



**Clackmannanshire
Council**

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**THIS PAPER RELATES TO
ITEM 03
ON THE AGENDA**

MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 29 SEPTEMBER 2011 at 9.30 am.

PRESENT

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

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Director of Finance and Corporate Services
Garry Dallas, Director of Services to Communities
Stephen Crawford, Head of Facilities Management
John Gillespie, Head of Community and Regulatory Services
Belinda Greer, Joint Head of Education
David Thomson, Solicitor, Legal Services (Clerk to the Council)

Also in Attendance:

Gary Devlin, External Auditor, Grant Thornton UK LLP (Agenda item 5)

Presentation of Award

Imagine Alloa, the town centre regeneration project funded by the Scottish Government and Clackmannanshire Alliance, won Best Community and Neighbourhood Initiative category in the 2011 Association of Public Service Excellence (APSE) National Service Awards.

Before the start of business, the Council congratulated the partners involved in delivering the project.

Intimations

(1) Resignation - Religious Representative

The Provost intimated that he had received a letter of resignation from Father Michael Milton as the Roman Catholic Representative for Education on Clackmannanshire Council. On behalf of the Council, the Provost wished Father Milton well in his new appointment as Administrator of St Andrew's Cathedral and Parish Priest of St Fillan's, Newport. The Provost undertook to circulate a copy of the letter to all members.

(2) Kirkin' of the Council

The Provost intimated that a Kirkin' of the Council service will take place at Menstrie Parish Church on Sunday 9 October 2011. Members were asked to confirm their attendance at the service as soon as possible.

(3) Revision of Clackmannanshire Council's Hall Letting Conditions

The Provost intimated that agenda item 14 (Revision of Clackmannanshire Council's Hall Letting Conditions) had been withdrawn from the agenda to allow further consultation with stakeholders as well as further clarification of some technical issues.

CC.54 APOLOGIES

Apologies for absence were received from Councillor Craig Holden.

CC.55 DECLARATIONS OF INTERESTS

None

CC.56 MINUTE OF MEETING: CLACKMANNANSHIRE COUNCIL 18 AUGUST 2011

The minute of the meeting held on 18 August 2011 was submitted for approval.

Decision

The minute of the meeting of the Clackmannanshire Council held on 18 August 2011 was approved as a correct record of the proceedings and signed by the Provost.

CC.57 QUESTION TO THE PROVOST

In terms of Standing Order 18.1, a Question to the Provost was submitted by Councillor Walter McAdam, MBE. In terms of Standing Order 18.7, the question was referred to the Chief Social Work Officer for response. A copy of the question and the answer were made available to members at the beginning of the meeting.

Q. Can an update be provided on Telecare provision?

A. The Telecare programme continues to be rolled out across Clackmannanshire. Equipment is provided to service users after a needs assessment. There is an extensive range of equipment and the provision of particular Telecare equipment is matched to the specific needs identified through the assessment process.

Telecare has been combined with the Mobile Emergency Care Service and examples of the type of equipment fitted in people's homes includes smoke/gas detectors, fall detectors, bed occupancy monitors and more specialised equipment like epilepsy monitors.

There is currently no backlog of cases awaiting provision of equipment and the roll out of Telecare is within the budget allocated for the purpose.

Supporting Question from Councillor McAdam (Standing Order 18.6)

- Q. Which of the three firms got the contract?
- A. In terms of Standing Order 18.3, the Provost indicated that he would respond to Councillor McAdam in writing. Copies of the response will also be made available at the next Council meeting (03/11/11).
- Councillor McAdam withdrew from the meeting at this point in the proceedings (9.35 am); 16 members remained present.

CC.58 EXTERNAL AUDIT REPORT ON STATEMENT OF ACCOUNTS 2010/11 AND AUDITED STATEMENT OF ACCOUNTS 2010/11

A report submitted by the Director of Finance and Corporate Services presented to Council the report by its external auditors, Grant Thornton, on the audit of the Council's accounts for 2010/11.

Errata

A note was issued to members which indicated that since the report was prepared and placed on the agenda, work has been ongoing to conclude the audit and have the final audited version of the accounts ready for signing.

At a very late stage an error had been picked up which had now been adjusted. This related to an accounting entry that is made to adjust the carrying value of some of the Council's external loans. The effect of this correction is that the long-term borrowing on the balance sheet (page 47 of the agenda papers) is increased by £537k with a corresponding correction to the Unusable Reserves figure.

There is no impact on the Council's usable reserves.

The Council heard from Mr Gary Devlin, External Auditor, Grant Thornton UK LLP, and had opportunity to put questions to him. Mr Devlin confirmed his agreement with the above adjustment.

Motion

That Council notes the content of the external audit report and approves the audited Accounts for 2010/11 subject to adjustment at page 47 of the agenda papers (page 21 of 92 of the Accounts).

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Harry McLaren.

Decision

The Council agreed to:

- Note the content of the external audit report

- Approve the audited Accounts for 2010/11 subject to adjustment at page 47 of the agenda papers (page 21 of 92 of the Accounts)

Action

Director of Finance and Corporate Services

- Councillor Carrick withdrew from the meeting during consideration of the following item of business; 15 members remained present.

CC.59 BUDGET STRATEGY UPDATE

A report submitted by the Director of Finance and Corporate Services updated Council on its approved Budget Strategy which was agreed in August 2010. The report updated aspects of the strategy in respect of 2012/13 onwards.

The report also sought approval to put in place arrangements for the further development of the strategy, pending the outcome of the Comprehensive Spending Review in Autumn 2011.

Motion

That Council approves the recommendations set out in the report.

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

Decision

The Council agreed to:

- Note the ongoing uncertainty and unpredictability of forecasting in the current operating environment and the potential impact of this on Scottish and hence Local Government's budgets.
- Note the Council's potential funding gap based on updated scenario planning.
- Endorse the proposal to present refreshed figures on the Council's funding gap following the imminent Spending Review announcement.
- Endorse the proposed October Challenge event approach to test the robustness of savings delivery in respect of the 2011/12 budget.
- Note the intention to prepare a progress report for Council on the implementation of the Scottish Government's specified commitments.
- Approve the continuation of the Spend to Save Fund to fund non-recurring costs of business change initiatives.
- Approve the preparation of an appropriate carry forward scheme as part of the 2012/13 budget setting process.
- Approve the establishment of a cross party member and officer Capital Investment Forum (CIF).
- Approve the workplan for the CIF as the identification of the broad investment priorities and classifications to inform the development of a corporate asset management plan and to revisit the existing Capital Programme applying the agreed parameters/priorities.

- Approve the proposed consultation approach for 2012/13 budget setting.

Action

Director of Finance and Corporate Services

CC.60 APPOINTMENT OF HEAD OF STRATEGY AND CUSTOMER SERVICES

A report submitted by the Director of Finance and Corporate Services sought Council approval for the process to appoint a new Head of Strategy and Customer Services. The former Head of Strategy and Customer Services has been promoted to the post of Chief Executive from 26 September 2011.

Motion

That Council approves the recommendations set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor George Matchett, QPM.

Decision

The Council agreed to:

- Proceed to recruit to the post of Head of Strategy and Customer Services through open external competition;
- Establish an Appointment Committee with delegated authority for the recruitment and appointment to the post of Head of Strategy and Customer Services;
- Nominate members to the Appointment Committee on the basis set out in Section 3 of the report; and
- Delegate authority to the Appointment Committee to delegate appropriate duties and responsibilities to officers, if required, in order to ensure continued discharge of the Council's functions to cover the period until a new Head of Strategy and Customer Services takes up post.

Nominations

The Council agreed the following nominations to the Appointment Committee:

Appointment Committee Chair

Councillor Rev Sam Ovens (Leader of the Council)

Administration (Labour) Members (2)

Councillor Bobby McGill (Depute Chair)

Councillor Janet Cadenhead (Committee Member)

Opposition Group (SNP) Members (2)

To be confirmed.

Opposition Member (Non-SNP Opposition Member) (1)

To be confirmed

Action

Director of Finance and Corporate Services

**CC.61 PROPOSED NEW SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS**

A report submitted by the Chief Executive asked Council to consider the outcome of the second consultation exercise on the content of a proposed New Scheme for the Establishment of Community Councils.

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. At its meeting on 30 June 2011, the Council agreed to take a draft Scheme forward to the second phase of statutory consultation in accordance with Section 22 of the Local Government (Scotland) Act 1994.

Motion

That Council approves the proposed new Scheme for the Establishment of Community Councils to go forward to the next stage of statutory consultation.

Moved by Councillor Kenneth Earle. Seconded by Councillor Bobby McGill.

Decision

The Council agreed to approve the proposed New Scheme for the Establishment of Community Councils (attached as Appendix 1 to the report) to go forward to the next stage of statutory consultation.

Action

Chief Executive

CC.62 CHANGES TO STANDING ORDERS (PETITIONS AND AMENDMENTS)

A report submitted by the Chief Executive asked Council to consider proposed changes to Standing Orders in relation to the treatment of petitions and amendments.

At its meeting on 30 June 2011, Council approved a number of amendments to Standing Orders and noted that further information on how other local authorities deal with petitions and multiple amendments would be sourced and brought to the Council for decision.

Motion

That Council approves the recommendations (a) to (f) set out in the report and approves recommendation (g)(i) to confirm the status quo per Council's current Standing Orders in respect of the procedure for dealing with multiple amendments.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Harry McLaren.

Voting

The Council agreed unanimously to support recommendations (a) to (f).

In respect of the motion to approve recommendation (g)(i) to confirm the status quo per Council's current Standing Orders in respect of the procedure for dealing with multiple amendments, the Council voted as follows:

For the motion	7 votes
Against the Motion	7 votes
Not voting	1 Abstention

Decision

In terms of Standing Order 14.4, the motion to approve recommendation (g)(i) to confirm the status quo per Council's current Standing Orders in respect of the procedure for dealing with multiple amendments was carried on the casting vote of the Provost, and accordingly the Council agreed:

- (a) to establish a Petitions Committee.
- (b) the role of the Petitions Committee as set out in paragraph 4.2 of the report.
- (c) to amend Standing Orders to reflect the establishment of the new Committee.
- (d) to amend the Scheme of Delegation to reflect the establishment of the new Committee.
- (e) the petitions guidance as set out in Appendix 1 of the report.
- (f) to nominate six members to sit on the Committee, three from the Administration, two from the SNP opposition group and one from the non-SNP opposition members. Nominations to be confirmed.
- (g) to confirm the status quo per Council's current Standing Orders in respect of the procedure for dealing with multiple amendments.

Action

Chief Executive

- In line with Standing Order 10.24, the Provost adjourned the meeting at this point in the proceedings (11.30 am). The meeting resumed at 11.45 am and there were 16 members present; Councillor McAdam returned to the meeting at 11.45 am.

CC.63 HOME TO SCHOOL TRANSPORT POLICY (CAMBUS AMENDMENT)

A report submitted by the Head of Education described an unsustainable anomaly in the Council's Home to School Transport Policy and recommended that Council should amend its Home to School Transport Policy to remove the anomaly. The anomaly pertained to the provision of free home to school transport to Lornshill Academy for pupils who are resident in Cambus, which is inconsistent with the rest of the Home to School Transport Policy.

Motion

That Council agrees the recommendations set out in the report.

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

Voting

In terms of Standing Order 14.7, Councillor Janis Paterson 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)

Provost Derek Stewart
Councillor George Matchett, QPM
Councillor Reverend Sam Ovens
Councillor Bobby McGill

Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Alastair Campbell

Against the Motion (8)

Councillor John Biggam
Councillor Walter McAdam
Councillor Irene Hamilton
Councillor Tina Murphy
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley

There were 8 votes for the motion and 8 votes against.

Decision

In terms of Standing Order 14.4, the motion was carried on the casting vote of the Provost, and accordingly the Council agreed that:

- the amendment included in the Home to School Transport Policy approved in December 2004 be removed from the policy and that the provision of free home to school transport for pupils resident in Cambus, and who attend Lornshill Academy, to cease when the schools resume on 24 October 2011, following the October holiday. The amended policy to read:

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

Action

Head of Education

CC.64 WINTER SERVICE OF ROADS AND FOOTWAYS

A report submitted by the Head of Community and Regulatory Services provided Council with a review of the winter service provided in 2010/11 and the amendments proposed to the existing policy and procedures, including changes proposed or enacted as a result of the review of winter 2010/11.

The report also sought approval from Council for the amended Winter Service Policy and Procedures document for 2011/12.

The Service Manager, Roads and Transportation, confirmed that Paragraph 2.1 (a) Priority C1 of the Policy and Procedures Document 2011/12 should be amended to read:

"Roads comprising the strategic road network including all major bus service routes, main urban traffic routes, principal routes to all schools and routes to emergency service establishments."

Motion

That Council approves the recommendations set out in the report.

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

Decision

The Council agreed unanimously to approve the Winter Service Policy and Procedures for 2011/12 subject to recommendation 2.2 set out in the report (to authorise the Service Manager, Roads and Transportation, to make arrangements outwith the policy and levels of service should exceptional circumstances such as heavy snow or a medical emergency demand it) being incorporated into the Winter Service Policy and Procedures 2011/12.

Action

Head of Community and Regulatory Services

CC.65 FORTH VALLEY PROPERTY ASSET MANAGEMENT STRATEGY - PARTNERSHIP AGREEMENT

A report submitted by the Head of Facilities Management sought formal approval of the principles of working together with other public sector bodies in the development and implementation of a joint asset management strategy across the Forth Valley.

Since 2009, Clackmannanshire Council has been involved in a Forth Valley Public Sector Property Group and since 2010 a Forth Valley Property and Asset Management Group. The 'Making the Most of Property and Assets' report of June 2010 identified opportunities across the Forth Valley. The report endorsed the Property Asset Management Plan 2010-2015 approved by Council on 23 September 2010.

Proposed partnership principles to set the basis for ongoing partnership working were set out in the report.

Motion

That Council approves the recommendations set out in the report.

Moved by Councillor Janet Cadenhead. Seconded by Councillor George Matchett, QPM.

Decision

The Council agreed to approve the partnership principles of joint property and asset management (as detailed in Section 3 of the report) between Forth Valley public sector bodies.

Action

Head of Facilities Management

CC.66 PROPOSALS FOR CARE AND REPAIR SERVICE

A report submitted by the Head of Community and Regulatory Services updated the Council on the review and reconfiguration of the Care and Repair Service in Clackmannanshire and provided details of the proposed tendering arrangements.

A full review of the Clackmannanshire Care and Repair Service, managed by Ochil View Housing Association and funded by the Council, was carried out in 2009 by an independent consultant. This was previously reported to Council on 28 January 2010 as part of the Private Housing Assistance Scheme report. Council agreed at that meeting to tender the future Care and Repair Service and instructed officers to prepare appropriate tender documentation.

Motion

That Council approves the recommendations set out in the report.

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

Decision

The Council agreed:

- To approve the proposals for the reconfiguration of the Care and Repair Service as set out in the report; and
- To note that officers will proceed to advertise the contract opportunity in accordance with the report to Council (29/09/11), Contract Standing Orders and other legal requirements incumbent on the Council.

Action

Head of Community and Regulatory Services.

ENDS 12.45 pm