



**Clackmannanshire
Council**

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

MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 14 MARCH 2013

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
Nikki Bridle, Director of Finance and Corporate Services
Garry Dallas, Director of Services to Communities
Stuart Crickmar, Head of Strategy and Customer Services
Belinda Greer, Head of Education
David Thomson, Solicitor (Clerk to the Council)

Chief Superintendent Davie Flynn, Divisional Commander, Police Scotland (Agenda Item 7)
Chief Inspector Stephen Sneddon, Area Commander, Police Scotland (Agenda Item 7)
LSO Kenny Rogers, Stirling and Clackmannanshire, Scottish Fire and Rescue Service (Agenda item 8)

Gillian White, Business Support Officer (Minutes)

CC.87 APOLOGIES

None.

CC.88 DECLARATIONS OF INTEREST

None.

CC.89 MINUTES OF MEETINGS

(i) Minutes of Meeting: Clackmannanshire Council 20 December 2012

The minutes of the meeting of the Clackmannanshire Council held on 20 December 2012 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 20 December 2012 were agreed as a correct record and signed by the Provost.

(ii) Minutes of Special Meeting: Clackmannanshire Council 8 February 2013

The minutes of the special meeting of the Clackmannanshire Council held on 8 February 2013 were submitted for approval.

Decision

The minutes of the special meeting of the Clackmannanshire Council held on 8 February 2013 were agreed as a correct record and signed by the Provost.

CC.90 COMMITTEE MEETINGS CONVENED SINCE PREVIOUS COUNCIL MEETING

The Council agreed to note the committee meetings that have taken place since the last Council meeting on 20 December 2012:

Housing Health and Care Committee	17 January 2013
Enterprise and Environment Committee	31 January 2013
Education Sport and Leisure Committee	5 February 2013
Planning Committee	7 February 2013
Resources and Audit Committee	28 February 2013
Regulatory Committee	5 March 2013

CC.91 LEADER'S BRIEFING

A briefing which informed all elected members of a range of issues and activities and covered the period from December 2012 to March 2013 was submitted by the Leader of the Council.

The Council agreed to note the information set out in the report.

CC.92 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

A report which sought Council approval of recommendations made by committees during the January/February 2013 cycle of meetings was submitted by the Chief Executive.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

"That Council does not accept the recommendation from the Resources and Audit Committee on the 28 February 2013 in relation to the report entitled Scrutiny of Police, Fire and Rescue Services and other key external partners in approving the establishment of a sub committee of the Resources and Audit Committee.

Meetings held to scrutinise our external partners should be held outside the diarised schedule of Resources and Audit meetings."

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

Procedural Motion in terms of Standing Order 15.6

That the matter is put to the vote.

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

Voting on Procedural Motion

In terms of Standing Order 14.7, Councillor George Matchett 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 votes)

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

Against the Procedural Motion (9 votes)

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

On a division of 9 votes to 9, the procedural motion was carried on the casting vote of Provost Tina Murphy. Accordingly, the matter was then put to the vote:

Voting on the Amendment

In terms of Standing Order 14.7, Councillor Craig Holden 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 amendment (9 votes)

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

Against the amendment (9 votes)

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

On a division of 9 votes to 9, the amendment was defeated on the casting vote of Provost Tina Murphy.

Voting on the Motion

For the motion 9 votes
Against the motion 9 votes

The motion was carried on the casting vote of the Provost.

Decision

Accordingly, on the casting vote of the Provost (Standing Order 14.4), the Council agreed:

- (1) from the **Enterprise and Environment Committee** of **31 January 2013** in relation to the report entitled **Regulatory Advice Note - Housing in Multiple Occupation**
 - To approve the advice note such that it is applied as part of the application process for Housing in Multiple Occupation.

- (2) from the **Enterprise and Environment Committee** of **31 January 2013** in relation to the report entitled "**Roads Asset Management**"
 - To approve the updated Roads Asset Management Plan (RAMP)

- (3) from the **Resources and Audit Committee of 28 February 2013** in relation to the report entitled "**Resources and Audit Forward Plan**"
- To approve the Resources and Audit Forward Plan for 2013/14
- (4) from the **Resources and Audit Committee of 28 February 2013** in relation to the report entitled "**Scrutiny of Police, Fire and Rescue Services and other Key External Partners**"
- To approve the establishment of a sub-committee of the Resources and Audit Committee as set out in the report.

Action

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

CC.93 POLICING PLAN FOR CLACKMANNANSHIRE 2013/14

A report which presented to Council the Interim Policing Plan for Clackmannanshire for 2013/14 was submitted by the Head of Strategy and Customer Services. The Interim Policing Plan for Clackmannanshire sets out the priorities and objectives for local policing in Clackmannanshire for 2013/14 and is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012.

Attending

Chief Superintendent Davie Flynn, Divisional Commander, Police Scotland
Chief Inspector Stephen Sneddon, Area Commander, Police Scotland

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Les Sharp.

Amendment

"That this Council approves the Policing Plan subject to the missing text being approved at the next Council meeting."

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

In terms of Standing Order 10.23, the meeting adjourned at 10.55 am. When the meeting resumed at 11.10 am, eighteen (18) members remained present.

In terms of Standing Order 10.23, the meeting re-adjourned at 11.10 am to allow members further opportunity to consider the amendment. When the meeting resumed at 11.25 am, eighteen (18) members remained present.

Voting

The voting on the amendment was as follows:

In terms of Standing Order 14.7, Councillor George Matchett, QPM, asked for a roll call vote on the amendment. 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 on the amendment as follows:

For the amendment (8)

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

Against the amendment (9)

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

Abstain (1)

Councillor Alastair Campbell

The amendment was defeated by 9 votes to 8 with one (1) abstention.

The Voting on the Motion was as follows:

For the Motion	17 votes
Against the Motion	0 votes
Abstain (Not voting)	1 vote

The motion was carried by 17 votes to 0 with one (1) abstention.

Decision

Accordingly, the Council agreed on a division of 17 votes to 0 with one (1) abstention to approve the interim Policing Plan for Clackmannanshire for 2013/14 (Appendix 1 of the report)

Action

Chief Executive

CC.94 INTERIM FIRE PLAN FOR CLACKMANNANSHIRE 2013/14

A report which presented to Council the Interim Local Fire Plan for Clackmannanshire for 2013/14 was submitted by the Head of Strategy and Customer Services. The production of a local Fire Plan is a statutory requirement under the Police and Fire Reform (Scotland) Act 2012 and the interim 2013/14 plan is the first produced under this legislation.

Attending

LSO Kenny Rogers, Stirling and Clackmannanshire, Scottish Fire and Rescue Service

Motion

That Council agrees the recommendations set out in the report.

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

Voting

The voting on the motion was as follows:

For the motion	17
Against the motion	0
Abstain (Not voting)	1

Decision

Accordingly, on a division of 17 votes to 0 with one abstention, the Council agreed to approve the Interim Fire Plan for Clackmannanshire for 2013/14 (Appendix 1 of the report).

Action

Chief Executive

CC.95 SINGLE OUTCOME AGREEMENT 2013-2023

A report which presented to Council an advanced draft of Clackmannanshire's Single Outcome Agreement (SOA) for 2013-2023 was submitted by the Head of Strategy and Customer Services. The SOA sets out the partnerships vision for securing long term outcomes for Clackmannanshire.

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 unanimously to note that:

- (i) the final draft SOA will be submitted to the Scottish Government by 1 April 2013; and
- (ii) consultation will take place with the Scottish Government prior to the final SOA coming back to Council for approval in June 2013.

CC.96 BUDGET STRATEGY UPDATE AND BUSINESS IMPROVEMENT

A report which maintained the Council's regular update on the medium term financial outlook provided further details on the Business Improvement Programme "Making Clackmannanshire Better" was submitted by the Director of Finance and Corporate Services. The report provided further information on the Business Improvement Project in Tullibody.

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 unanimously to:

- (1) Note the challenging financial outlook that faces the Scottish Public Sector over the next five years, especially in respect of the potential for significant further reductions in revenue expenditure (Section 3 of the report).
- (2) Note the indicative funding gap for Clackmannanshire to 2017/18 based on the Centre for Public Policy for Regions (CPPR) and the Office for Budget Responsibility (OBR) assumptions (Exhibit 2 of the report).
- (3) Note the key principles underpinning the Council's Business Improvement Programme, "Making Clackmannanshire Better" (Paragraph 4.4 of the report).
- (4) Approve the proposed governance structure for "Making Clackmannanshire Better" (Paragraph 4.6 of the report).
- (5) Agree to submit elected member nominations in line with the proposal set out in paragraph 4.6 of the report.*
- (6) Note the draft Business Improvement Framework (Appendix A).
- (7) Note the planned three phases of activity in respect of the Business Improvement Pilot Project in Tullibody (Paragraph 5.5 of the report)

*Elected Member nominations to be notified to the Chief Executive within ten (10) working days from today's meeting (14 March 2013).

Action

Director of Finance and Corporate Services

In line with Standing Order 10.25, the meeting adjourned at 1.00 pm.

When the meeting resumed at 1.30 pm, eighteen (18) members remained present.

**CC.97 INTERNAL AUDIT: FOLLOWING THE PUBLIC POUND, REVIEW OF
ARMS LENGTH EXTERNAL ORGANISATIONS (ALEOs)**

A report which implemented a decision of the committee in respect of agenda item 5 of the Resource and Audit Committee meeting on 28 February 2013 was submitted by the Director of Finance and Corporate Services.

As part of its meeting on 28 February 2013 the Resources and Audit Committee highlighted a number of concerns about the ALEOs report submitted as part of an Internal Audit and Fraud Progress report.

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 unanimously to :

- (1) Having commented and challenged, to note the findings of the Internal Audit report covering ALEOs, reported to the Resources and Audit Committee on 28 February 2013.
- (2) invite all service committees to ensure that the areas identified for improvement are actioned, reported and monitored to ensure their delivery.
- (3) endorse the decision of the committee to require progress reports on the implementation of the agreed improvement areas to be presented to future meetings of the Resources and Audit Committee.

Action

Director of Finance and Corporate Services

CC.98 EARLY YEARS COLLABORATIVE

A report which brought Council up to date with a new Scottish Government led improvement initiative "The Early Years Collaborative" was submitted by the Head of Strategy and Customer Services. The objective of the EYC is to accelerate the conversion of the high level principles set out in GIRFEC (Getting it Right for Every Child) and the Early Years Framework into practical action.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Ellen Forson.

Decision

Having commented thereon, the Council agreed unanimously to note the information set out in the report.

- ***Councillor Craig Holden withdrew at this point in the proceedings. Seventeen (17) members remained present***

CC.99 MAJOR INCIDENT DEBRIEF

A report which made Council aware of the lessons learned following a structured debrief of the management of the major gas leak incident that occurred on 27 November 2012 at Fishcross, Clackmannanshire, was submitted by the Head of Strategy and Customer Services. On 27 November 2012 a gas pipe in a field close to Fishcross Primary School was badly damaged resulting in over 3,500 properties being 'off gas supply' for a number of days.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

Having commented thereon, the Council agreed unanimously to note the information set out in the report.

- ***Councillor George Matchett, QPM, withdrew at this point in the proceedings. Sixteen (16) members remained present***

CC.100 TREASURY MANAGEMENT STRATEGY STATEMENT 2013-2014

A report which presented the Council's Treasury Management Strategy Statement for 2013/14 was submitted by the Accountancy Manager.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed unanimously to approve the Treasury Management Strategy Statement for 2013/14 (Appendix A of the report)

Action

Director of Finance and Corporate Services.

CC.101 EDUCATION APPEALS PANEL PROGRESS

A report which highlighted the progress in constituting the panel and further planned activities to implement the recommendations of the previous Council paper was submitted by the Head of Education. At a meeting of the Council on 20 December 2012, Council agreed to establish an Education Appeals Panel to consider parents' appeals against placing request refusals to schools and school exclusions.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Gary Womersley. Seconded by Councillor Ellen Forson.

Decision

The Council agreed unanimously to note the progress in establishing the Education Appeals Panel and to appoint the parental members and education experienced members of the Educational Appeals Panel as detailed in Appendix 1 of the report.

Action

Head of Education

CC.102 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 - PALESTINE, EAST JERUSALEM, WEST BANK AND GAZA

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Archie Drummond.

Motion

"Clackmannanshire Council condemns the Government of Israel for its continuing illegal occupation of Palestine's East Jerusalem and the West Bank and for its continuing illegal blockade of Gaza.

Clackmannanshire Council welcomes the decision of the United Nations on 29 November 2012 to grant "non member observer State" to Palestine.

However, for the people of Palestine, the suffering of the last 64 years continues as the Government of Israel continues to ignore and breach international law.

Just as individual sanctions against apartheid in South Africa led ultimately to its demise there, so individual and collective sanctions against the State of Israel will end apartheid and suffering in Palestine.

Clackmannanshire Council therefore resolves to resist, insofar as legislative considerations permit, any action that gives political or economic support to the State of Israel."

Moved by Councillor Archie Drummond. Seconded by Councillor Les Sharp.

Voting

The voting on the motion was as follows:

For the motion	11
Against the motion	0
Abstentions (Not voting)	5

Decision

Accordingly, on a division of 11 votes to 0 with 5 abstentions, the Council agreed to support the motion.

Action

Chief Executive

- ***Councillor Walter McAdam, MBE, withdrew at this point in the proceedings. Fifteen (15) members remained present***

CC.103 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 - PLANNING APPLICATION REFERENCE 13/00015/FULL

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor Graham Watt.

Motion

"The Council is currently processing an application (Ref. No. 13/00015/FULL) for the formation of additional car parking and use of ground for staff parking, erection of new timber fence and siting of refuse bins at the Woodsman Bar and Restaurant, The Woods Caravan park, Fishcross, FK10 3AN, which is a Local Development application and would fall to be determined by officers under the approved Scheme of Planning Delegation.

This proposal is a retrospective application in respect that works to form parking bays, waste bin bays and install fencing have already been carried out and all four of the affected local residents have expressed concerns and lodged objections to the application. A number of planning permissions in the last five years or so have resulted in the substantial expansion of the caravan park and related operations and local residents feel that they have to some extent been misled over what was intended. These concerns have been heightened by the works being carried out without permission first being obtained.

Under the Planning Regulations, the Council can decide that the application should be decided by the Planning Committee rather than by being delegated to officers and must state its reasons for doing so.

I request that the following motion be put to the full Council meeting of 14 March 2013:

That the Council determines that Planning Application reference no. 13/00015/FULL should be referred to the Planning Committee for decision.

My reasons are the local concerns already expressed and local feeling that residents views are not being and have not been given proper consideration not least by the applicant carrying out the works before getting the permission. In these circumstances consideration of the application by the Committee will give both the applicants and the interested parties the opportunity to address the Committee in more detail on their respective views before a decision is made."

Moved by Councillor Graham Watt. Seconded by Councillor Alastair Campbell.

Voting

The voting on the motion was as follows:

For the motion	13
Against the motion	0
Abstentions (Not voting)	2

Decision

Accordingly, on a division of 13 votes to 0 with 2 abstentions, the Council agreed to support the motion. Council confirmed that the reasons for its decision are as stated in the motion above.

Action

Chief Executive

- ***Councillor Kathleen Martin withdrew at this point in the proceedings. Fourteen (14) members remained present***

EXEMPT INFORMATION

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 9.

CC.104 CAPITAL STIMULUS INITIATIVE, ALVA

A report which updated on progress was submitted by the Director of Services to Communities. At the Council meeting on 20 December 2012 a report was approved which concerned a specific off-market interest. In approving recommendation (b), the Council had requested that a further report be presented to this meeting.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The Council agreed the recommendations set out in the report.

A further report to be presented to the Council meeting of 16 May 2013.

Action

Director of Services to Communities

ENDS 3.30 pm

