



**Clackmannanshire
Council**

www.clacksweb.org.uk

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

Clackmannanshire Council

Thursday 8 March 2012 at 10.00 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 meeting dates and agenda items are published on our website at www.clacksweb.org.uk.

If you require further information about our 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.

29 February 2012

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 8 MARCH 2012 at 10.00 am.

NIKKI BRIDLE
Director of Finance and Corporate Services

B U S I N E S S

9.45 am - PRESENTATION of AWARD - Services to Communities

APSE Performance Networks: Best and most improved performer awards

2011 - Finalist: Clackmannanshire Council - Refuse collection best performer

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1.	Apologies	--
2.	Declaration of Interests 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.	--
3.	Minutes of Meetings (Copies herewith):	
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Clackmannanshire Council – Councillors and Wards

Councillors		Wards		
Councillor	Eddie Carrick	1	Clackmannanshire West	IND
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Provost	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, MBE	2	Clackmannanshire North	SNP
Councillor	Robert McGill	2	Clackmannanshire North	LAB
Councillor	Sam Ovens	3	Clackmannanshire Central	LAB
Councillor	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 Freyne	Roman Catholic Church



**Clackmannanshire
Council**

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**THIS PAPER RELATES TO
ITEM 3(a)
ON THE AGENDA**

MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 26 JANUARY 2012 at 9.30 am.

PRESENT

Provost Tina Murphy (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 Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Derek Stewart
Councillor Gary Womersley

IN ATTENDANCE

Elaine McPherson, Chief Executive
Nikki Bridle, Director of Finance and Corporate Services
Garry Dallas, Director of Services to Communities
David Thomson, Solicitor, Legal Services (Clerk to the Council)

Presentation of Awards: Association for Public Service Excellence (APSE)

Before the start of business, the Council congratulated Services to Communities (Property Contracts Unit) in achieving the APSE Best Performer Award for building maintenance.

CC.108 APOLOGIES

None

CC.109 DECLARATIONS OF INTEREST

None

Additional Item

In terms of Standing Order 11.5, the Provost advised that there was an item of urgent business which she had been requested to consider as an item of urgent business prior to the conclusion of the meeting.

"Public Conveniences, Alloa"

Provost Tina Murphy agreed to accept the item onto the agenda. As the Council had previously agreed to close and demolish the public conveniences in Alloa, Council officers required the timeous and explicit authority of the Council not to proceed with the demolition. The Provost confirmed the item would be taken in public as Item 18 on the agenda.

**CC.110 MINUTES OF SPECIAL MEETING: CLACKMANNANSHIRE COUNCIL 14
DECEMBER 2011**

The minute of the special meeting of the Clackmannanshire Council held on 14 December 2011 was submitted for approval.

Decision

The minute of the special meeting of the Clackmannanshire Council held on 14 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

**CC.111 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL 15
DECEMBER 2011**

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was submitted for approval.

Decision

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

**CC.112 MINUTES OF SPECIAL MEETING: CLACKMANNANSHIRE COUNCIL 6
JANUARY 2012**

The minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was submitted for approval.

CC.106 Councillor Ovens advised that as he was not the Council's representative on NHS Forth Valley Health Board - it was Councillor Janet Cadenhead.

Decision

Subject to the above amendment, the minute of the meeting of the Clackmannanshire Council held on 15 December 2011 was approved as a correct record of the proceedings and signed by the Provost.

CC.113 QUESTION TO THE PROVOST

In terms of Standing Order 18.1, a Question to the Provost was submitted by Councillor Derek Stewart. In terms of Standing Order 18.7, the question was referred to the Leader of the Council for response. A copy of the response was made available to members at the beginning of the meeting.

- Q. Given that the SNP did not support the financial package required to fund the necessary refurbishment of the 1936 Kilncraigs and Paton's former school buildings, will the SNP administration give an assurance that this project will go ahead, given the many local jobs and inwards investments involved?

A. Response from Councillor Womersley, Leader of the Council:

I am delighted to have this opportunity to assure the Council that the SNP-led Administration fully supports the Kilncraigs project.

The project will provide many jobs and represents significant investment in Alloa Town Centre.

It provides an opportunity to cut the costs of running three buildings in Alloa while creating a modern, flexible and efficient working environment for our staff.

Crucially, the Kilncraigs project will create and sustain over 100 local jobs in Clackmannanshire during the construction phase.

The SNP-Led Administration is delighted that a local building contractor has been appointed.

This Administration wants to do everything it can to stimulate the local economy and to ensure that local businesses benefit from opportunities. It is estimated that the appointment of a local contractor will generate a benefit of £9.5m to the Clackmannanshire economy. In addition, over the life span of the project, we expect savings in annual property related running costs exceeding £3m.

In taking over the administration of the Council, I will be ensuring that the project will go ahead without increasing the Council's level of debt and that there will be sound financial stewardship.

I look forward to updating the Council of progress in the project and in bringing forward new proposals which will contribute to the ongoing regeneration of Alloa Town Centre.

Supporting Question from Councillor Stewart (Standing Order 18.6)

- Q. Quite surprised to see the comment because only three or four weeks ago, the Leader of the Opposition (at that time) basically did not vote for the paper, did not support the paper and within two weeks, there's been a sudden change of mind. The comment in the Advertiser was quite clear that they hadn't had the time to look at the costs of it. I'd like to get a response back to that if possible?

In terms of Standing Orders 18.3 and 18.7, the Provost referred the question to the Leader of the Council who will respond in writing. Copies of the response will also be made available at the next Council meeting (08/03/12).

CC.114 CORNTON VALE PRISON VISITING COMMITTEE

A report submitted by the Director of Finance and Corporate services sought Council approval of a nomination to fill a vacancy on Cornton Vale Prison Visiting Committee.

Motion

That the Council notes the contents of the report and approves the nomination of Mrs Sharon Mylchreest to serve on the Cornton Vale Prison Visiting Committee.

Moved by Councillor Mark English. Seconded by Councillor Gary Womersley

Decision

The Council agreed unanimously to note the contents of the report and to approve the nomination of Mrs Sharon Mylchreest to serve on the Cornton Vale Prison Visiting Committee.

Action

Director of Finance and Corporate Services.

CC.115 AMENDMENTS TO STANDING ORDERS

A report submitted by the Chief Executive sought Council approval for amendments to Standing Orders.

Motion

That Council agrees to:

- a) the establishment a second position of Depute Provost;
- b) revisions to standing orders to reflect the establishment of this second post as set out in the report; and
- c) Nominate Councillor Eddie Carrick to the second position of Depute Provost.

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

Voting (Items a) and b))

The voting on the motion (a and b)was as follows:

For the motion	8 votes
Against the motion	7 votes
Not voting	3 abstentions

Decision

On a division of 8 votes to 7 with 3 abstentions, the Council agreed:

- a) the establishment of a second position of Depute Provost; and
- b) revisions to standing orders to reflect the establishment of this second post as set out in the report.

Voting (Item c)

The voting on the motion (c) was as follows:

For the motion	8 votes
Against the motion	7 votes
Not voting	3 abstentions

Decision

On a division of 8 votes to 7 with 3 abstentions, the Council agreed to the nomination of Councillor Eddie Carrick to the second position of Depute Provost.

Councillor Carrick thanked the elected members and stated that it was his honour and privilege to accept the position of second Depute Provost.

Action

Chief Executive

CC.116 MEMBERS' ALLOWANCES

A report submitted by the Director of Finance and Corporate Services set out the recommendations for the remuneration for senior councillor positions on the Council.

Motion

That Council agrees to pay the recommended senior responsibility payment to the positions detailed within 3.3 of the report.

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

Voting

The voting on the motion was as follows:

For the motion	9 votes
Against the motion	7 votes
Not voting	2 abstentions

Decision

On a division of 9 votes to 7 with 2 abstentions, the Council agreed to pay the recommended senior responsibility payment to the positions detailed within 3.3 of the report.

Action

Director of Finance and Corporate Services

CC.117 POLITICAL BALANCE, COMMITTEE MEMBERSHIP AND APPOINTMENTS

A report submitted by the Chief Executive proposed changes to the political balance of various committees.

Motion

- a) To agree the political balance on various Committees as set out in paragraph 4.1 of the report; and
- b) Assuming a) is agreed, appoints elected members to serve on these committees as set out in paragraph 5.0 of the report.

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

Councillor Craig Holden advised he will take up his position on the Scrutiny Committee.

Councillor Ovens advised the undernoted changes in Committee membership for the Labour Group:

Planning Committee appointments (4)

Councillor Derek Stewart (removed)
Councillor Kenneth Earle
Councillor George Matchett QPM
Councillor Bobby McGill
Councillor Harry McLaren

Regulatory Committee appointments (2)

Councillor George Matchett (removed)
Councillor Kenneth Earle
Councillor Derek Stewart

Workforce Committee appointments (2)

Councillor Derek Stewart (Convener)
Councillor Bobby McGill

Petitions Committee appointments (2)

Councillor Bobby McGill (removed)
Councillor Derek Stewart
Councillor Kenneth Earle

Scrutiny Committee appointments (3)

Councillor Ovens advised that the Labour Group members declined to take up their posts on the Scrutiny Committee.

Voting

The voting on the motion was as follows:

For the motion	8 votes
Against the motion	0 votes
Not voting	10 abstentions

Decision

On a division of 8 votes to 0 with 10 abstentions, the Council agreed to the political balance on various Committees as set out in paragraph 4.1 of the report.

The Council further agreed to the appointment of elected members to serve on these committees. The Labour Group appointments are set out above. The SNP Group appointments to serve on these committees are to be notified to the Chief Executive by 3 February 2012.

Action

Chief Executive

CC.118 NOTICE OF AMENDMENTS TO COUNCIL STANDING ORDERS

A report submitted by the Director of Finance and Corporate Services sought Council approval for proposed changes to Standing Orders.

Motion

That the Council notes that:

- a) amendments to Standing Orders will be submitted to the next Council meeting for approval; and
- b) a briefing for all elected members will take place on 30th January 2012 to review the proposed changes.

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

Voting

The voting on the motion was as follows (Councillors Holden and McGill were not present in the Chamber during the vote):

For the motion	9 votes
Against the motion	0 votes
Not voting	7 abstentions

Councillors Holden and McGill re-joined the meeting following the vote.

Decision

On a division of 9 votes to 0 with 7 abstentions, the Council agreed to note that:

- a) amendments to Standing Orders will be submitted to the next Council meeting for approval; and
- b) a briefing for all elected members will take place on 30th January 2012 to review the proposed changes.

Action

Director of Finance and Corporate Services

CC.119 REVISIONS TO SCHEME OF DELEGATION

A report submitted by the Chief Executive proposed some amendments to the Scheme of Delegation in response to changes in management arrangements within the Council.

Motion

That the Council approves the amendments to the Scheme of Delegation as set out in the report.

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

Voting

The voting on the motion was as follows:

For the motion	16 votes
Against the motion	0 votes
Not voting	2 abstentions

Decision

On a division of 16 votes to 0 with 2 abstentions, the Council agreed to approve the amendments to the Scheme of Delegation as set out in the report.

Action

Chief Executive

CC.120 CLACKMANNANSHIRE AND STIRLING PARTNERSHIP BOARD

A report submitted by the Chief Executive sought approval for a further elected member to be nominated as a member of the Clackmannanshire and Stirling Partnership Board which has been established by NHS Forth Valley.

Motion

That the Council nominates an additional elected member drawn from the political opposition to sit on the Clackmannanshire and Stirling Partnership Board.

Moved by Councillor Gary Womersley. Seconded by Councillor Irene Hamilton.

Councillor Ovens proposed Councillor Janet Cadenhead as the Council's additional member on the Clackmannanshire and Stirling Partnership Board.

Voting

For the motion	16 votes
Against the motion	0 votes
Not voting	2 abstentions

Decision

On a division of 16 votes to 0 with 2 abstentions, the Council agreed to the appointment of Councillor Janet Cadenhead as the Council's additional elected member drawn from the political opposition to sit on the Clackmannanshire and Stirling Partnership Board.

Action

Chief Executive

CC.121 BUDGET STRATEGY UPDATE

The report submitted by the Director of Finance and Corporate Services updated Council on the Scottish Government's announcement of the detailed Local Government Finance settlement figures for the three years 2012/13 to 2014/15 together with further updates on expenditure forecasts. The impact on the Council's draft budget and funding gap over this period is revised within the report. The report also presented the savings that have been secured for the 2012/13 and 2013/14 financial years which will be included in the draft General Services Revenue Budget that will be presented to Council in February 2012.

Motion

That the Council agrees to note:

- a) 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 announcement;
- b) The Council's revised potential funding gap based on the latest scenario planning;
- c) The financial impact of implementing the 2011/12 management and policy savings for the 2012/13 and 2013/14 financial years (set out in appendices A and C); and
- d) The financial impact of implementing the additional savings identified for 2012/13 and 2013/14 (set out in appendix B).

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

Voting

For the motion	17 votes
Against the motion	0 votes
Not voting	1 abstention

Decision

On a division of 17 votes to 0 with 1 abstention, the Council agreed to note:

- a) 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 announcement;
- b) The Council's revised potential funding gap based on the latest scenario planning;
- c) The financial impact of implementing the 2011/12 management and policy savings for the 2012/13 and 2013/14 financial years (set out in appendices A and C); and
- d) The financial impact of implementing the additional savings identified for 2012/13 and 2013/14 (set out in appendix B).

Action

Director of Finance and Corporate Services

CC.122 CORPORATE RECOVERY AND WRITE OFF REPORT

A report submitted by the Revenues and Payment Manager presented the Council's Corporate Recovery and Write Off Policy to members for approval.

Motion

To approve the Corporate Recovery and Write Off Policy attached as Appendix A to the report.

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

Decision

The Council unanimously agreed to approve the Corporate Recovery and Write Off Policy attached as Appendix A to the report.

Action

Revenues and Payment Manager

CC.123 CORPORATE PROSECUTION POLICY

A report submitted by the Revenues and Payment Manager presented the Council's Corporate Prosecution Policy to members for approval.

Motion

To approve the Corporate Prosecution Policy attached as Appendix A to the report.

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

Decision

The Council unanimously agreed to approve the Corporate Prosecution Policy attached as Appendix A to the report.

Action

Revenues and Payment Manager

CC.124 CLACKMANNANSHIRE BIODIVERSITY ACTION PLAN 2012-2016

A report submitted by the Head of Community and Regulatory Services sought Council approval for the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation. The new CBAP has been produced by the Clackmannanshire Biodiversity Partnership with assistance from the Council's Sustainability Team.

Motion

To approve the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to approve the Clackmannanshire Biodiversity Action Plan (CBAP) 2012-2016 and associated Environmental Report so that it can go out to public consultation.

Action

Head of Community and Regulatory Services

In line with Standing Order 10.24, the Provost adjourned the meeting at this point in the proceedings (11.40 am). The meeting resumed at 11.50 am and there were 18 members present.

CC.125 FAIR TRADE

A report submitted by the Head of Community and Regulatory Services requested the Council's support for the Clackmannanshire Fairtrade Group's bid to achieve Fairtrade Zone status for Clackmannanshire, by formally declaring its commitment to fair trade, and to purchasing fairly traded goods whenever possible. A resolution declaring the local authority's commitment to fair trade is one of the criteria for achieving Fairtrade Zone status.

Motion

That the Council:

- a) Adopts the following resolution: "Clackmannanshire Council recognises the importance of fair trade and resolves to support the Clackmannanshire Fairtrade Group, Fairtrade Clacks, in its bid to achieve Fairtrade Zone Status for Clackmannanshire by the actions set out in this report." and
- b) Nominates Councillor Janis Paterson, Depute Provost as the Council's representative on the Steering Group.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

Decision

The Council unanimously agreed to:

- a) Adopt the following resolution: "Clackmannanshire Council recognises the importance of fair trade and resolves to support the Clackmannanshire Fairtrade Group, Fairtrade Clacks, in its bid to achieve Fairtrade Zone Status for Clackmannanshire by the actions set out in this report." and
- b) Nominate Councillor Janis Paterson, Depute Provost as the Council's representative on the Steering Group.

Action

Head of Community and Regulatory Services

CC.126 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16 - COUNCIL FINANCES

A notice of motion in terms of Standing Order 16 was submitted by Councillor Bobby McGill.

Motion

"That this Council instructs this Chief Executive to engage a suitable qualified independent auditor to look into allegations of financial mismanagement including inappropriate influences in financial matters involving Elected Members of this Council.

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

Procedural Motion (SO 15.6)

Councillor Holden moved that the matter be put to the vote. Councillor Janis Paterson seconded the motion.

Under Standing Order 15.8, the Provost accepted the motion and the procedural motion was put to the vote.

Voting on the procedural motion

Councillor Womersley asked for a roll call vote on the procedural motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the procedural motion (9)

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

Against the procedural motion (2)

Councillor Eddie Carrick
Councillor Alastair Campbell

Not voting (7)

Councillor Derek Stewart
Councillor George Matchett
Councillor Rev Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren

On a division of 9 votes to 2 with 7 abstentions, the Council agreed to proceed to vote on the motion submitted by Councillor Bobby McGill.

Voting

Councillor Holden asked for a roll call vote on the motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the motion (7)

Councillor Derek Stewart
Councillor George Matchett
Councillor Rev Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren

Against the motion (8)

Councillor Walter McAdam QPM
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Councillor Irene Hamilton
Provost Tina Murphy
Councillor Craig Holden

Not voting (3)

Councillor John Biggam
Councillor Eddie Carrick
Councillor Alastair Campbell

The motion was defeated by 8 votes to 7 with 3 abstentions.

Councillor George Matchett QPM and Councillor Bobby McGill withdrew from the meeting prior to the following item of business.

CC.127 PUBLIC CONVENIENCES, ALLOA

A report which sought Council approval to review a Council decision in relation to the provision of public conveniences in Alloa was submitted by the Director of Services to Communities as an item of urgent business.

In terms of Standing Orders 11.5-11.8, the report was taken as a matter of urgent business. As the Council had previously agreed to close and demolish the public conveniences in Alloa, Council officers required the timeous, explicit authority of the Council not to proceed with the demolition.

Motion

That Council

- a) Instructs officers not to proceed with the demolition of the toilet block at Maple Court in Alloa; and
- b) Instructs officers to review the provision of public conveniences in Alloa Town Centre in the context of other agreed developments.

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

Voting

Councillor Holden asked for a roll call vote on the motion. 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 (12)

Councillor Walter McAdam QPM
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Councillor Irene Hamilton
Provost Tina Murphy
Councillor Craig Holden
Councillor John Biggam
Councillor Eddie Carrick
Councillor Alastair Campbell
Councillor Kenneth Earle

Against the motion (2)

Councillor Rev. Sam Ovens
Councillor Harry McLaren

Not voting (2)

Councillor Derek Stewart
Councillor Janet Cadenhead

Decision

On a division of 12 votes to 2 with 2 abstentions, the Council agreed to:

- a) Instructs officers not to proceed with the demolition of the toilet block at Maple Court in Alloa; and
- b) Instructs officers to review the provision of public conveniences in Alloa Town Centre in the context of other agreed developments.

Action

Director of Services to Communities



**Clackmannanshire
Council**

www.clacksweb.org.uk

**THIS PAPER RELATES TO
ITEM 3(b)
ON THE AGENDA**

MINUTE OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 9 FEBRUARY 2012 at 10.00 am.

PRESENT

Provost Tina Murphy (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 Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Janis Paterson
Councillor Derek Stewart
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, Legal Services (Clerk to the Council)

CC.128 APOLOGIES

Apologies for absence were received from Councillor Reverend Sam Ovens.

CC.129 DECLARATIONS OF INTEREST

None

Protocol for Managing Debate

Before consideration of agenda items 3(a) and (b), the Provost invited the Clerk to the Council to advise members on a protocol for managing debate on agenda items 3(a) and 3(b). The protocol, which accorded with Standing Orders, had been circulated in narrative and flowchart formats in advance of the meeting.

The Clerk advised that the protocol reflected Standing Orders and outlined the process to be followed.

CC.130 GENERAL SERVICES REVENUE AND CAPITAL BUDGETS 2012/13-2014/15

A report submitted by the Director of Finance and Corporate Services presented the Council's General Services Revenue and Capital Budgets for 2012/13. Indicative figures were also provided for 2013/14 and 2014/15. In terms of Standing Order 12.1, the Director of Finance and Corporate Services was invited to introduce the report to the Council.

In terms of Standing Order 12.2, elected members then had opportunity to put questions to the Director.

Further to a request by Councillor McGill, the Provost agreed to adjourn the meeting at 10.25 am. When the meeting resumed at 10.40 am, there were 17 members present.

Questions to officers continued following the adjournment. Members had further opportunity to put questions to, and request explanations from, the Director of Finance and Corporate Services or any other officer in attendance who held information relevant to the matter under consideration.

Motion

That Council approves the recommendations set out in the report (agenda item 3(a)) at paragraph 2.1 (Revenue Budget) and at paragraph 2.2 (Capital Budget).

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

Voting

In terms of Standing Order 14.7, Councillor Donald Balsillie asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the Motion (10)

Councillor John Biggam
Councillor Craig Holden
Councillor Eddie Carrick
Councillor Walter McAdam, MBE
Councillor Irene Hamilton
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Provost Tina Murphy

Abstain (Not Voting) (7)

Councillor George Matchett, QPM
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Derek Stewart

Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Alastair Campbell

There were 10 votes for the motion with 7 abstentions.

Decision

Accordingly, on a division of 10 votes with 7 abstentions, the Council agreed to:

Revenue Budget:

- (a) Approve the General Services Revenue Budget for 2012/13 (as set out in Appendix A of the report)
- (b) Note the previously approved savings incorporated within the budget (Appendix B)
- (c) Approve the proposals for demand pressures (Appendix C)
- (d) Note the 0% increase in the level of Council Tax for 2012/13, resulting in Band D remaining at £1,148.
- (e) Note the indicative budget savings targets for 2013-2015 (Table 1 of the report refers)
- (f) Approve the utilisation of £2.022m of uncommitted reserves to present a balanced position for 2012/13 in anticipation of the contribution due at 31 March 2012 as a consequence of savings activity set out in Table 3 of the report.
- (g) Endorse the proposed approach to establish business cases and undertake consultation in respect of future years' savings.
- (h) Approve the proposal to amend the Council's uncommitted General Services Reserve Strategy to a minimum of 3% of budgeted net expenditure.
- (i) Confirm to the Scottish Government its formal assurance that the budget approved for 2012/13 includes provision to deliver across all of the specified commitments in the settlement letters of 21 September and 8 December 2011.

Capital Budget:

- (a) Approve the underpinning principles set out in paragraph 4.5 of the report to guide the preparation of future years' capital budgets.
- (b) Approve the financing limits placed on capital investment for 2012/13-2014/15 (Table 4 of the report refers)
- (c) Approve the General Services Capital Budget for 2012-2015 (Appendix D).
- (d) Note the re-phasing and reprioritisation of capital projects to contain expenditure within gross programme limits (paragraph 4.12 of the report refers).
- (e) Note that officers intend to bring forward a report on the creation of a Capital Stimulus Fund focused on the identification of innovative funding mechanisms to stimulate the local economy (Table 5 of the report refers).

Action

Chief Executive/Directors Finance and Corporate Services/Services to Communities

* * *

In terms of Standing Order 10.22, the meeting adjourned at 12.30 pm and resumed at 1.00 pm. Fifteen (15) members were present when the meeting resumed.

Councillors Campbell and Matchett withdrew from the meeting at 12.30 pm

* * *

**CC.131 HOUSING REVENUE BUDGET 2012/13 AND CAPITAL PROGRAMME
2012/13**

A report submitted by the Head of Community and Regulatory Services presented to Council the Housing Revenue Budget and Housing Capital Programme for the financial year 2012/13. The report also highlighted the key factors influencing the budget.

Motion

That Council approves the recommendations set out in the report subject to the undernoted amendment:

Substitute the following wording to recommendation 2.1(b)

- (b) an increased level for Council house rents of 6.8% for financial year, 6.8% being the most recent (December) RPI figure and considered to be more consistent with the future outlook.

Add the following recommendation:

- 2.1(e) In 2013/14, the relevant inflation figure to be applied to any rent increase will be subject to further review through the Housing Business Plan, with the purpose of smoothing out inflation rate peaks and troughs.

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

Councillor McGill indicated that the amendment was accepted by the Labour Group

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 15 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the Motion (15)

Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Derek Stewart
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor John Biggam
Councillor Craig Holden
Councillor Eddie Carrick
Councillor Walter McAdam, MBE
Councillor Irene Hamilton
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley
Provost Tina Murphy

There were 15 votes for the motion and no votes against.

Decision

Accordingly, the Council agreed unanimously to support the report subject to the amendment moved by Councillor Womersley and seconded by Councillor English to approve:

- (a) the summary budget on income and expenditure based on the approved HRA Business Plan, as set out in the report and Appendix 1 of the report.
- (b) an increased level for Council house rents of 6.8% for financial year 2012/13; 6.8% being the most recent (December) RPI figure and considered to be more consistent with the future outlook.
- (c) the same level of increase to be applied to charges for lock-ups, garage sites and the Travelling People's site,
- (d) the proposed Housing (HRA) Capital Programme for 2012/13 and the indicative programmes for 2013/14 and 2014/15, as set out in Appendix 2 of the report; and
- (e) In 2013/14, the relevant inflation figure to be applied to any rent increase will be subject to further review through the Housing Business Plan, with the purpose of smoothing out inflation rate peaks and troughs.

Action

Director of Services to Communities/Director of Finance and Corporate Services

CC.132 PRUDENTIAL INDICATORS 2012/13 TO 2014/15

A report submitted by the Director of Finance and Corporate Services updated and revised the indicators approved by Council last year in the context of the Council's latest spending plans over the period 2012/13 to 2014/15. The report also outlined the purpose of each of the indicators and the implications of the proposed levels, values and parameters for Clackmannanshire Council.

Motion

That Council approves the prudential indicators set out in the report for the years 2012/13 to 2014/15 in compliance with the Prudential Code requirements.

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

Decision

The Council agreed unanimously to approve the prudential indicators set out in the report for the years 2012/13 to 2014/15 in compliance with the Prudential Code requirements.

Action

Director of Finance and Corporate Services

ENDS 1.40 pm

Report to Council

Date of Meeting: 8th March 2012

Subject: Shared Services: Sharing Costs and Benefits

Report by: Director of Finance and Corporate Services

1.0 Purpose

- 1.1. The purpose of this report is to seek Council's approval for the methods to be used to apportion costs/benefits of the joint management teams between Clackmannanshire and Stirling Councils.
- 1.2 A similar report was due to be presented to Stirling Council on 1st March.

2.0 Recommendations

- 2.1 It is recommended that Council:
- a) agrees the methods of apportioning costs and savings as set out in paragraph 3.1 of this report;
 - b) agrees the application of these methods to the posts set out in the tables at paragraphs 4.2 and 4.3 of this report;
 - c) delegates to the respective Chief Executives authority to apply the apportionment methods as appropriate to future costs and savings resulting from shared services in social services and education.

3.0 Proposed Methods of Apportionment

- 3.1 Costs and savings associated with shared services fall into three broad categories as follows
- Shared Costs: those that can be shared according to volumes of business - where costs arise because of the volume of particular activities, they can be shared in proportion to total activity. Apportioning shared costs on the basis of Grant Aided Expenditure (GAE) is proposed for these cases (e.g. population or roll based service)
 - Equal Costs: those that should be split equally - there are some posts where costs are not reflective of volume of business or population size. For example Heads of Service and strategic development roles are not

directly related to client or pupil numbers. It is proposed, therefore, that these types of costs are shared equally between the councils.

- Unique Costs; those that remain unique to each organisation - such costs are attributable to one Council only and reflect direct delivery of services such as schools or care homes.

- 3.2 While one of these methods will be relevant to most posts, some posts may require a combined approach to apportionment which applies more than one method.

4.0 Application to Shared Posts

- 4.1 The tables which follow set out the proposed application of the methods of apportionment of costs to the shared posts in both services. The proposals have been discussed and agreed by the Programme Board and were also considered by the Shared Services Steering Group on 31 January, 2012, and discussed at a briefing for elected members of both councils held on 22 February, 2012.

Education

- 4.2 The majority of posts are split according to GAE, with the Head of Service and Business Manager posts being split equally.

Post	Method	Clacks	Stirling
Head of Service	Equal	50	50
Assistant HOS (3)	Split (GAE)	38	62
Service Manager (5)	Split (GAE)	38	62
Business Manager	Equal	50	50
QIOs	Split (GAE)	38	62

Social Services

- 4.3 Four posts are identified as essentially independent from client numbers or volume of operational activity and have their costs shared equally. Eight posts are defined as operational and thus have been apportioned using the GAE allocations. The two area-based childcare manager posts have been apportioned on a combined basis, applying a large element for unique costs (80%) and a smaller element derived from GAE (20%).

Post	Method	Clacks	Stirling
Head of Service	Equal	50	50
Asst Head of Service (Strategy)	Equal	50	50
Asst Head of Service (Operations)	Split (GAE)	37	63
Service Manager (Strategy)	Equal	50	50
Service Manager (joint with NHS)	Split (GAE)	36	64
Service Manager (Child Care Resourcing)	Split (GAE)	46	54
Service Manager (Child Protection & EEI)	Split (GAE)	46	54
Service Manager (Adult Provision)	Split (GAE)	35	65
Service Manager (Criminal Justice)	Split (GAE)	36	64
Service Manager Adult Assessment & CM)	Split (GAE)	36	64
Service Manager (Child Care Clacks)	Split (Unique and GAE)	89	11
Service Manager (Child Care Stirling)	Split (Unique and GAE)	9	91
Specialist / Project Post	Equal	50	50

- 4.4 The effective date of implementation of these shared costs will be from the date on which postholders took up post.
- 4.5 Overall, the shared management teams in social services and education contain fewer posts than the previous number across both councils, with there being 2.5 fewer in social services and 5 fewer in education.
- 4.6 The following table summarises the budget impact for a full year. This is based on 2011-12 GAE data and 2010-11 base costs. The social services figures also include savings made in the Criminal Justice Service.

Service	Current Budgets £000	Shared Costs £000	Total (Saving)/Cost £000	Stirling (Saving)/Cost £000	Clacks (Saving)/Cost £000
Education	£1,415	£1,161	(£254)	(£152)	(£102)
Social Services	£1,039	£914	(£125)	£8	(£133)
Total	£2,454	£2,075	(£379)	(£144)	(£235)

5.0 Future Application of Methods & Annual Review

- 5.1 If Council agrees the methods of apportionment and their application to the shared management posts, it is proposed that future decisions on apportionment are delegated to the Chief Executives of the two authorities to decide based on the methods outlined in this report.
- 5.2 It is anticipated that the apportionment of costs and benefits would be reviewed on an annual basis to ensure the method used is still appropriate. The outcome of this review and any application to future posts would be reported to the Steering Group.

6.0 Sustainability Implications

None

7.0 Resource Implications

Financial Details

- 7.1 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒
- 7.2 Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒

Staffing

- 7.3 There are no staffing implications arising directly from this report.

8.0 Exempt Reports

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

9.0 Declarations

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

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

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

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

10.0 Equalities Impact

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

11.0 Legality

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

12.0 Appendices - None

13.0 Background Papers

Shared Costs & Benefits - Report to Programme Board

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Nikki Bridle	Director, Finance and Corporate services	01259 452373
Elaine McPherson	Chief Executive	01259 452002

Approved by

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Signed: E McPherson

Report to: Clackmannanshire Council

Date: 8 March , 2012

**Subject: Amendments to Council Standing Orders and Scheme of
Delegation: Scrutiny Review**

Report by: Director of Finance and Corporate Services

1.0 Purpose

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

2.0 Recommendation

- 2.1 It is recommended that Council:

- a) approves the proposed revisions to Standing Orders November 2011;
- b) approves the proposed revisions to the Scheme of Delegation June 2011;
- c) notes the establishment of the Scrutiny Committee's Operational Protocol;
- d) endorses the proposal to consider separating the Audit and Scrutiny functions of the Scrutiny Committee as part of the review of political arrangements/ structures following the May 2012 election.

3.0 Background

- 3.1 At its meeting on 26 January 2012, Council noted that a report would come forward to this meeting with proposals to amend Standing Orders and the Scheme of Delegation. The context for this was the conclusion of improvement activity undertaken by the Scrutiny Committee to review its remit during 2011.
- 3.2 A draft of the proposed changes was circulated to elected members at a well attended elected member briefing held on 30th January 2012. The outcome of the meeting was to bring forward the scheduled report to Council with an additional recommendation to consider a change to the Committee's remit post the May 2012 elections.
- 3.3 The Scrutiny Committee has undertaken a thorough review of its operation and an Improvement plan was agreed by both Council and the Committee in June last year. Since then, the Committee has been undertaking work to implement the improvements, including establishing new Forward Planning

arrangements and a significant review of the remit and operating protocol for the Scrutiny Committee.

4.0 Considerations

4.1 The proposed revisions which follow are drawn from the draft remit shared with elected members at the briefing on the 30th January 2012.

4.2 **Standing Order 5.2** is to be replaced with the following revised remit:

The Scrutiny Portfolio - will do the following:

Scrutiny

- *Scrutinise Council decision-making*
- *Initiate or undertake scrutiny reviews as approved by the Council*
- *Monitor the performance of the organisation and services against agreed outcomes, standards and targets (including monitoring progress in meeting any approved policy or strategy)*
- *Monitor the performance of the organisation and services against agreed budgets.*
- *Monitor the performance of arms-length and external organisations that receive funds from us*

Audit

- *Receive the following reports and accompanying analysis:*
 - *external audit reports and action plans resulting from such*
 - *internal audit update reports and action plans resulting from such*
 - *internal audit results of investigations*
 - *Annual Statement of Accounts*
- *Consider and monitoring the operational and strategic internal audit plans and reviewing internal audit performance.*
- *Monitor and review actions taken on internal and external audit recommendations.*
- *Promote internal control by the systematic appraisal of our risk management processes, including corporate risk strategy and risk management procedures*
- *Monitor and review other relevant external reports, assessments and inspections*

General

- *Oversee the development and implementation of frameworks for managing Council resources and the development and application of*
- *the Council's governance framework*
- *Ensure systematic appraisal of the Council's control environment and framework of internal control, particularly via monitoring and review of the Annual Governance Statement*
- *Agree an annual scrutiny and audit plan (to be approved by Council) that includes service and policy review proposals which may be:-*
 - *items or issues identified by the Scrutiny Committee*
 - *items referred to the Scrutiny Committee by the Administration and/or Opposition.*
 - *items referred to the Scrutiny Committee directly by Council*
 - *items referred to the Scrutiny Committee from other stakeholders such as partner agencies.*
- *Examine areas of urgent concern and submitting reports on these to the Council for consideration and decision.*

4.3 It is also proposed that the Scrutiny Committee role detailed at **5.13 of the Scheme of Delegation** will be updated with the remit described at 4.2 above.

- 4.4 At the January briefing session, elected members were also provided with copies of the operating protocol agreed by the Committee. The aim of the protocol is to facilitate the smooth and effective operation of Committee meetings. It draws on the experience of the Committee in managing its dual roles as Scrutiny and Audit Committee for the Council. This protocol is complementary to existing provisions within the Council's Standing Orders and Scheme of Delegation.
- 4.5 The Scrutiny Committee has also considered the sustainability of its dual roles as both the Council's Scrutiny and Audit Committees. The Committee's experience suggests it is difficult to balance the workload and roles and is problematic in establishing manageable agenda which provide sufficient time for the items under consideration. This was also discussed at the cross party elected member briefing in January.
- 4.6 As a consequence of these related discussions, it is now proposed that the Council should consider separating these two committee functions to facilitate a clearer focus on the two distinct roles and allow for more effective agenda planning and meeting management in the future. The Committee is proposing that this should be taken into account by the new Administration, following the May 2012 elections when it is likely arrangements will be reviewed and/ or refreshed.

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 ☒

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, Standing Orders 30 November 2011

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, June 2011

Scrutiny Committee - Operational Protocol

Scheme of Delegation, June 2011

Author(s)

NAME	DESIGNATION	EXTENSION
Nikki Bridle	Director Finance & Corporate Services	2030

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director Finance & Corporate Services	Signed: N Bridle
Elaine McPherson	Chief Executive	Signed: E McPherson



Clackmannanshire Council

www.clacksweb.org.uk

Standing Orders

30 November, 2011

Strategy & Customer Services, Clackmannanshire Council, Greenfield, Alloa FK10 2AD
Phone: 01259 452003 Fax: 01259 452230 E-mail: chiefexecutiveservice@clacks.gov.uk
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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.

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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, Depute Provost, Leader, Depute Leader, any Convener, Depute Convener of a committee or any member of a committee (this includes appointed members and co-opted members).
- 2.5 Removing the Provost, Depute Provost, Leader, Depute Leader, Convener or Depute 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 Depute Provost, Leader, Depute Leader, Convener or Depute Convener) should be removed from office.
- 2.7 Any motion for removing the Provost, Depute Provost, Leader, Depute Leader, Convener, Depute 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
- Petitions Committee

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
Petitions Committee	6	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 20.3)
- 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.

20.3 - 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
Petitions Committee	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)

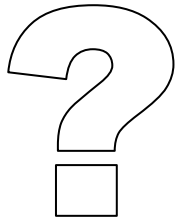
- 10.2 It is the duty of the Provost to make sure that standing orders are followed and to make sure that all members receive a fair hearing.
- 10.3 When the Provost begins to speak, other members must stop speaking.
- 10.4 The Provost will decide on the order in which members may speak.
- 10.5 The decision 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.

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

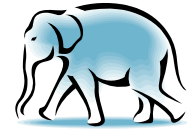
13.22 A motion or an amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

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.

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 SUSPENDING & AMENDING STANDING ORDERS

20.1 Suspending Standing Orders

- 20.2 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.
- 20.3 Appointed members may not take part in the vote on a motion to suspend standing orders.
- 20.4 Committees cannot suspend our financial regulations or contract standing orders.
- 20.5 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.



20.6 Amending Standing Orders

- 20.7 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.

21.0 COUNCIL & COMMITTEE MEETINGS - MINUTES OF MEETINGS

- 21.1 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.
- 21.2 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.
- 21.3 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.

22.0 DELEGATION

22.1 Delegation arrangements

22.2 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.

22.3 Delegation to committees and officers

22.4 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.

22.5 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 22.2, 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.

22.6 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).

23.0 DEEDS & OUR COMMON SEAL

- 23.1 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).
- 23.2 The Governance Manager will be responsible for keeping safe and using our common seal.

