

**MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 15 DECEMBER 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 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  
Deirdre Cilliers, Head of Joint Social Services, Clackmannanshire and Stirling  
Stephen Crawford, Head of Facilities Management  
Stuart Crickmar, Head of Strategy and Customer Services  
John Gillespie, Head of Community and Regulatory Services  
Belinda Greer, Head of Joint Education Services, Clackmannanshire and Stirling  
David Thomson, Solicitor (Clerk to the Council)

**Presentation of Awards: Customer Service Excellence Re-Accreditation/Certification**

Before the start of business, the Council congratulated Services to Communities in achieving Customer Service Excellence re-accreditation/certification for Development Quality, Building Standards, Environmental Health and Roads and Transportation.

**Presentation of Long Service Award**

Before the start of business, the Provost, on behalf of the Council, congratulated William Nisbet, Principal Development Officer, Finance and Corporate Services, on 40 years service.

**CC.82            APOLOGIES**

Apologies for absence were received from Councillor Eddie Carrick, Councillor Craig Holden and Rev Mhairi Lovett, Religious Representative.

**CC.83            DECLARATIONS OF INTERESTS**

None.

**CC.84            MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL 3 NOVEMBER 2011**

The minute of the meeting of the Clackmannanshire Council held on 3 November 2011 was submitted for approval.

**Decision**

The minute of the meeting of the Clackmannanshire Council held on 3 November 2011 was approved as a correct record of the proceedings and signed by the Provost.

**CC.85            THE DISPOSAL OF LAND BY LOCAL AUTHORITIES (SCOTLAND) REGULATIONS 2010 - MINUTE OF MEETING OF COUNCIL OF 3 NOVEMBER 2011: ITEM CC.71 ALVA POOL: OCHIL LEISURE ENTERPRISE BUSINESS CASE**

A report submitted by the Chief Executive to enable officers to implement a Council decision lawfully by alerting Council to the requirements of Section 74 of the Local Government (Scotland) Act 1973 (as amended), sought confirmation from Council that it is satisfied in relation to its decision recorded at Item CC.71 of the Minute of the Meeting of the Clackmannanshire Council of 3 November 2011 that the circumstances set out in the Regulations relating to a disposal of land for a consideration less than the best that can reasonably be obtained had been complied with.

Section 74 of the Local Government (Scotland) Act 1973 (as amended) provides that a local authority shall not dispose of land for a consideration less than the best that can reasonably be obtained except in circumstances set out in The Disposal of Land by Local Authorities (Scotland) Regulations 2010.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Rev Sam Ovens. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed unanimously to:

Confirm that it is satisfied that it has adequately appraised the proposal and applied the statutory requirements of section 74 of the Local Government (Scotland) Act 1973 and related Regulations to enable it to dispose of the Alva Pool Complex and associated car park legally for a consideration less than the best that can be obtained.

**Action**

Chief Executive/Head of Facilities Management

A report submitted by the Head of Joint Social Services Clackmannanshire and Stirling introduced the Children and Young People's Integrated Services Plan which set out a targeted framework of strategic priorities and objectives, for development and improvement across the range of services for children and young people in Clackmannanshire up to 2013.

The Council is required under the Children (Scotland) Act 1995 to prepare a Children and Young People's Integrated Services Plan. The plan which was appended to the report replaces the 2008-2010 plan.

**Motion**

That Council adopts the 2011-2013 Children and Young People's Integrated Services Plan.

Moved by Councillor Janet Cadenhead. Seconded by Councillor Harry McLaren.

**Procedural Motion (Standing Order 15.10)**

That the debate be postponed.

Moved by Councillor Gary Womersley. Seconded by Councillor Mark English.

On a division of 8 votes to 7, the motion to postpone the debate was defeated.

**Voting**

The vote on the substantive motion was as follows:

For the motion	9
Against the motion	0

**Decision**

Accordingly, on a division of 9 votes to 0, the Council agreed to adopt the 2011-2013 Children and Young People's Integrated Services Plan.

**Action**

Head of Joint Social Services Clackmannanshire and Stirling

**CC.87                    EARLY YEARS FRAMEWORK/MODEL FOR EARLY CO-ORDINATED  
INTERVENTION FOR VULNERABLE FAMILIES WITH CHILDREN AGED  
0-5 YEARS**

A report submitted by the Head of Joint Social Services Clackmannanshire and Stirling presented to Council the Early Years Framework and the new model for service delivery of Early Co-ordinated Intervention for Vulnerable Families with children aged 0-5 years. The implementation plan and model were attached as an appendix to the report.

The implementation plan and model set out a targeted framework detailing the national and local picture. The framework sits within the Children and Young People's Integrated Services Plan up to 2013.

**Motion**

That Council approves the Framework and model to enable the new service delivery to begin the formal implementation process with the model operational from April 2012.

Moved by Councillor Janet Cadenhead. Seconded by Councillor Harry McLaren.

**Procedural Motion (Standing Order 15.10)**

That the debate be postponed.

Moved by Councillor Gary Womersley. Seconded by Councillor Donald Balsillie.

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

On the casting vote of the Provost, the motion to postpone the debate was defeated.

**Voting**

The vote on the substantive motion was as follows:

For the motion	9
Against the motion	0

**Decision**

Accordingly, on a division of 9 votes to 0, the Council agreed to approve the Framework and model to enable the new service delivery to begin the formal implementation process with the model operational from April 2012.

**Action**

Head of Joint Social Services Clackmannanshire and Stirling

A report submitted by the Customer Services Manager, Head of Joint Social Services, Clackmannanshire and Stirling, and the Head of Facilities Management, updated Council on progress in meeting conditions attached to an in-principle decision of the Council about service and property configuration in Tillicoultry.

Subject to full consultation with the community and former users of the Hillfoots Family Centre, current and former users of the Tillicoultry Community Centre, and the provision of an updated Early Years Framework, prepared with partners, families and other stakeholders, the Council approved in-principle a revised accommodation portfolio for Tillicoultry at its meeting on 30 June 2011.

**Motion**

That Council agrees the recommendations set out in the report.

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

Councillor Donald Balsillie asked that the minutes record his concern that the Council took a budget decision on important community facilities and then chose to consult the community rather than the other way around.

**Voting**

In terms of Standing Order 14.7, Councillor Bobby McGill 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 (1)**

Councillor Walter McAdam, MBE

**Abstain (Not Voting) (7)**

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

There were 8 votes for the motion and one vote against with 7 abstentions.

**Decision**

Accordingly, on a division of 8 votes to 1 with 7 abstentions, the Council agreed to:

- (a) note the consultation exercise which has been undertaken in relation to public services in Tillicoultry as set out in section 4 of the report.

- (b) note the provision of an updated Early Years Framework which was the subject of a separate report on the agenda, as set out in section 5 of the report.
- (c) note that the accommodation portfolio for Tillicoultry agreed in-principle at the Council meeting on 30 June 2011 will now be implemented.
- (d) Approve an amendment to the capital programme to incorporate expenditure on conversion of former family centre to community hub (£400,000) and redevelopment of existing CAP/Library to housing (£150,000).

## **Action**

### **Director of Finance and Corporate Services**

#### **CC.89 BUDGET STRATEGY UPDATE**

A report submitted by the Director of Finance and Corporate Services updated Council on progress made in delivering key activities being taken forward in implementing the Council's approved Budget Strategy as outlined in the previous report to Council of 3 November 2011. The report also updated Council on the expected announcement date of the detailed settlement figures for the 3 years 2012/13 to 2014/15.

The Council heard an update to the report from the Director of Finance and Corporate Services.

## **Motion**

That Council agrees the recommendations set out in the report.

## **Decision**

The Council agreed unanimously to:

- Note the Scottish Government's announcement of the Council's detailed three year funding settlement figures for the period 2012/13 to 2014/15 and the key impacts of the funding levels.
- Note the Council's revised potential funding gap based on the latest scenario planning.
- Note the key influences and options available in financing the gap.
- Note progress in delivering the key strands of the budget action plan.

\* \* \*

*Councillor Mark English withdrew from the meeting at this point in the proceedings (11.05am). Fifteen members remained present.*

\* \* \*

## **CC.90 COUNCIL TAX DISCOUNT REDUCTION**

A report submitted by the Revenues and Payments Manager sought approval from Council to reduce the current discount which is given to council tax payers from 50% to 10% for dwellings classed as a second home or long term empty property.

The Council Tax (Discount for Unoccupied Dwellings) (Scotland) Regulations 2005 as amended, gives local authorities the discretion to reduce the prescribed discount of 50% for certain long term empty properties and second homes (as defined in the regulations) to a minimum of 10%.

### **Motion**

That Council agrees the recommendations set out in the report.

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

### **Decision**

The Council agreed unanimously to approve the reduction of the discount awarded to second homes and long term empty dwellings from 50% to 10% effective from 1 April 2012.

### **Action**

Director of Finance and Corporate Services

## **CC.91 INTERNAL AUDIT OPTIONS APPRAISAL**

A report submitted by the Revenues and Payments Manager presented to Council the Internal Audit Service Options Appraisal. The report also set out the preferred option for approval by Council

In February 2011, the Scrutiny Committee agreed that an options appraisal be undertaken for the delivery of the audit service. In May 2011, the first part of the Internal Audit Options Appraisal report was presented to the Scrutiny Committee Focus Group. The appraisal laid out seven different options.

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Bobby McGill. Seconded by Councillor Donald Balsillie.

### **Decision**

The Council agreed unanimously to:

- (a) Note that the preferred option of the Scrutiny Committee for the delivery of the Council's Internal Audit Services is Option A.
- (b) Approve officers' preferred option for the delivery of the Council's Internal Audit Services as Option A.
- (c) Note that the final grading structure will be subject to the outcome of the review of roles through the Council's formal job evaluation procedures.

### **Action**

Director of Finance and Corporate Services

## **CC.92 MID YEAR REVIEW - TREASURY REPORT**

A report submitted by the Accountancy Manager presented Council with a mid year review of the Treasury Management activities for the Council for 2011/12.

The need to prepare a treasury management mid-year review is a minimum requirement of the revised Treasury Management in the Public Services Code of Practice published by the Chartered Institute of Public Finance and Accountancy in 2009.

### **Motion**

That Council notes and considers the 2011/12 mid year review report of the Council's Treasury Management activities.

Moved by Councillor Bobby McGill. Seconded by Councillor George Matchett, QPM.

### **Decision**

The Council agreed unanimously to:

- Note and consider the 2011/12 mid year review report of the Council's Treasury Management activities.

\* \* \*

### **Adjournment (Standing Order 10.24)**

The Provost adjourned the meeting at this point in the proceedings (11.35 am). The meeting resumed at 11.45 am. Fifteen (15) members were present when the meeting resumed.

\* \* \*

## **CC.93 CLACKMANNANSHIRE AND STIRLING COUNCILS - SHARED SERVICES PROGRESS REPORTS**

### **Shared Services: (i) Education Progress Update, (ii) Social Services Progress Update and (iii) Infrastructure Progress Update**

A report submitted by the Chief Executive introduced three reports which summarised progress which has been made on the development of shared education and social services with Stirling Council.

The Council agreed that all three progress update reports on Education, Social Services and Infrastructure would be considered together.

### **Motion**

That Council agrees the recommendations set out in all three reports.

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

### **Decision**

The Council agreed unanimously to:

- Note the progress to date in establishing a shared management structure for Education Services and Social Services and consequential savings.



- Agree the proposed arrangements for reporting performance under the governance policy.
- Endorse the priorities and approaches set out by Social Services (set out as paragraphs 3.10 to 3.14 of the report)
- Note the outcomes of the recent "Taking Stock" exercise.
- Note progress to date in relation to the infrastructure supporting shared services.
- Endorse the future approaches and priorities in relation to the lead authority model and infrastructure work stream.

#### **Action**

Chief Executive/Heads of Joint Social Services and Education Services

#### **CC.94                    PROPOSED NEW SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

A report submitted by the Strategy and Performance Manager asked Council to consider the outcome of the third stage of consultation on the content of a proposed new Scheme for the Establishment of Community Councils.

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 29 September 2011, Council agreed to take a proposed new Scheme forward to a third stage of statutory consultation in accordance with Section 22 of the Local Government (Scotland) Act 1994.

#### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Harry McLaren.

#### **Decision**

The Council agreed unanimously to:

- (a) Note the summary of final representations on the proposed Scheme attached as Appendix 1 to the report
- (b) Approve the proposed new Scheme for the Establishment of Community Councils attached as Appendix 2 to the report
- (c) Note the timetable for introduction of the new Scheme, attached as Appendix 3 to the report.

#### **Action**

Head of Strategy and Customer Services

## **CC.95                    HER MAJESTY THE QUEEN'S DIAMOND JUBILEE 2012**

A report submitted by the Senior Support Services Manager asked Council to establish whether it wishes to recognise the Queen's Diamond Jubilee by granting an additional Bank Holiday or an additional day of annual leave on 5 June 2012.

The report also updated Council on planned participation in the series of beacons that are being lit across the United Kingdom to celebrate HM the Queen's Diamond Jubilee on 4 June 2012. There will also be a series of other events taking place during the Diamond Jubilee weekend

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Bobby McGill.

### **Decision**

The Council agreed unanimously to:

- (a) Approve an additional day's annual leave on Tuesday 5 June 2012.
- (b) Notes the Council's participation in the series of beacons that are being lit across the United Kingdom and other events planned to take place during the Diamond Jubilee weekend and to approve arrangements for this to be remitted to the Chief Executive in consultation with the Provost and the Leader of the Council.

### **Action**

Director of Finance and Corporate Services.

## **CC.96                    TREE PRESERVATION ORDERS - ALLOA PARK NORTH AND HALLPARK, SAUCHIE**

A report by the Governance Manager sought confirmation of the Clackmannanshire Council (Alloa Park North) Tree Preservation Order No. 262011 and the Clackmannanshire Council (Hallpark, Sauchie) Tree Preservation Order No. 272011 following upon the decision of Council on 5 November 2009 to make these Orders and to follow the statutory processes to bring them into effect.

### **Motion**

That Council agrees the recommendations set out in the report.

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

### **Decision**

The Council agreed unanimously to:

- (a) Confirm the Clackmannanshire Council (Alloa Park North) Tree Preservation Order No. 262011 as originally published to preserve nine trees located to the North of Alloa Park Drive, Alloa, as identified in the previous report to Council and shown on the plan attached as Appendix A to the report.
- (b) Confirm the Clackmannanshire Council (Hallpark, Sauchie) Tree Preservation Order No. 272011 in respect of Trees T1 to T5 and T7 to T9 as shown on the plan attached as Appendix B to the report and omitting Tree T6.

## **Action**

Governance Manager

### **CC.97 COUNCIL NEW BUILDING AT HALLPARK, SAUCHIE**

A report by the Head of Community and Regulatory Services provided Council with a business case for the construction of 25 new Council houses and associated facilities on the site of the Forth Valley (FV) College Hallpark Annex in Sauchie. The business case follows the successful award of £750k by the Scottish Government under the new Innovation and Investment Fund 2011- New Council House Building.

As reported to Council on 30 June 2011, the Scottish Government invited bids for the 2011/12 Innovation and Investment Fund budget; a new arrangement to allow all suppliers to provide new affordable homes. Successful projects were announced by Ministers on 14 September 2011 with Clackmannanshire Council confirmed as receiving £750,000 of development funding for the proposed project at Hallpark.

## **Motion**

That Council agrees the recommendations set out in the report.

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

## **Decision**

The Council agreed unanimously to approve:

- (a) the proposal for a further phase of 25 new council houses at the former Forth Valley College site at Hallpark, Sauchie.
- (b) the acquisition of the Hallpark Annex Site from Forth Valley College.
- (c) funding of the project as detailed in the report.
- (d) authorise the Head of Facilities Management to seek tenders for the construction works element of the project and to appoint the successful contractor on agreed terms up to a maximum of £2.094m and amend the capital plan accordingly.

## **Action**

Head of Community and Regulatory Services/Head of Facilities Management

### **CC.98 NATIONAL HOUSING TRUST INITIATIVE**

A report submitted by the Head of Community and Regulatory Services advised Council on the Scottish Government's National Housing Trust (NHT) scheme which aims to deliver new 'Mid Market Rent' housing and sought approval to proceed with the initiative at local level.

The Government and the Scottish Futures Trust (SFT) have set up the National Housing Trusts initiative (NHT) to provide properties at a Mid Market Rent (MMR), sitting between social and private rent levels. The initiative involves a partnership approach aimed at boosting the supply of affordable housing and is also aimed at stimulating the construction industry in Scotland.

## **Motion**

That Council agrees the recommendations set out in the report.

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

## **Decision**

The Council agreed unanimously to:

- (a) Approve in principle the proposal to participate in the National Housing Trust initiative, up to a maximum potential commitment of £2m and subject to the submission of any suitable development proposals and tenders.
- (b) Instruct officers, in consultation with the Scottish Government and Scottish Futures Trust officials, to evaluate any Pre-Qualifying Questionnaires received and to invite successful contactor(s) to submit tender proposals.
- (c) Instruct officers to bring a further report to Council with details of any tender for approval.

## **Action**

Head of Community and Regulatory Services

## **EXEMPT AND CONFIDENTIAL INFORMATION**

The Clerk to the Council advised that while the following report contains exempt information under the categories referred to in Section 50(A) of the Local Government (Scotland) Act 1973, Schedule 7A, Part 2, Paragraphs 6, 8, 9 and 10, reference on page 309 indicates that the report also contains confidential information under Section 50(A)(2) of the Local Government (Scotland) Act 1973. As a result, the press and public must be excluded from the meeting during consideration of the following item of business. The Council does not require to move to a vote on whether or not to exclude the press and public.

The Clerk then referred the Council to Standing Order 8.18 (Revealing Information) and, within that, Standing Order 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".

## **CC.99 COUNCIL OFFICE RATIONALISATION**

A report by the Director of Services to Communities sought approval to award a contract to develop the former Patons School and Kilncraigs 1936 building in order to co-locate all staff based in Greenfield and Lime Tree House within Alloa Town Centre by the beginning of 2013.

A revised Appendix 2 of the report was made available to all members. The Director of Services to Communities advised the Council that the minor amendment to Appendix 2 had no bearing on the content of the report.

## **Motion**

That Council approves the recommendations set out in the report.

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

## **Voting**

Councillor Biggam asked that it be recorded in the minute that because of the legal advice that had been given at today's meeting, he was prepared to support the motion.

In terms of Standing Order 14.7, Councillor Bobby McGill asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 15 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

### **For the Motion (9)**

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  
Councillor John Biggam

### **Abstain (Not Voting) (6)**

Councillor Gary Womersley  
Councillor Donald Balsillie  
Councillor Janis Paterson  
Councillor Irene Hamilton  
Councillor Tina Murphy  
Councillor Walter McAdam, MBE

There were 9 votes for the motion and 6 abstentions. There were no votes against the motion.

## **Decision**

Accordingly, on a division of 9 votes to 0 votes with 6 abstentions, the Council agreed to support the recommendations set out in the report.

## **Action**

Director of Services to Communities

ENDS 1.25 pm

