

**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD on THURSDAY 27 June 2013 at 10.00 am.**

**PRESENT**

Provost Tina Murphy  
Councillor Donald Balsillie  
Councillor Janet Cadenhead  
Councillor Archie Drummond  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Irene Hamilton  
Councillor Craig Holden  
Councillor Kathleen Martin  
Councillor George Matchett, QPM  
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  
Stephen Crawford, Head of Facilities Management  
Stuart Crickmar, Head of Strategy and Customer Services  
John Scott, Interim Head of Social Services  
Sharon Evenden, Manager Early Years  
Martin Dunsmore, Accountancy Manager  
Susan Mackay, Revenue and Payments Manager  
Kenny Hutton, Service Manager Regeneration Services  
Jennifer Queripel, Service Manager, Housing Management Operations  
Michael Boyle, Education Business Support Manager  
Kevin Kelman, Assistant Head of Education  
David Thomson, Solicitor, Legal Services (Clerk to the Council)

**CC.122/105 APOLOGIES**

Apologies for absence were received from Councillor Alastair Campbell and Councillor Walter McAdam, MBE

**CC.123 DECLARATIONS OF INTEREST**

None.

#### **CC.124            MINUTES OF MEETING: THURSDAY 16 MAY 2013**

The minutes of the meeting of the Clackmannanshire Council held on 16 May 2013 were submitted for approval.

#### **Page 4 (CC.112 Budget Strategy Update**

Councillor Gary Womersley pointed out that the word "deleted" in the first line of the amendment to the motion should read "demitted".

#### **Decision**

Subject to the above amendment, the minutes of the meeting of the Clackmannanshire Council held on 16 May 2013 were agreed as a correct record and signed by the Provost.

#### **CC.125            COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 16 May 2013**

The Council agreed to note the committee meetings that have taken place since the last Council meeting on 16 May 2013:

Housing, Health and Care Committee	23 May 2013
Enterprise and Environment Committee	6 June 2013
Regulatory Committee	11 June 2013
Resources & Audit Sub Committee	12 June 2013
Planning Committee	13 June 2013
Education, Sport and Leisure Committee	20 June 2013
Resources and Audit Committee	20 June 2013

#### **CC.126            LEADER'S BRIEFING**

A briefing report which informed elected members of a range of issues and activities and covered the period from May 2013 to June 2013 was submitted by the Leader of the Council.

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

#### **CC.127            COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL**

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

#### **Motion**

That the 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 approve :

- (1) from the **Enterprise & Environment Committee of 6 June 2013** in relation to the report entitled "Inner Forth Landscape Initiative" :

" agrees in principle to make a financial contribution of £20000 per annum for the delivery phase of the Initiative annually between 2014 and 2018"

- (2) from the **Resources & Audit Committee** of 20 **June 2013** in relation to the report entitled Draft Annual Governance Statement and Governance Report :

" note the progress made in terms of improving the effectiveness of our Governance arrangements and the development of the Council's first Statement of Preparedness".

### **Action**

Chief Executive

## **CC.128 SHARED SERVICES UPDATE**

A report inviting members to approve two key documents to support progress in taking forward shared education and social services and to agree new governance arrangements for the recruitment to shared Heads of Service Posts 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 the Strategic Partnership Agreement be signed by the Leader of both Councils and the Leader of the main opposition group of both Councils as was agreed at the last Shared Services Steering Group meeting."

Moved by Councillor Bobby McGill. Seconded by Councillor Janet Cadenhead

### **Voting on the Amendment**

For the Amendment	8 votes
Against the Amendment	8 votes

There being an equal number of votes for and against the amendment, the amendment was defeated on the casting vote of Provost Tina Murphy.

### **Voting on the Motion**

For the motion	8 votes
Against the motion	0 votes

On a division of 8 votes for and none against, the motion was duly carried..

### **Decision**

Accordingly, the Council agreed to:

- (a) approve the Strategic Partnership Agreement attached as Appendix 1 to the Report;
- (b) approve the Strategic Delivery Plan for Social Services attached as Appendix 2 to the report;

- (c) agree to establish a joint appointments committee as set out in Appendix 3 to the Report for any future recruitment of the Heads of Service posts which are shared; and
- (d) note progress in taking forward the wider review of governance arrangements which was agreed in December 2012.

**Action**

Chief Executive

**CC.129            MAKING CLACKMANNANSHIRE BETTER - UPDATE**

A report updating the Council on progress in taking forward the business transformation programme, "Making Clackmannanshire Better (MCB)", was submitted by the Chief Executive.

**Motion**

That the Council agrees the recommendation set out in the report

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

**Decision**

The Council agreed to note the progress which has been made and also the activities planned over the next two months

**Action**

Chief Executive

**CC.130            EARLY YEARS COLLABORATIVE AND EARLY YEARS CHANGE FUND**

A report to bring the Council up to date with the Council's and Clackmannanshire Alliance's involvement in the Early Years Collaborative (EYC) which was launched in January this year and to brief the Council on the allocation of the Early Years Change Fund which was recently proposed by community planning partners and agreed by the Clackmannanshire Alliance was submitted by the Chief Executive.

**Motion**

That Council agrees the recommendation set out in the report.

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

**Decision**

The Council accordingly agreed to :

- (a) note the Council's and the Alliance's engagement in the Early Years Collaborative and the positive impact of that engagement to date; and
- (b) endorse the allocation of Early Years Change Fund as set out in Table 1 of the report.

**Action**

Chief Executive

#### **CC.131            SINGLE OUTCOME AGREEMENT 2013-2023**

A report presenting to Council Clackmannanshire's Single Outcome Agreement (SOA) for 2013-2023 and to provide information on Quality Assurance and approval process for Single Outcome Agreements agreed by Ministers and COSLA in May 2013 was submitted by the Head of Strategy & Customer Services.

##### **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)     Approve the final Single Outcome Agreement (SOA) for 2013-2023.
- (2)     Note the Quality Assurance and formal approval approach agreed by Ministers and COSLA.

##### **Action**

Head of Strategy & Customer Services

#### **CC.132            DRAFT FINANCIAL STATEMENTS 2012/2013**

A report presenting draft Financial Statements for approval by Council was submitted by the Director of Finance and Corporate Services.

##### **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)     approve the 2012/2013 draft Financial Statements ;
- (2)     approve the submission of the draft Financial Statements to the Controller of Audit once all remaining information is available and included, but no later than 30 June, 2013; and
- (3)     otherwise note the contents of the report.

##### **Action**

Director of Finance and Corporate Services

### **CC.133            ANNUAL REVIEW OF DEBTORS**

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

#### **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 related arrears position;
- (2) approve the write off of £679,403, which represents less than 0.2% of total Council debt raised;
- (3) note the reduction in the level of debt proposed for write off for 2012/2013 compared with the 2011/2012 write off figure of £1,484,076;
- (4) note the position relating to Council Tax net write-on of income amounting to £53,567; and
- (5) having had opportunity to comment, to note where appropriate on the continuing challenges and developments in respect of income collection and recovery arrangements.

#### **Action**

Revenues and Payments Manager

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The meeting adjourned at 12.10 pm and resumed at 12.55 pm

When the meeting resumed, sixteen (16) members remained present.

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### **CC.134            ANNUAL TREASURY REPORT 2012/2013**

A report detailing the Treasury Management activities for the Council for 2012/2013 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 Craig Holden.

## **Decision**

The Council agreed to note and consider the Annual Report 2012/2013 of the Council's Treasury Management activities.

## **Action**

Accountancy Manager

### **CC.135            VACANT/SURPLUS COUNCIL LAND AND BUILDINGS SALES STRATEGY**

A report, following the previous report of 30 June, 2011, to (a) provide an overview of progress and seeking approval for proposed sales and site clearance in accordance with the Property Asset Management Plan 2010/2015 and which is a fundamental part of the Council's General Services Capital Programme and (b) seeking authorisation to market vacant/surplus property as appropriate was submitted by the Head of Facilities Management.

## **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 :

- (1)      approve the content of the report and authorise the Head of Facilities Management to progress with marketing and approve the disposal of properties identified in paragraph 3.6 of the report; and
- (2)      approve the sum of £320,000 for the site clearance, preparation and demolition of the former Tillicoultry Community Centre, Claremont Primary School (once vacated) and the former Fairfield School, funded from additional budget from reserves.

## **Action**

Head of Facilities Management

### **CC.136            STRATEGIC HOUSING INVESTMENT PLAN AND LOCAL PROGRAMME 2013/2018**

A report which sought approval of the Strategic Housing Investment Plan (SHIP), which laid out the framework for affordable housing development over the next five years and sets out investment priorities to achieve the outcomes set out in the Clackmannanshire Housing Strategy, and which is due to be submitted to the Scottish Government by 28 June, 2013 was presented by the Director of Services to Communities

## **Motion**

That Council agrees the recommendations set out in the report.

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

## **Decision**

The Council agreed to approve the Strategic Housing Investment Programme including the 5 year programme of housing sites in the Strategic Local Programme subject to further reports to Council on individual projects

## **Action**

Director of Services to Communities

### **CC.137            HOUSING REVENUE ACCOUNT (HRA) FINANCIAL BUSINESS PLANNING MODEL FOR CLACKMANNANSHIRE COUNCIL HOUSING 2013/2018**

A report presenting the Housing Revenue Account (HRA) Financial Business Planning Model and outline assumptions for the period 2013/2018, was submitted by the Head of Community and Regulatory Services. The primary purpose of the Financial Business Plan is to ensure the Council can manage its HRA assets by ensuring their longer terms management and maintenance is sustained in accordance with the Council's approved financial strategies,

## **Motion**

That Council agrees the recommendations set out in the report.

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

## **Decision**

The Council agreed to :

- (a) approve the finalised Housing Revenue Account Financial Planning Model including the assumptions contained within the model as per paragraph 3.6.3 of the report;
- (b) instruct the Head of Housing and Community Safety to submit an annual statement to Council which highlights progress in delivering against the main assumptions contained within the model and for this to be the focus of the annual rent consultation process with tenants;
- (c) instruct the Head of Housing and Community Safety to carry out a review of HRA assets (non housing stock) to establish those which are currently providing a positive financial return to the HRA and those which do not;
- (d) note that a review is currently being carried out into Clackmannanshire Council's rent structure;
- (e) note that following approval of the outline assumptions, a Business Plan document setting out the assumptions and priorities contained within the model will be prepared and shared with tenants, customers and partners.

## **Action**

Head of Community and Regulatory Services



#### **CC.138            HOUSING ALLOCATIONS POLICY REVIEW**

A report setting out the process of review of the Council's Allocations policy, the consultation process and noting that the Housing, Health and Care Committee had agreed at its meeting on 23 May 2013 submission of the final document to Council for approval was submitted by the Director of Services to Communities.

##### **Motion**

That Council approves the finalised Allocations Policy.

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

##### **Decision**

That Council agreed to approve the finalised Allocations Policy..

##### **Actions**

Director of Services to Communities

#### **CC.139            NOTICE OF MOTION - ITEM OF URGENT BUSINESS**

A Motion which had not been made in time for its inclusion on the agenda was submitted by Councillor Archie Drummond. The item could not be considered unless the Provost was of the opinion that by reason of special circumstances the item should be considered at the meeting as a matter of urgency.

In terms of Standing Order 11.7, the Provost intimated that she was prepared to allow the motion intimated by Councillor Drummond to be considered at the meeting since, due to the summer recess, the next available opportunity for Council to consider the matter would be 15 August 2013 which is only two days before school term commences and would be an unreasonably short time to plan for any change should Council approve the motion. The Provost was of the opinion that these were special circumstances and that the item should accordingly be considered at the meeting as a matter of urgency.

##### **Motion**

Council agrees to maintain the 2012/13 class and teacher numbers of fourteen in the coming academic year commencing in August 2013 at Tillicoultry Primary School.

Moved by Councillor Archie Drummond.    Seconded by Councillor Donald Balsillie

The Provost adjourned the meeting at 2.23 pm for 12 minutes. When the meeting resumed at 2.35 pm, sixteen (16) members remained present.

##### **Amendment**

" Any Primary School here in Clackmannanshire similarly affected, will be afforded the same consideration as now being considered for Tillicoultry Primary School."

Moved by Councillor George Matchett, QPM.    Seconded by Councillor Jim Stalker.

### **Voting on the Amendment**

Councillor Craig Holden 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 16 members present who were eligible to vote. On the roll being called, the members present voted as follows:

#### **For the Amendment (8)**

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

#### **Against the Amendment (8)**

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

There being an equal number of votes for and against the amendment, the amendment was defeated on the casting vote of Provost Tina Murphy.

### **Voting on the Motion**

Councillor George Matchett 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 (8)**

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

#### **Against the Motion (8)**

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

There being an equal number of votes for and against the motion, on the casting vote of the Provost Tina Murphy, the motion was carried

## **Decision**

Accordingly, the Council agreed to support the Motion

## **EXEMPT INFORMATION**

The Council noted that in terms of Section 50B of the Local Government (Scotland) Act 1973 the proper officer had excluded the report in respect of this item from the reports made available with the agenda being of the opinion that it relates to an item during consideration of which in her opinion the meeting is likely not to be open to the press and public on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 9.

The Council's Governance Manager and Monitoring Officer having advised that, irrespective of whether during consideration of the report it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during consideration of this item of business there would be disclosure to them of exempt information as specified above, the report could not be considered in public as it would involve the disclosure of personal data in contravention of the Data Protection Act 1998.

In the circumstances the Council did not make a resolution in terms of section 50A of the Local Government (Scotland) Act 1973 but the press and public were excluded as required for the purposes of the Data Protection Act 1998.

## **CC.140 BUSINESS CONTINUITY UPDATE**

A report updating Council on the progress of the subject matter of the report, informing Council of certain developments regarding the same and seeking the views of members on matters contained in the report was submitted by the Chief Executive.

### **Motion**

That Council accept the recommendations set out in paragraphs 2.1 (a), (b) and (c) of the report.

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

### **Amendment ( in summary)**

"That the collective view of the Labour Elected Members is that the option set out in paragraphs 5.2 to 5.5 of the report should not be pursued and the option set out in paragraphs 5.6 to 5.11 of the report should proceed and asks the Chief Executive to give further considerations to this before determining her course of action. "

### **Voting on the Amendment**

For the Amendment	7 votes
Against the Amendment	8 votes
Abstention	1 vote

Accordingly, the amendment was defeated by 8 votes to 7 with 1 member abstaining.

**Expression of Views**

Having had an opportunity to express views the position was noted as follows without a formal vote being recorded :

8 members in favour of the option set out in paragraphs 5.2 to 5.5 of the report.

8 members in favour of the option set out in paragraphs 5.6 to 5.11 of the report.

**Action**

Chief Executive

ENDS 5.50 PM