

**MINUTES OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within  
the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on MONDAY 27  
MARCH 2017 at 12.30 PM.**

**PRESENT**

Provost Gary Womersley  
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 Walter McAdam, MBE  
Councillor Bobby McGill  
Councillor Tina Murphy  
Councillor Les Sharp  
Councillor Jim Stalker  
Councillor Graham Watt

**IN ATTENDANCE**

Nikki Bridle, Depute Chief Executive  
Garry Dallas, Executive Director  
Stephen Coulter, Head of Resources and Governance  
Ahsan Khan, Head of Housing and Community Safety  
Lindsay Sim, Chief Accountant  
Andrew Wyse, Acting Legal Services Manager  
Stuart McQueen, Solicitor, Legal Services (Clerk to the Council)  
Gillian White, Committee Services Officer

Gordon Smail, Audit Scotland (Observer)

**CC(17)038      APOLOGIES**

Apologies for absence were received from Councillor Kathleen Martin, Councillor Derek Stewart and Councillor George Matchett QPM.

**CC(17)039      DECLARATIONS OF INTEREST**

None.

**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 ground that it involved the likely disclosure of Exempt Information as detailed in Schedule 7A, Part 1, Paragraph 12.

## **CC(17)040      ARBITRATION PYRAMID JOINERY AND CONSTRUCTION**

The report, submitted by the Head of Resources and Governance, informed Council of the outcome of the arbitration raised by Pyramid Joinery and Construction Limited against Clackmannanshire Council and sought Council approval for the settlement of the sum awarded by the Arbitrator.

The Head of Resources and Governance introduced the report and provided additional detail of the history and circumstances surrounding the arbitration and the matters leading to it. He also reported upon external legal advice obtained subsequent to issue of the report and the effect that had on the content of the report.

There followed a robust question and answer session between Members and Officers.

The Provost, being aware that not all Members had a copy of the external legal advice asked officers to circulate a copy to all members along with a copy of the original question asked. The Provost also advised that as there is no express provision in Standing Orders for officers to make an amendment to the report and that the report as submitted could not be moved and seconded, as to do so would be ultra vires; the Council would adjourn to consider the available options.

The Provost adjourned the meeting for 15 minutes at this point in the proceedings (2.05 pm).  
*(The Provost, outwith the meeting, added a further 10 minutes to the adjournment)*

Councillor Jim Stalker, Councillor Archie Drummond, Councillor Walter McAdam and Councillor Alastair Campbell withdrew from the meeting during the adjournment.

When the meeting resumed at 2.30 pm, eleven (11) members remained present.

Councillor Les Sharp indicated he would move the report subject to two amendments being incorporated into the motion, one of which had been timeously submitted and circulated in accordance with Standing Orders.

The Clerk advised that as there is no specific provision in Standing Orders for what was then being proposed under Standing Order 10.6, the Provost may determine all questions of procedure where no specific provision is made.

The Provost confirmed that Councillor Sharp could move the report subject to the amendments being incorporated.

### **Motion**

That Council agrees the recommendations set out in the report subject to the undernoted amendments:

That Council agrees to amend recommendation 2.2 with:

“Council agrees to approve the payment from the Council General Fund.”

And

The Council agrees to insert recommendation 2.3:

“Council requests an investigation into the circumstances and events resulting in the outcomes described in this paper, the scope and remit to be brought back to the next Council Meeting on 13<sup>th</sup> April 2017.”

Moved by Councillor Les Sharp. Seconded by Councillor Graham Watt.

**Decision**

The Council agreed the recommendations set out in the report subject to the amendment that the payment be made from the General Fund; and also that an investigation be undertaken into the circumstances and events resulting in the outcomes described in this paper, the scope and remit to be brought back to the next Council Meeting on 13<sup>th</sup> April 2017

**Action**

Head of Resources and Governance

Ends 2.50 pm

