



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