's seal	Legal Services Manager
Section 197	Proper officer for arranging for documents to be inspected and filed	Head of Strategy & Customer Services
Section 202	Proper officer for confirming that byelaws are valid and for sending copies to other relevant authorities	Legal Services Manager
Section 202B	Proper officer for putting valid byelaws in the register of byelaws	Head of Strategy & Customer Services
Section 204	Proper officer for providing certificates as evidence of byelaws	Legal Services Manager
Section 206	Proper officer for keeping a register of people who are made 'freemen' of the area	Head of Strategy & Customer Services
Section 231	Proper officer for asking the Sheriff about matters arising from the Local Government (Scotland) Act 1973	Chief Executive/Director in consultation with Legal Services Manager

Licensing (Scotland) Act 2005

Paragraph 8(1)(a) of Schedule 1	Clerk to the Licensing Board	Legal Services Manager
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Civic Government (Scotland) Act 1982

Section 113	Proper officer for keeping evidence of management rules	Head of Strategy & Customer Services
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**Ethical Standards in Public Life Etc (Scotland) Act 2000 (Register of
Interests) Regulations 2003**

Section 7(1)	Proper officer for setting up and keeping the register of councillors' business, personal and financial interests, and making these available to the public	Head of Strategy & Customer Services
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Representation of the People Act 1983

Section 41	Returning Officer	The person appointed by us, presently postholder of Chief Executive
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Weights and Measures Act 1985

Section 72(1)(a)	Chief inspector of weights and measures	Director of Services to Communities
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Local Government and Housing Act 1989

Section 2	Proper officer for keeping lists of posts that are politically restricted (limited activities)	Head of Support Services
Section 4	Head of Paid Service	Chief Executive
Section 5	Monitoring Officer	Head of Strategy & Customer Services in consultation with Legal Services Manager

Section 19	Proper officer for receiving notices of councillors' business, personal and financial interests and keeping records of them	Head of Strategy & Customer Services
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Environmental Protection Act 1990

Section 149(1)	Officer appointed to carry out our role of dealing with stray dogs in the area	Director of Services to Communities
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Local Authorities (Contracts) (Scotland) Regulations 1997,

Regulation 4	Proper officer for certification purposes (powers to enter into a contract or other matters)	Head of Strategy & Customer Services in consultation with Legal Services Manager
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The Scottish Local Government Elections Order 2007

Rule 57	Proper officer for receiving all election-related documents after an election	Chief Executive
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The Regulation of Investigatory Powers (Scotland) Act 2002

Section 6	Authorising Officer Directed Surveillance	Chief Executive Director Head of Strategy & Customer Services in consultation with Legal Services Manager (may not be delegated further)
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Section 7	Authorising Officer Covert Human Intelligence Sources	Chief Executive Director Head of Strategy & Customer Services (may not be delegated further)
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21.2 The proper officers appointed for the roles set out in part 3h cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties :-

Proper officer appointed for the roles set out in part 3h

Officer who will carry out duties if the proper officer is not available

If the Chief Executive is not available for election purposes

- The Head of Strategy & Customer Services

If the Head of Strategy & Customer Services is not available to act as the monitoring officer

- The Chief Executive

If a director is not available to act as an officer

- The relevant head of service

If a Legal Services Manager is not available to act as Clerk to the Licensing Board.

- Solicitor

If the Head of Strategy & Customer Services is not available to act as the proper officer for certification purposes

- Legal Services Manager

If the Chief Social Work Officer is not available

- Senior Social Work Manager

If the Director of Finance & Corporate Services is not available.

- Finance Service Manager

If the Chief Executive is not available to act as the Head of Paid Service.

- Director as agreed

Report to Council

Date: 03 June 2010

**Subject: Services Agreement For Geographic Information Services -
Extension**

Report by: IT Manager

1.0 Purpose

- 1.1. This paper seeks approval for the Council to extend its existing current Services Agreement for the provision of Geographic Information Services (GIS) by Forth Valley GIS Limited (FVGIS) for a period of 12 months, from 1 July 2010 to 30 June 2011.
- 1.2. This extension will allow the Council, in conjunction with Stirling and Falkirk Councils, to procure a new Services Agreement for the provision of Geographic Information Services to be effective from 1 July 2011.
- 1.3. As GIS provides the Council with the means to meet some of its statutory obligations, it is vital that we have ongoing provision and support of our GIS systems.
- 1.4. The Council expends £148k per annum through the existing Services Agreement with FVGIS, which has been operational since 1 July 2007.

2.0 Recommendations

- 2.1. It is recommended that Council: -
 - 2.1.1. Authorise the 12-month extension of the existing Services Agreement for the provision of Geographic Information Services by FVGIS, from 1 July 2010 to 30 June 2011.
 - 2.1.2. Note the procurement process required for the future provision of Geographic Information Services on behalf of the Council.

3.0 Considerations

- 3.1. FVGIS have been providing Geographic Information Services to the three partner Councils - Clackmannanshire, Falkirk and Stirling, since 1996.

- 3.2. From 1 July 2007, FVGIS Ltd. was established as an arms-length limited company, with the three local authorities being the founding, and to date exclusive, shareholders. The company provides services that promote the benefits of shared Geographic Information Services to a network of public sector customers and their partners across Scotland and the UK.
- 3.3. GIS is seen as central to delivering efficient Public Sector geographic information management. In 2009, the Scottish Government therefore negotiated and put in place the "One Scotland Mapping Agreement" to allow Councils and other public sector organisations to widen use of electronic Ordnance Survey maps and data. This is seen as a key stepping stone for data sharing using common platforms across the public sector. FVGIS Ltd provide services to the three Councils, using this agreement.
- 3.4. FVGIS Ltd provides applications to record, maintain and utilise data required to fulfil our statutory obligations such as Scottish Road Works Register, National Street Gazetteer, Local Flood Risk Management Plans under Flood Risk Management (Scotland) Act 2009, On-line Local Development Plan etc. Without GIS, it would be difficult if not impossible to meet these obligations.
- 3.5. GIS is also fundamental to the provision of many of the services provided by Services to Communities, such as Land Services & Burial Grounds, Waste Services, Road & Transportation, Environmental Health, Planning & Building Standards, Design & Property Asset Management and Housing Services. Legal Services are also significant users, recording all Council Land and Property deeds to precisely defined areas, using the GIS system. Similarly, many other services use GIS to provide consistent property and land referencing. Without GIS, services would require to use manual processes and paper documentation to manage and manipulate this data, with a resultant decrease in efficiency and Customer Service.
- 3.6. The shared GIS infrastructure also supports the regional information sharing hub for sharing anti-social behaviour information across the 3 regional Community Planning Partnerships in the Forth Valley area.
- 3.7. The GIS database connects to various IT systems providing the Council with a central and consistent repository for all geographic, land and property asset data. It should be seen therefore as a core Corporate system.
- 3.8. A Services Agreement for the provision of shared GIS services to the founding shareholders was established upon FVGIS Ltd formation. The core GIS services are those which provide the key economies of scale for the day to day running, administration and support of the GIS applications and infrastructure across the founding Councils and include:-
 - GIS Data Management.
 - GIS Systems and Database Administration.
 - GIS Training.
 - GIS Support and Helpdesk.
 - Corporate Address Gazetteer Services.

- Web GIS and Spatial Database Development.
 - Application Systems Development.
 - Strategic and Technical Consultancy.
- 3.9. The Council and its founding shareholder partners have received significant benefits through the shared provision of GIS services since July 2007. The shared approach achieves cost savings in the region of 25-30% per shareholder.
- 3.10. While "in-house" expertise and infrastructure could be developed, for a Council of our size, this is unlikely to provide Best Value. Due to the range of skills and infrastructure required to deliver and support GIS, it would not be cost effective to develop an in-house service that would meet our needs and minimise our risks. This was the rationale behind setting up FVGIS when the 3 Councils were created at the break up of Central Region in 1996. Indicative costs from other councils for their GIS services confirm that this still holds true today. Indeed there are currently several Council groupings looking at replicating the shared service model that we have in Forth Valley, as it is perceived to deliver Best Value.
- 3.11. A key testament to the shared GIS service is that the Scottish Government consultation on "A Shared Approach to Building a Better Scotland – a consultation paper on a national strategy for shared services" states that "Respondents gave over 100 individual examples of shared services and collaborative working although most were mentioned only once. Forth Valley GIS was the most frequently mentioned example of good practice."
- 3.12. The current GIS Services Agreement is for three years until 30 June 2010.
- 3.13. A succeeding Service Contract for GIS is to be jointly procured by the three Councils, using the Official Journal of European Union (OJEU) procurement procedures.
- 3.14. This procurement process commenced in March 2010 and is expected to take approximately 12 months to complete. It is expected that the succeeding services term contract for the future provision of GIS to Clackmannanshire Council would be awarded in March 2011, with a commencement date of 1 July 2011.
- 3.15. It is therefore necessary to extend the existing Services Agreement for a period of 12 months from 1 July 2010 until 30 June 2011, to ensure the Council continues to be provided with cost effective, value for money GIS services.
- 3.16. Stirling and Falkirk Councils have given approval to extend the shared Service Agreement for the same duration.
- 3.17. The value of GIS projected to be expended by the Council through the Services Agreement will not exceed £165k over the 12-month extension period. This includes a £15k additional unbudgeted charge over the current agreement that has been indicated by FVGIS Ltd to meet increased costs, the

current charges having been fixed for the past 3 years. This additional funding will be met from existing budgets in IT Services.

- 3.18. A review of the value achieved from the existing contract will be carried out over the next year.

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*

- 5.5. There are no staffing implications for the Council as a result of this report.

6.0 Exempt Reports

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

7.0 Declarations

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

- (1) **Our Priorities 2008 - 2011** (Please tick)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> |

- (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
Barry Dickson	IT Manager	452 050

Approved by

NAME	DESIGNATION	SIGNATURE
Angela Leitch	Chief Executive	Signed: A Leitch

Report to Council

Date: 3 June 2010

Subject: Home to School Transport Policy (Cambus Amendment)

Report by: Interim Head of Education

1.0 Purpose

- 1.1. This report describes an unsustainable anomaly in the Council's Home To School Transport Policy. It recommends that Council should amend its School Transport Policy to remove this anomaly.

2.0 Recommendations

- 2.1. It is recommended that Committee approve the amendment to the Council's Home to School Transport Policy proposed in this paper at Paragraph 3.7.

3.0 Considerations

- 3.1. In December 2004, the Council, through its then Learning and Leisure Committee, approved a Home to School Transport Policy. The Policy was approved with an amendment that maintains the provision of free home to school transport to Lornshill Academy for pupils resident in Cambus.
- 3.2. The provision of free home to school transport to Lornshill Academy for pupils resident in Cambus is inconsistent with the rest of the Home to School Transport Policy in that all other pupils who attend schools in Clackmannanshire are only entitled to free home to school transport if they live more than a certain distance from school, or if there is no suitable walking route to school.
- 3.3. There are no residential properties in Cambus that are more than 2 miles from Lornshill Academy and a suitable walking route exists. Recently traffic lights and a Pelican Crossing were installed at the Cambus junction with the A907 which increases pupil safety when crossing the A907.
- 3.4. Free school transport from Cambus to Lornshill is no longer justifiable on grounds of distance or suitability. There is no longer any clear justification based on local or other guidance for its specific inclusion in the Council's Home to School Transport Policy.

3.6 It is proposed therefore that the amendment included in the Home to School Transport Policy approved in December 2004 should be removed from the policy and that the provision of free home to school transport for pupils resident in Cambus attending Lornshill Academy is withdrawn from the start of the school session 2010/2011

3.7 It is proposed that the amended Policy should read:

Lornshill Academy: any pupil resident in the catchment areas of Clackmannan PS, Craigbank PS, Fishcross PS or Deerpark PS, or who is resident in the catchment areas of Abercromby PS, Banchory PS or St. Serfs PS and his/her residence is over two miles from the school, or nearest designated transport pick-up point, by the shortest suitable walking route will be entitled to free home to school transport.

3.8 It is proposed that the service will be maintained for existing pupils for the remainder of the 2009/10 session, but should cease from August 2010. Parents will be notified accordingly. Current arrangements apply to 10 pupils.

3.9 Officers are conducting a wider review of the current Home to School Transport Policy, and further reports on this will be presented to Council.

4.0 Sustainability Implications

4.1. There are no direct and significant implications for sustainability although the overall carbon footprint of the Council may be reduced slightly by the withdrawal of this provision

5.0 Resource Implications

5.1. Financial Details

The proposed amendment to the Council's Home to School Transport Policy would result in a full year saving of approximately £12,000.

5.2. Staffing

5.3. The report has no staffing implications

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 2008 - 2011** (Please tick)

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

(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 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

Home to School Transport Policy; Clackmannanshire Council 2004

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
J Goodall	Head of Education & Community Services	01259 452437

Approved by

NAME	DESIGNATION	SIGNATURE
Lesley Robertson	Interim Head of Education	Signed: L Robertson
Angela Leitch	Chief Executive	Signed: A Leitch

Report to Council

Date: 3 June 2010

Subject: Home to School Transport Policy (Glenochil)

Report by: Interim Head of Education

1.0 Purpose

- 1.1. This report brings forward actions which it is proposed should be taken in relation to the provision of home to school transport from and to Glenochil Village and Coalsnaughton. The proposed actions are consistent with the Council's current Home to School Transport Policy (2004).

2.0 Recommendations

- 2.1. It is recommended that the actions outlined in this paper are approved and their implications for the provision of home school transport noted.

3.0 Considerations

- 3.1. In December 2004, Clackmannanshire Council approved a new Home to School Transport Policy; this was implemented in August 2005.

- 3.2. Generally, pupils become entitled to free home to school transport if:

a) they live a long way from their catchment area school i.e. are distance entitled, or

b) have additional support needs.

The detail of distance entitlement is included in Appendix A.

- 3.3. However, pupils who are not distance entitled may be awarded free home to school transport if there is no suitable walking route between their home and their catchment school or between their home and a normal designated transport pick-up point.

- 3.4. Clackmannanshire Council and its various partners have invested considerable sums of money in improving walking and cycling routes throughout the County, to the benefit of the whole community. Furthermore, considerable areas of land are now in residential use, with walking routes

within them, more than was the case when the Home to School Transport Policy was approved at the end of 2004.

- 3.5. Taking these developments into account, an annual programme of review of school transport routes previously deemed to have been unsuitable was introduced in June 2007.
- 3.6. In June 2007, the Team Leader, Travel and Transport, assisted by the School Travel Co-ordinator and the Principal Transport Planner, carried out an assessment of all walking routes which the Council had previously deemed unsuitable. The assessment criteria used are wholly consistent with current RoSPA guidance.
- 3.7. Following the completion of the assessment exercise, the Team Leader, Travel and Transport has indicated that the walking route between Glenochil and Tullibody (St. Serf's PS, St. Bernadette's PS and Lornshill Academy, and the St. Modan's link transport) is now suitable.
- 3.8. There are four schools that are served by the Glenochil Village to Tullibody route:

Contract Ref C05/206 - St Serf's PS: under the Council's policy, pupils aged under 8 attending St Serf's PS from Glenochil are distance entitled. In the 2009/10 school session, there are 4 St Serf's pupils receiving free home to school transport at an annual cost of £4,560. Records show that no pupils will qualify for transport at the start of the 2010/11 session.

Contract Ref C05/304 - St Bernadette's RCPS: under the Council's policy, pupils aged under 8 attending St Bernadette's RCPS from Glenochil are distance entitled. Currently two pupils receive transport at an annual cost of around £1,000. Records show that no pupils qualify for transport at the start of the 2010/11 session.

Contract Ref C05/203 - Lornshill Academy: the Muirside housing development provides a suitable walking route from Glenochil to Lornshill Academy that is less than 2 miles in length, so no pupils are distance entitled to free home to school transport. Currently, there are 16 pupils receiving free transport at an annual cost of £19,000.

Contract Ref C05/302 - St Modan's HS: currently, pupils attending St Modan's HS are provided with free link transport from Glenochil to Tullibody Cross, which is the nearest designated pick up point for the contract transport to/from St Modan's High School. The walking route is less than 2 miles so there is no distance entitlement. In this school session, only one pupil will receive this service at a cost of £1,900 per year.

Contract Ref C05/303 - St Modan's HS: as above. There are no records as to why this transport is provided because it has always been a suitable walking route of less than 2 miles. There are currently no pupils receiving transport.

3.9 The following actions are proposed:

- St Serf's PS - parents are informed of the review and the implications i.e. that those not distance entitled may receive a concessionary place
- St Bernadette's PS - as St Serf's Primary School.
- Lornshill Academy - parents are informed of the review and the implications i.e. that there is no entitlement to free home to school transport but that it will be provided for the remainder of this academic session
- St Modan's High School, Link Transport to Tullibody Cross - as Lornshill Academy
- St Modan's High School, Link Transport to Devonside - free link transport from Coalsnaughton is withdrawn.

It is proposed, in effect, that all of these contracts should be discontinued from the end of the current school session.

While these actions can release Council resources there are other significant and positive outcomes for the Council and the pupils affected by these proposed changes:

- Pupils will realise the health and other benefits of walking to school. The Council already invests substantial amounts of money in promoting active travel and lifestyles and walking and cycling to school.
- The vehicles used to service the redundant contracts will be released into the local pool of vehicles available to service other home to school transport contracts, in particular those associated with additional support needs. There are currently insufficient vehicles available to provide any competition for contracts, and in some cases, providing any service is problematic.
- The proposals promote the Council's core values of equity and fairness in the application of the Council's Home to School Transport policy.

3.10 Officers are conducting a wider review of the current Home to School Transport Policy, and further reports on this will be presented to Council.

4.0 Sustainability Implications

- 4.1. There are no direct and significant implications for sustainability although the overall carbon footprint of the Council may be reduced slightly by the withdrawal of this provision.

5.0 Resource Implications

5.1. Financial Details

The changes to the provision of school transport proposed in this paper would result in a full year saving of approximately £26,560.

5.2. Staffing

5.3. The report has no staffing implications

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 2008 - 2011 (Please tick)

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

(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 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

Home to School Transport Policy; Clackmannanshire Council 2004

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
J Goodall	Head of Education & Community Services	01259 452437

Approved by

NAME	DESIGNATION	SIGNATURE
Lesley Robertson	Interim Head of Education	Signed: L Robertson
Angela Leitch	Chief Executive	Signed: A Leitch

Clackmannanshire Council shall provide free home to school transport in the following circumstances

5 Eligibility Criteria for Distance Entitlement

5.1 Free home to school transport will be provided for: -

Primary

- a) Any child under the age of 8 years in full-time education who lives more than one mile from his/her catchment area school, or from the nearest designated transport pick-up point, by the shortest suitable walking route.

Any child in these circumstances who reaches the age of 8 years during a school session will continue to receive free transport until the end of the school session.

- b) Any child who is aged 8 years or over in full-time education who lives more than two miles from his/her catchment area school, or from the nearest designated transport pick-up point, by the shortest suitable walking route.

Secondary

- a) Alloa Academy: any pupil resident in the catchment areas of the school's associated primary schools and whose residence is over two miles from the school by the shortest suitable walking route.
- b) Alva Academy: any pupil resident in the catchment areas of Menstrie PS, Tillicoultry PS, Strathdevon PS, Muckhart PS and Coalsnaughton PS.
- c) Lornshell Academy: any pupil resident in the catchment area of Clackmannan PS, Craigbank PS, Fishcross PS or Deerpark PS; or who is resident in the catchment areas of Abercromby PS, Banchory PS or St. Serfs PS and his/her residence is over two miles from the school, or from the nearest designated transport pick-up point, by the shortest suitable walking route. Pupils resident in Cambus will also receive free home to school transport.

5.2 Assessment of Walking Routes

It is the responsibility of Clackmannanshire Council, as the Education Authority, to determine whether or not a route is suitable as a walking route. The Travel and Transport Team in association with the Roads Department is responsible for determining distance entitlement in accordance with the following criteria for walking routes: -

- a) The Education (Scotland) Act 1980 (as amended) requires Education Authorities to "have regard for the safety of pupils". When assessing a walking route, Clackmannanshire Council expects that parents/carers will take responsibility for accompanying their child to school (or for making other suitable arrangements for ensuring their child is accompanied). Accordingly, the shortest walking route will be the shortest route

along a road, footpath or right of way suitable for a child accompanied by an adult, from their home gateway nearest to the school to the nearest designated school gate/gates. Clackmannanshire Council has in place a process for the assessment of walking routes that complies with RoSPA guidance.

- b) If there is no home gateway, then the measurement for the distance entitled criteria will be taken from the bottom step of the main entrance of the house/block of flats. In the case of farm tracks/private roads, refer to section 15.
- c) A school gate or gates is designated as suitable for children's use by the headteacher in conjunction with advice from the Team Leader, Travel and Transport Team.
- d) If the shortest available walking route is deemed unsafe, then the next shortest walking route that is safe will be used in the calculation of distance entitlement.

Report to Council

Date of Meeting: 3rd June 2010

Subject: Proposed Merger of Claremont Primary School and St John's Primary School in a new purpose built school

Report by: Interim Head of Education

1.0 Purpose

This report provides a summary of the consultation process and the outcomes of the process concerning the proposed merger of St John's Primary and Claremont Primary schools and the plans to build a new school to replace them.

2.0 Recommendations

The Council should:

- 2.1 approve the plans to merge St John's PS and Claremont PS.
- 2.2 approve the plans to build a new school for the merged St John's and Claremont Primaries on the site of Redwell playing fields in Alloa.
- 2.3 instruct officers in the education service to consult with parents, staff and pupils about the design of the new building, the alterations that will be required to the A907 and about the name and identity of the school to be formed as a result of the merger of the two primary schools.
- 2.4 instruct officers to take the next steps in the process required to secure the necessary funding for the building from the 'Scottish Futures Trust'

3.0 Considerations

- 3.1 An independent review of education 3-12 was approved by Council in September 2007. The review was chaired by Bob McKay, a former director of education and in reaching its conclusions, sought the views of parents, staff and other stakeholders.
- 3.2 A cross party working group was set up to consider what actions needed to be taken to implement the recommendations of the independent review.
- 3.3 The group received evidence from a recent review of the school estate and also from officers who described what might be the best environment for learning in the 21st Century. This included the need to consider how

Curriculum for Excellence would be implemented in all the authority's schools from August 2010.

- 3.4 It was clear, from the evidence submitted regarding the school estate, that St John's PS was nearing the end of its useful life as a school and was the top priority for attention. The case for building a new school to accommodate pupils from St John's and Claremont Primary schools is made in the paper of October 2009. (appendix 1)
- 3.5 For St John's PS to be made suitable for purpose it would require significant structural repair to the roof and the rear wall; a water course runs under the building and there are problems with internal drainage; it requires internal modification to make it compliant with current equalities legislation; significant redesign of the top floor which cannot be used for classroom accommodation for reasons of health and safety would be required. In addition, the original part of the building is listed by Historic Scotland and there are limitations to the range and type of upgrading that can be carried out. For example, it is unlikely that consent would be obtained to alter the windows to a height where pupils could see out of them. Further issues with the St John's site include lack of provision for outdoor learning within the school grounds, insufficient dining facilities, insufficient space for creativity such as performance space and a gym which falls well short of current expectations in terms of size and amenity.
- 3.6 A number of options were appraised. These included consideration of whether St John's could be refurbished as well as building a new school. Indicative costings for refurbishment and extension of the school were around £4m.
- 3.7 Significant risks were identified in carrying out a refurbishment. A major concern was the potential for the estimated costs to escalate if a refurbishment uncovered conditions associated with working with a very old building. In addition, consideration needed to be given to sustainability in, for example, the Council's capacity to make the appropriate carbon reductions.
- 3.8 Taking account of the level of risk, and considering using the most sophisticated design and engineering techniques which would be required to overcome the challenges previously described, it was agreed that a refurbished and extended school would not represent good value for money and could not meet all of the expectations of a school fit to deliver an excellent service for the 21st century. New build was, therefore, the sustainable option.
- 3.9 Further examination of the conditions of primary schools revealed that whilst Claremont was in 'condition C' (national criteria exist to determine the condition of a school building where A is the best rating and D the poorest) it still presents challenges in connection with access, and more particularly with compliance with equalities legislation. In addition, some pupils have had to be accommodated in temporary huts in the playground restricting pupils' access to other areas of their school such as the library and general purpose areas.

- 3.10 Indicative costings for a merged school in a new building are £11m. The results of these represent a cost effective option which means that more pupils can benefit from being educated in a new, state of the art building. This is believed to represent the best value whilst providing benefits to the greatest number of young people.
- 3.11 The final decision of the 3-12 working group was to recommend to the Council that officers should consult on a proposal to build a new school to accommodate both St John's PS and Claremont PS on a new site. In 2009, each Council was invited to make a bid to the new Scottish Futures Trust for payment of half of the cost of a new school building. It was acknowledged that the capital receipt which might be realised as result of the sale of the Claremont site was substantial (around £2.9m) and that this would alleviate pressure on the Council's borrowing to fund the costs of a new building. Therefore, in November 2009, a bid was made to the Scottish Futures Trust for a new building to accommodate both schools on the Redwell site with an anticipated net capital cost of £8.1m.
- 3.12 Council approved a report in December 2009 which recommended that a formal, public consultation should be conducted in relation to the proposed merger of the two schools.

Consultation

- 3.13 The consultation process, led by the Head of Education began in February 2010. 1000 paper surveys were printed (appendix 1). In addition, electronic responses to the consultation were invited.
- 3.14 A public meeting, advertised in the local paper and through a leaflet drop in the area, was held on 30 March. No register was taken but it is estimated that no more than 5 members of the public attended the meeting. The majority of those attending were parents who were recognised from previous meetings. Issues raised through the parents' meetings were raised again and one member of the public was concerned about the disposal of St John's current building if the proposal went ahead.
- 3.15 Meetings were held with each school's Parent Council and with staff of the respective schools. Two parents' meetings were conducted in each of the primary schools. It is estimated that around 20 families were represented at each of these events.
- 3.16 A further meeting for the parents of both schools was held on 31 March. Around 40 families were represented at the joint meeting.
- 3.17 Along with individuals' responses received at meetings and through questionnaires and emails, representation also was made in writing by both Parent councils and by Alloa Central Community Council. St John's Parent Council issued its own questionnaire to parents. 22 returns were made to this. The staff of Claremont Primary school submitted a collective response to the consultation. A petition signed by the residents in the vicinity of Redwell Place was also received.

- 3.18 Due to the range and type of issues raised, it was agreed to extend the consultation period and to hold one further meeting on 20 May 2010 to answer more fully the points raised.
- 3.19 Prior to the final meeting for both schools held on 20 May, 94 questionnaires and emails had been received in response to the consultation. This is a disappointingly low return. There are 250 and 175 families represented by St John's and Claremont primaries respectively. This represents an overall return of 22.1%.
- 3.20 From the questionnaires returned, it is clear that most respondents are not in favour of the proposed merger. A similar number, although not necessarily the same people, are not in favour of the Redwell site.
- 3.21 The issues raised at the consultation meetings and through the questionnaires can be categorised as follows:
- 3.22 Educational – concerns mainly relate to the benefits that a new school would bring to pupils and concerns about the size of the school. Many negative comments concluded that the projected roll of 420 pupils in the school would be too large and the ethos of the smaller schools would be lost as a result.
- 3.23 Engineering – concerns relate to ground conditions of the site as well as its proximity to the A907 and the railway line. In particular, questions were raised about soundproofing the school and drainage of the site. Concerns were raised about possible disruption to learning caused by noise from the railway. Previous testing along the Stirling Alloa & Kincardine railway covers the site. Levels are relatively low and can be mitigated by careful orientation of the building, the use of suitable glazing and acoustic treatment of ventilators. Similarly fears about ground conditions and drainage of the site are largely unfounded. A ground investigation report was commissioned by the Council and carried out by specialist consultants, 'Land Drill' in spring 2009. These built upon the tests carried out during the appraisal of the site as a possible location for the new Alloa Academy. Whilst some additional foundation requirements exist, these are minimal and additional costs have been factored into the indicative costs. Surface water drainage has been poor, but this is felt due to the lack of suitable land drainage. The provision of land drainage to cover the new school grounds and the relaid football pitches has also been factored into the indicative cost.
- 3.24 Enforcement – safety was a concern for almost all of those who responded and was raised on every occasion at meetings of parents and the public. In particular the speed of traffic on the A907 was an issue. Many believed that although some St John's PS pupils have to cross the A907 to access the current building, the greater number of pupils crossing the road from the Claremont catchment would increase the risk. Discussions have been held with the police in connection with both road design and safety. The police will work in partnership with parents and the Council to enforce new traffic regulations and to help to ensure the safety of pupils.
- 3.25 The petition from the Redwell residents sought to draw attention to what the signatories believe would represent a deterioration in the entrance to Alloa from the Arnsbrae roundabout.

- 3.26 The staff of Claremont Primary School were positive about the proposals and looked forward to working in a modern school. Their concerns and comments were largely about the logistics of the merger.
- 3.27 The response of the Community Council favoured the merger and had no concerns about the size of the new school. The Community Council raised concerns about the perceived dangers of building so close to a main road.
- 3.28 The questionnaires designed by the Parent Council sought levels of agreement or disagreement on a score of 1-10 where 10 = most. In relation to the proposal for a new school for St John's, 15 respondents scored between 8 and 10 in favour. The range of scores used was 1-10
- 3.29 There were 2 respondents who were in favour of a merger with scores of 8-10. The remaining responses all scored below 3.
- 3.30 Pupils in both schools were consulted using a bespoke, online survey which was completed in class time. This meant that as many pupils as possible had a chance to respond with their own views. Staff were asked to help pupils to understand the question but not to prompt them with answers. The results of the pupils currently surveyed, demonstrated that 40% in both schools were in favour of the proposal. However, there were many more favourable comments than negative ones.
- 3.31 The purpose of the final meeting was to provide parents with response to the concerns and questions raised. A short presentation was given by the Interim Head of Education and a paper was tabled which tried to answer many of the points made previously (appendix 2).
- 3.32 From the final discussions held on 20 May, attended by approximately 32 parents from both schools, it became clear that whilst there was little obvious movement in the views held previously about the merger, or about the proposed site, there was no consensus either about other options.
- 3.33 As far as could be discerned, the views varied between the parents of the 2 schools as well as within the parent groups of the respective schools.
- 3.34 In spite of the concerns raised about the proposal, officers believe that it represents the best option in which to provide most educational benefits to the greatest number of pupils within an establishment fit for the 21st century.

4.0 Sustainability Implications

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

- 4.2 A key objective of the school estates strategy is that new schools should demonstrate commitment to the highest design and environmental standards.
- 4.3 The design phase of the proposed new school would, therefore, require to be consistent with current sustainability criteria

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 merger of the two primary schools would result in the saving of a headteacher's post. There would also be a small saving in administrative costs.

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 2008 - 2011** (Please double click on the check box)

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

- (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 - option appraisal

Appendix 2 - additional information for parents

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 Robertson	Interim Head of Education	2515

Approved by

NAME	DESIGNATION	SIGNATURE
Lesley Robertson	Interim Head of Education	Signed: L Robertson
Angela Leitch	Chief Executive	Signed: A Leitch



The case for building a new school to accommodate pupils from St John's and Claremont primary schools.

October 2009

St John's Primary School is situated to the northern end of Grange Road in Alloa. The original building was constructed c. 1908 by local architects Kerr McCulloch in the Art Nouveau style and is category B listed. It is a symmetrical block with two storeys and a basement, constructed from red sandstone with various pitched and slated roofs, intermediate flat roofs and roof ventilators. The school was extended in 1939 with the addition of a gym hall and associated accommodation constructed in brick with a flat roof. A further classroom extension was added c 1960 with ground and lower floors constructed in brick and concrete with pitched and slated roofs.

The school has a capacity of approximately 300. Its current roll, including placing requests, is 263. Its projected roll in 2012 is approximately 180/190.

Over the last four years the condition of the building has been rated C, C, D and D. The most recent Suitability Core Fact review rated the building as D.

There are significant concerns about the original building's roof and the condition of its back wall. Internal drainage in the building is poor and there is water course running under the building which creates a number of relatively intractable problems.

In addition, there is poor accessibility to the building for disabled young people; currently access is restricted to the ground floor and basement rooms. The playground is small, steep in places and the school has no playing fields; it uses a nearby local park. There is restricted access to the first floor of the school's original building for reasons of fire safety.

The building is at the end of its serviceable life. Considerable investment is required to refurbish the school in the short term; the implied actions will not solve all of the condition issues associated with the building and will not solve all of the concerns which exist about its suitability.

Leaving the condition of St John's unaddressed beyond on-going, relatively minor maintenance would be an action which would carry significant risk; the building's fitness for purpose would decline further and, probably, with increasing pace, there would be increasing risk that children's learning would be disrupted while a succession of short term repairs was carried out. There is a risk that the building may become unusable in the next two or three years.

The central 'business' requirement is for the major refurbishment of the existing St John's school building or for the construction of a new school which meets an agreed level of specification which will render it affordable and fit for purpose in the 21st century in the terms demanded by local and national policies, e.g. 'A Curriculum for Excellence', probable reductions in class sizes and the promotion of the health and well-being of young people and communities.

However the need to improve the physical provision made for young people attending St John's Primary School might best be addressed, it would need to have the capacity to provide all of the following:

- 14 classrooms, including 3 rooms for small group teaching, (based on an estimated roll of 200 in 2012 and assuming that class size maxima for P1 to P3 will be set at 18)
- early years accommodation at current levels
- after school care accommodation
- computer suite large enough to accommodate 30 pupils
- a library
- a dining hall /social space
- a gym hall large enough to accommodate two full-sized badminton courts
- PE storage
- PE changing facilities, which can support community use of the gym hall and adjacent football pitches
- meeting room for 12 people
- small low-stimulus room
- hygiene suite / medical room/ disabled WC
- toilets
- reception area and admin. office
- headteacher's office
- staff room and toilets
- support staff work base.

The need to address the poor and deteriorating condition and suitability of St John's Primary School could be dealt with in a number of ways. One of the ways in which these needs could be addressed is through building a new school on Council-owned land adjacent to the existing St John's Primary School but building a school large enough to accommodate St John's pupils and those from Claremont Primary School, a neighbouring primary school.

Claremont Primary School is a purpose-built primary school dating from c. 1966. It is situated at the western edge of Alloa on a sloping site extending to approximately 0.81 hectares (2.0 acres). The building is concrete framed with flat roofs, cavity brick walls and a roughcast finish. A timber frame extension was added c. 1999 to the northwest corner of the school to form a nursery classroom. The school has a hut containing two classrooms.

The building is not fully accessible; there are significant external and internal barriers to disabled access. Externally the roughcast is prone to cracking and spalling. The building's PVC cladding is in need of repair or replacement. Playground surfaces are weathered and worn and require to be overlaid or renewed. Roof coverings are likely to require to be replaced in the medium term. The building's heating system is inefficient and costly to run; it requires to be replaced with a more energy efficient alternative.

The school has a capacity of approximately 240. Its current roll, including placing requests, is 201. Its projected roll in 2012 is approximately 190/200.

Over the last four years the condition of the building has been rated B, B, C, C. The most recent Suitability Core Fact review rated the building as C with it showing low scores for accessibility and for safety and security..

The risks associated with Claremont Primary School are lower than those relating to St John's. The school is in generally better condition currently. The school is however reaching an age when it will start to require increasing amounts of maintenance.

The need to address St John's as a matter of some urgency introduces the opportunity for the existing and probable future condition of Claremont to be addressed at one and the same time, the opportunity for the needs of both schools to be addressed in a coherent manner.

If St John's and Claremont primary schools were to be merged a building to address this 'requirement' would need to have;

- 20 classrooms (based on a projected roll of approximately 400 in 2012 and assuming class sizes of 18 in P1 to P3)
- 4 other rooms for small group teaching etc.
- early years accommodation 60:60
- out of school care /community accommodation
- two computer suites, each large enough to accommodate 30 pupils
- a library
- a dining hall / social space
- two gym halls, each large enough to accommodate two full-sized badminton courts
- PE storage
- PE changing facilities
- support staff work base, with sink
- meeting room for 12 people
- two low stimulus rooms
- hygiene suite / medical room/ disabled WC
- toilets
- reception area and admin. office
- Headteacher's office
- staff room and toilets

Neither of the schools' existing sites could accommodate such a building. Redwell Playing Fields have emerged as a preferred site; the ground conditions on these fields has been confirmed recently as being suitable for building. The playing fields are owned by the Council.

The strengths of this option are that the land owned by the Council is available and could comfortably accommodate a new school accommodating Claremont and St John's, the site of a new school would be close to those of the current schools, the site can be accessed by an existing bridge over the railway from St John's current catchment area, site access from the adjoining

main road should be relatively easy to arrange, any school development could incorporate facilities which would enhance community use of the existing playing fields, existing arrangements exist to assist pupils attending St John's to cross the main road from the Claremont area, the building of a new school on the Redwell Playing Fields would not disrupt the work of either school, there would be no need to decant the schools' pupils to another site or temporary classrooms in the schools' playground, playground areas would remain available for use during the building of a new school, site access and health and safety problems would be minimised, any school formed from the merger of St John's and Claremont would have a roll of approximately 400 (assuming an entry date of August 2012), a roll which is not large and does not have possible dysfunctional consequences. The construction of a new school for St John's and Claremont would lead to reduced property maintenance and energy costs.

Weaknesses associated with this proposed action could be seen as being that the use of the Redwell Playing Fields would result in some small loss of recreational space; arrangements for crossing the main road from the Claremont side of any merged catchment area would need to be extended; staff, parent and pupil loyalties to existing schools would be lost.

A cost estimate for the construction of a new school for St John's and Claremont on Redwell Playing Fields would be £11,000,000. There would be a capital receipt in the order of £2,900,000 from the sale of land occupied currently by Claremont. The net capital cost of the option would be £8,100,000.

St John's pupil roll in 2012 would be approximately 49% of the total projected roll of a school formed by any merger with Claremont. The pressing need is to address the poor and deteriorating physical condition of the former school and to lift its pupils into an environment hugely more conducive to learning in and for the 21st century.

The 'share', as it were of this project attributable to the need to address the deteriorating condition of St John's is approximately 49%. This would suggest that any grant awarded to support its realisation would be in the order of £3,969,000

This would suggest a capital grant of between £1,984,500 and £2,695,000 depending on whether any grant made was calculated before or after the anticipated capital receipts were applied to the total estimated capital cost of the project.

The project could be designed and built for pupils to move into it at the start of school session 2012/2013.

This is a cost effective way of addressing the deteriorating condition of St John's and the emerging and actual concerns which exist about the suitability of Claremont; It would provide fully fit for purpose learning and working

conditions for the area's young people, staff and support too for learning in the community.

St John's/Claremont - Additional Information for Parents

Are you sure the proposed new school will have the number of pupils you say?

Yes. The roll estimate, that the school would have between 405 and 415 pupils, is based on factors including, birth rates, existing pupil numbers, nursery classes and plans for new housing. The planned developments would be expected to add around 25-30 pupils to the roll of a new merged school.

Is the proposed school too big?

Small schools sometimes have to have composite classes with different age groups in one class. This means teachers have to plan different lessons and make sure topics aren't covered twice. In very small schools, pupils are less likely to be able to learn from each other. Some small schools overcome this by forging links with partner schools, but this usually involves travel to access facilities, which can be expensive.

In small schools, head teachers are more likely to be called upon to provide teaching cover, meaning they have less time to devote to managing the school. Larger schools provide more opportunities for teachers to learn from each other and share good practice.

While small schools allow lots of opportunities for pupils to take on leadership roles or take part in school teams or clubs, in larger schools, particular school events tend to become the responsibility of stages within the school in order to give opportunities for involvement. Larger schools often have more facilities available on site and can provide a wider variety of activities.

Fife Council suggests that the optimum range of size of primary schools should be 52 pupils (to allow for three stages of classes) to 444 pupils (to allow for a two stream school). The proposed school would lie within this range.

How does the size of a school affect learning?

A school of the size proposed will keep classes the same size and will certainly have fewer composite classes.

Amongst Clackmannanshire's primary schools there is no relationship between the size of the school and the attainments of our young people in writing, mathematics or reading.

A study from the early 1990's looked at variations in Scottish elementary

school children's reading attainment. It reports that variations among schools did not appear to relate to schools' size, socioeconomic composition or location.

The factors which contribute to high standards of attainment are leadership, quality of teaching, high aspirations for young people, the involvement of parents in their children's school and their learning - with the support of parents, all of these can be present in a school of the size proposed, as they are present currently in St John's and Claremont.

Does the size of the school effect the ethos?

Here is what HMIE has said about the ethos of some of the bigger primary schools in Clackmannanshire:

“Staff create a welcoming, caring and supportive ethos. Staff know children very well and are sensitive to their needs. They set high standards for children’s learning and behaviour. Children feel safe at school. Relationships with parents and the wider community are a strength of the school.”

(Alva Primary School – roll at inspection was 377)

"The school had developed a strong partnership with parents. The school had very good arrangements in place for ensuring the care and welfare of pupils. The school's welcoming ethos was a strength of the school."

(Tillicoultry Primary School – roll at inspection was 397).

Larger schools can and do have a positive ethos. Size is not the determining factor here: it is the commitment of a school's staff which counts.

A new, merged school will have a positive ethos; its staff will have a commitment to support the personal and social development of all young people at the heart of their work.

Will a bigger school on a new site be able to build relationships such as the existing schools have with their local communities?

Secondary schools, special schools, larger primaries and denominational schools have had to build relationships with a wide range of communities. They have shown that they can do this very effectively. HMIE reports confirm this, not just for our schools but for schools right across the country.

Most schools are very good at building links with their communities even when these are diverse. They are good at this because they understand that building these links is in the best interests of their pupils.

If a new, merged school is built, its headteacher and its staff will build strong links with the communities it serves.

Will the proposed merger reduce parental choice?

No. Parental rights to make placing requests to other schools will continue. Parents will still be able to make placing requests to all of the Council's schools and, indeed, to schools in neighbouring Councils.

The number of placing requests from St John's to Claremont and vice versa is very low. The numbers of placing requests from other schools to St John's and/or Claremont is also very low.

Are ground conditions at Redwell playing fields suitable for building a new school?

The ground conditions are suitable for building a school on. Independent, external surveyors carried out a series test bores to check the ground conditions in the Redwell. The surveyors concluded that it was perfectly possible to build a school on the Redwell.

Is it true that ground conditions in the Redwell playing fields were so bad that they stopped the new Alloa Academy being built there?

No, it's not true. Redwell was looked at as a possible site for the new Alloa Academy. It was judged to be too small to accommodate the new Alloa Academy.

Is the proposed site too close to the railway? Won't train noise interrupt lessons?

Any school would be built so that its classrooms were not next to the railway line and modern insulation cuts out external noise. Noise from the trains does not disrupt the work of children attending Struan House School. In addition, new plantings of trees along the line will help to further cut any noise.

Is it safe to build a school close to the railway?

Advice would be taken from Scotrail and other expert sources on the safest location of any new school within Redwell. There will be a fence round the proposed school and there is already a fence along the railway line. Any school's playgrounds will be supervised during playtimes and lunchtimes. Children attending any school built on Redwell will receive education about safety as well.

Many schools are built near to railway lines and operate entirely safely.

Is the proposed site too close to the A907?

The design of any school built at Redwell will take full account of the need for young people to be able to cross roads safely. The actions which need to be taken will be a key concern in the design of any new school: parents, pupils and road safety experts would be involved in the design of the school.

The police have informed us that in the last 10 years there have been only five road traffic accidents in the stretch of road between the Arnsbrae Roundabout and the roundabout at the Claremont House Hotel involving personal injury. Four of these have been described as 'slight'.

Will children who have further to travel get free school transport?

Any pupil aged 7 or under living more than a mile from the new school would be entitled to free transport to and from the school (unless attending because of a placement request). They would be entitled to free school transport if over 8 and living more than two miles from the school.

Could we build a new a school on the site of the old Alloa Academy?

The land which the old Alloa Academy was built on is to be sold and the money raised is committed to helping to pay for the three new secondary schools which the Council has built.

Would a new school spoil the outlook from homes and the western entrance to Alloa?

The community, school staff, pupils and parents and planning and other Council staff will be involved in the design of any new school. It will be built to high standards of design including its external appearance – every effort would be made to design and build an attractive school building which would add to the amenity of the area in every respect.

Is there anywhere else where a new, merged school could be built?

There is some land across the railway line from the Arnsbrae Roundabout that the Council owns. This has been looked at recently to see if it might be a suitable site for a primary school. The conclusion reached by the Council's planners and other staff is that it would not be a suitable site – it would be too small and right in the middle of industrial and commercial developments.

Can we build two new, separate schools?

No. St John's building is in poor condition. This problem needs to be addressed now. Claremont's building is in reasonable condition: it does not need to be replaced immediately. Merging the schools would allow Claremont's pupils to benefit from a new school as well.

If a merged school does not go ahead then a new Claremont would not be built in the foreseeable future. There would be no automatic upgrade of the facilities at Claremont.

*A merged school would allow the pupils at St John's **and** Claremont to benefit from the educational benefits which a new school would bring.*

What will the educational benefits be?

The educational benefits will be extensive and include:

- *Extended and enhanced access to new technologies, PE and sports facilities, library and other learning resources*
- *State of the art classrooms*
- *State of the art nursery accommodation*
- *Enhanced and extended facilities for children with learning difficulties*
- *Enhanced social and playground facilities*
- *Enhanced working environment for staff*
- *Enhanced promoted post structure*
- *Enhanced community facilities*
- *Enhanced staff and pupil morale.*

These conditions will lead to higher levels of achievement and attainment for all pupils. These levels will be secured in a physical environment fit for purpose in the 21st Century.



**THIS PAPER RELATES TO
ITEM 10
ON THE AGENDA**

Councillor Donald Balsillie

Ward 2 Clackmannanshire North (Multi Member Ward)
Greenfield, Tullibody Road, Alloa FK10 2AD
Telephone: 01259 452000 Fax: 01259 452230
Home: 01259 762469 Email: dbalsillie@clacks.gov.uk

24th May 2010

MOTION TO COUNCIL MEETING ON 3RD JUNE 2010

"Council notes the recent publication of the "*Charter of Rights for People with Dementia and their Carers in Scotland*" and congratulates Alzheimer's Scotland for their work relating to the publication of the Charter.

Council fully supports the aims of the Charter to empower people with dementia and their carers to assert their rights in every part of their daily lives, to ensure that those who provide health, social care and other services understand and respect the rights of people with dementia and their carers, and to ensure the highest quality of service provision to people with dementia and carers."



Councillor Donald Balsillie
SNP Group Leader

