

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on FRIDAY 1 JUNE 2012 at 10.00 am.

PRESENT

Provost Tina Murphy (In the Chair)
Councillor Donald Balsillie
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Archie Drummond
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Craig Holden
Councillor Kathleen Martin
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Les Sharp
Councillor Jim Stalker
Councillor Derek Stewart
Councillor Graham Watt
Councillor Gary Womersley

IN ATTENDANCE

Elaine McPherson, Chief Executive
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
Belinda Greer, Head of Joint Education Services, Clackmannanshire and Stirling
Susan MacKay, Revenues and Payments Manager
David Thomson, Solicitor, Legal Services (Clerk to the Council)

CC.08/01 APOLOGIES

None

CC.09 DECLARATIONS OF INTERESTS

None

CC.10 MINUTES OF MEETINGS

(i) Minutes of Meeting: Clackmannanshire Council 8 March 2012

The minutes of the meeting of the Clackmannanshire Council held on 8 March 2012 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 8 March 2012 were agreed as a correct record and signed by the Provost.

(ii) Minutes of Statutory Meeting: Clackmannanshire Council 17 May 2012

The minutes of the Statutory Meeting of the Clackmannanshire Council held on 17 May 2012 were submitted for approval.

Decision

Page 23 (CC.05) (c) (i) (Local Review Body) - Minute to be amended to read "The Council agreed unanimously to elect Councillor Campbell as Convenor of the Local Review Body"

Subject to the above amendment, the minutes of the Statutory Meeting held on 17 May 2012 were agreed as a correct record and signed by the Provost.

CC.11 THE COUNCIL'S DECISION MAKING FRAMEWORK

A report submitted by the Chief Executive set out proposals for changes to the Council's committee structure, political responsibilities, accountabilities and chief officer structure and functions.

The Council was asked to note that as some of the recommendations set out in the report will alter or withdraw Council decisions which have been made in the last six months (or will have that effect) that:

- (a) the Provost, after consultation, had indicated she was satisfied that circumstances have changed in a relevant way, namely the formation of a new Administration and the notice given at the meeting of 17 May 2012 that changes to Standing Orders affecting the committee structure would be brought before this meeting: and
- (b) the relevant decisions were specified in section 12 of the report as required by Standing Order 17.1.

Motion

That Council agrees the recommendations set out in the report.

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

Councillor Womersley intimated that further proposed changes to Standing Orders would be brought before the next ordinary meeting of the Council

Amendment I

In Appendix 2, Proposed Remits of New Standing Committees, Resources and Audit Committee :-

Delete the words "(excluding those covered by other Standing Committees)".

Moved by Councillor Archie Drummond. Seconded by Councillor Craig Holden.

Amendment II

Replace recommendations 2.1 with the following:

The Labour Group proposes an amendment to the Administration's proposal to alter the Council's Decision Making Framework, namely:

To delete recommendations 2.1(a) and to substitute therefore:

"It is recommended that Council:

- (i) Changes the usual cycle of meetings from 6 weekly to 4 weekly:

Reason - this will allow the opportunity for more appropriate service specific reports to be debated and agreed more frequently by Council.

- (ii) Note that revisions to the Scheme of Delegation and Standing Orders to include the above changes (if approved) will be brought to a future Council meeting."

Moved by Councillor Bobby McGill. Seconded by Councillor Jim Stalker.

Amendment III

Amendment to replace the recommendations 2.1 with the following:

The Labour Group proposes an amendment to the Administration's proposal to alter the Council's Decision Making Framework.

To delete recommendations 2.1(b) and to substitute therefore:

"It is recommended that Council:

- (i) Approves the establishment (in place of the existing Scrutiny Committee) of (1) an Audit and Monitoring Committee and (2) a Scrutiny Committee with specific responsibilities and remits which shall be the subject of a paper to be presented at a future Council meeting after consultation.
- (ii) Notes that revisions to the Scheme of Delegation and Standing Orders to include the above changes (if approved) will be brought to a future Council meeting."

Moved by Councillor Janet Cadenhead. Seconded by Councillor Derek Stewart

Amendment IV

Amendment to replace the recommendations 2.1 with the following:

The Labour Group proposes an amendment to the Administration's proposal to alter the Council's Decision Making Framework.

To delete recommendations 2.1(h) and to substitute therefore:

"It is recommended that Council:

- (i) Sets up a time limited cross party group to review the Chief Officers management structure at Head of Service level for the following reasons:
 - (1) This will give members the opportunity to reflect on changes made through shared services, look at Housing and how it links with other services and,
 - (2) to give members confidence that appropriate strengths are available in Corporate Services.

Moved by Councillor Bobby McGill. Seconded by Councillor Janet Cadenhead.

VOTING

Voting on Amendment I:

The Council agreed unanimously to support Amendment I :

Appendix 2, Proposed Remits of the New Standing Committees, Resources and Audit Committee to delete the words "excluding those covered by other Standing Committees".

Voting on Amendment II:

In terms of Standing Order 14.8, 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 18 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For Amendment II (8)

Councillor George Matchett, QPM
Councillor Jim Stalker
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kathleen Martin
Councillor Derek Stewart
Councillor Graham Watt
Councillor Kenneth Earle

Against Amendment II (9)

Councillor Archie Drummond
Councillor Les Sharp
Councillor Walter McAdam, MBE
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Irene Hamilton
Councillor Gary Womersley
Provost Tina Murphy

Abstain (1)

Councillor Alastair Campbell

There were 8 votes for the amendment and 9 votes against with one abstention. Accordingly, on a division, Amendment II was defeated by 9 votes to 8 with one abstention.

Voting on Amendment III:

In terms of Standing Order 14.8, Councillor Janet Cadenhead asked for a roll call vote. 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 Amendment III (9)

Councillor George Matchett, QPM
Councillor Jim Stalker
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kathleen Martin
Councillor Derek Stewart
Councillor Graham Watt
Councillor Kenneth Earle
Councillor Alastair Campbell

Against Amendment III (9)

Councillor Archie Drummond
Councillor Les Sharp
Councillor Walter McAdam, MBE
Councillor Ellen Forson
Councillor Craig Holden
Councillor Donald Balsillie
Councillor Irene Hamilton
Councillor Gary Womersley
Provost Tina Murphy

There were 9 votes for the amendment and 9 votes against. Accordingly, on the casting vote of the Provost, amendment III was defeated.

Voting on Amendment IV:

In terms of Standing Order 14.8, 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 18 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For Amendment IV (9)

Councillor George Matchett, QPM
Councillor Jim Stalker
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kathleen Martin
Councillor Derek Stewart
Councillor Graham Watt
Councillor Kenneth Earle
Councillor Alastair Campbell

Against Amendment IV (9)

Councillor Archie Drummond
Councillor Les Sharp
Councillor Walter McAdam, MBE
Councillor Ellen Forson
Councillor Craig Holden
Councillor Donald Balsillie
Councillor Irene Hamilton
Councillor Gary Womersley
Provost Tina Murphy

There were 9 votes for the amendment and 9 votes against. Accordingly, on the casting vote of the Provost, amendment IV was defeated.

Voting on the Motion as amended by Amendment I:

In terms of Standing Order 14.8, 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 18 members present who were eligible to vote. On the roll being called, the members present voted as follows:

For the motion as amended by Amendment I: (9)

Provost Tina Murphy
Councillor Gary Womersley
Councillor Craig Holden
Councillor Donald Balsillie
Councillor Irene Hamilton
Councillor Ellen Forson
Councillor Walter McAdam, MBE
Councillor Les Sharp
Councillor Archie Drummond

Against the motion as amended by Amendment I: (8)

Councillor Kenneth Earle
Councillor Graham Watt
Councillor Derek Stewart
Councillor Kathleen Martin
Councillor Janet Cadenhead
Councillor Bobby McGill
Councillor Jim Stalker
Councillor George Matchett, QPM

Abstain: (1)

Councillor Alastair Campbell

Decision

The motion as amended by Amendment 1 was carried by 9 votes to 8 with one abstention. Accordingly, the Council agreed to:

- (a) Approve the Committee structure set out in Appendix 1 and Section 3 of the report which introduces three new committees and modifies the remit of the Scrutiny Committee.
- (b) Approve the remits of the new Committees and the revised remit of the Scrutiny Committee (renamed Resources and Audit) as set out in Appendix 2 and paragraphs 3.4 and 3.5 of the report subject to deletion of the words "excluding those covered by other Standing Committees" (Appendix 2, Proposed Remits of New Standing Committees, Resources and Audit Committee)
- (c) Approve the new framework of political responsibilities which replaces portfolio holders with Committee Convenors who are also spokespersons on relevant service performance and policy issues as set out in Section 4 of the report.
- (d) Appoint Convenors and Vice Convenors to the three new committees described in paragraph 3.2 of the report.
- (e) Approve the positions which are awarded senior councillor responsibility payments as set out in paragraph 4.2 of the report.

- (f) Remit to the Head of Strategy and Customer Services to seek nominations for three appointed members to sit on the Education, Sport and Leisure Committee as set out in paragraph 3.11 of the report.
- (g) Remit to the Head of Strategy and Customer Services to seek nominations for four co-opted representatives to sit on the Enterprise and Environment Committee as set out in paragraph 3.13 of the report.
- (h) Approve the establishment of an additional Head of Service post within Services to Communities as set out in section 5 of the report.
- (i) Approve the main roles and responsibilities of the Heads of Service posts in Services to Communities as set out in Appendix 4 of the report.
- (j) Approve the establishment of an Appointments Committee as set out in paragraph 5.6 of the report.
- (k) Nominate elected members to sit on the Appointments Committee as set out in paragraph 5.6 of the report.
- (l) Note that revisions to the Scheme of Delegation and Standing Orders to include the above changes will be brought to the next Council meeting.

Arrangements for the Council's new decision-making framework to be put in place so that the new approach comes into being following the summer recess (August 2012).

Appointment of Convenors and Vice Convenors (Decision (d) above)

Following agreement of the new Committee Structure, the Council agreed the appointment of Convenors and Vice-Convenors to the three new committees as follows:

1. Housing, Health and Social Care Committee

Councillor Les Sharp (Convenor)
Provost Tina Murphy (Vice Convenor)

Nominated by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

2. Education, Sport and Leisure Committee

Councillor Ellen Forson (Convenor)
Councillor Walter McAdam, MBE (Vice Convenor)

Nominated by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

3. Enterprise and Environment Committee

Councillor Donald Balsillie (Convenor)
Councillor Irene Hamilton (Vice-Convenor)

Nominated by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Head of Service Appointment (Decision (k) above)

The proposed composition of the Appointment Committee is:

Council Leader (Committee Chair)
2 Administration members
2 Opposition Group Members
1 Non-main Opposition Group Member

The Council agreed that nominations to the Appointments Committee would be submitted to the Chief Executive outwith the forum of today's meeting.

Action

Chief Executive

- In line with Standing Order 10.25, the Provost adjourned the meeting at this point in the proceedings (12.10 pm). When the meeting resumed at 12.30 pm, seventeen (17) members remained present. Councillor George Matchett, QPM, withdrew from the meeting at this point in the proceedings.

CC.12 FILLING OF COMMITTEE VACANCIES

A report submitted by the Chief Executive invited the Council to agree membership of its committees as set out in the report.

The recommendations set out in the report reflected the political balance agreed by the Council at its statutory meeting and any appointments which were made at that meeting and which were made at today's meeting in the context of the separate report on the agenda entitled "The Council's Decision Making Framework".

Motion

That nominations be submitted to the Chief Executive outwith the forum of today's meeting.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed that nominations be submitted to the Chief Executive outwith the forum of today's meeting with the exception of Planning Committee members in order that members are identified for the meeting of the Planning Committee scheduled for 7 June 2012.

Planning Committee Members

Councillor Alastair Campbell (Convenor)
Councillor Graham Watt (Vice Convenor)
Provost Tina Murphy
Councillor Ellen Forson
Councillor Les Sharp
Councillor Walter McAdam, MBE
Councillor Gary Womersley
Councillor Bobby McGill
Councillor George Matchett, QPM
Councillor Kenneth Earle

Councillor Alastair Campbell notified nominations for non-main Opposition Group Members. The nominations were agreed by Council as follows:

- **Housing, Health and Care Committee**
Councillor Archie Drummond
- **Workforce Committee**
Councillor Archie Drummond
- **Enterprise and Environment Committee**
Councillor Alastair Campbell
- **Education, Sport and Leisure Committee**
Councillor Alastair Campbell
- **Regulatory Committee**
Councillor Alastair Campbell
- **Appointments Committee (Head of Housing Appointment)**
Councillor Archie Drummond

Action

Chief Executive

CC.13 CLACKMANNANSHIRE COUNCIL ELECTED MEMBER REPRESENTATION ON OUTSIDE BODIES

A report submitted by the Director of Finance and Corporate Services set out requests for elected member representation on outside bodies and sought Council's view on whether it wishes to be represented and, if so, to make nomination to the individual organisations.

The Council noted that Clackmannanshire Heritage Trust have indicated that 2 members will meet their current need for councillors to sit on the Council of Management and not 3 councillors as previously.

Motion

That Council confirms its continued membership of the various organisations and nominates elected members to the organisations as appropriate.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed the following nominations/representation on outside bodies:

Organisation	Elected Member(s)
Association for Public Service Excellence (APSE)	Councillor Les Sharp
Central Scotland Joint Fire and Rescue Board	Councillor Irene Hamilton Councillor Derek Stewart Provost Tina Murphy (Substitute) Councillor Kenneth Earle (Substitute)
Central Scotland Joint Police Board	Councillor Les Sharp Councillor George Matchett Councillor Ellen Forson (Substitute)

	Councillor Derek Stewart (Substitute)
Central Scotland Joint Valuation Board	Councillor Craig Holden Councillor Donald Balsillie Councillor Kathleen Martin Councillor Ellen Forson (Substitute) Councillor Les Sharp (Substitute) Councillor Jim Stalker (Substitute)
Central Scotland Regional Equality Council Ltd	Councillor Irene Hamilton
Clackmannanshire and Stirling NHS Forth Valley Partnership Board	Councillor Gary Womersley Councillor Les Sharp Councillor Janet Cadenhead
Clackmannanshire Access Forum	Councillor Donald Balsillie Councillor Derek Stewart
Clackmannanshire Alliance	Councillor Gary Womersley Councillor Bobby McGill
Clackmannanshire and Stirling Environmental Trust	Councillor Donald Balsillie Councillor Irene Hamilton Councillor Graham Watt
Clackmannanshire Business Ltd	Councillor Gary Womersley Councillor Donald Balsillie
Clackmannanshire Heritage Trust	Councillor Donald Balsillie Councillor Derek Stewart
Clackmannanshire Sports Council	Provost Tina Murphy (Honorary President) Councillor Ellen Forson Councillor Bobby McGill
Clackmannanshire/Stirling Community Health Partnership	Councillor Les Sharp Councillor Janet Cadenhead
CoSLA Convention	Councillor Gary Womersley Councillor Craig Holden Councillor Bobby McGill
CoSLA Leaders' Meeting	Councillor Gary Womersley
CSBP Clackmannanshire Developments Ltd	Councillor Gary Womersley Councillor Bobby McGill
CSBP Clackmannanshire Investments Ltd	Councillor Gary Womersley Councillor Bobby McGill
Dollar Academy Trust	Councillor Alastair Campbell
Dollar Museum	Councillor Irene Hamilton
Edinburgh Airport Consultative Committee	Councillor Alastair Campbell
Fife and Forth Valley Community Justice	Councillor Les Sharp

Authority	Provost Tina Murphy (Substitute)
Forth Valley Tourism Partnership	Councillor Donald Balsillie
Highland Reserve Forces and Cadets Association	Provost Tina Murphy
Industrial Communities Alliance	Councillor Bobby McGill
Joint Children's Panel Advisory Committee	Councillor Ellen Forson
NHS Forth Valley (NHS Board)	Councillor Gary Womersley
Ochil View Housing Association	Councillor Les Sharp
Order of Malta Dial-a-Journey	Councillor Walter McAdam
Paragon Housing Association Ltd	Provost Tina Murphy
Scotland Excel	Councillor Archie Drummond
Scottish Councils Committee on Radioactive Substances - SCCORS	Councillor Donald Balsillie
Scottish Enterprise - East Regional Advisory Board	Councillor Archie Drummond
Scottish Local Government Forum Against Poverty	Councillor Irene Hamilton
Scottish Schools Equipment Research Centre (SSERC)	Councillor Walter McAdam Councillor Ellen Forson (Substitute)
SESTRAN Regional Transport Partnership	Councillor Donald Balsillie Councillor Irene Hamilton (Substitute)
Trust - Alloa Day Home Trust	Provost Tina Murphy Councillor Gary Womersley Councillor Ellen Forson Councillor Kenneth Earle Councillor Graham Watt
Trust - Clackmannan District Brass Band Trust	Councillor Gary Womersley Councillor Craig Holden Councillor Kenneth Earle Councillor Derek Stewart
Trust - Clackmannan District Charitable Trust	Provost Tina Murphy Councillor Ellen Forson Councillor Archie Drummond Councillor Kathleen Martin
Trust - Comrie Trust	Provost Tina Murphy Councillor Donald Balsillie Councillor Bobby McGill Councillor Walter McAdam

Trust - Spittal Trust

Provost Tina Murphy
Councillor Gary Womersley
Councillor Craig Holden
Councillor Kenneth Earle
Councillor Graham Watt

Tullibody Health Living Initiative

Provost Tina Murphy
Councillor Les Sharp
Councillor George Matchett
Councillor Jim Stalker

University of Stirling Conference

Councillor Walter McAdam

Action

Director of Finance and Corporate Services

CC.14 GLENOCHIL AND CORNTON VALE PRISON VISITING COMMITTEES

A report submitted by the Head of Strategy and Customer Services sought approval for the nomination of five committee members for Glenochil Prison Visiting Committee (PVC) and approval for the nomination of two committee members for Cornton Vale Prison Visiting Committee (PVC).

Motion

That Council notes the information set out in the report and approves the nominations for Glenochil and Cornton Vale Prison Visiting Committees.

Moved by Councillor Bobby McGill. Seconded by Councillor Graham Watt.

Decision

The Council agreed to note the information set out in the report and agreed the nominations for Glenochil and Cornton Vale Prison Visiting Committees as follows:

Glenochil Prison Visiting Committee

Mr Robyn Murray
Mr Robin Morris
Mr John Biggam
Councillor Kenneth Earle
Councillor Graham Watt

Cornton Vale Prison Visiting Committee

Mrs Sharon Mylchreest
(Vacancy)

There were no nominations or volunteers for the one remaining vacancy on Cornton Vale Prison Visiting Committee.

Action

Director of Finance and Corporate Services

CC.15 ANNUAL REVIEW OF DEBTORS

A report submitted by the Revenues and Payments Manager provided Council with an update on council income collection rates, arrears positions and provided recommendations for writing off those arrears classified as irrecoverable or 'bad debts'. The report also set out the main improvement actions currently being developed by the service to improve on performance.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Craig Holden.

Decision

The Council agreed to:

- (1) note the trends in income collection levels and the arrear positions.
- (2) approve the write off of £1,484,076, noting the improvement in the 2010/11 figure of £2,792,430 and representing less than 0.3% of total Council debt raised.
- (3) note and comment on the continuing challenges and developments in the corporate debt and income arrangements.

Action

Chief Executive

CC.16 CORRESPONDENCE FROM COSLA - NOMINATIONS FOR PRESIDENT AND VICE PRESIDENT

A report submitted by the Head of Strategy and Customer Services asked Council to consider submission of nominations for the CoSLA principal office bearer positions of President and Vice-President.

Decision

The Council agreed that no action be taken.

CC.17 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 - PLANNING APPLICATION REF. 12/00063/FULL

A notice of motion in terms of standing order 16.0 was submitted by Councillors Graham Watt and Derek Stewart.

Motion

In reference to planning application no. 12/00063/FULL, regarding the change of use to a takeaway food outlet at 97b Main Street, Sauchie, we request that the following motion be put to the full council meeting now scheduled for Friday 1 June 2012:

"The Council determines that this Planning Application No.12/00063/FULL should go to the Planning Committee for decision."

Moved by Councillor Graham Watt. Seconded by Councillor Derek Stewart.

Decision

The Council agreed unanimously that the Planning Committee should determine planning application No. 12/00063/FULL due to local sensitivity concerning the application.

Action

Director of Services to Communities

ENDS 1.10 pm