



**Clackmannanshire
Council**

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

Clackmannanshire Council

Thursday 30 June 2011 at 9.30 am

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

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 customerservice@clacks.gov.uk or by telephone on 01259 452106 or 452004.

22 June 2011

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 30 JUNE 2011 at 9.30 am.

ELAINE McPHERSON
Head of Strategy and Customer Services

PRESENTATION of AWARDS at 9.15 am

- (i) Council's Business Excellence Award - Bronze
- (ii) Strategy and Customer Services - Customer Service Excellence Award

B U S I N E S S

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1. Apologies	--
2. Declarations of Interest Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
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18. The Future Provision of Education in Alloa West - report by the Interim Head of Education (Copy herewith)	297
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Exempt Information/

EXEMPT INFORMATION

It is considered that the undernoted report(s) be treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraph(s) 6 of the Local Government (Scotland) Act 1973. It is anticipated, (although this is not certain) that the Council will resolve to exclude the press and public during consideration of this item.

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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

Reverend Mhairi 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 2 JUNE 2011 at 9.30 am.

PRESENT

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

IN ATTENDANCE

Garry Dallas, Director of Services to Communities
Nikki Bridle, Director of Finance and Corporate Services
Deirdre Cilliers, Joint Head of Social Services
Stephen Crawford, Head of Facilities Management
Belinda Greer, Joint Head of Education
Elaine McPherson, Head of Strategy and Customer Services
Lesley Robertson, Interim Head of Education
David Thomson, Solicitor, Legal Services (Clerk to the Council)

Apologies for absence were received from Angela Leitch, Chief Executive.

CC.12/01 APOLOGIES

Apologies for absence were received from Provost Derek Stewart and Councillor Irene Hamilton.

In the Provost's absence, the meeting was chaired by Councillor Harry McLaren, Depute Provost.

CC.13 DECLARATIONS OF INTEREST

None

CC.14 MINUTE OF MEETING HELD ON 21 APRIL 2011

A minute of the meeting held on Thursday 21 April 2011 was submitted for approval by Council.

CC.05 Submission of Petition and Request to be heard from Tillicoultry Community Action Group:

Councillor Womersley asked that the minute be amended to reflect that it was the ruling of the Provost and *not* the Clerk to the Council that in terms of Standing Order 25.7 amendments must relate to the motion and as the amendment related to a previous substantive decision of the Council, it could not be accepted as an amendment.

Subject to the above amendment, the minute of the meeting held on Thursday 21 April 2011 was agreed as a correct record and signed by the Depute Provost.

CC.15 SUBMISSION OF PETITION AND REQUEST TO BE HEARD - SAVE ALVA POOL CAMPAIGN GROUP AND SAVE OUR SWIMMING POOL CAMPAIGN GROUP IN ASSOCIATION WITH ALVA COMMUNITY COUNCIL

A report which advised the Council formally of the receipt of a petition by Save Alva Pool Campaign Group and Save Our Swimming Pool Campaign Group in association with Alva Community Council and asked Council to consider whether or not comments by the Group should be heard at this meeting of the Council was submitted by the Head of Strategy and Customer Services.

A petition signed by 4,824 individuals was delivered to the Council on 21 April 2011, A copy of the terms of the petition and an accompanying letter were appended to the report.

In terms of Standing Order 34.2, the Council agreed unanimously that comments from Save Alva Pool Campaign Group, Save Our Swimming Pool Campaign Group and Alva Community Council would be heard at today's meeting.

Motion

That Council suspends Standing Orders in order that a motion can be debated given a reported change in circumstances.

Moved by Councillor Mark English. Seconded by Councillor Donald Balsillie.

Voting

Councillor English asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the Motion (8 votes)

Councillor John Biggam
Councillor Craig Holden
Councillor Walter McAdam, MBE
Councillor Tina Murphy
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley

Against the Motion (7 votes)

Councillor George Matchett, QPM
Councillor Reverend Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Eddie Carrick
Councillor Harry McLaren

Abstain (1)

Councillor Alastair Campbell

In terms of Standing Order 41, the motion was defeated as it had failed to find a majority of at least two thirds of the votes of councillors present and eligible to vote.

In terms of Standing Order 34.4, the Council then heard representations from:

Ms Lucinda Kerr, Save Alva Swimming Pool Facebook Campaign Group
Mr Alan Petrie, Save Our Swimming Pool Campaign Group, Alloa Amateur Swimming Club
Mr George Horsburgh, Secretary, Alva Community Council

In terms of Standing Order 34.5, the members present had opportunity to put questions to Ms Kerr, Mr Petrie and Mr Horsburgh.

Councillors Mark English and Gary Womersley asked that their dissatisfaction with the process in particular the allowing of only 10 minutes for members' questions be recorded in the minute..

On behalf of the Council, the Depute Provost thanked the representatives from Save Alva Swimming Pool Campaign, Save Our Swimming Pool Campaign Group and Alva Community Council for their contribution to the meeting.

(Item ends 9.55 am)

**CC.16 AMENDMENTS TO THE SCHEME OF DELEGATION NOTICE OF
AMENDMENTS TO COUNCIL STANDING ORDERS**

A report which gave the Council notice of proposed changes to Standing Orders was submitted by the Head of Strategy and Customer Services.

At its meeting in June 2010, the Council agreed a range of changes to the Scheme of Delegation as a consequence of senior management restructuring. Standing Orders were subsequently amended in August of the same year and Council also agreed that a broader review of both the Scheme of Delegation and Standing Orders should take place.

Motion

That Council notes the information set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Gary Womersley.

Decision

The Council agreed unanimously to note that:

- (a) amendments to Standing Orders will be submitted to the next Council meeting for approval.

- (b) a briefing for all elected members will take place on 6 June to discuss and review potential amendments
- (c) a report proposing amendments to the Scheme of Delegation will come forward to the next Council meeting for approval.

Action

Head of Strategy and Customer Services

CC.17 CLACKMANNANSHIRE ASSURANCE AND IMPROVEMENT PLAN

Following consideration of the Assurance and Improvement Plan by the Scrutiny Committee on 19 May 2011, a report which asked the Council to note and comment on the findings and planned activity following review of the Shared Risk Assessment: Improvement and Assurance Plan 2011-14 for Clackmannanshire Council was submitted by the Director of Finance and Corporate Services.

The Assurance and Improvement Plan (AIP) is the product of a collaborative approach adopted by the various scrutiny bodies operating in the Council and sets out the planned scrutiny activity for the organisation to March 2014.

Motion

That Council notes the information set out in the report and the Assurance and Improvement Plan appended to the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed to :

- note the Shared Risk Assessment: Improvement and Assurance Plan 2011-14 for Clackmannanshire.
- note the summary findings and summary of planned scrutiny activity to March 2014.

CC.18 PRISON VISITING COMMITTEES

Two reports seeking Council approval of nominations to fill vacancies on Cornton Vale Prison Visiting Committee and Glenochil Prison Visiting Committee were submitted by the Head of Strategy and Customer Services and were considered together as one item of business.

The Council has a statutory responsibility to appoint two people to serve on Cornton Vale Prison Visiting committee; there is currently one vacancy, and a statutory responsibility to appoint five people to serve on Glenochil Prison Visiting Committee; there are currently two vacancies.

Motion

That Council notes the information set out in the reports and approves the nominations to serve on the Prison Visiting Committees.

Moved by Councillor Kenneth Earle. Seconded by Councillor John Biggam.

Decision

The Council agreed unanimously to note the information set out in the report and to approve the following nominations to serve on the Prison Visiting Committees:

(a) Cornton Vale Prison Visiting Committee

Mrs Jennifer McIntyre

(b) Glenochil Prison Visiting Committee

Ms Pat Havlin-Gibson

Mr Robin Dale

Action

Head of Strategy and Customer Services

CC.19 PROPOSED LAND EXCAMBION AND SALE OF AGRICULTURAL LAND AT DITCH FARM, TULLIBODY TO SECURE ALLOTMENTS AT KEILARSBRAE, SAUCHIE

A report which sought Council approval for a land excambion and sale of Council owned farmland at Ditch Farm in exchange for allotment land at Keilarsbrae was submitted by the Head of Facilities Management.

The Keilarsbrae site is adjacent to a further area of allotment land owned by Clackmannanshire Council. Subject to approval of the excambion, additional approval was requested to formalise a lease of this larger combined allotments site to Sauchie Allotments Association.

Motion

That Council approves the recommendations set out in the report (paragraphs 2.1 and 2.2).

Moved by Councillor Eddie Carrick. Seconded by Councillor Gary Womersley.

Decision

The Council agreed unanimously to:

- (a) Declare 23.8 acres of land at Ditch Farm (as indicated in Appendix II of the report) surplus to requirements.
- (b) Approve an excambion arrangement whereby 15 acres of this same Council owned land at Ditch Farm will be exchanged with the landowner for 1.96 acres of land at Keilarsbrae, Sauchie (as indicated in Appendix III of the report), and
- (c) Approve the sale to the same landowner of the balance of 8.8 acres of Ditch Farm land for the sum of £16,800.

The Council also agreed to a subsequent grant of a long term lease of the entire allotment site to Sauchie Allotment Association subject to satisfactory completion of the excambion and land sale. The lease to be subject to terms and conditions to be agreed by the Director of Services to Communities in consultation with Legal Services.

Action

Head of Facilities Management/Director of Services to Communities.

**CC.20 THE ESTABLISHMENT OF A NURSERY CLASS OF PARK PRIMARY
SCHOOL AND THE CLOSURE OF TOWER NURSERY SCHOOL**

A report which provided information gathered in the course of the consultation about the future of Tower Nursery School was submitted by the Interim Head of Education.

At its meeting in December 2010, the Council had considered a report on primary school provision in Alloa West and had approved a recommendation that officers examine any other possibilities within the Council area for improving the organisation and delivery of teaching and learning through shared leadership of service components.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed unanimously to:

- (1) note the contents of the consultation report which reflected the preference of the consultees to merge the management of the two schools whilst retaining the separate, existing nursery accommodation; and
- (2) approve the merger of the management of Tower Nursery School with Park Primary School. The Tower Nursery building to be used as the nursery class accommodation and Tower Nursery to be redesignated as the nursery class of Park Primary School from August 2011.

Action

Interim Head of Education

ENDS 10.55 am

Report to: Clackmannanshire Council

Date: 30 June, 2011

Subject: Amendments to Council Standing Orders

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1 The purpose of this report is to submit to Council for approval amendments to Standing Orders.

2.0 Recommendation

- 2.1 It is recommended that Council:
- a) approves revised Standing Orders as set out in the Appendix to this report;
 - b) notes that further changes to the Standing Orders as they relate to the treatment of petitions and multiple amendments will come before Council at its August meeting.

3.0 Background

- 3.1 At its meeting on 2 June 2011, Council noted that a report would come forward to this meeting with proposals to amend Standing Orders. The context for this was a previous Council decision to review Standing Orders.
- 3.2 An early draft of revised Standing Orders was circulated to elected members towards the end of May and a briefing on proposed amendments, to which all elected members were invited, was held on 6 June, 2011. Separate meetings were also held with some members who were unable to attend that briefing. Subsequently, a revised draft of Standing Orders was circulated to all members on 13 June for further comment.
- 3.3 The revisions in the document appended to this report represent the majority of views and comments put forward by elected members and senior officers. There were some aspects of Standing Orders where consensus was not reached through the earlier discussions, notably in relation to the treatment of petitions and multiple amendments. The appended draft, therefore, retains the *status quo* in these matters while further consideration is given to them. It is expected that final proposals on both matters will come forward to the August meeting of the Council.

4.0 Considerations

4.1 While the integrity of the current Standing Orders has largely been maintained, the revised draft includes the following proposed amendments:

1. a restructuring of Standing Orders so that they flow more logically
2. the bringing together of related Standing Orders into the same sections so that the document is more accessible
3. some minor textual changes to remove ambiguities
4. the inclusion of certain new proposals to take account of issues which have arisen in the past but for which there is no provision currently in Standing Orders.

4.2 The new proposals referred to above, and the reasons for their proposed inclusion, are as follows:

- a) *Standing Order 7.5 which states: "All councillors will have access to all committee papers, including those containing confidential and exempt information."*

With the advent of the members' portal and greater use of e documents, it is proposed that hard copies of committee papers are not routinely circulated to councillors who are not members of committees. This will save resources in terms of use of paper and officer time spent copying.

- b) *Standing Order 8.9 which states: "The final decision on which items will appear on the agenda rests with the Head of Strategy & Customer Services in consultation with the Clerk."*

This makes explicit a point which has been queried in the past by elected members.

- c) *Standing Order 9.12 which states: "If a councillor cannot come to a meeting, he or she may arrange for any councillor to go to the meeting as his or her substitute."*

The phrase "*who has been appointed by the Council*" in current Standing Orders (SO 17.1) has been deleted in the revised version to remove ambiguity.

- d) *Standing Order 9.22 which states: "Any councillor using this right [to contribute to the proceedings of a committee they are not a member of] will speak only on the matter in question and may speak for no more than five minutes unless the Provost determines otherwise."*

Five minutes have been suggested as the general rule rather than it being left open to the Provost to determine; this could, however, be extended at the Provost's discretion (for example, if the matter under discussion were particularly complex).

- e) Standing Order 9.26 which states: *"The taking of photographs, use of mobile phones or music players, and audio and video recordings are not permitted during meetings unless with the express permission of the Provost."*

This brings existing Standing Order 22.5 more up to date with commonplace devices.

- f) Standing Order 10.6 which states: *"The Provost will have discretion to determine all questions of procedure where no specific provision is made under these Standing Orders. If the Provost's decision is challenged, he or she will explain the reasons for the decision. The decision may be put to a vote but can only be overturned or amended if it is agreed by a majority of the members present at the meeting who are eligible to vote."*

While our Standing Orders aim to cover all eventualities, there may be unanticipated occasions when there is no provision; this proposed addition to Standing Orders provides clarity as to how these occasions might be handled.

- g) Standing Orders 10.23 - 10.25 which state:

Adjournments & Breaks

10.23 *"The Provost may adjourn a meeting at any time for any reason. An adjournment will last not longer than fifteen minutes."*

10.24 *Subject to the Provost's effective management of the meeting, there will be a 10 minute break after approximately every two hours of sitting.*

10.25 *Subject to the Provost's effective management of the meeting, there will be a 30 minute lunch break after approximately three hours of sitting.*

These make explicit in Standing Orders previous practice and will aid the management of lengthy meetings.

- h) Standing Order 11.2 which states: *"The Provost may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters."*

This makes explicit in Standing Orders current practice.

- i) Standing Order 11.3 which inserts an additional bullet which states: *"... the hearing of comments or presentation of petitions ..."*

This makes explicit in Standing Orders current practice.

- j) Standing Order 12.2 which inserts: *" To promote the effective management of the meeting, members may wish to seek clarification on any points from officers in advance of the meeting."*

This was proposed at the members' briefing.

- k) Standing Order 13.10 which inserts: *"Where possible, amendments should be submitted to the Clerk by noon on the day prior to the meeting. Amendments will be collated by the Clerk and circulated to members in advance of the meeting."*

This was proposed at the members' briefing.

- l) Standing Order 14.8 which inserts in relation to roll call votes: *"... on any question coming to or arising at a meeting."*

This was proposed at the members' briefing.

- 4.3 While the provisions above were supported by those members attending the briefings, there were two outstanding aspects of Standing Orders where there remained differing views on the most appropriate way forward. These aspects were: 1) the treatment of petitions; and 2) the handling of multiple amendments at meetings.

Petitions

- 4.4 Two proposals were put forward in relation to petitions as follows:

a) the treatment of petitions at Council should remain as it currently is but elected members should also be able to discuss the subject matter rather than just ask questions of the petitioners;

b) a separate Petitions Panel or Sub-Committee should be established to hear petitions. This would allow discussion of the petition. The Panel or Sub-Committee would report to Council on those petitions it had heard and on any recommendations it wished to make.

- 4.5 It was agreed at the members' briefing that more information should be sought on how petitions panels operate in other councils, with a further briefing being provided to members.
- 4.6 Accordingly, the *status quo* is retained in the draft Standing Orders before Council today in respect of the handling of petitions.

Multiple Amendments

- 4.7 It was proposed at the briefing for members that an alternative method of handling multiple amendments should be considered so that rather than, as is current practice, take amendments and vote on those one by one in the order they were submitted, there should be a debate (and vote) on the various amendments prior to putting any amendment up against the motion. (Current practice is set out in Standing Orders 13.4, 14.5 & 14.6 in the appended draft document.)
- 4.8 There was no consensus on this proposal, with the majority of members preferring the *status quo*. However, it was agreed that officers should review practice in other councils and brief members on any alternative approaches.

This piece of work will be taken forward so that a report can be submitted to the next meeting of the Council.

- 4.9 Accordingly, the *status quo* is retained in the draft Standing Orders before Council today in respect of the handling of multiple amendments.

5.0 Sustainability Implications

- 5.1 N/A

6.0 Resource Implications

6.1 Financial Details

- 6.2 There are no financial implications directly from this report.

6.3 Staffing

- 6.4 There are no staffing implications directly from this report.

7.0 Exempt Reports

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

8.0 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	X

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

9.0 Equalities Impact

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

10.0 Legality

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

11.0 Appendices

1 - Clackmannanshire Council, Revised Draft Standing Orders

12.0 Background Papers


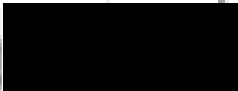
- 12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Clackmannanshire Council Standing Orders, August 2010

Author(s)

NAME	DESIGNATION	EXTENSION
Elaine McPherson	Head of Strategy & Customer Services	2013

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director Finance & Corporate Services	
Angela Leitch	Chief Executive	



Clackmannanshire Council

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APPENDIX TO COUNCIL REPORT OF 30 JUNE, 2011
AMENDMENTS TO COUNCIL STANDING ORDERS

STANDING ORDERS

30 June, 2011

DRAFT

APPLICATION & DEFINITIONS

The Interpretation Act 1978 will apply to these standing orders in the same way as it applies to an Act of Parliament.

These standing orders will overtake any standing orders we have previously approved and will take effect from 30 June, 2011.

The standing orders can only be changed or abolished when there has been an indication at a meeting of the Council that proposals to amend standing orders will be brought before the next meeting.

In these standing orders, the references to pieces of legislation are as follows:

<i>1973 Act</i>	The Local Government (Scotland) Act 1973
<i>1980 Act</i>	The Education (Scotland) Act 1980
<i>1982 Act</i>	The Civic Government (Scotland) Act 1982
<i>1985 Act</i>	The Local Government (Access to Information Act) 1985
<i>1989 Act</i>	The Local Government and Housing Act 1989
<i>1994 Act</i>	The Local Government etc. (Scotland) Act 1994
<i>1997 Act</i>	The Town and Country Planning (Scotland) Act 1997
<i>2000 Act</i>	Standards in Scotland's Schools Act 2000

References to *we*, *us*, *our* and *the Council* refer to Clackmannanshire Council, as constituted under the 1994 Act.

DRAFT

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1 FIRST COUNCIL MEETING AFTER AN ELECTION

1.1 Convening the Meeting

- 1.2 In an election year, we will hold our first meeting within 21 days from the date of the election. The Chief Executive will set the date and time of this first meeting.

1.3 Mandatory Items of Business

- 1.4 At this first meeting, the first item of business will be the election of the Provost. Until the Provost is elected, the Returning Officer will chair the meeting.

- 1.5 At this meeting we will also:

- Elect the Depute Provost, Leader and Depute Leader of the Council
- Appoint the Convener and Vice Convener of each standing committee and of any standing sub-committee(s). (Standing Order 3.4 sets out our Standing Committees)
- the Convener of the Scrutiny Committee will be the holder of the Scrutiny Portfolio. The Scrutiny Committee may appoint a depute convener without having to get approval or ratification from the Council
- Appoint nine councillors to the Licensing Board (or such number no fewer than five and no greater than ten as we may determine from time to time)
- Decide the political balance on each committee. We will set aside seats on committees to achieve a balance between the political parties, as far as is reasonably practical under section 15 of the 1989 Act. At the first Council meeting following a by-election, we will also review the party balance on each Committee.

1.6 Discretionary Items of Business

- 1.7 At this first meeting, we may (but do not need to):

- appoint committee members or portfolio holders (Standing Order 5.2 sets out our portfolios)
- appoint representatives to the Joint Police Board, the Joint Fire Board, the Joint Valuation Board and the various outside organisations we are represented on if these appointments may be reasonably made at that meeting and if we consider it is appropriate to make appointments at that time.
- deal with any urgent suitable business, taking account of the law and these standing orders.

2.0 COUNCILLOR APPOINTMENTS & REMOVAL FROM APPOINTMENTS

2.1 Duration of Appointments

- 2.2 Unless a councillor resigns from any appointment or is removed by the Council, each of the appointments referred to in standing orders 1.5 and 1.6 will stand until the next ordinary election.

2.3 Removing the Provost, committee Conveners and committee members

- 2.4 We may remove the Provost, Deputy Provost, Leader, Deputy Leader, any Convener, Deputy Convener of a committee or any member of a committee (this includes appointed members and co-opted members).
- 2.5 Removing the Provost, Deputy Provost, Leader, Deputy Leader, Convener or Deputy Convener of a committee from office may only be considered at a special meeting of the Council. The meeting will also appoint his or her replacement.
- 2.6 Relevant notice must be given under these standing orders and the meeting must have been called only for the purpose of deciding whether the Provost (or the Deputy Provost, Leader, Deputy Leader, Convener or Deputy Convener) should be removed from office.
- 2.7 Any motion for removing the Provost, Deputy Provost, Leader, Deputy Leader, Convener, Deputy Convener or any member of a committee may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put.
- 2.8 Removing any other member of a committee may only be considered if a notice of motion is submitted in line with the terms of Standing Order 16.

3.0 COMMITTEES

3.1 Depending on any statutory provision, we may at any time appoint committees to help carry out our functions. We will set out the powers and duties of these committees.

3.2 The Provost's powers in council meetings will apply to the Convener, Vice Convener of a committee for meetings of that committee and to any member of a Committee chairing a committee in the absence of the Convener for meetings of that committee.

3.3 Council Standing Committees

3.4 We will appoint the following standing committees and sub-committees.

- Planning Committee
- Regulatory Committee
- Scrutiny Committee
- Workforce Committee
- Local Review Body

3.5 The number of members (not including any appointed members) on each standing committee will be as follows.

	Members	Quorum
Planning Committee	10	4
Regulatory Committee	6	3
Scrutiny Committee	8	5
Workforce Committee	6	3
Local Review Body	8	3

3.6 Statutory Committees

3.7 We will appoint the following statutory committees:

3.8 Education Appeals Committee

3.9 The number of members and the constitution of the Education Appeals Committee will be set in line with council policy, as amended from time to time. However, any relevant statute will apply. Our standing orders do not apply to meetings of the Education Appeals Committee.

- 3.10 The Education Appeals Committee will be made up of three members appointed and trained by the Head of Strategy and Customer Services, who will take account of their previous experience of working with young people.
- 3.11 All members appointed to the Education Appeals Committee will be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.
- 3.12 Complaints Review Committee (Social Services)
- 3.13 The number of members and the constitution of the Complaints Review Committee (Social Services) will be set in line with council policy, as amended from time to time. However, any relevant statute will apply.
- 3.14 All members appointed to the Complaints Review Committee (Social Services) will be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.
- 3.15 Children's Panel and Children's Panel Advisory Committee
- 3.16 We will appoint a Children's Panel and Children's Panel Advisory Committee under the Social Work (Scotland) Act 1968 (as amended by the Local Government etc. (Scotland) Act 1994). We will also maintain a Panel of Safeguarders. A panel of people appointed by the court of the Children's Hearing to protect and promote the interests of the child in any proceedings.
- 3.17 Joint committees**
- 3.18 We may make joint arrangements with other authorities to create joint committees or other groups for carrying out our statutory and other functions. We will do this under sections 56 & 57 of the 1973 Act.
- 3.19 Ad Hoc Committees**
- 3.20 We may set up ad hoc Committees from time to time. The quorum of any ad hoc committee set up for a specific purpose will be at least one quarter of the members of the Council (including appointed members but not including co-opted representatives).

4.0 CO-OPTED & APPOINTED MEMBERS OF COUNCIL & COMMITTEES



Co-opted and appointed members of council and committees are members who are not councillors.

Appointed members are those individuals who are not councillors and who:

- a) sit on Council as religious representatives when education matters are considered
- b) are members of the Education Appeals Committee
- c) are members of the Complaints Review Committee (Social Services)

Co-opted members are those individuals who are not councillors or appointed members and who sit on Council or any of our committees.

- 4.1 A committee may, if we approve, include within its members co-opted representatives or appointed members (or both), as long as at least two-thirds of the members of all committees are councillors, with the exception of any committee that has the power to decide on education matters, where at least half of the members of the committee must be councillors). Sections 57 and 59 of the 1973 Act (as amended by the 1994 Act) and section 31 and paragraph 126 of schedule 12 also apply). People we appoint to the committees under this standing order will be appointed members, unless they are prevented from holding that office under section 59 of the 1973 Act. In this case, they will be appointed as co-opted representatives.

4.2 Co-opted Representatives & Their Rights

- 4.3 Co-opted representatives may:

- a) take part in the debate on issues coming before their committee (the appropriate committee).
- b) question officers in the way set out in standing orders

- 4.4 Co-opted representatives may not:

- a) move or second a motion or amendment
- b) vote on any matter, including procedural matters coming before a standing committee
- c) arrange for a substitute (ref SO 9.14)

4.5 Co-opted representatives do not have the right to receive reports or other papers, including background papers, that contain exempt information (unless the appropriate committee agrees).

4.6 Co-opted representatives have no rights of access to reports or other papers containing confidential information.

4.7 Appointed Members & Their Rights

4.8 Appointed members are members of committees who are not elected members of the Council and who are not co-opted representatives. Appointed members will have rights equal to those of elected members with the following exceptions set out in these standing orders:

- appointed members may not take part in the vote on a motion to suspend standing orders (Ref Standing Order 21.3)
- unless a religious representative, an appointed member may not arrange for a substitute (ref Standing Order 9.13)

4.9 Religious Representatives

4.10 If we appoint a committee to decide on education matters, we must appoint three religious representatives to that committee. The appointments are governed by statute. The rules can be found in Section 124 of the 1973 Act (inserted by Section 31 of the 1994 Act)

4.11 Religious representatives only have voting rights on matters relating to the discharge of the authority's function as education authority.

4.12 Non-Councillor Representatives On The Education Appeals Committee

4.13 All members appointed to the Education Appeals Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

4.14 Non-Councillor Representatives On the Complaints Review Committee (Social Services)

- 4.15 All members appointed to the Complaints Review Committee (Social Services) will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

The following Standing Orders also relate to co-opted and appointed members of Council or Committees:



6.4 - co-opted and appointed members cannot be counted as part of the required quorum (5) for a written request for a special meeting of the Council or any committee

8.7, 9.27, 9.28 - co-opted members must leave the room when a confidential item under section 50A(2) of the 1973 Act is discussed; this may apply to appointed members

8.12 - the requirement for the press and public to leave the meeting if we agree that an item of business contains exempt information also applies to co-opted members but not to appointed members

9.13, 9.14 - the only co-opted or appointed members who can arrange for substitutes are religious representatives

9.16 - if a co-opted or appointed member does not go to any council or committee meetings for six months in a row, that member will no longer be a member of the council or committee unless we grant them leave of absence or we have approved their absence

9.17 - if a co-opted or appointed member is not able to go to the meeting for whatever reason, he or she may give his or her apologies either by telling the Head of Strategy and Customer Services (before the meeting) or through another member who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes.

13.7, 13.13 - Co-opted representatives present at a meeting who do not have voting rights cannot not move or second a motion or an amendment

14.24. 14.26 - All appointed members of the Education Appeals Committee and the Complaints Review Committee (Social Services) are entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

18.2 in relation to questions which relate to the discharge of our functions as an education authority, religious representatives we have appointed may put a question that is relevant to the business of the Council to the Provost (or to the Head of Strategy and Customer Services for an explanation on a point of law or procedure), as long as the representative has given the question in writing to the Head of Strategy and Customer Services no later than 12 noon, seven working days before the date of the meeting.

21.3 - Appointed members may not take part in the vote on a motion to suspend standing orders

5.0 POLITICAL PORTFOLIOS

5.1 Some of our members will have special areas of responsibility, known as portfolios, and will be appointed to take charge of these.

5.2 We will set up the following portfolios and associated responsibilities:

- **The Council Leader** – will represent the Council on national issues and be the Council's national voice at CoSLA and other local government forums. The Council Leader will also lead on:
 - Community Planning
 - Corporate policy and strategy
 - Corporate governance
- **The Depute Leader** – will support and stand in for the Leader when needed and will lead on:
 - Finance
 - Capital and revenue budgets
 - Capital programme
 - Resource management
 - Performance management and
 - Corporate development
- **The Sustainability Portfolio** – will do the following:
 - Assess the effects of policies and decisions on the environment, the economy and the community based on the principles of Agenda 21 (our strategy for sustainability).
 - Make sure the council uses properties efficiently when making decisions and policies.
 - Create opportunities for preventing and reducing pollution, protecting the environment and protecting natural resources.
 - Make sure social, economic and environmental policies are linked together. Regulatory policy in the areas run by regulatory services relating to civic government licensing. This includes the licensing of taxis, street traders and window cleaners.

- **The Scrutiny Portfolio**– will do the following
 - Through reports every six months, assess how effective the Council is in tackling their corporate priorities. The Portfolio Holder will highlight targets that have not been met, resources and/or responsibilities that have changed and make recommendations to the Council through the Scrutiny Committee;
 - Review the service plans every year, assessing areas and targets that are a priority and make recommendations, through the Scrutiny Committee, to the Council.
 - Review other regular performance reports, including reports on performance management, financial performance (including monitoring the capital and revenue budgets), service performance, asset management, risk management and complaints. Make recommendations to the council through the Scrutiny Committee.
 - Consider audit reports and reports from outside organisations, who inspect council services before passing the reports on to council. Make recommendations and/or offer comments to the Council through the Scrutiny Committee. Monitor follow-up work to make sure areas that need improving are dealt with.
 - Highlight good performance and exceptional achievement.
 - Set out a yearly scrutiny plan (which the Council will approve) to include details of the performance-management framework and what is needed in the service reports.
 - The Convener of the Scrutiny Committee will be the holder of the Scrutiny Portfolio. The Scrutiny Committee may appoint a depute convener without having to get approval from the Council.
- **The Inclusion Portfolio**– will take the lead on:
 - Policy, strategy and services that affect education, community development, leisure, criminal justice and youth justice.
- **The Regeneration Portfolio**– will take the lead on:
 - Policy, strategy and services that affect housing, regeneration outcome agreement, health and social services.

- **The Partnership Portfolio**— will:

- Make sure the Council involves local communities, partner organisations and other stakeholders in developing council policy and that the views of these groups influence important Council decisions.
- Creating as many opportunities as possible for working in partnership and identifying common themes for future partnerships.
- Developing agendas and structures for policy forums.
- Take a lead in community safety.

5.3 Policy forums

- 5.4 From time to time, we may set up policy forums to discuss issues. We will decide who will be members and who will be the convener. Policy forums will be run by the Head of Strategy and Customer Services in consultation with the Chief Executive.

6.0 COUNCIL & COMMITTEE MEETINGS - ORDINARY & SPECIAL MEETINGS

6.1 Ordinary meetings

6.2 Ordinary meetings will usually be held every six weeks in the Council Chamber at Greenfield, Alloa, or at other places and on other dates the Provost may set.

6.3 Special meetings

6.4 A special meeting may be called at any time:

- by the Provost; or
- by a written request signed by at least as many councillors as represents the quorum of the Council (which is 5) or Committee of the Council (see Standing Order 3.5) and which specifies the business proposed. Appointed members and co-opted representatives must not be included in the quorum number.

6.5 The agenda for a special meeting will be limited to items of business where a decision is needed before the item can be discussed at an ordinary meeting of the Council or a committee of the Council. If the Head of Strategy and Customer Services believes that a notice asking for a special meeting contains an item of business that does not meet this requirement, the item will be removed from the agenda. The councillors who have asked for the special meeting will be told this. If the councillors then choose to do so, they can ask for the item to be included on the agenda for the next scheduled ordinary meeting of the Council or, if appropriate, on the agenda of the next scheduled ordinary committee that can make a decision on that item.

6.6 A special meeting will be held within 10 working days from when the Head of Strategy and Customer Services receives a valid request. This Standing Order may not be suspended.

6.7 If councillors ask for a special meeting, the agenda for the special meeting will be limited to the item of business set out in the request for the meeting.

6.8 Postponing Meetings

6.9 In agreement with the Head of Strategy and Customer Services, or the Clerk, the Provost may postpone any meeting to another day, time or place.

7.0 COUNCIL & COMMITTEE MEETINGS - NOTICE OF MEETINGS

7.1 Notice to members of the Council & Committees

7.2 At least five clear working days before the meeting, the Head of Strategy and Customer Services will give notice of the meeting to all members of the Council or Committee, in line with the 1973 Act (as amended). The notice to go to the meeting will be left in the councillors' mailboxes.

7.3 If a member gives reasonable notice, the notice can be posted or delivered to them at their usual home address (or at any other address they tell the Head of Strategy and Customer Services about in writing). The Head of Strategy and Customer Services will decide the most efficient way to deliver the papers. The notice will contain or will come with:

- notice of the date, time and place of the meeting;
- notice of the list of items of business to be carried out on an agenda;
- notice of the proposed order of business; and
- copies of any reports associated with the items on the agenda.

7.4 If a councillor or other committee member does not receive the notice, the meeting will still be valid (under paragraph 2(3) of schedule 7 of the 1973 Act).

7.5 All councillors will have access to all committee papers, including those containing confidential and exempt information.

7.6 Notice to the press and public

7.7 Council meetings will be open to the public and the press. At least five clear working days before a council meeting, the Head of Strategy and Customer Services must publish the time and place of the intended meeting.

7.8 In line with the 1973 Act, copies of the items set out in the notice of meeting will be made available for inspection by members of the public at our offices as determined by the Head of Strategy & Customer Services. Copies will also be made available online.

7.9 The Head of Strategy and Customer Services may decide not to give notice to the press if a meeting is to be called at short notice, or if the meeting is a meeting of the Workforce Committee and the business of the Committee includes information that is

exempt under paragraph 1 of schedule 7A of the 1973 Act.

- 7.10 If possible, notice will be given at least five clear working days before the meeting (there is a shorter statutory requirement of three days). Reports containing exempt information or confidential information (as defined in Standing Orders 8.19 and 8.21) will not be made available to the press or the public. Co-opted representatives will not receive confidential information. The appropriate committee will decide who should receive exempt information.
- 7.11 Copies of the agenda and accompanying reports will be available for the public to see at the council offices Council headquarters at least five clear working days before the meeting (unless the meeting is called at shorter notice). If this happens, the agenda and reports will be available for the public to see as soon as is practical. We will also put copies of agendas on our website (www.clacksweb.org.uk).

8.0 COUNCIL & COMMITTEE MEETINGS - MEETING AGENDAS

8.1 Reports

8.2 Officer reports must be signed by the appropriate Head of Service and Director. Joint service reports must be signed by all appropriate Heads of Service and Directors. The Head of Strategy and Customer Services may, unless they can show good cause, refuse to admit to the agenda any report that is not signed in line with this standing order.

8.3 As far as appropriate, reports will be presented in the standard format, as prescribed by the Head of Strategy & Customer Service. Failure to follow this Standing Order will not in itself make the report invalid.

8.4 If a committee asks that a report is passed to a council meeting, the full committee report shall not be included again on the council agenda. Officers should prepare a brief report that refers to the relevant committee report and committee recommendation (s) for the council agenda.

8.5 Councillors preparing reports for us will be entitled to support from suitably qualified and experienced officers. In asking for support, councillors will follow recommendations made by the Head of Strategy and Customer Services. Councillors will also make sure that any officer who is asked to give support is given reasonable notice of what the councillor needs.

8.6 Agenda Structure

8.7 The agenda for meetings will be divided into the following parts:

Part 1 Unrestricted items that section 50A(1) of the 1973 Act will apply to. Members of the press and public have unrestricted access to these items.

Part 2 Items containing exempt information that section 50A(4) of the 1973 Act will apply to. This part will set out (under schedule 7A of the 1973 Act) which category of exempt information may result in the public requiring to leave the meeting during a debate on the item.

Although an officer may have indicated that an item contains exempt information, the members at the meeting will decide if the public are to be required to leave the meeting when the item is being discussed.

Part 3 Items containing confidential information that section 50A(2) of the 1973 Act will apply to. By law, the public and the press (including co-opted representatives for the purpose of this standing order) must not be present when the item is being discussed.

8.8 Any councillor will have the right to have an item placed on the agenda for a meeting, as long as they give the Head of Strategy and Customer Services notice in writing (setting out the nature of the item) at least seven clear working days before the date of the relevant meeting

8.9 The final decision on which items will appear on the agenda rests with the Head of Strategy & Customers Services in consultation with the Clerk.

8.10 Exempt and confidential information

8.11 Reports containing exempt information (exempt items) will be clearly marked 'Confidential' and come with a declaration that the report is 'Not for publication' because it contains exempt information within the meaning of schedule 7A of the 1973 Act. It is likely that the public will be left out during the debate on reports containing exempt information.

8.12 If any item of business being discussed at a council meeting contains exempt information, we will decide if the press and public must leave the room while the discussion is taking place. This standing order will apply to co-opted representatives but not appointed representatives. This standing order may not be suspended.

8.13 The above Standing Order will not apply to any councillor going to a committee that he or she is not a member of. (See also SO 9.23)

8.14 Reports containing confidential information (confidential items) will be clearly marked 'Confidential' and come with a declaration that the report is 'Not for publication' because it contains confidential information within the meaning of section 50A (2) and (3) of the 1973 Act.

- 8.15 If any item of business being discussed at a council meeting contains confidential information, the press and public must leave the room while the discussion is taking place. This will apply to co-opted representatives and may apply to appointed members. This standing order may not be suspended.
- 8.16 The above Standing Order will not apply to any councillor going to a committee that he or she is not a member of. (See also SO 9.23)
- 8.17 The Head of Strategy and Customer Services in consultation with the Legal Services Manager will have the final say on whether a report contains exempt information or confidential information. If the Head of Strategy and Customer Services in consultation with the Legal Services Manager advises that the item of business should be admitted to part 1 as an unrestricted item of the agenda, the item will be given unrestricted circulation. However, our right to decide at the meeting to consider the item in private will still apply.
- 8.18 Revealing information**
- 8.19 We will not reveal any document (or any part of any document) marked 'Not for publication by virtue of Paragraph ... of Part 1 of schedule 7A to the Local Government (Scotland) Act 1973' to the press or public unless and until the document has been made available to the public or the press under section 50A of the 1973 Act.
- 8.20 Information on the proceedings of the Council (that the public have not been allowed to see) may not be revealed to the public unless and until we have authorised it or the information has been made available to the public or the press under section 50A of the 1973 Act. Under this standing order, co-opted representatives will only receive the information if the committee has agreed that they can have access to exempt information.
- 8.21 We will not reveal information contained in any background documents to the press or public if it is confidential information within the meaning of section 50A(3) of the 1973 Act. Under this standing order and standing order 4.6, co-opted representatives are included.
- 8.22 Without affecting the Councillors' Code of Conduct and standing orders, no councillor will use or reveal to any person any confidential or exempt information that comes to his or her knowledge through his or her office as a councillor.

9.0 COUNCIL & COMMITTEE MEETINGS - GENERAL OPERATION

9.1 Chairing Meetings

9.1 The Provost, if present, will chair council meetings. If the Provost is not present, the Depute Provost will chair the meeting. If neither the Provost nor the Depute is at the meeting, the councillors present will decide who will chair the meeting. (The standing orders relating to the Provost will apply to the Depute Provost or to any member chairing a meeting of a committee.)

9.2 The Convener, if present, will chair committee meetings. If the Convener is not present, the Depute Convener will chair the meeting. If neither the Convener nor the Depute is at the meeting, the members present who are eligible to vote will decide who will chair the meeting. The standing orders relating to the Provost will apply to any member chairing a meeting of a committee.

9.3 Quorum

9.4 The quorum is the minimum number of people who must be present before the council meeting can take place and make valid decisions.

9.5 No business will be carried out at a meeting unless a quorum of councillors is present. Quorums are as follows:

	Quorum
Council	5*
Planning Committee	4
Regulatory Committee	3
Scrutiny Committee	5
Workforce Committee	3
Local Review Body	3

* Paragraph 4(1) of Schedule 7 of the 1973 Act

9.6 If 10 minutes after the time appointed for a meeting the quorum has not been met, the Provost, Convener or person chairing the meeting will postpone the meeting. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.

9.7 If at any time during a meeting a question arises on the presence of a quorum, the Provost, Convenor or person chairing the meeting will (after allowing an interval of

five minutes) arrange for the councillors present to be counted. If a quorum of councillors is not present, those agenda items which are unresolved will be postponed to a future meeting at a time and date that the Provost, Convener or person chairing the meeting decides. Notice of the rescheduled time and date may be given immediately or at a later date in line with Standing Order 7.2.

- 9.8 Decisions taken during that part of the meeting where there was a quorum present are valid.

9.9 Attendance at meetings

- 9.10 The names of the members present at each meeting will be recorded in the minutes of the meeting, as well as the names of those members who have sent an apology for not attending (this also applies to co-opted representatives).

9.11 Substitutes

- 9.12 If a councillor cannot come to a meeting, he or she may arrange for any councillor to go to the meeting as his or her substitute. Councillors going to meetings as substitutes must tell the Clerk before the meeting starts. Details of the substitutions will be recorded in the minutes of the meeting. A councillor (whether or not acting as a substitute) may not be replaced during a committee meeting. ('Meeting' includes any part of a meeting that has been postponed.)

- 9.13 If a religious representative who has been appointed under section 124 of the 1973 Act (as amended by section 31(4) of the 1994 Act), cannot come to a meeting, he or she may arrange for another person to go to the meeting as his or her substitute. Persons going to meetings as substitutes for religious representatives must tell the Clerk before the meeting starts. Details of the substitutions will be recorded in the minutes of the meeting. A religious representative (whether or not acting as a substitute) may not be replaced during a committee meeting. ('Meeting' includes any part of a meeting that has been postponed.)

- 9.14 No other co-opted representatives or appointed members can arrange substitutes.

9.15 Failure to Attend Meetings

- 9.16 If a councillor does not go to any council meetings for six months in a row, the councillor will no longer be a member of the Council (this applies to co-opted representatives and appointed members who fail to go to committee meetings),

unless we grant them leave of absence or we have approved their reasons.
However, section 35(3) of the 1973 Act applies to members of the armed forces or civil service who need time off council duties because of war or an emergency.

- 9.17 If a member of the Council is not able to go to the meeting for whatever reason, he or she may give his or her apologies either by telling the Head of Strategy and Customer Services (before the meeting) or through another member who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes (this procedure also applies to co-opted representatives and appointed members).

9.18 Councillors' Attendance At Committees They Are Not Members Of

- 9.19 Councillors have the right to go to all meetings of council committees even if they are not members of the committee that is meeting. However, councillors do not have the right to vote, speak or otherwise take part in the proceedings of any committee that they are not a member of unless the matter being discussed concerns his or her ward and no other ward. This Standing Order does not apply to co-opted representatives or appointed members.

- 9.20 If any issue we are considering affects, or is likely to affect, constituency interests in more than one council ward, this right will not apply.

- 9.21 The person chairing the meeting will decide whether a councillor has the right to contribute to the proceedings under standing order 9.19.

- 9.22 Any councillor using this right will only speak on the matter in question and may speak for no more than 5 minutes unless the Provost determines otherwise.

- 9.23 Any councillors attending a committee they are not members of can remain in the room during discussion of exempt or confidential items of business.

9.24 Public Attendance At Meetings

- 9.25 Members of the public may attend meetings as observers

- 9.26 The taking of photographs, use of mobile phones or music players, and audio or video recordings are not permitted during meetings unless with the express permission of the Provost.

- 9.27 If any item of business being discussed at a council meeting contains exempt information, we will decide if the press and public must leave the room while the discussion is taking place. This standing order will apply to co-opted representatives but not appointed representatives. This standing order may not be suspended. (same as SO 8.12)
- 9.28 If any item of business being discussed at a council meeting contains confidential information, the press and public must leave the room while the discussion is taking place. This will apply to co-opted representatives and may apply to appointed members. This standing order may not be suspended. (same as SO 8.15)
- 9.29 If there is any poor behaviour, we have the right to ask members of the public to leave.
- 9.30 We may keep people out of a meeting or demand that they leave if their presence or behaviour is causing, or is likely to cause, a disturbance. The Provost may issue a warning to any person creating a disturbance or may order that person to be removed from the meeting.
- 9.31 If there is a general disturbance during any part of the meeting open to the public, the Provost may order the meeting to be cleared.

10.0 COUNCIL & COMMITTEE MEETINGS - CONDUCT

10.1 Powers & Duties of the Provost (applies to Conveners and other chairs)

- 10.2 It is the duty of the Provost to make sure that standing orders are followed and to make sure that all members receive a fair hearing.
- 10.3 When the Provost begins to speak, other members must stop speaking.
- 10.4 The Provost will decide on the order in which members may speak.
- 10.5 The decision of the Provost on all questions on procedure, order, relevancy or following standing orders will usually be final. If the Provost's decision is challenged, he or she will explain the reasons for the decision. The decision may be put to a vote but can only be overturned or amended if it is agreed by a majority of the members present at the meeting who are eligible to vote.
- 10.6 The Provost will have discretion to determine all questions of procedure where no specific provision is made under these Standing Orders. If the Provost's decision is challenged, he or she will explain the reasons for the decision. The decision may be put to a vote but can only be overturned or amended if it is agreed by a majority of the members present at the meeting who are eligible to vote.

10.7 Points of order

- 10.8 A point of order is a verbal objection given to the Provost, saying that a statement or proposed procedure or action at the meeting may be breaking the law or standing orders. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true, valid or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- 10.9 Any member (voting or non-voting) may speak on a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a standing order or law has been, or is about to be, broken.
- 10.10 A member who is addressing the meeting when a point of order is raised will stop until the clerk has explained whether or not the point raised is a point of order.

10.11 If the point is confirmed by the clerk as a point of order, the Provost will decide how the point of order should be dealt with. If the point is not confirmed to be a point of order, it will not be accepted and the discussion will continue.

10.12 The Interests of Councillors in Contracts and Other Matters



A personal interest is an interest that must be registered or declared by a councillor under the Councillors' Code of Conduct. This includes non-financial interests that members of the public might reasonably think could influence the actions, speeches or votes of a councillor. A personal interest will also exist where a decision of the Council or of a committee of the Council will affect:

- a councillor, their partner, relative or close friends; or
- the organisation employing any of these people.

10.13 Any councillor who has a personal interest in a matter arising at a meeting must take account of the Councillors' Code of Conduct before deciding whether or not he or she should take part in any discussion on the matter. He or she should get the advice of the Head of Strategy and Customer Services in consultation with the Governance Manager, where appropriate, on the terms of the Code and how it may affect the behaviour of any councillor in particular circumstances.

10.14 Formally registering a personal interest does not mean that a councillor no longer needs to declare the interest if it is relevant to the business of the Council or a committee of the Council.

10.15 A councillor must leave any council meeting when a matter that they have a personal interest in is being considered.

10.16 The interests of employees in contracts and other matters

10.17 As well as any duty under section 68 of the 1973 Act, if any employee of the Council knows that he or she has a financial interest in any contract that we have entered into (or propose to enter into), or in some other matter that we are to consider, and which (in either case) is not:

- a personal contract of employment with us; or
- the tenancy of a house we have provided;

he or she will give notice of the interest in writing to the Head of Strategy and Customer Services.

10.18 Under this standing order, if a member of staff has a financial interest in a contract or other matter that is due to be considered at a meeting of the Council at which he or she is present, he or she must reveal the interest under section 39 of the 1973 Act.

10.19 The code of conduct set out in our personnel policies and procedures will apply to officers.

10.20 Behaviour

10.21 If any member at any meeting behaves improperly or offensively, or is deliberately obstructing our business, the Provost may take any or all of the following courses of action:

- Ask the member to stop speaking during the rest of the debate on the matter under discussion.
- Ask for a vote on the proposal that the member is not allowed to contribute to the rest of the meeting. The motion does not need to be seconded and will be put to the vote without being discussed beforehand. If the motion is carried by a simple majority of those voting, the member named will not speak for the rest of that meeting. Although it may not have been seconded, the motion will be recorded in the minutes.
- Move that the member should leave the meeting. This motion does not need to be seconded and will be put to a vote without being discussed beforehand. If the motion is carried by a simple majority of those voting, the member named must immediately leave the meeting. Although it may not have been seconded, the motion will be recorded in the minutes.
- Postpone the meeting for a period of time that he or she considers to be appropriate.

10.22 Adjournments & Breaks

- 10.23 The Provost may adjourn a meeting at any time for any reason. An adjournment will last not longer than 15 minutes.
- 10.24 Subject to the Provost's effective management of the meeting, there will be a 10 minute break after approximately every two hours of sitting.
- 10.25 Subject to the Provost's effective management of the meeting, there will be a 30 minute lunch break after approximately three hours of sitting.

11.0 COUNCIL & COMMITTEE MEETINGS - ORDER OF BUSINESS

11.1 Order of Business

11.2 The Provost may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters.

11.3 Discussion at ordinary meetings of the Council will usually take place in the following order.

- Roll call – The Head of Strategy and Customer Services will arrange for the names of members present at the meeting to be recorded
- Recording apologies and notice of substitutions
- Declaration of interest
- The order of business
- Minutes of the previous meeting or meetings of the Council
- Any questions to the Provost (if the order of business set out in the agenda includes questions to the Provost, the Provost may decide at which stage of the meeting he or she will take the questions)
- the hearing of comments or presentation of petitions
- Reports and other items of business that do not contain exempt information or confidential information
- Motions (formal proposals for items to be discussed) from members
- Items containing exempt information where we decide the press and public can attend
- Items containing exempt information where we decide the press and public cannot attend
- Items containing confidential information.

11.4 The order of business may be rearranged by the Provost or if we agree on the motion of any councillor.

11.5 Urgent business

11.6 No business, other than that set out on the agenda, will be carried out unless the Provost decides that the item should be discussed as a matter of urgency (under section 50B(4)(a) and (b) of the 1973 Act).

- 11.7 If the Provost decides that an item of business may be discussed as a matter of urgency under Standing Order 11.6, he or she will give his or her reasons for the decision. These reasons will then be recorded in the minutes of the meeting (under section 50B(4)(a) and (b) of the 1973 Act). The Provost must give his or her reasons before the item is discussed.
- 11.8 The Provost can accept late agenda items but must give the reasons why the item should be considered as a matter of urgency. The reasons must be given before such a matter can be discussed.

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12.0 COUNCIL & COMMITTEE MEETINGS - INTRODUCING REPORTS

- 12.1 The Provost may direct that reports to the Council must be introduced, without interruption, by the officer who has responsibility for the report.
- 12.2 The Provost may then give members the opportunity to ask questions and request explanations or more information from that officer or from any other officer at the meeting who holds information that is relevant to the matter under consideration. To promote the effective management of the meeting, members may wish to seek clarification on any points from officers in advance of the meeting.
- 12.3 During this period of questions and explanation, members must not make statements. A motion or an amendment cannot be moved at this stage
- 12.4 Once the report has been introduced and when, in the opinion of the Provost, members have had a reasonable opportunity to ask questions and request explanations or more information, the Provost will advise that the Council may now discuss the matter.

13.0 COUNCIL & COMMITTEE MEETINGS - DISCUSSION & DEBATE RULES

13.1 The Provost will decide the order of people who will be speaking during the debate.

13.2 People will address the meeting through the Provost.

13.3 Motions

13.4 Motions for approval of a report will be considered as the original motion. Any motion proposing to alter a report will be dealt with as an amendment.

13.5 Motions must be set out in writing before they can be debated or put to a vote.

13.6 Motions must be moved and seconded before they can be debated or put to a vote.

13.7 People (such as co-opted representatives) present at a meeting who do not have voting rights may not move or second a motion.

13.8 Amendments

13.9 Amendments must relate to the motion.

13.10 Amendments must be set out in writing before they can be debated or put to a vote. Where possible, amendments should be submitted to the Clerk by noon on the day prior to the meeting. Amendments will be collated by the Clerk and circulated to members in advance of the meeting.

13.11 The Provost has the power to rule out of order any amendment he or she considers irrelevant or substantially similar to the motions or to any previous amendment.

13.12 Amendments must be moved and seconded before they can be debated or put to a vote.

13.13 People (such as co-opted representatives) present at a meeting who do not have voting rights may not move or second an amendment.

13.14 Only one amendment may be debated at the one time.

13.15 Notice of any second or subsequent amendment must be given before the end of the debate on the current amendment. If notice is not given at the right time, the amendments will not be accepted.

13.16 Speaking On A Motion Or Amendment

13.17 A member moving or seconding a motion or an amendment or using a right of reply may speak for no more than 10 minutes, unless they have the permission of the Provost.

13.18 Other members taking part in the discussion will speak for no more than five minutes unless they have the permission of the Provost.

13.19 A member who has spoken on a motion will not speak again during the debate on the motion unless the Provost gives them permission or:

- If the motion has been amended since the member last spoke and he or she wants to comment on the amended motion;
- by using the right of reply, either at the end of the debate as the mover of an original motion, or at the end of the debate as the mover of another amended motion (in that case, the reply will be limited to answering matters raised in debate – new matters should not be introduced into the debate); or
- by making a point of order that the Provost has agreed to take. Members will not abuse the right to raise a point of order by making a speech. Whether or not a point of order is valid must be checked with the Clerk.

13.20 There is no right of reply for the mover of an amendment.

13.21 Withdrawing A Motion or Amendment

13.22 A motion or an amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

13.23 Putting A Motion (or Motion as Amended) To Council

13.24 The Provost will put the motion to the Council after the mover of a motion (or motion as amended) has used the right to reply, or has been asked to do so by the Provost and has turned it down. No other member will speak on the motion.

14.0 COUNCIL & COMMITTEE MEETINGS - VOTING

Co-opted representatives may not vote on any matter, including procedural matters, unless they are sitting on either the Education Appeals Committee or the Complaints Review Committee (Social Services) (ref SOs 4.4, 4.13, 4.15)



Appointed members may not take part in the vote on a motion to suspend standing orders (Ref Standing Order 21.3)

Members who have withdrawn from the meeting due to a personal interest may not vote on the item concerned (ref Standing Order 10.15)

Councillors attending committees they are not members of cannot vote even if they can speak 9.19

The Provost (or Convener or Chair) will not have a casting vote in relation to the filling of posts held by councillors and other representatives and in the appointment of employees (ref Standing Order 14.17, 14.22).

General

- 14.1 Unless allowed by law or by standing orders, every question coming to or arising at a council meeting will be decided by a show of hands of a simple majority of the members who are present and eligible to vote.
- 14.2 After the Provost (or Chair) has announced that any matter is to be put to the vote, the Clerk will (if any member asks) explain that matter. The Provost will then start to take the vote. No member will interrupt the proceedings until the result of the vote is announced.
- 14.3 The Provost will ask firstly for votes on the amendment and then for votes on the motion. The Provost will then announce the result of the vote.
- 14.4 Unless the law says otherwise, the Provost will have a 'casting vote'. He or she may use this if there is an equal number of votes for or against any motion or amendment.
- 14.5 When a motion and an amendment are before the meeting and notice has been given of one or more further amendments, the amendments and voting will be in the order in which notice was given.
- 14.6 If an amendment is rejected, other amendments (of which previous notice has been given) may be moved on the original motion. If any amendment is moved and seconded, voting will go ahead in line with the standing orders.

14.7 Roll Call Vote

- 14.8 Any member (whether or not eligible to vote) can ask for a roll-call vote on any question coming to or arising at a meeting.
- 14.9 If a vote is taken by roll call, the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.

14.10 Recording Votes In The Minutes

- 14.11 A member may ask that the minutes of the meeting record a note of his or her vote for or against any motion.
- 14.12 The minutes of the meeting will record the vote, including any abstentions (when someone has decided not to vote).
- 14.13 A member may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.

14.14 Filling Posts Or Offices Held By Councillors & Other Representatives

- 14.15 If the number of councillors nominated to be appointed to any office or position to be filled by the Council is higher than the number of vacancies, there will be a vote (or votes). Each councillor will be entitled to vote for as many candidates as there are vacancies, but will not vote for more than one candidate for any single vacancy.
- 14.16 The names of all those nominated will be put to the meeting in alphabetical order of surname.
- 14.17 If only one vacancy needs to be filled and a candidate has an absolute majority (more than 50%) of the votes cast, the candidate will be declared to be appointed. If there is no absolute majority, the name of the candidate having the fewest votes will be taken off the list. This process will continue until a candidate has an absolute majority of votes cast (if there is only one vacancy) or until the number of candidates left equals the number of vacancies (if there is more than one vacancy). The candidate or candidates will then be declared or appointed.
- 14.18 If a vote involves more than two candidates having the fewest votes (and the same number of votes), another vote will take place to decide which candidate will be taken

off the list. If the candidates with the fewest votes still have the same number of votes, the candidate to be taken off the list will be decided by drawing lots.

14.19 If only one vacancy needs to be filled and there are two candidates with an equal number of votes, the appointment will be decided by drawing lots.

14.20 Standing orders 14.15 to 14.19 will apply also to electing, choosing or appointing any other person (other than a councillor). However, they do not apply to appointing officers (ref SO 14.22)

14.21 Appointing Officers

14.22 Where there are more than two candidates for any appointment and none gets an absolute majority of votes, the candidate having the fewest votes will not be considered further. Voting will continue until there is an absolute majority of the councillors, present and voting at the meeting, in favour of any candidate.

14.23 Non-Councillor Representatives On The Education Appeals Committee

14.24 All members appointed to the Education Appeals Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue this committee is discussing, whether or not they are elected members of the Council.

14.25 Non-Councillor Representatives On the Complaints Review Committee (Social Services)

14.26 All members appointed to the Complaints Review Committee (Social Services) will (despite any provision of the Standing Orders) be entitled to vote on any issue this committee is discussing, whether or not they are elected members of the Council.

15.0 COUNCIL & COMMITTEE MEETINGS - PROCEDURAL MOTIONS

- 15.1 The following procedural motions will be allowed during the discussion of another motion. The Provost may decide whether to accept these motions.
- 15.2 When the motions have been moved and seconded, they will be put to the vote without being discussed beforehand. The outcome of the vote will be recorded in the minutes of the meeting.
- 15.3 If a procedural motion is not carried, a similar motion will not be accepted until two extra members who want to speak on the motion or amendment under debate, and who have not already done so, have been allowed to speak.
- 15.4 That we Move to the Next Item Of Business
- 15.5 If the Provost agrees, or if the motion of any member (not including co-opted representatives) has been seconded, we may move to the next item of business.
- 15.6 That The Matter Is Put To The Vote
- 15.7 The Provost may refuse to accept this motion if he or she believes that the matter before the meeting has not been discussed in enough detail.
- 15.8 If the Provost accepts the motion, it will be immediately voted on.
- 15.9 If the motion is carried, the matter will be put to the vote immediately after using any right to reply.
- 15.10 That the debate should be postponed
- 15.11 If the Provost thinks that the matter before the meeting has been discussed in enough depth, he or she may refuse the motion and instead put before the council the motion 'that the matter is put to the vote'.
- 15.12 If the motion 'that the matter is put to the vote' is then defeated, the Provost will put the motion 'that the debate should be postponed' to the vote. If that motion is carried, the debate on the matter will be postponed to the next ordinary meeting of the Council.

15.13 To continue an item of business

15.14 If the Provost agrees, or if the motion of any member (not including co-opted representatives) has been seconded, we may continue the discussion on any item of business to another day, time or place.

15.15 If the Provost thinks that any matter has not been discussed in enough detail and that it cannot be discussed in enough detail on that occasion, he or she will put his or her opinion to the vote. If the motion 'to continue an item of business is carried', the original motion or the rest of the business will then be carried over as unfinished business until the next meeting of the Council.

15.16 The mover of the original motion does not have a right of reply before the vote to continue an item of business, as the debate on the original motion has yet to be finished.

15.17 That the meeting should be postponed

15.18 A motion to postpone the meeting may be accepted only if the Provost agrees. The motion must be seconded before being put to the vote.

16.0 COUNCIL & COMMITTEE MEETINGS - NOTICES OF MOTION INTENDED FOR CONSIDERATION AT THE NEXT MEETING

- 16.1 Every notice of motion will be in writing and will be signed by the member presenting the notice.
- 16.2 Every notice must be delivered to the Head of Strategy and Customer Services at his or her office no later than seven clear working days before the date of the next meeting of the Council. If this deadline is missed, the motion will not be included in the agenda.
- 16.3 Every motion must be relevant to matters within our powers and duties or involve an issue that will affect Clackmannanshire. The Head of Strategy and Customer Services in consultation with the Governance Manager may refuse to accept any notice of motion which (due to any enactment, rule of law or any condition in these standing orders), should not be considered. When this happens, the Head of Strategy and Customer Services in consultation with the Governance Manager will (within two working days of receiving the notice of motion) tell the member putting forward the motion of this decision and, if asked to do so, will set out the reasons in writing.
- 16.4 Motions may not contain offensive or abusive language and may not contain argument. The Head of Strategy and Customer Services in consultation with the Governance Manager may refuse to accept any motion that fails to meet these requirements.
- 16.5 The Head of Strategy and Customer Services will include (in the order in which he or she received them) motions that have been presented with valid notice on the agenda for the next meeting. He or she will record the date and time of receiving the notice on the original notice.
- 16.6 If the Head of Strategy and Customer Services believes that, after having consulted the Provost, more than one motion deals with the same subject matter, only the motion lodged first will be included on the agenda.
- 16.7 A motion may only be considered by a committee if it is within the powers of the committee to decide on the motion.

- 16.8 If a councillor has entered a motion on the agenda of any meeting, we may still consider the motion even if the councillor is not present. However, before we can consider the motion and vote on it, it must be moved and seconded by members present at the meeting. If this fails to happen, the matter will be considered to be dropped and cannot be raised again except as a new motion at a future meeting of the Council.

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17.0 COUNCIL & COMMITTEE MEETINGS - WITHDRAWING PREVIOUS DECISIONS

17.1 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 the 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 the terms of a report or of any committee minute put forward to us); or
- a decision is needed by law.

18.0 COUNCIL & COMMITTEE MEETINGS - QUESTIONS TO THE PROVOST

- 18.1 Any councillor may put a question that is relevant to the business of the Council to the Provost (or to the Head of Strategy & Customer Services for an explanation on a point of law or procedure), as long as the member has given the question in writing to the Head of Strategy and Customer Services no later than 12 noon, seven working days before the date of the meeting.
- 18.2 The above Standing Order will also apply to religious representatives we have appointed in relation to questions which relate to the discharge of our functions as an education authority.
- 18.3 If there is any doubt or a dispute, the Provost will decide whether the question is to be answered verbally or in writing.
- 18.4 Questions, and any written answers, will be reproduced and numbered in the order in which they have been received and will be made available to members at the beginning of the meeting.
- 18.5 If the Provost believes that a question is out of order, the question will not be answered.
- 18.6 The councillor who asked the original question may ask two supporting questions to make the answers clearer. The Provost will decide whether the supporting questions will be answered verbally or in writing.
- 18.7 The Provost may decide to refer the question to the Convener of the appropriate committee, to the Leader of the Council, or to an officer of the Council.
- 18.8 Questions and answers will be recorded in the minutes.
- 18.9 'Written questions' will include a series of written questions asked by one or more members that deal with one or more subjects which, in the opinion of the Provost, are so closely related that they should be treated as one subject.
- 18.10 Questions to the Provost may not be opened up to general debate.

19.0 COUNCIL & COMMITTEE MEETINGS - QUESTIONS TO CONVENERS

- 19.1 Any member of a committee may put a question that is relevant to the business of that committee and not arising from any agenda item to the Convener (or to the Head of Strategy & Customer Services for an explanation on a point of law or procedure), as long as the member has given the question in writing to the Head of Service no later than 12 noon seven working days before the date of the meeting.
- 19.2 Questions to Conveners will only be answered in writing and copies of answers will be produced at the following committee meeting.
- 19.3 No supporting questions will be allowed.
- 19.4 Questions, and any written answers, will be reproduced and numbered in the order in which they have been received and will be made available to members at the beginning of the meeting.
- 19.5 If the Convener believes that a question is out of order, the question will not be answered.
- 19.6 'Written questions' will include a series of written questions asked by one or more members that deal with one or more subjects which, in the opinion of the Convener, are so closely related that they should be treated as one subject.
- 19.7 Questions to the Convener may not be opened up to general debate.
- 19.8 No supporting questions will be allowed in the case of questions to Conveners.
- 19.9 A question may only be put to the Convener of a committee if the subject matter of the question is relevant to what the committee is responsible for.

20.0 COUNCIL & COMMITTEE MEETINGS - HEARING COMMENTS & PRESENTING PETITIONS

- 20.1 If the law provides adequate alternative opportunities for the views of any person (including any group or organisation) to be considered by written submissions or by an independent tribunal (such as hearing or an inquiry), that person (or group or organisation) will not have the right to appear before us or a committee. In these cases, the Chief Executive will respond to the request to appear.
- 20.2 Anyone who wants us to hear their comments or to present a petition to us must apply in writing. We will only hear comments and petitions if an application has been lodged with us at least eight clear working days before the meeting (and before we issue the notice calling the meeting). Applications will be included as part of the agenda for the meeting.
- 20.3 We will decide by a simple majority of those present and eligible to vote on whether the comments will be heard at the meeting.
- 20.4 Unless we decide otherwise, there will be no more than three representatives presenting comments or a petition may speak.
- 20.5 Representatives will speak for no more than a total period (that is, the total speaking time of all representatives allowed to speak) of five minutes, unless the Provost decides otherwise. After comments, members may ask questions. Representatives may stay at the meeting, unless the law and these standing orders say otherwise.
- 20.6 When we receive a request from anyone who wants to speak at a meeting of the Planning Committee about a planning application, we will follow the formal procedures agreed by that committee.

21.0 SUSPENDING & AMENDING STANDING ORDERS

21.1 Suspending Standing Orders

- 21.2 Standing orders may be suspended at any meeting of the Council or a Committee by a motion passed by a majority of at least two thirds of the votes of councillors present and eligible to vote at the meeting.
- 21.3 Appointed members may not take part in the vote on a motion to suspend standing orders.
- 21.4 Committees cannot suspend our financial regulations or contract standing orders.
- 21.5 The above three Standing Orders cannot be suspended.

The following Standing Orders already referred to also cannot be suspended:

- 6.6 The special meeting will be held within 10 working days from when the Head of Strategy and Customer Services receives the valid request.
- 8.12 If any item of business being discussed at a council meeting contains exempt
9.27 information, we will decide if the press and public must leave the room while the discussion is taking place. This standing order will apply to co-opted representatives but not appointed representatives.
- 8.15 If any item of business being discussed at a council meeting contains confidential
9.28 information, the press and public must leave the room while the discussion is taking place. This will apply to co-opted representatives and may apply to appointed members.



21.6 Amending Standing Orders

- 21.7 The standing orders can only be changed or abolished when there has been an indication at a meeting of the Council that proposals to amend standing orders will be brought before the next meeting.

22.0 COUNCIL & COMMITTEE MEETINGS - MINUTES OF MEETINGS

- 22.1 Minutes of council meetings will be put together by the Head of Strategy and Customer Services, printed and, as far as practical, given to members of the Council no later than three working days before the next ordinary meeting of the Council. The minutes will be put forward for approval, corrected if necessary and (where agreed to be a true record of the proceedings of the meeting they relate to) signed by the Provost.
- 22.2 No discussion or amendment will be accepted on minutes of a previous meeting, other than an objection saying that they are not a correct record. Any objection for this reason will result in an amendment to a motion approving the minutes or part of the minutes.
- 22.3 A member who was not present at the meeting that the minutes refer to may ask that the minutes of the current meeting record their disagreement with a decision recorded in the minutes of the earlier meeting.

The following matters referred to in the following Standing Orders will also be included in the minutes of Council and Committee meetings:



- 9.10 The names of the members present at each meeting will be
9.12 recorded in the minutes of the meeting, as well as the names of those members
9.13 who have sent an apology for not attending and any substitutes attending.
- 11.7 If the Provost decides that an item of business may be discussed as a matter of urgency under Standing Order 11.6, he or she will give his or her reasons for the decision. These reasons will then be recorded in the minutes of the meeting
- 14.9 If a vote is taken by roll call, the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.
- 14.11 A member may ask that the minutes of the meeting record a note of his or her vote for or against any motion.
- 14.12 The minutes of the meeting will record the vote, including any abstentions (when someone has decided not to vote)
- 14.13 A member may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.
- 15.2 The outcome of a vote on procedural motions will be recorded in the minute.
- 18.8 Questions and answers to the Provost will be recorded in the minute.

23.0 DELEGATION

23.1 Delegation arrangements

23.2 We may make a scheme of delegation to committees and officers to carry out our functions. The scheme of delegation will form part of and be read with these standing orders.

23.3 Delegation to committees and officers

23.4 If the law and these standing orders allow, we will delegate all our functions, services, activities or other matters (whether under statute or otherwise) to relevant committees and officers, as set out in our scheme of delegation.

23.5 We may vary, add to, withdraw or restrict any reference to delegation to any committee or officer, or by specific authority refer any function to any committee or officer. Despite the terms of standing order 23.2, any single matter may be referred to a committee or officer as a specific authority by a simple majority of members present and eligible to vote.

23.6 Any arrangement contained in or made under the scheme of delegation for a committee or officer to carry out a function will not prevent us or the relevant committee from carrying out that function. To avoid any doubt, we or the committee may not act on any matter so as to overrule a decision taken by a committee or officer under delegated powers where action in carrying out that decision has already been taken (as that would be against the law).

24.0 DEEDS & OUR COMMON SEAL

- 24.1 Under the 1973 Act and the Requirements of Writing (Scotland) Act 1995, deeds that we have to sign and seal will be sealed with our common seal and signed on our behalf by the Chief Executive or the Governance Manager (or any other proper officer who has been authorised by either of them).
- 24.2 The Governance Manager will be responsible for keeping safe and using our common seal.



Report to: Clackmannanshire Council

Date: 30 June 2011

Subject: Amendments to Scheme of Delegation

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1 The purpose of this report is to put forward a Scheme of Delegation in respect of jointly managed services between Clackmannanshire and Stirling councils and to propose amendments to the Council's Scheme of Delegation.

2.0 Recommendations

- 2.1 It is recommended the Council:
- a) approves the Scheme of Delegation in respect of jointly managed education and social services which is attached as Appendix 1 to this report;
 - b) approves a revised Scheme of Delegation for the Council as attached as Appendix 2 to this report.

3.0 Background

- 3.1 In December, 2010, the Council agreed to discharge its functions as education authority and social work authority jointly with Stirling Council and Joint Heads of Service took up post at the end of March, 2011.
- 3.2 In order to ensure the postholders have the relevant authority delegated to them by each council, alterations are required to the Council's Scheme of Delegation, as notified to Council at its meeting on 2 June, 2011.

4.0 Considerations - Scheme of Delegation In Respect of Jointly Managed Services

- 4.1 Senior managers and legal officers from Clackmannanshire and Stirling councils have prepared a Scheme of Delegation in Respect of Jointly Managed Services, which is attached as Appendix 1 to this report.
- 4.2 In developing the document, existing Schemes of Delegation of each of the councils were reviewed and discussion took place with both the shared services Steering Group and Programme Board.

- 4.3 The preference of all involved was that there should be a separate document setting out the context for the shared arrangement and the broad delegations to the joint heads of service. The Scheme of Delegation in Respect of Jointly Managed Services does not reflect the form or format of either council's existing Schemes of Delegation. Rather, the Scheme relating to jointly managed services takes its own approach to emphasise the new arrangements.
- 4.4 Section 1 of the Scheme of Delegation in Respect of Jointly Managed Services sets out the legal framework for the arrangement and states that unless varied by that Scheme, the Joint Heads of Service must operate in accordance with the two councils' existing governance arrangements.
- 4.5 Appendix 1 to the Scheme sets out the general rules governing the exercise of powers by the Joint Heads of Service and these are generally consistent with existing arrangements in each authority.
- 4.6 Appendix 2 to the Scheme sets out the general delegations to the Joint Heads of Service which will be applicable across both authorities.
- 4.7 Appendix 3 to the Scheme sets out the areas of service-specific delegation to each of the Joint Heads of Service which will be applicable across both authorities. This includes delegation for the management of services as well as for carrying out relevant statutory duties.

5.0 Considerations - Amendments to Council's Scheme of Delegation

- 5.1 The agreement to jointly manage education and social services through two Joint Heads of Service has implications for the Council's existing Scheme of Delegation. Specifically, these relate to part 3 of the existing Scheme which sets out the delegations to Directors and Heads of Service.
- 5.2 The following changes are, therefore, proposed:

a) existing section 18 of the Scheme is deleted and replaced with the following text:

Section 18 - Education and Social Service - Scheme of Delegation In Respect of Jointly Managed Services with Stirling Council

- 18.1 *Clackmannanshire Council and Stirling Council have resolved to discharge their functions as Education Authority and as Social Work Authority jointly in terms of the Local Government (Scotland) Act 1973 section 56(5).*
- 18.2 *Clackmannanshire Council is the lead authority for Social Services and has appointed a Joint Head of Social Services and Chief Social Worker accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied by the Scheme of Delegation in Respect of Jointly Managed Services referred to in 18.4 below.*
- 18.3 *Stirling Council is the lead authority for Education Services and has appointed a Joint Head of Education accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied by the Scheme of Delegation in Respect of Jointly Managed Services referred to in 18.4 below.*

18.4 *A separate Scheme of Delegation in Respect of Jointly Managed Services setting out the powers which the respective Councils delegate to the Joint Heads of Service as authorised by the Local Government (Scotland) Act 1973 sections 56 (1) and 65 (2), the conditions which they must observe when exercising those powers and the extent to which they can further delegate the powers to other officers has been prepared and is appended to this Scheme.*

b) elements of existing section 18 are transferred to either Services to Communities or Finance & Corporate Services as follows:

- *to Services to Communities*

Existing Para	Provision
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 aimed at preventing and ending homelessness in a way which forms a clear partnership with related services.
18.51	Making sure that Homeless Services meet the standards laid down by the Scottish Government.
18.52	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.
18.58	Providing the Money Advice Service which gives advice on money and welfare benefits and making the most of an income
Various	References to Services to People amended to Social Services

- *to Finance & Corporate Services*

(the functions below transferred to Strategy & Customer Services when the Council restructured a year ago but the Scheme of Delegation had not been amended to take account of this)

Existing Para	Provision
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.

c) certain statutory appointments in section 21 of the existing Scheme have been amended as follows:

1) proper officer for the role of Chief Social Work Officer becomes the *Joint Head of Social Services* (amended from Head of Social Policy)

2) all references to Legal Services Manager are amended to *Governance Manager* to reflect changes in organisational structure since the Scheme was last updated.

d) Other changes as follows to correct errors or reflect factual changes:

1) existing paragraph 16.25 in relation to the provision of advice from European funding transferred from Finance & Corporate Services to Services to Communities to reflect the structure agreed a year ago

2) reference to the Regulatory Sub-Committee of the Planning Committee changed to Regulatory Committee

3) existing paragraphs 17.35 and 17.36 amended as follows:

17.35 Managing the HRA budget portfolio and identified properties from the Housing General Fund

17.36 Introducing and delivering the HRA Financial Plan which supports the policy on our housing, as agreed by tenants and us.

e) insertion of the Scheme in Respect of Jointly Managed Services as an Appendix.

6.0 Conclusions

6.1 The proposals in this report are intended to ensure that the Joint Heads of Education and Social Services have the relevant authority delegated to them to enable them to carry out their duties for Clackmannanshire Council and for Stirling Council. A report seeking similar authority is also being presented to Stirling Council on 30 June.

6.2 As the shared arrangements develop, there may be further changes to our governance documents and these will come forward to Council for consideration as appropriate.

6.3 In addition, as part of the development of shared services across education and social work, consideration is also being given to how various support services can best be configured to facilitate joint working. A separate work stream has been established for this which feeds directly into the Programme Board. More detailed updates on this aspect of joint working will come forward to the Council in due course.

7.0 Sustainability Implications

7.1 N/A

8.0 Resource Implications

8.1 *Financial Details*

8.2 There are no financial implications directly from this report.

8.3 *Staffing*

8.4 There are no staffing implications directly from this report.

9.0 Exempt Reports

9.1 Is this report exempt? No

10.0 Declarations

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

(1) Our Priorities 2008 - 2011

The Council is effective, efficient and recognised for excellence

(2) Council Policies (Please detail)

11.0 Equalities Impact

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

12.0 Legality

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

13.0 Appendices

1 - Scheme of Delegation in Respect of Jointly Managed Services


2 - Clackmannanshire Council Revised Scheme of Delegation, June 2011


14.0 Background Papers

1 - Clackmannanshire Council Scheme of Delegation

2 - Report to Council of December, 2010 in respect of shared education and social services between Clackmannanshire and Stirling Councils

Author(s)

AUTHOR'S NAME	DESIGNATION	EXTENSION
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APPROVED BY	DESIGNATION	SIGNATURE
Nikki Bridle	Director Finance & Corporate Services	

Angela Leitch	Chief Executive	
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CLACKMANNANSHIRE COUNCIL
STIRLING COUNCIL

SCHEME OF DELEGATION

IN RESPECT OF JOINTLY MANAGED SERVICES

30 JUNE, 2011

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1.0 Introduction

- 1.1 Clackmannanshire Council and Stirling Council have resolved to discharge their functions as Education Authority and as Social Work Authority jointly in terms of the Local Government (Scotland) Act 1973 section 56(5).
- 1.2 Clackmannanshire Council is the lead authority for Social Services and has appointed a Joint Head of Social Services and Chief Social Worker accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied in this Scheme of Delegation.
- 1.3 Stirling Council is the lead authority for Education Services and has appointed a Joint Head of Education accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied by this Scheme of Delegation.
- 1.4 This Scheme of Delegation sets out the powers which the respective Councils delegate to the Joint Heads of Service as authorised by the Local Government (Scotland) Act 1973 sections 56 (1) and 65 (2), the conditions which they must observe when exercising those powers and the extent to which they can further delegate the powers to other officers.
- 1.5 Delegations to Joint Heads of Services are a combination of general delegations (that is, each of the Joint Heads of Service is similarly empowered) and specific delegations (that is, the delegations are specific to individual Joint Heads of Service).
- 1.6 When exercising any delegated authority, Joint Heads of Service must have regard to each Council's -
 - guidance and codes of practice;
 - procedural rules relevant to the service;
 - Governance Documents as hereinafter defined;
 - human resources policies and procedures;
 - relevant plans and policies which have been adopted;
 - all other approved codes and procedures;
 - approved budget;
 - approved business plan; and
 - rules on access to information, data protection and freedom of information.
- 1.7 The Joint Heads of Service shall exercise their delegated authority in accordance with relevant laws.
- 1.8 Details of the rules that apply in exercising these delegated powers are contained in Appendix 1. Details of general and specific delegations to Joint Heads of Service are contained in Appendix 2 and Appendix 3 respectively.

2.0 Sub-Delegation

- 2.1 Joint Heads of Service with delegated powers can delegate to other officers of either Council but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When Joint Heads of Service further delegate their powers, they have to record this in writing.
- 2.2 Where a responsibility has been further delegated, there is nothing to prevent the person who was originally given delegated powers under this Scheme from dealing with the responsibility personally or from withdrawing or amending the delegation.

3.0 Review of this Scheme of Delegation

- 3.1 This Scheme of Delegation will be kept under review and amended as necessary, any such amendments to be approved by both Councils.

4.0 Definitions and Interpretation

- 4.1 “Governance Documents” means all and any of each Council’s Standing Orders, Scheme of Delegation, Financial Regulations and Contract Standing Orders.
- 4.2 Any reference to a specific statute includes any statutory extension amendment modification or re-enactment of such statute and any regulations or orders made thereunder.
- 4.3 Any reference to “the Council” includes either or both Councils as the context admits.
- 4.4 The paragraph headings do not form part of this Scheme of Delegation and shall not be taken into account in its construction or interpretation.

APPENDIX 1

RULES GOVERNING THE EXERCISE OF POWERS BY JOINT HEADS OF SERVICE

- 1 Before exercising any authority Joint Heads of Service must satisfy themselves that:
 - (a) they have necessary delegated powers as specified in this Scheme either generally or individually; and
 - (b) that any power expressed in this Scheme has not been modified by a more recent decision by either Council.
- 2 In exercising the authority delegated to them, Joint Heads of Service must consult:
 - (a) as appropriate, the Chief Executive(s), Chief Financial Officer(s), Chief Legal Officer(s) and Monitoring Officer(s) in respect of matters which are sensitive or complex, or where legal, administrative, financial or other advice or guidance is necessary;
 - (b) local Members whenever a decision or action is likely to have a direct effect on the constituency interests of one or more local Members (but this will not be necessary where the proposed decision or action will have general effect throughout the area of either Council)
- 3 Where an applicant for a service provided by the Council (except one which is available to the general public for a set fee) is a Member of the Council or an employee, the Joint Head of Service within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with the relevant Chief Executive who may require the Head of Service to refer the application to the appropriate Committee or Panel, as appropriate, for determination.
- 4 Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the Joint Head of Service within whose delegated authority it is to make the appointment to the post in question will, before exercising that authority, consult with the relevant senior HR officer who may require the Joint Head of Service to refer the appointment to the relevant Chief Executive for decision.
- 5 Joint Heads of Service must record, notify the Monitoring Officer of each Council and publish, if required, details of arrangements made by them for the exercise on their behalf of delegated powers granted to them.

APPENDIX 2

GENERAL DELEGATIONS TO JOINT HEADS OF SERVICE

1.0 Introduction

- 1.1 The Joint Head of Education and Joint Head of Social Services shall have the following general powers delegated to them which they may exercise only in connection with the services for which they are responsible.

2.0 General management and operational functions

- 2.1 To manage their respective services in accordance with the policies agreed by each Council and generally to co-ordinate and manage their respective services.
- 2.2 To manage employee and employment issues including appointments, discipline and termination of employment in accordance with each Council's respective HR policies and procedures.
- 2.3 To take such operational management decisions as are necessary for the routine planning, organisation, operation and provision of Council services and facilities.
- 2.4 To authorise other Officers to exercise any delegated powers which have been granted, unless prohibited from doing so by the law, or by the Council.
- 2.5 To carry out investigations and research and enter into discussions with a view to proposing new or revised strategies, policies or procedures.
- 2.6 Subject to any limitations set out in Governance Documents, the Joint Heads of Service shall have power to serve or issue notices and to sign, on behalf of the Council, contracts and agreements.

3.0 Data Protection, Freedom of Information, Regulation of Investigatory Powers

- 3.1 To comply with the requirements of the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 and the Regulation of Investigatory Powers (Scotland) Act 2000.

4.0 Recess powers

- 4.1 Where urgent matters arise during periods when the Council(s) is/are in recess which involve new policy or a change to existing policy or which involve expenditure not already provided, to determine these following consultation with the Chief Executive(s) who in turn will consult (as appropriate) the Provost(s), the relevant Convener(s) and Portfolio Holder(s) and the Leader(s) of the Council(s).

5.0 Contracts

- 5.1 To procure such supplies and services as are required to enable the provision of the Services for which each Joint Head of Service is responsible.

6.0 Finance/Budgets

6.1 Capital Programme and Revenue Budget Virement

6.2 To exercise virement in accordance with each Council's respective Financial Regulations.

6.3 Financial Instructions

6.4 To issue financial instructions relative to the functions of their Service, which the Head of Finance & Corporate Services has approved.

6.5 Grants and Donations

6.6 To determine grants of financial assistance in accordance with any policy directions given by the relevant Council.

6.7 Issue Sundry Debtor Accounts

6.8 To render accounts for all work done, goods supplied, services provided, and all other amounts due in accordance with each Council's Financial Regulations.

6.9 Special Payments made from Imprest Accounts

6.10 To determine arrangements to enable minor items of expenditure to be paid from Imprest accounts in accordance with each Council's Financial Regulations.

APPENDIX 3 SPECIFIC DELEGATIONS TO JOINT HEADS OF SERVICE

Particular delegated powers, have been granted to Joint Heads of Education as follows:

Joint Head of Education

The Joint Head of Education has overall responsibility for the management of the Education Services provided by Clackmannanshire Council and by Stirling Council.

The Joint Head of Education shall, subject to the limitations imposed in terms of each Council's Governance Documents, have authority to carry out all duties which need to be performed to fulfil the requirements of the post including, without prejudice to the foregoing generality, power to -

- Provide guidelines and existing/current policies in response to Scottish Government and other consultations on the curriculum, develop the curriculum, and carry out associated work.
- Administer appropriate charges as set by the respective Councils for music lessons and similar services.
- Make arrangements for placing children with extra support needs in schools (including , where appropriate, residential schools) not managed by either Council.
- Approve co-ordinated support plans for individual pupils.
- Provide an educational psychology service.
- Make arrangements for entering pupils for public examinations.
- Pay fees and other costs (as necessary) in connection with public examinations.
- Carry out the Councils' legal duties relating to pre-school children with extra support needs.
- Offer places, in line with criteria agreed by each Council, in nurseries and family centres managed by each Council.
- Provide for, in accordance with resources available to each Council, out of school care and similar services.
- Set appropriate charges for pre-school services in each Council area.
- Decide how educational trusts run by either Council will distribute their funds in line with the relevant trust schemes.
- Carry out the Councils' duties relating to managing, assessing and awarding higher school bursaries.
- Make arrangements for school catchment areas to be agreed and pupils to be transferred from primary school to secondary school.
- Approve the involvement of teaching staff in recognised programmes outwith the UK.

- Approve applications (from headteachers or suitably qualified youth workers employed by either Council) for permission for staff to accompany groups of school pupils or other young people on recognised exchanges or excursions outwith the UK.

The Joint Head of Education shall be responsible for carrying out the duties of both Councils imposed by statute pertaining to their areas of responsibility or the subject of specific delegations of authority by both Councils including, without prejudice to the foregoing generality, under the following legislation :

- Children (Performances) Regulations 1968
- Education (Additional Support for Learning) (Scotland) Acts 2004
- Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002
- Education (Scotland) Act 1980
- Pupils' Educational Records (Scotland) Regulations 2003
- School Pupil Records (Scotland) Regulations 1990
- Schools (Consultation) (Scotland) Act 2010
- Schools General (Scotland) Regulations 1975
- Scottish Schools (Parental Involvement) Act 2006
- Standards in Scotland's Schools etc Act 2000

APPENDIX 3 SPECIFIC DELEGATIONS TO JOINT HEADS OF SERVICE

Particular delegated powers, have been granted to Joint Heads of Social Services as follows:

Joint Head of Social Services

The Joint Head of Social Services has overall responsibility for the management of the Social Services provided by Clackmannanshire Council and by Stirling Council and has been appointed Chief Social Worker for the purposes of section 3 of the Social Work (Scotland) Act 1968 in respect of both Clackmannanshire Council and Stirling Council.

The Joint Head of Social Services shall, subject to the limitations imposed in terms of each Council's Governance Documents, have authority to carry out all duties which need to be performed to fulfil the requirements of the post including, without prejudice to the foregoing generality, power to -

- Enter into contracts with private and voluntary agencies for carrying out the respective Council's duties under the National Health Service and Community Care Act 1990.
- Make decisions, in consultation with each Council's 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.
- Take responsibility for the provision of Children and Families and Early Years services
- Set fees for curators ad litem, safeguarders, foster parents and community carers.
- In line with government guidelines, maintain the Child Protection Register of children most in need of protection from abuse.
- Make decisions on formal complaints.
- Take responsibility for providing Community Care Services including assessments of needs and the care to meet these assessed needs.
- Maintain and take responsibility for appropriate standards of care
- Take responsibility for arrangements for Community Care Services.
- Co-operate with the local Community Justice Authorities to promote best practice in providing Criminal Justice Services.
- Get appropriate resources from the Criminal Justice Authorities in connection with providing Criminal Justice Services.
- Work with the Community Justice Authority partners to pool resources and work together in the best interests of the respective Councils' Criminal Justice Services.

The Joint Head of Social Services shall be responsible for carrying out the duties of both Councils imposed by statute pertaining to their areas of responsibility or the subject of specific delegations of authority by both Councils including, without prejudice to the foregoing generality, under the following legislation :

- Adoption Agencies (Scotland) Regulations 2009

- Adoption and Children (Scotland) Act 2007
- Adoption and Children Act 2002
- Adult Support and Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000
- Children (Scotland) Act 1995
- Children Act 1989
- Chronically Sick and Disabled Persons Acts 1970 & 1972
- Community Care (Direct Payments) Act 1996
- Community Care and Health (Scotland) Act 2002
- Criminal Procedure (Scotland) Act 1995
- Disabled Persons (Employment) Act 1958
- Disabled Persons (Services, Consultation and Representation) Act 1986
- Health and Social Services and Social Security Adjudications Act 1983
- Immigration and Asylum Act 1999
- Looked After Children (Scotland) Regulations 2009/1999
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Mental Health (Patients in the Community) Act 1995
- National Assistance Act 1948
- National Health Service and Community Care Act 1990
- Regulation of Care (Scotland) Act 2001
- Residential Establishments (Child Care) (Scotland) Regulations 1996
- Social Work (Provision of Social Work Services in the Scottish Health Service) (Scotland) Regulations 1991
- Social Work (Representations Procedure) (Scotland) Order 1996
- Social Work (Scotland) Act 1968:
- Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003



Clackmannanshire Council

www.clacksweb.org.uk

Scheme of Delegation

30 June, 2011



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SCHEME OF DELEGATION TO COMMITTEES AND OFFICERS: This scheme of delegation forms part of the standing orders approved by us on 30 June 2011.

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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 Joint Head of Social Services 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).

1.0 Introduction

- 1.1 We approved this scheme of delegation on 30 June 2011 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.

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 'ad hoc' 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 later sections of this Scheme.
- 3.13 Appoint employees to act as the 'proper officers' for the specific duties set out in section 13 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.

4.0 Duties And Responsibilities Delegated To Committees

- 4.1 Section 3 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.

5.0 Committee 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 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 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

5.25 Planning Committee

5.26 Subject to Paragraphs 3.28 and 11.4, taking decisions on planning applications and enforcing planning laws.

5.27 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.

5.28 Regulatory Committee

5.29 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.

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

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

5.32 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.

5.33 Workforce Committee

5.34 Hearing appeals by our employees and disputes raised by recognised trade unions, in

line with Human Resources' policies and procedures. This committee does not have authority to change or make council policies.

5.35 Local Review Body

- 5.36 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.

6.0 Duties And Responsibilities Delegated To Officers

- 6.1 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.
- 6.2 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).
- 6.3 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
- 6.4 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.
- 6.5 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.

6.6 Further delegation

6.7 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.

6.8 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.

6.9 Limits on delegated powers

6.10 Our scheme does not allow the following matters to be delegated to officers.

6.11 Matters that must be considered by the full council or a committee or sub-committee

6.12 Matters not covered by this scheme of delegation.

6.13 Matters which, by law, cannot be delegated to an officer.

6.14 Conflict Of Interest

6.15 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.

6.16 Job Applications

6.17 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.

7.0 Specific Duties And Responsibilities Delegated To The Chief Executive

- 7.1 The Chief Executive has overall authority over all other officers and has the powers he or she needs to do the following:
- 7.2 Efficiently manage the council's responsibilities and performance in carrying out its roles.
- 7.3 Set up proper decision-making and consultative forums for senior officers.
- 7.4 Give professional advice in the decision-making process.
- 7.5 Take the action considered necessary to meet any of our objectives (within the limitations of this scheme of delegation).
- 7.6 Review the chief officer organisational structure, in consultation with the Head of Support Services, and recommend any changes to the council.
- 7.7 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.
- 7.8 Maintain good working relationships within the council and promote good relations with organisations outside the council.
- 7.9 Maintain a corporate plan and make sure all services keep to its requirements.
- 7.10 Have overall responsibility for carrying out the council's role relating to emergency planning.
- 7.11 Authorise action, and agree spending in emergencies or disasters.

7.12 Workforce Issues

7.13 The Chief Executive is also authorised to do the following.

7.14 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.

7.15 Amend service structures within the limits of existing budgets, after consulting the Head of Support Services

7.16 Decide on the number of posts, including altering the number of posts we have, after consulting with the Head of Support Services.

7.18 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.)

7.19 Strategic Management

7.20 The Chief Executive will make proper arrangements for the strategic management (the overall management of council activities) of the council, particularly the following.

7.21 Making sure council policies are put into practice.

7.22 Making sure all parts of the council follow policies in a consistent way.

7.23 Reviewing how efficient and effective our management and administrative systems are.

7.24 Managing and developing the workforce.

8.0 General Duties Delegated To Directors

- 8.1 For the purposes of this section, the term 'director' includes the Chief Executive.
- 8.2 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 7 of this scheme of delegation. The appointments set out in section 13 of this Scheme of Delegation must have specific approval from the council.
- 8.3 The Chief Executive and directors have overall responsibility for the following.
- 8.4 Using approved resources as they think fit for carrying out their duties.
- 8.5 Co-ordinating and managing their services.
- 8.6 Appointing all staff below head of service level, in line with procedures set by us.
- 8.7 Reviewing the performance of services and developing services.
- 8.8 Delegating duties under the standing orders, relating to contracts entered into, and issuing orders for providing goods and services.
- 8.9 Transferring amounts between budgets in their control.
- 8.10 Delegating duties as set out in our financial regulations, for normal working practices.
- 8.11 Authorising the payment of bills for goods and services we have received.
- 8.12 Advising the Director of Finance & Corporate Services about any unusual financial obligations that will affect us.
- 8.13 Making sure the services keep to EU and UK statutory or legal requirements.
- 8.14 Responding to consultation documents within the set time limit.

- 8.15 Organising safe working procedures and processes within the current health and safety policies.
- 8.16 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).
- 8.17 Making decisions on complaints made under our complaints procedure.
- 8.18 Reviewing our actions and decisions and dealing with requests for information under the Freedom of Information (Scotland) Act 2002.
- 8.19 Making sure council policies and procedures are consistent and are followed.

9.0 General Delegations To Heads Of Service

9.1 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.

9.2 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.

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

9.4 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.

9.5 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.

9.6 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.

10.0 Specific Duties And Responsibilities Delegated To Directors & Heads Of Service - Finance & Corporate Services

10.1 The Director of Finance & Corporate Services is are accountable for the services set out below. He or she will delegate specific responsibilities to Heads of Service. The responsibilities delegated to Heads of Service are set out in their job descriptions.

10.2 The Director has overall responsibility for the following services.

- Strategy and Customer Services
- Support Services

10.3 Specific responsibilities delegated to the heads of service in Finance & Corporate Services

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

10.5 Acting as a clerk to the council.

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

10.7 Organising and running civic ceremonies.

10.8 Providing support services for councillors.

10.9 Providing legal services to the council and council services.

10.10 Running the Children's Panel Advisory Committee and providing support services to the Children's Panel and the Panel of Safeguarders.

10.11 Providing legal advice to the Joint Valuation Board.

10.12 Making sure we keep to the Data Protection, Freedom of Information and Regulation of Investigatory Powers (Scotland) Act 2000.

- 10.13 Making arrangements for receiving and holding tenders, in line with our contract standing orders.
- 10.14 Registering births, deaths and marriages.
- 10.15 Delivering, managing and promoting library, community and museum services
- 10.16 Charging fees for providing library services in line with our policies
- 10.17 Managing public trusts (financial arrangements).
- 10.18 Providing policy support to the council and its services.
- 10.19 Community planning.
- 10.20 Providing a research and information service to the council and its services.
- 10.21 Managing regeneration programmes.
- 10.22 Managing the Clacks 1000 Citizens' Panel, Clacks Business Panel and coordinating local forums.
- 10.23 Managing, developing and promoting arts programmes.
- 10.24 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.
- 10.25 Encouraging the development of training opportunities in the community.
- 10.26 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.
- 10.27 Setting appropriate charges for adult education classes.
- 10.28 Deciding on the level of grants to individuals and organisations within the community, up

to a maximum decided by us.

- 10.29 Running the corporate complaints procedures.
- 10.30 Providing communication services (including managing and developing 'Clacksweb') and dealing with the media.
- 10.31 Collecting Council Tax and National Non-Domestic Rates.
- 10.32 Authorising warrants and charges for unpaid Council Tax and National Non-Domestic Rates.
- 10.33 Processing applications for Housing Benefit and Council Tax Benefit.
- 10.34 Providing for doubtful debt (debt that we may not be able to collect).
- 10.35 Accounting and budgeting.
- 10.36 Revenues (all sources of income).
- 10.37 Paying invoices.
- 10.38 Payroll (systems to make sure our employees are paid correctly and we provide accurate returns to HM Revenue & Customs).
- 10.39 Managing the loans fund.
- 10.40 Managing finance and operating leases (legal agreements).
- 10.41 Borrowing and lending funds to meet the council's needs.
- 10.42 Arranging the insurance we need.
- 10.43 Maintaining complete and wide-ranging HR management policies and procedures.
- 10.44 Promoting equal opportunities.

- 10.45 Providing advice on corporate and organisational development.
- 10.46 Keeping to health and safety laws and following good practice.
- 10.47 Setting up and maintaining the council's systems for planning services and managing performance.
- 10.48 Maintaining electronic records and exchanging information with partners we work with outside the council.
- 10.49 Improving customer service.
- 10.50 Introducing and maintaining procurement policies and procedures.
- 10.51 Managing information technology services provided to the council.
- 10.52 Providing an internal audit of our services.
- 10.53 Investigating fraud.

11.0 Specific Duties And Responsibilities Delegated To Directors & Heads Of Service - Services To Communities

11.1 The Director of Finance & Corporate Services is are accountable for the services set out below. He or she will delegate specific responsibilities to Heads of Service. The responsibilities delegated to Heads of Service are set out in their job descriptions.

11.2 The director has overall responsibility for the following services:

- Community & Regulatory
- Facilities Management

11.3 Specific responsibilities delegated to the heads of service

11.4 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 1997 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.

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

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

11.7 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

11.8 Carrying out our duties under the terms of the Building (Scotland) Acts and related laws.

11.9 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

11.10 Carrying out our duties under the Safety of Sports Grounds Act 1975.

11.11 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).

11.12 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.

11.13 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

11.14 Carrying out our duties under the Burial Grounds (Scotland) Act 1855 to provide and manage burial grounds.

11.15 Carrying out duties and exercising powers under The Land Reform (Scotland) Act 2003.

11.16 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.

11.17 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

11.18 Carrying out our duties as a roads authority.

11.19 Running the concessionary-fares scheme for public transport.

11.20 Carry out our duties relating to public health and related matters.

11.21 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.

- 11.22 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.
- 11.23 Settling claims for professional fees and costs in connection with buying and selling land, and compensation claims of up to £15,000.
- 11.24 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.
- 11.25 Agreeing terms for granting, taking or renewing leases and tenancies of land or buildings, within the limits of the relevant budget.
- 11.26 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.
- 11.27 Agreeing terms for disposing of heritable property or grant wayleaves and servitude rights up to a value of £25,000 (not including costs).
- 11.28 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).
- 11.29 Managing and supervising performance of services relating to environment and engineering contracts.
- 11.30 Managing and supervising our Property Contracts Unit.

11.31 Managing and supervising building, cleaning and catering services.

11.32 Providing the following services:-

- Architecture and Design
- Mechanical and Electrical Engineering
- Property Maintenance and Energy Services

11.33 Managing leisure centres, sports facilities, community centres and museums.

11.34 Carrying out the council's civic government licensing role under the Civic Government (Scotland) Act 1982.

11.35 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.

11.36 Managing the HRA budget portfolio and identified properties from the Housing General Fund

11.37 Introducing and delivering the HRA Financial Plan which supports the policy on our housing, as agreed by tenants and us.

11.38 Meeting the Scottish Housing Quality Standard by 2015 for all of our housing.

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

11.40 Letting council houses.

11.41 Assessing homelessness and managing the assessment process.

11.42 Managing temporary tenancies

- 11.43 Arranging property provided to homeless clients on a temporary basis, arranging support services, furnishings and transfers to permanent accommodation.
- 11.44 Providing a Homelessness Strategy aimed at preventing and ending homelessness in a way which forms a clear partnership with related services.
- 11.45 Taking assessed referrals of vulnerable homeless people and in conjunction with Social Services providing support services for vulnerable homeless people to standards set by the Scottish Commission for the Regulation of Care.
- 11.46 Making sure that Homeless Services meet the standards laid down by the Scottish Government.
- 11.47 Developing the common housing register.
- 11.48 Carrying out a range of duties and responding to homelessness and antisocial behaviour, out of office hours.
- 11.49 Authorising expenses, under the Housing Act 1994, to people who are old, disabled or in poor health.
- 11.50 Making sure local housing support services meet the standards set locally and by the Scottish Commission for the Regulation of Care.
- 11.51 In conjunction with Social Services , putting in place the parts of the Community Planning framework aimed at regeneration providing housing solutions in those areas and supporting work between partners.
- 11.52 Providing a strategy for matters relating to energy efficiency.
- 11.53 Supporting and arranging a Care and Repair Programme in conjunction with Social Services.

- 11.54 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.
- 11.55 Leading and developing the strategy for housing in the area and monitoring and assessing the outcome.
- 11.56 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'.
- 11.57 Processing tenants' applications to buy their home under the 'Right to Buy' scheme.
- 11.58 Working with other services and agencies to carry out our duties under the Antisocial Behaviour (Scotland) Act 2004.
- 11.59 Providing the Money Advice Service which gives advice on money and welfare benefits and making the most of an income
- 11.60 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
- 11.61 Giving the council and its services advice on European funding and policies.
- 11.62 Delivering leisure services.
- 11.63 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.

12.0 Education and Social Services - Scheme of Delegation In Respect of Jointly Managed Services with Stirling Council

- 12.1 Clackmannanshire Council and Stirling Council have resolved to discharge their functions as Education Authority and as Social Work Authority jointly in terms of the Local Government (Scotland) Act 1973 section 56(5).
- 12.2 Clackmannanshire Council is the lead authority for Social Services and has appointed a Joint Head of Social Services and Chief Social Worker accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied by the Scheme of Delegation in Respect of Jointly Managed Services referred to in 12.4 below.
- 12.3 Stirling Council is the lead authority for Education Services and has appointed a Joint Head of Education accountable to both Councils in accordance with each Council's existing governance arrangements except in so far as varied by the Scheme of Delegation in Respect of Jointly Managed Services referred to in 12.4 below.
- 12.4 A separate Scheme of Delegation in Respect of Jointly Managed Services setting out the powers which the respective Councils delegate to the Joint Heads of Service as authorised by the Local Government (Scotland) Act 1973 sections 56 (1) and 65 (2), the conditions which they must observe when exercising those powers and the extent to which they can further delegate the powers to other officers has been prepared and is appended to this Scheme.

13.0 Statutory Appointments Of Officers

- 13.1 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	Joint Head of Social Services
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 Governance Manager
Section 50c	Proper officer for providing a written summary when the	Head of Strategy & Customer Services

	minutes of a meeting cannot be made available to the public	
Section 50f	Proper officer for deciding which documents are not open to inspection	Chief Executive/Director in consultation with Governance 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), liquidations (where assets are sold off to help repay debts) and similar proceedings where we are entitled to make a claim	Chief Executive/Director of Finance & Corporate Services in consultation with Governance Manager
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 Governance Manager
Section 194	Proper officer for signing deeds and using the council's seal	Governance 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	Governance 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	Governance Manager
Section 206	Proper officer for keeping a	Head of Strategy &

	register of people who are made 'freemen' of the area	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 Governance Manager
Licensing (Scotland) Act 2005		
Paragraph 8(1)(a) of Schedule 1	Clerk to the Licensing Board	Governance Manager
Civic Government (Scotland) Act 1982		
Section 113	Proper officer for keeping evidence of management rules	Head of Strategy & Customer Services
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
Representation of the People Act 1983		
Section 41	Returning Officer	The person appointed by us, presently postholder of Chief Executive
Weights and Measures Act 1985		
Section 72(1)(a)	Chief inspector of weights and measures	Director of Services to Communities
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 Governance 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
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
Local Authorities (Contracts) (Scotland) Regulations 1997, Regulation 4		
	Proper officer for certification	Head of Strategy &

	purposes (powers to enter into a contract or other matters)	Customer Services in consultation with Governance Manager
The Scottish Local Government Elections Order 2007		
Rule 57	Proper officer for receiving all election-related documents after an election	Chief Executive
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 Governance Manager (may not be delegated further)
Section 7	Authorising Officer Covert Human Intelligence Sources	Chief Executive Director Head of Strategy & Customer Services (may not be delegated further)

- 13.2 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

If the Chief Executive is not available for election purposes

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

If a director is not available to act as an officer

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

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

If the Chief Social Work Officer is not available

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

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

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

The Head of Strategy & Customer Services

- The Chief Executive
- The relevant head of service
- Solicitor
- Governance Manager
- Senior Social Work Manager
- Finance Service Manager
- Director as agreed

Report to Clackmannanshire Council

Date: 30th June, 2011

Subject: Scheme for the Establishment of Community Councils

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1 The purpose of this report is for Council to consider the outcome of the initial consultation exercise on the composition of community councils and the contents of a proposed new Scheme for the Establishment of Community Councils.

2.0 Recommendations

- 2.1 It is recommended that Council approves the draft Scheme for the Establishment of Community Councils attached as Appendix 1 to this report to go forward to the next stage of statutory consultation.

3.0 Background

- 3.1 Clackmannanshire Council has a statutory duty to draw up a Scheme for the Establishment of Community Councils to ensure that community councils have a framework within which to exist and operate.
- 3.2 At its meeting in March, 2011, the Council agreed to:
- a) give public notice of its intention to revoke the existing Scheme for the Establishment of Community Councils;
 - b) prepare a new Scheme for the Establishment of Community Councils in accordance with Section 22 of the Local Government Scotland Act 1994.
- 3.3 During the first eight week consultation period, the public were invited to make suggestions on the boundaries and composition of community councils. Written feedback was invited and four open meetings were held (see Appendix 2 to this report for summary of comments received). In addition, the views of existing community councils which had been gathered via the Joint Community Councils' Forum (JCCF) were considered.
- 3.4 The next sections of this report outline the feedback received at the first phase of consultation and summarise proposals for inclusion in a draft Scheme.

4.0 Number of Community Councils & Boundaries

4.1 Under the existing Scheme, Clackmannanshire has provision for 12 Community Councils as follows:

- Alloa Centre
- Alloa West (no existing community council)
- Bowmar (no existing community council)
- Sauchie (no existing community council)
- Fishcross, Coalsnaughton & Devonside (no existing community council)
- Clackmannan
- Tullibody, Cambus & Glenochil
- Menstrie
- Alva
- Tillicoultry
- Dollar
- Muckhart

4.2 In the first consultation round, specific comments were received in relation to the configuration of community councils in the Alloa area, as well as in relation to which community council areas Coalsnaughton, Devonside and Fishcross should come within.

4.3 This feedback on potential boundaries has been reviewed by officers in terms of the general viability of a proposed area and also in terms of whether or not proposed areas reflect natural communities. Having taken the feedback into account, the proposal in the draft Scheme for further public consultation is that there should be nine community council areas as follows:

Community Council Area (Indicative Name)	Members	Comment
Alloa	16	Amalgamation of existing Alloa areas into one
Clackmannan	14	No change
Fishcross & Sauchie	14	Include Fishcross in existing Sauchie area
Tullibody, Cambus & Glenochil	14	No change
Menstrie	14	No change
Alva	14	No change
Tillicoultry, Coalsnaughton & Devonside	14	Include Coalsnaughton and Devonside in existing Tillicoultry area
Dollar	14	No change
Muckhart	12	No change

- 4.4 In this proposal, the number of community council areas in Alloa is reduced from three to one and the existing community council area of Fishcross, Coalsnaughton & Devonside is deleted, with Fishcross joining with Sauchie, and Coalsnaughton and Devonside with Tillicoultry.
- 4.5 In addition to the proposed changes mentioned above, some minor adjustments to existing boundaries are also proposed to reflect changes in the physical infrastructure since the boundaries were last drawn.
- 4.6 A map showing the proposed boundaries is available on the noticeboard outside the Council chambers. A smaller scale map is included within the draft Scheme appended.

5.0 Proposed Changes to Scheme Contents

- 5.1 A preliminary exercise was carried out with the Joint Community Councils' Forum to gather the views of existing community councils on the Scheme. As a result of this exercise, a number of proposed amendments have now been included in the new draft Scheme, e.g.:
- clause added giving community councils the option to fill vacancies through locally-arranged elections
 - clause on co-options transferred from existing Constitution to the Scheme
 - criteria added for Clackmannanshire Council to move to dissolve a community council
- 5.2 In addition, the new draft Scheme incorporates some principles suggested by the national review, including:
- County-wide regular elections once every four years (paragraph 7 of draft Scheme)
 - Reference to statute and statutory purpose
 - Clear distinction between categories of membership
 - Criteria for co-option and powers of co-opted members.
- 5.3 The proposal to hold elections every four years is the most significant change to current practice where there is 'Election by Half' with 50% of the membership of a community council standing down every two years and being eligible for re-election.
- 5.4 The proposal in the revised Scheme, however, is that community council elections should instead be regularised so that all members stand down at the same time and are eligible for re-election once every four years.
- 5.5 This proposal is not supported by existing community councils on the grounds that they fear they might suffer from lack of continuity and loss of experience if they a degree of overlap in membership is not maintained.
- 5.6 Although the preference of existing community councils for election by half has been noted, there are strong arguments for regular elections.
- 5.7 The national review of community councils recommended regular elections to try and bring about greater consistency in community council governance

across Scotland, taking the view that regular elections are simpler and more easily understood by the public.

- 5.8 From a practical point of view, regular elections are easier to manage and can be administered more efficiently by the Council.
- 5.9 Furthermore local election patterns in 2006, 2008 and 2010 suggest that all community councillors standing down is unlikely to result in complete turnover and loss of experience or continuity since serving community councillors who stand for re-election have, with few exceptions, been re-elected.
- 5.10 It is felt, therefore, that the proposal for elections every four years, in keeping with the national guidance, has merit and should be included in the draft Scheme to enable wider debate on the matter and more extensive consultation with members of the public.

6.0 Next Steps In The Process

- 6.1 There is an extensive statutory consultation process to prepare a new Scheme for the Establishment of Community Councils (see table below). Three of the nine steps in this process have been completed and the fourth will be complete following the Council meeting on 30 June, 2011.
- 6.2 Once the next eight week consultation period on the draft revised Scheme is concluded, a report will be prepared for Council in September which will advise members of the results of the consultation and put forward a further version of the Scheme for consideration.

Step	Action	Timescale	Progress
1	As part of a report on the current scheme, Council to consider a recommendation to revoke the existing scheme and make a new scheme for the establishment of community councils.	March 10	Complete
2	Council gives public notice of intention to revoke existing Scheme and a statutory 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.	March 16	Complete
3	8 week consultation period	March 16 - May 4	Complete
4	Council considers a report on the outcome of the consultation exercise on the composition of the community councils and additionally, the contents of a proposed new Scheme.	June 30	
5	Upon approval of the report, a second Public Notice is published giving notice of an 8-week consultation period for any representations to be made on the provisions of the proposed new Scheme.	July 6 - 31 August	
6	Council considers a report on the contents of a proposed new Scheme and its adoption.	September 29	
7	Upon approval of the report, a third Public Notice is published giving notice of a 4-week consultation period for any final representations to be made on the draft Scheme.	October 5 - Nov 2	
8	A Council meeting considers final representations and agrees the new establishment process for community councils under its new arrangements.	15 December	
9	A fourth Public Notice is published intimating the	December	

	publication of the Scheme in its adopted form and an invitation to electors in areas where there may be no community council to apply for the establishment of a community council in that area.	21	
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7.0 Sustainability Implications

7.1 N/A

8.0 Resource Implications

8.1 *Financial Details*

8.2 There are no financial implications directly from this report.

8.3 *Staffing*

8.4 There are no staffing implications directly from this report.

9.0 Exempt Reports

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

10.0 Declarations

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

(1) **Our Priorities 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)

11.0 Equalities Impact

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

12.0 Legality

- 12.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. YES

13.0 Appendices

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

1 - Draft Scheme for the Establishment of Community Councils

2 - Summary of Comments Received on Community Council Boundaries

14.0 Background Papers



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

Clackmannanshire Scheme of Establishment for Community Councils

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Baillie		

Approved by

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Head of Strategy & Customer Services	
Nikki Bridle	Director Finance & Corporate Services	

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

CLACKMANNANSHIRE COUNCIL

1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a Community Council in their area.

The Scheme for Community Councils is designed to enable the establishment of Community Councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

2. Statutory Purposes

The statutory purposes of Community Councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

"In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable"

3. Role of Community Councils

Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises Community Councils as appropriate bodies to consult on matters of community interest.

Community Councils have a statutory right to be consulted on planning applications which affect their area.

Community Councils are competent objectors for licensing applications.

Community Councils also play an important role in:

- Promoting the well-being of the communities they represent.
- Fostering community spirit;
- Informing the communities they represent of matters of public concern, and

- Safeguarding and improving the amenities of the Community Council area, its buildings and its natural environment

4. Boundaries and Membership

The boundaries for Community Council areas, and names of the Community Council areas are as outlined below and shown in the Annex to this Scheme.

There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. These are detailed in the Constitution.

Community Council	Membership	Population
Alloa	16 members	13297
Alva	14 members	4915
Clackmannan	14 members	4289
Dollar	14 members	3041
Fishcross & Sauchie	14 members	6546
Menstrie	14 members	2794
Muckhart	12 members	502
Tillicoultry Coalsnaughton, Devonside	14 members	5989
Tullibody, Cambus, Glenochil	14 members	9167

5. Eligibility

To qualify for nomination and election to a Community Council, a candidate must:

- Be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer.
- Reside in the Community Council Area for which membership is sought and, if aged 18 or over, be included on the current electoral register for the Community Council Area.
- Not be subject to any legal incapacity (as defined in Section 31 of the Local Government (Scotland) Act 1973, as amended from time to time.
- Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
- If employed by Clackmannanshire Council, have the prior express written permission of the Chief Executive

6. Establishment

After the adoption of this Scheme, Clackmannanshire Council will invite electors to apply in writing to the Chief Executive for the establishment of a Community Council in their area.

An election will be held in areas where at least 20 electors, who in their own right would be eligible to stand for election to a Community Council, notify the Chief Executive in writing within 21 days that they wish to see a Community Council established for their area.

If nominations are received for less than 50% of the possible number of elected members, no Community Council will be formed.

Clackmannanshire Council will give a statement of reasons why a Community Council may not be formed in any area.

In areas where no Community Council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a Community Council. This will be subject to there being no more than two elections in a twelve month period in any one Community Council Area.

7. Methods of Election

Clackmannanshire Council is committed to exploring innovative election methods to encourage greater involvement in Community Council elections and to enhance the democratic process.

Clackmannanshire Council will, therefore, explore, in consultation with Community Councils, the possible use of alternative election methods for regular elections.

i) Regular Elections

Regular elections are held every four years and are arranged by Clackmannanshire Council.

For regular elections, the following method will be used:

Nominations

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

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

Nominations for election to a Community Council must be received by the Returning Officer by the time specified.

Election Process

Where nominations are received for between 50% and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of Community Council places available, a ballot will be held.

Ballot

When a ballot is held, Community councils shall be elected on a simple majority basis. The ballot will be secret and will follow the process set by the Returning Officer.

Second Call for nominations

Should the number of candidates elected, be below HALF of the total maximum permitted membership as specified for the Community Council area, no Community Council will be

established at that time. However, Clackmannanshire Council may, within 6 months of the closing date for the registration of the first call for nominations, issue a second call for nominations for a Community Council area failing to meet the minimum membership requirement.

Places not filled at Regular Elections

At least half of the total number of members must initially be elected in regular elections. Places not filled at regular elections cannot be filled by co-option but may be filled through mini elections or at the next regular elections.

ii) Interim Elections

If the number of elected Community Councillors on a Community Council falls below half the maximum permitted membership, the Community Council must notify the Returning Officer who will make arrangement for an Interim election to be held. The method for an Interim Election is that of a Regular Election. A Community Councillor elected at an Interim Election will hold office until the next Regular Elections.

iii) Mini Elections

Mini Elections are elections which Community Councils may choose to hold themselves between regular elections in order to elect further members to places which have been vacated since the regular election or to places not filled at a regular election.

Prior to the commencement of any mini election procedure, the Community Council shall notify Clackmannanshire Council with details of the date of the proposed mini election, describing the proposed arrangements regarding the nomination and procedure for election of members.

Mini elections must be held in an open, fair and transparent manner.

A Community Councillor elected at a Mini Election will hold office until the next Regular Elections.

8. Filling of casual places/vacancies between elections

Casual vacancies on a Community Council may arise in the following circumstances:

- When an elected Community Councillor submits her/his resignation;
- When an elected Community Council member ceases to be resident within that Community Council area;
- When an elected Community Council member has her/his membership disqualified under the terms of Paragraph 5 of the Constitution.
- On the death or legal incapacity of an elected member of the Community Council
- When places remain unfilled after a regular election

Should a vacancy or vacancies arise on a Community Council between elections, the Community Council shall undertake appropriate arrangements to fill the vacancy/vacancies, in consultation with Clackmannanshire Council. Filling a vacancy can be undertaken either through the process of a mini election, as set out in Paragraph 7 of the Scheme or by co-option,

as set out in Paragraph 9 of the Scheme. Places unfilled after a regular election may be filled through the process of a mini election.

9. Co-option to Community Councils

Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the Community Council by a two-thirds majority of the elected (general and interim) Community Councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (whether general or interim). Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed ONE THIRD of the current elected (general and interim) Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, an interim election process is triggered.

A Community Council must not co-opt further members if, as a result, the number of co-opted members would exceed the maximum number permitted under the Scheme.

10. Regular Election Periods

The first elections after the adoption of this Scheme will take place in September 2012. Subsequent elections will take place every four years at a time to be determined by Clackmannanshire Council. All serving Community Councillors will stand down and will be eligible for re-election.

11. Returning Officer

The Returning Officer for Community Council elections will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

12. Term of Office

The term of every member elected at a regular election shall extend to 4 years.

For all Community Councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

13. Disqualification

Members of Community Councils will become ineligible to hold office where they have:

- moved out of the area covered by the Community Council (unless they have less than six months of their office outstanding)
- failed to attend 3 consecutive meetings for reasons unacceptable to members of the Community Council.
- been elected as an MP, MEP, MSP or elected member of Clackmannanshire Council or of any other local authority

Where this occurs the Community Council may apply in writing to the Returning Officer for that place to be declared vacant.

A Community Council may co-opt an individual into that vacancy or fill the vacancy by means of a mini election. All members co-opted in this way or elected at a mini election must meet the qualification criteria for nomination at a regular election. Members co-opted or elected in this way will hold office until the next regular election.

14. Dissolution

Notwithstanding the terms for dissolution of a Community Council contained in the constitution, Clackmannanshire Council may move to dis-establish a Community Council where:

- It does not meet for a period of six months;
- A request for dis-establishment, which has previously been voted on at an open meeting of the Community Council, is received from a Community Council;
- Following any regular election, less than 50% of the total complement of places are filled by direct election.
- The Community Council acts in breach of its adopted constitution or in breach of the requirements set out in this Scheme

15. First Meetings of Community Councils

The Returning Officer will call the first meeting of the Community Council after its establishment. This meeting will take place within 4 weeks of the election. The election of the Chairperson must be the first item of business at this meeting. Until the Chairperson is elected, the Returning Officer will chair the meeting.

16. Meetings of Community Councils

Community Councils will determine the frequency with which they meet subject to a minimum of one annual general meeting and 4 ordinary meetings per year. Community Council meetings will be held in public, with the place, date, time, agenda and minutes of the previous meeting advertised in the local area at least 7 days before the meeting.

All Community Councils will hold an annual general meeting by September of each year at which it will account for its activities in the previous year, present its audited accounts and elect its office bearers.

An outline for the business that Community Councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

17. Constitution

Each Community Council is required to adopt a Constitution based upon the terms of the Council's model constitution for Community Councils. The Community Council's Constitution is required to be approved by Clackmannanshire Council.

18. Resourcing

Clackmannanshire Council will provide assistance to Community Councils to support their administrative needs. This assistance will be provided on the basis set out in the Protocol. Any financial assistance will be made available to Community Councils following approval of the audited accounts by the Director of Finance and Corporate Services.

Each Community Council will open a bank or building society account for the receipt of grant funding and payment. Each Community Council will be responsible for maintaining proper accounts which will be audited annually by a person or persons approved by the Director of Finance and Corporate Services. Audited accounts will be presented as an item of business at the Annual General Meeting and will be made available for publication. Further details on resourcing arrangements are included in the Protocol which accompanies this Scheme.

19. Community Council Liaison Officer

Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for monitoring the working relationship between Community Councils and the Council and ensuring that consultation mechanisms are operational.

Further details on the exchange of information between Community Councils and Clackmannanshire Council is contained in the Protocol which accompanies this Scheme.

Pages 139 to 148 are Maps of Community Council Areas

Page 139	-	Map of Clackmannanshire Community Councils
Page 140	-	Alloa Community Council
Page 141	-	Alva Community Council
Page 142	-	Clackmannan Community Council
Page 143	-	Dollar Community Council
Page 144	-	Menstrie Community Council
Page 145	-	Muckhart Community Council
Page 146	-	Sauchie and Fishcross Community Council
Page 147	-	Tillicoultry, Coalsnaughton & Devonside Community Council
Page 148	-	Tullibody, Cambus and Glenochil Community Council

APPENDIX 2 - COMMENTS RECEIVED ON COMMUNITY COUNCIL BOUNDARIES

Source	Suggestion	Comments
Coalsnaughton Meeting	Consider removing Coalsnaughton and Devonside from Fishcross and adding to Tillicoultry Consider separating Coalsnaughton and Fishcross.	Coalsnaughton and Devonside have always associated with Tillicoultry. Tillicoultry currently encompasses Marchglen which neighbours Devonside. Coalsnaughton and Fishcross should not be considered as part of the same community
Sauchie Meeting	Consider merging Sauchie with Fishcross	Fishcross & Sauchie are geographically and socially linked
Direct from Tillicoultry CC	Enlarge the Tillicoultry CC area to include Devonside	Devonside was part of the area before the 1998 revision
Direct from Alloa Centre CC	Change name of Alloa Centre CC to Alloa Central CC Merge two or all of the Alloa community councils (as per ACCC Options paper)	Central is a better description of the area Existing CC is already dealing with issues in neighbouring areas. CCs need a larger population to draw from to retain numbers.
Bowmar Centre Meeting	Consider a merger of Alloa CCs. Do not merge all 3 Alloa CCs.	Alloa is one community, as the perceived boundaries between areas are either much smaller than community council boundaries or much bigger than the current community council boundaries. Merger of all 3 Alloa CCs could not accurately represent the diversity of the whole Alloa area and may not be manageable, even using a quota system for geographic representation
Ludgate Meeting	Merge all 3 Alloa community councils Merge Alloa West and Alloa Centre. The size of one community council representing the combined area would not have to increase.	More realistic, more viable. Would allow for recruitment of more community councillors Alloa West is not a natural community. Alloa Centre and Alloa West combined are a natural community and a viable proposition.
Feedback forms	Alva CC boundary and size is correct Alloa Centre CC boundary and size is correct Alloa West CC size is correct Consider merging all Alloa CCs Consider making boundaries co-terminous with Wards Fishcross & Coalsnaughton together are not a natural cc area Consider renaming the CC which serves the current Bowmar CC area	 There are no natural boundaries between the areas in Alloa Wards are natural communities These two areas have never been historically linked Local people do not necessarily relate to the term Bowmar

Report to: Clackmannanshire Council

Date: 30 June, 2011

Subject: Clackmannanshire Alliance Memorandum of Understanding

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1 The purpose of this report is to seek Council approval of a revised Memorandum of Understanding (MoU) for the Clackmannanshire Alliance.

2.0 Recommendation

- 2.1 It is recommended that Council approves the Clackmannanshire Alliance Memorandum of Understanding which is attached as an Appendix to this report.

3.0 Background & Considerations

- 3.1 The Clackmannanshire Alliance agreed a Memorandum of Understanding in December 2008, and this was circulated to Council at its March 2009 meeting along with the draft SOA.
- 3.2 Since the MoU was agreed in December, 2008, various contexts for community planning have evolved and changed. For instance:
- there have been changes in the organisation of the voluntary sector with the establishment of third sector interfaces
 - the three year Fairer Scotland Fund has been wound up
 - partnership priorities have been evolving with successive Single Outcome Agreements.
- 3.3 The Alliance, therefore, agreed at its meeting in March, 2011, that a revised draft MoU should be prepared and that draft was reviewed by the Alliance on 2 June.
- 3.4 At that June meeting, it was agreed that the revised draft should be circulated to partners for consideration and approval via their individual governance structures, with a view to the MoU being collectively signed off at the September Alliance meeting.
- 3.5 The revised Memorandum attached to this report has been updated to reflect the changing circumstances already referred to and a new section has been added on page 5 (paragraphs 2.3 to 2.8) which puts more emphasis on the

need for accountability of partners both individually and collectively. This new section also builds more formally into the framework scrutiny of progress in achieving the shared outcomes which are set out in the SOA.

- 3.6 While the Alliance will make arrangements for performance management at collective level, it will be for each individual partner to make arrangements within its own organisation for this. Within the Council this is being considered as part of the review of the Scrutiny Committee and a report will come forward to Council in due course.

4.0 Sustainability Implications

- 4.1 N/A

5.0 Resource Implications

5.1 Financial Details

- 5.2 There are no financial implications directly from this report.

5.3 Staffing

- 5.4 There are no staffing implications directly from this report.

6.0 Exempt Reports

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

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	X

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

8.0 Equalities Impact

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

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".

Clackmannanshire Alliance Revised Draft Memorandum of Understanding



11.0 Background Papers

- 11.1 Clackmannanshire Alliance Memorandum of Understanding, December 2008

Author(s)

NAME	DESIGNATION	EXTENSION
Elaine McPherson	Head of Strategy & Customer Services	

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director Finance & Corporate	
Elaine McPherson	Head of Strategy and Customer Services	

CLACKMANNANSHIRE COMMUNITY PLANNING PARTNERSHIP

GOVERNANCE FRAMEWORK & MEMORANDUM OF UNDERSTANDING

Including -

Clackmannanshire Alliance Operating Framework & Arrangements - Page 8

Partnership Teams Remit & Arrangements - Page 14

Clackmannanshire Executive Group Remit & Arrangements - Page 17

Partnership Code of Conduct - Page 19



June, 2011

INTRODUCTION

The Local Government in Scotland Act 2003 places a legal duty on local councils to lead community planning. The same Act places a legal duty on the NHS, the police and fire services to participate in community planning.

Community planning is about organisations and communities working together to achieve shared outcomes which will improve people's lives and provide better public services.

Community planning partnerships are intended to provide the key over-arching partnership framework helping to co-ordinate other initiatives and partnerships.

In Clackmannanshire the community planning partnership includes public sector organisations, voluntary and community organisations and representatives from business.

This document sets out:

- the aims and objectives of the Partnership.
- the commitment of partners to participate in community planning in line with this agreement
- the structures and mechanisms for progressing community planning.

The document was agreed by the Clackmannanshire Alliance on **xxxxxx**, 2011.

Councillor Rev Sam Ovens
Chair of Clackmannanshire Alliance
xxxxxx, 2011

A GOVERNANCE FRAMEWORK & MEMORANDUM OF UNDERSTANDING

1.0 Partnership Ethos & Accountabilities

1.1 In carrying out their functions, members of the partnership should recognise and give effect to the following principles:

- all partners have committed to the principles of Community Planning and decisions reached should reflect this commitment.
- each partner member should take decisions in his/her capacity as a member of the partnership in such a way as he/she considers will best further the interests of Clackmannanshire and/or the community planning partnership.
- partners should commit effort and resources to facilitate and promote community planning
- partners should support partnership development and capacity building.

1.2 Partners have shared accountabilities to support the achievement of the priority outcomes contained in the community plan, *Working Together for Clackmannanshire*, and the partnership's Single Outcome Agreement.

1.3 Although members of the partnership, partners bodies remain autonomous organisations and membership of the partnership does not alter individual accountabilities or functional responsibilities of each member organisation.

2.0 Partnership Policy & Planning Framework

2.1 The partnership's aims, priority outcomes and principles are:

AIMS Improve wellbeing Build confidence and raise aspirations Strengthen communities		
CLACKMANNANSHIRE ALLIANCE PRIORITY OUTCOMES		
The area has a positive image and attracts people and business	Our communities are, and feel, safer	our environment is protected and enhanced
People are better skilled, trained and ready for learning and employment	Substance misuse and its effects are reduced	Health is improving
our public services are improving	communities are more inclusive and cohesive	Vulnerable people and families are supported
CROSS-CUTTING PRINCIPLES		
Promoting equality and diversity Reducing Inequalities Anticipatory action, prevention and early intervention Involvement and engagement Consideration of the environmental and social effects of actions		

2.2 The partnership has an integrated planning framework as follows to support the achievement of these priority outcomes:

Community Plan	➡	Long term vision aims and outcomes; partnership commitments
Single Outcome Agreement	➡	Links to national performance framework; outcome indicators and targets; strategic 'plan' for Partnership
Partnership Strategies	➡	Contribution to CP outcomes: specific strategies in partnership/ collaborative areas of action
Partner Corporate Plans	➡	Contribution to CP outcomes; measurement of SOA indicators & targets

- 2.3 The statutory community planning partners in Clackmannanshire and other members of the Clackmannanshire Alliance are jointly committed to, and mutually accountable for, the achievement of shared outcomes. Each party will take ownership and responsibility for their respective contributions to the agreed outcomes
- 2.4 Partners will be able to hold each other to account for the delivery of specific commitments they make to enable the delivery of the agreed outcomes.
- 2.5 Progress in achieving local outcomes and meeting local targets will be scrutinised by the Clackmannanshire Alliance, and its component Partnership Teams, as well as by the individual public agencies which are part of the Alliance.
- 2.6 Performance management arrangements will be in place at collective and individual agency level to monitor the delivery of agreed outcomes and the achievement of agreed targets.
- 2.7 In addition, the local statutory partners will report on an annual basis on their contribution to achieving relevant outcomes in the Single Outcome Agreement.
- 2.8 Key strategic plans of individual agencies will provide a clear line of sight to contributions to shared outcomes.

3.0 Community Planning Partnership Structures In Clackmannanshire

3.1 The community planning partnership in Clackmannanshire comprises a number of structures within a broad operational framework as follows:

- Clacks Alliance
- Partnership Teams
- Alliance Executive Group

3.2 The role and remits of these structures are summarised below and described in detail in later sections of this document.

The Clackmannanshire Alliance

3.3 The Alliance is the overarching body of the partnership. It sets strategic direction of the partnership through the production of the Clackmannanshire Community Plan and the Single Outcome Agreement. It is the strategic body that:

- assumes overall responsibility for Community Planning and the achievement of shared outcomes
- ratifies and ensures implementation of joint plans/strategies
- is accountable for joint resources.

3.4 Membership and the operating framework for the Alliance is set out in Section B of this document.

Partnership Teams

3.5 The Alliance will also establish a small number of Partnership Teams the focus of which are cross-cutting strategic themes such as Economic Development, Community Safety and Health Improvement. The Alliance may create and revise structures to reflect changing priorities and contexts.

3.6 Partnership Teams have strategic responsibility to develop, resource and monitor partnership strategies and interventions that will support the achievement of community planning outcomes and key action areas in the Single Outcome Agreement. In addition, Partnership Teams will enhance and improve partnership working in Clackmannanshire by collaborating across agency and service boundaries.

- 3.7. Partnership Teams have common functions and responsibilities and operate within a common framework which sets out expectations, outputs, reporting arrangements and accountabilities in relation to community planning outcomes.
- 3.8 This functions and framework for the Partnership Teams are set out in Section C of this document.

Alliance Executive Group

- 3.9 The Clackmannanshire Alliance Executive Group comprises representatives of the Partnership Teams and partner organisations.
- 3.10 The Executive Group has been established to provide support in managing and developing the business of the Alliance.
- 3.11 Membership and the operating framework for the Alliance Executive Group is set out in Section D of this document.

4.0 Management Support

- 54.1 It is recognised that all partners contribute to the operation of the partnership overall.
- 4.2 In addition, the following resource is directed specifically to the strategic and operational management of the partnership:
 - a) Policy, management support provided by Clackmannanshire Council in relation to its statutory duty to facilitate and maintain the Community Planning process:
 - b) the statutory partners of the Alliance direct resources to fund a Community Planning Policy Officer.

B - CLACKMANNANSHIRE ALLIANCE - OPERATING FRAMEWORK & ARRANGEMENTS

1.0 Membership

- 1.1 Membership of the Alliance will be reviewed at least annually or at the request of any member.
- 1.2 Membership of the Clackmannanshire Alliance is:

Core Members

- Leader of the Council
- Opposition Leader of the Council
- Council Chief Executive
- Council Head of Strategy & Customer Services
- Area Commander (Central Scotland Police)
- General Manager Community Health Partnership (NHS Forth Valley)
- Head of Community Safety (Central Scotland Fire & Rescue Service)
- Associate Principal, Forth Valley College
- Representative of Clackmannanshire Business
- Representative of Clackmannanshire Third Sector Interface*
- Representative of the Joint Community Councils' Forum*
- Representative of the Clackmannanshire Tenants & Residents Federation*
- Partnership Team Leaders (if a Partnership Team Leader is otherwise a member of the Alliance, then there will not be alternative membership from that Team)

* Voluntary and community sector representation will be reviewed on a regular basis to respond to any changes in the sector's organisation and funding.

Other Attendees

Chief officers of statutory agencies may attend any meeting of the Alliance in an advisory capacity.

Community Planning Policy Officer

Officers of all agencies will attend as appropriate at the request of the Alliance.

- 1.3 Representatives of the various agencies and sectors shall be nominated by those agencies and sectors.
- 1.4 Representatives are expected to:
- a) attend meetings on a regular and consistent basis

- b) bring to the partnership the views of their respective sectors and organisations
 - c) feed back to their respective sectors information about partnership decisions
 - d) contribute to decision-making
 - e) abide by the agreed partnership Code of Conduct (see Part E of this document).
- 1.5 To facilitate decision-making and partnership progress, members may appoint some other individual as a substitute to attend and participate in decision-making at meetings if the member is unable to attend in person. The Chair of the Alliance should be notified in advance of the name and position of any substitute.
- 1.6 An Alliance member who fails to attend two consecutive meetings of the Partnership without reasonable excuse and without sending apologies may be expelled by a resolution to the effect, passed by majority vote at the meeting of the Alliance which next follows.
- 1.7 An individual ceases to be an Alliance Board member if the nominating body withdraws his/her nomination.
- 1.8 Agencies, which cover Clackmannanshire but have remits beyond the county and the Forth Valley area may be invited to attend the Alliance or to be members of and to participate in relevant Partnership Teams (see Part C of this document). Such agencies include:
- Scottish Enterprise
 - Visit Scotland
 - Skills Development Scotland
 - SESTRAN
- 1.9 Other such agencies may from time to time be invited to be represented on relevant Partnership Teams.

2.0 Appointment / Role of Chair

- 2.1 Given the statutory lead the Council has for community planning, the Leader of Clackmannanshire Council shall chair the Clackmannanshire Alliance.
- 2.2 The role of the Chair will be to ensure the efficient conduct of each meeting of the Partnership Board, to ensure that the procedures are adhered to, to preserve order, to ensure fairness between Members and to determine all questions of order and competence. The ruling of the Chair shall be final.
- 2.3 In the absence of the Chair, the Alliance will nominate one of its members to chair the meeting. Substitutes attending (as per paragraph 1.5) are not eligible for nomination to the chair.

3.0 Quorum

- 3.1 The quorum for the Alliance is 50% (rounded down) of the core members plus one; a substitute appointed under the provisions set out above shall, if the Alliance member who appointed him/her is not present, be counted in determining whether a quorum is present.

4.0 Frequency of Meetings

- 4.1 Meetings of the Alliance will be held at least quarterly, with provision for special meetings to be convened as required. The Chair of the Alliance will determine whether or not a special meeting will be convened.

5.0 Decision-Making

- 5.1 The Alliance, and any sub-groups, will use their best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions will be made by a simple majority of those core members (see paragraph 1.2 of this section). The Chair of the meeting has the casting vote in the event of an equal number of votes being cast.
- 5.2 A member who has declared a conflict of interest may not be involved in or vote on decisions which relate to that interest (see Part E of this document).

6.0 Sub-groups

- 6.1 The Alliance may form sub-groups to report and make recommendations to the Alliance in relation to defined areas; the precise remit for each sub-

group and the membership of each sub-group will be as determined by the Alliance.

- 6.2 Each sub-group shall conduct its proceedings in accordance with any guidance and remit from the Alliance.

7.0 Notice of Meetings

- 7.1 A full set of papers (including an agenda) will normally be issued to Alliance members 5 working days prior to each meeting. Papers will normally be issued in electronic format unless this is not accessible to any partnership member.
- 7.2 Any partner or Alliance member wishing to submit a paper to the Alliance should ensure that it is provided to the Alliance Secretariat at least 3 days before the papers are due to be issued.
- 7.3 Papers may be issued outwith the normal timescale at the discretion of the Chair but Alliance members may decide not to consider them if they feel that they have had insufficient time to study them.
- 7.4 Papers relating to Partnership Team issues should normally be submitted to the Partnership Team for consideration and not to the Alliance. Partnership Team leaders should report relevant matters to the Alliance (see Part C of this document).

8.0 Openness & Confidentiality

- 8.1 Papers submitted to the Alliance should in most cases be public and will only be restricted in cases of commercial confidentiality, where there would be an impact on personal privacy, or where exceptional circumstances apply.
- 8.2 Regular meetings of the Alliance will be open to the public to observe. Unless specifically invited to contribute by the Chair of the Alliance, no member of the public may participate in the meeting.
- 8.3 The Chair of the Alliance may direct members of the public to leave the meeting if he/she considers that:
- It is required for the proper conduct of the business of the meeting
 - items of business are being discussed by the Alliance where there is an element of commercial confidentiality or personal privacy
 - exceptional circumstances apply.

- 8.4 Special meetings of the Alliance may be convened from time to time outwith the regular schedule. The Chair will determine whether these meetings should be open to the public, taking into account the nature of the business to be discussed at any such meeting.

9.0 Business To Be Considered

- 9.1 Each Alliance meeting shall consider:

- Minutes of previous Alliance meetings
- Generic reports from Partnership Teams
- reports submitted by any partner

- 9.2 Twice a year, the Alliance shall consider monitoring reports on the Single Outcome Agreement. One of these reports shall represent an Annual Report.

- 9.3 Once a year, the Alliance will consider a written Annual Report by each Partnership Team on the contribution to delivering priority outcomes through the implementation of key strategies and other activities.

- 9.4 The Single Outcome Agreement shall be approved annually by the Alliance and through the appropriate executive decision making processes of the constituent statutory partner agencies as appropriate.

- 9.5 All other business will be considered as deemed appropriate by the Chair.

10.0 Record of Meetings

- 10.1 Clackmannanshire Council will service the Clackmannanshire Alliance.

- 10.2 This support will include the issuing of agendas and papers and the taking and circulating of minutes of meetings.

- 10.3 Minutes of each meeting will be circulated as soon as possible and certainly in advance of the subsequent meeting (in line with 7.1 above).

- 10.4 Minutes of meetings, once approved by the Alliance will be in the public domain and be available for inspection.

11.0 Members' Conduct

- 11.1 All Alliance members will observe and abide by the conflict of interest rules, code of conduct and any other rules relating to conduct as prescribed by the Alliance from time to time.

12.0 Amendments to this Framework

- 12.1 Any proposal for amendment to this Framework must be formally approved by a two thirds majority of members of the Clackmannanshire Alliance.

C - CLACKMANNANSHIRE ALLIANCE - PARTNERSHIP TEAMS - GENERIC REMIT & ARRANGEMENTS

1.0 Partnership Teams: overall purpose

1.1 On behalf of the Alliance, Partnership Teams have a strategic responsibility to:

- a) develop, resource and monitor partnership strategies and interventions that will support the achievement of community planning outcomes and key action areas in the Single Outcome Agreement;
- b) enhance and improve partnership working in Clackmannanshire by collaborating across agency and service boundaries and removing barriers to improvement.

2.0 Partnership Teams: functions and responsibilities

- i) To develop and monitor Partnership strategies and plans in relevant areas and to contribute to related joint strategies in pursuit of overall outcomes
- ii) To recommend priority areas for action, within the context of agreed strategies, that will support achievement of community planning outcomes
- iii) To evaluate and report on progress towards action areas in the Single Outcome Agreement and community planning outcomes
- iv) To advise the Alliance on specific policy issues; to contribute to joint responses on policy issues on behalf of the Alliance and to overall policy cohesion
- v) To manage resources to meet agreed outcomes and priorities
- vi) To maximise and make the best use of sources of funding in pursuit of partnership outcomes and priorities
- vii) To share information to further the aims of the Alliance across Partnership Teams, between and within individual agencies
- viii) To contribute to the development of an effective evidence base in areas relating to relevant partnership strategies
- ix) To carry out consultation and engagement as part of Alliance's overall strategy and in role specific areas as appropriate

- x) To collaborate with other Partnership Teams in identified cross cutting priorities and initiatives
- 2.1 In carrying out their functions, Partnership Teams will ensure their activities are underpinned by the Alliance's cross cutting principles of:
- Promoting equality and diversity
 - Reducing Inequalities
 - Anticipatory action, prevention and early intervention
 - Involvement and engagement
 - Consideration of the environmental and social effects of actions

3.0 Operating Arrangements

- Each Partnership Team will be chaired by the lead agency, as determined by the Alliance. The Team will appoint a Vice-Chair from a different partner agency.
- The Chair of each Partnership Team will identify resources to enable team co-ordination at policy and strategy level and to provide administration support including minute-taking
- Approved Partnership Team minutes will be in the public domain and published on Clacksweb and partners' websites as appropriate.
- Membership of Partnership Teams will be determined by Single Outcome Agreement and related partnership strategic priorities; membership review will be carried out on a regular basis
- Members of Partnership Teams will act as representatives of their service, agency or sector and as such will have responsibility to represent the views of their service, agency or sector and disseminate information to their colleagues as a result of their participation in a Partnership Team.
- Members of Partnership Teams will lead or participate in Alliance task or working groups as appropriate.
- Partnership Teams will agree and publicise a regular schedule of meetings which will occur no less than four times in a year; meeting dates should take account of the Alliance meeting schedule and other relevant joint working initiatives
- The Chair will agree with members of the Partnership Team, an appropriate Partnership Team operating framework and structure to support delivery of specific strategic priorities

- Specific Partnership Team structures and frameworks may include, where appropriate, the formation of sub-groups; membership and terms of reference for these sub-groups will be reviewed at least annually
- Partnership Teams will submit a generic report to each Alliance meeting and the Alliance will consider a written Annual Report by each Partnership Team on the contribution to delivering priority outcomes through the implementation of key strategies and other activities.
- Partnership Teams will contribute to the annual review of the Single Outcome Agreement
- Members of Partnership Teams are subject to the Alliance's Code of Conduct.

D - CLACKMANNANSHIRE ALLIANCE - EXECUTIVE GROUP - REMIT & ARRANGEMENTS

1.0 ROLE

- 1.1 The role of the Executive Group is to provide support in managing and developing the business of the Alliance.

2.0 REMIT

- To oversee and coordinate the work of the Partnership Teams and ensure regular progress reports are provided for the Alliance
- To coordinate the development and production of monitoring and evaluation information in support of the Alliance's activities
- To coordinate an approach on communications and information provision for Alliance activities
- To agree agendas for Alliance meetings
- To develop a forward agenda
- To monitor actions arising from meetings
- To establish sub-groups of the Executive as required
- To agree and commission research and consultancy activities on behalf of the Alliance
- To commission specific tasks from Partnership groups
- To review best practice in community planning
- To monitor and review policy development in community planning
- To highlight areas of collaborative advantage and joint working
- To review the support needs of Alliance structures

3.0 MEETING FREQUENCY

- 3.1 The Executive Group will meet at least on a quarterly basis.

4.0 MEMBERSHIP

- 4.1 Core membership should comprise representatives from:

- Clacks Council -1
- Central Scotland Police - 1
- Central Scotland Fire and Rescue Service - 1
- NHS Forth Valley - 1
- Forth Valley College - 1
- Third Sector - 1
- Business Sector - 1

- 4.2 Other representatives can be invited to meetings of the Executive as required
- 4.3 The Executive Group will be chaired by Clackmannanshire Council's Head of Strategy & Customer Services. In the absence of this postholder, the Group will nominate someone from those members present to chair the meeting.
- 4.4 Support for the Executive Group will be provided by the Alliance's Community Planning Policy Officer and other relevant officers from statutory Community Planning partners

E CLACKMANNANSHIRE COMMUNITY PLANNING PARTNERSHIP - CODE OF CONDUCT

1.0 Introduction to the Code of Conduct

- 1.1 As a member of a Clackmannanshire Community Planning Partnership, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.
- 1.2 You must observe the rules of conduct contained in this Code. You must not at any time advocate or encourage any action contrary to the Code of Conduct.
- 1.3 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from Alliance support staff.
- 1.4 This Code applies to any member of any of the Clackmannanshire Community Planning Partnership structures/groups.
- 1.5 Individuals who feel they cannot comply with the code of conduct should not seek nomination to the partnership.
- 1.6 If a member breaches this code of conduct, the Alliance may remove them from the partnership. In that event, the Alliance shall seek the nomination of a new member from the same sector from which the original member had come.

2.0 Principles of Code of Conduct

Public Service

You have a duty to act in the interests of the Clackmannanshire Community Planning Partnership of which you are a member and in accordance with the core tasks of that body.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out your duties.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Clackmannanshire Community Planning Partnership and its members in conducting public business.

Respect

You must respect fellow members of the Clackmannanshire Community Planning Partnership and support staff and the role they play, treating them with courtesy at all times.

3.0 Gifts and Hospitality

- 3.1 You must never canvass or seek gifts or hospitality in relation to your role in the community planning partnership.
- 3.2 You are responsible for your decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the Clackmannanshire Community Planning Partnership. As a general guide, it is usually appropriate to refuse offers except:
 - (a) isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary, or other simple items of office equipment of modest value;
 - (b) normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse; or
 - (c) gifts received on behalf of the Clackmannanshire Community Planning Partnership.

- 3.3 You must not accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or co-habitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term “gift” includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public. You must not accept repeated hospitality from the same source.
- 3.4 You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision your body may be involved in determining, or who is seeking to do business with your organisation, and which a person might reasonably consider could have a bearing on your judgement.

4.0 Confidentiality

- 4.1 There may be times when you will be required to treat discussions, documents or other information relating to the work of the Clackmannanshire Community Planning Partnership in a confidential manner. You may receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. There are provisions in legislation on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private.
- 4.2 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purpose of personal or financial gain, or used in such a way as to bring the public body into disrepute.

5.0 Registration of Interests

- 5.1 All members of the partnership will be required to complete a register of interests and to declare any conflict of interest which may arise. Conflicts of interests might include:
- a) situations where an individual's personal interests may benefit from a partnership decision;

- b) situations where an individual's personal or professional loyalty may be compromised by contributing to a partnership decision.
- 5.2 Members who feel they may have a conflict of interest relating to an item of business should declare so at the outset of the discussion.
- 5.3 A member who declares a conflict of interest may not be involved in or vote on decisions which relate to that interest.

6.0 Lobbying & Canvassing

- 6.1 In order for the Clackmannanshire Community Planning Partnership to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Community Planning Partnership conducts its business.
- 6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of the Community Planning Partnership, those they represent and interest groups.
- 6.3 You must not, in relation to contact with any person or organisation who lobbies, do anything which contravenes this Code of Conduct or any other relevant rule of the Community Planning Partnership.
- 6.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the Clackmannanshire Community Planning Partnership.
- 6.5 Where any individual or organisation approaches and/or attempts to influence any decisions or recommendations that the Community Planning Partnership has to make, you should inform management support staff.
- 6.6 You should not use your position as a member of the partnership to influence decision-making processes outwith the partnership structure, unless with the authority of the partnership.

- 6.7 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance from management support staff.
- 6.8 Representation of sectoral or organisational interests as part of the partnership and within partnership structures does not constitute lobbying or canvassing.

