

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

# **Meeting of Clackmannanshire Council**

**Thursday 12 April 2018 at 9.30 am**

**Venue: Council Chamber, Kilncraigs,  
Greenside Street, Alloa, FK10 1EB**



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 monthly 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.

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 dates and agenda items are published on our website at [www.clacks.gov.uk](http://www.clacks.gov.uk)

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**4 April 2018**

**A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 12 April 2018 at 9.30 am.**

**ELAINE McPHERSON**  
**Chief Executive**

**B U S I N E S S**

	<b>Page No.</b>
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 Services Officer.	--
3. Confirm Minutes of Meetings of Clackmannanshire Council held on Thursday 8 March 2018 (copy herewith)	07
4. Committee Meetings Convened Since the Previous Council Meeting on 8 March 2018 (For information only)	--
(i) Audit and Finance Committee on 15/03/18	
(ii) Planning Committee on 22/03/18	
(iii) Clackmannanshire Licensing Board on 27/03/18	
5. Appointment of Council Leader and other Member Appointments - report by the Chief Executive (Copy herewith)	17
6. Council's Decision-Making Framework – report by the Chief Executive (Copy herewith)	23
7. Financial Regulations – report by Head of Resources and Governance (Copy herewith)	29
8. Scheme for the Establishment of Community Councils – report by Head of Strategy and Customer Services (Copy herewith)	63

	<b>Page No.</b>
9. Clackmannanshire Community Justice Outcomes Improvement Plan 2018/2023 – report by the Head of Social Services (Copy herewith)	103
10. Conservation Area Appraisals - Clackmannanshire Local Development Plan Update – report by Executive Director (Copy herewith)	125
11. City Region Deal: Heads of Terms Agreement – report by Executive Director (Copy herewith)	133

## **EXEMPT INFORMATION**

It is considered that the undernoted report is treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraphs 8 and 12 of the Local Government (Scotland) Act 1973. It is anticipated (although this is not certain) that the Council will resolve to exclude the press and public during consideration of these items.

	<b>Page No.</b>
12. Bowmar Community Energy Savings Programme – report by Councillor Craig Holden (Copy herewith)	137

## Clackmannanshire Council – Councillors and Wards (From 1 March 2018)

### Councillors

### Wards

Provost	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Darren Lee	1	Clackmannanshire West	CONS
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	Phil Fairlie	3	Clackmannanshire Central	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Mike Watson	3	Clackmannanshire Central	CONS
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Ellen Forson	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Graham Lindsay	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB
Councillor	Bill Mason	5	Clackmannanshire East	CONS

### Appointed Members (3)

Rev Sang Y Cha	Church of Scotland
Father Michael Freyne	Roman Catholic Church
Pastor David Fraser	Scottish Baptist Church

Nb. Religious representatives (Appointed Members) only have voting rights on matters relating to the discharge of the authority's function as education authority.





**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 8 MARCH 2018 at 9.30 am.**

**PRESENT**

Provost Tina Murphy (In the Chair)  
Councillor Donald Balsillie  
Councillor Martha Benny  
Councillor Dave Clark  
Councillor Chris Dixon  
Councillor Kenneth Earle  
Councillor Phil Fairlie  
Councillor Ellen Forson  
Councillor Craig Holden  
Councillor Darren Lee  
Councillor Helen Lewis  
Councillor Graham Lindsay  
Councillor Kathleen Martin  
Councillor Bill Mason  
Councillor George Matchett, QPM  
Councillor Les Sharp  
Councillor Derek Stewart  
Councillor Mike Watson

**Appointed Members (Religious Representatives)**

Father Michael Freyne, Roman Catholic Church (Items 1-5)

**IN ATTENDANCE**

Elaine McPherson, Chief Executive  
Nikki Bridle, Depute Chief Executive  
Garry Dallas, Executive Director  
Stephen Coulter, Head of Resources and Governance  
Celia Gray, Head of Social Services  
Ahsan Khan, Head of Housing and Community Safety  
Anne Pearson, Chief Education Officer  
Lindsay Sim, Chief Accountant  
Chris Alliston, Service Manager (Human Resources)  
Michael Boyle, Improving Outcomes Business Manager  
Ian Doctor, Service Manager (Regulation)  
Brian Forbes, Customer Service Manager  
Julie Hamilton, Development Services Manager  
Murray Sharp, Service Manager (Revenues and Strategy)  
Chris Sutton, Service Manager (Strategy)  
Lindsay Thomson, Service Manager (Legal and Democracy) (Clerk to the Council)  
Gillian White, Committee Services (Legal and Democracy)

**CC.89 APOLOGIES**

None.

**CC.90 DECLARATIONS OF INTEREST**

None.

## **CC.91 MINUTES OF MEETINGS: CLACKMANNANSHIRE COUNCIL**

### **(i) Minutes of Meeting: Clackmannanshire Council 8 February 2018**

The minutes of the meeting of the Clackmannanshire Council held on 8 February 2018 were submitted for approval.

#### **Decision**

The minutes of the meeting of the Clackmannanshire Council held on 8 February 2018 were agreed as a correct record and signed by the Provost.

### **(ii) Minutes of Special Meeting: Clackmannanshire Council 23 February 2018**

The minutes of the special meeting of the Clackmannanshire Council held on 23 February 2018 were submitted for approval.

#### **Decision**

The minutes of the special meeting of the Clackmannanshire Council held on 23 February 2018 were agreed as a correct record and signed by the Provost.

## **CC.92 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 8 FEBRUARY 2018**

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 8 February 2018.

- (i) Scrutiny Committee on 15/02/18
- (ii) Regulatory Committee on 20/02/18
- (iii) Clackmannanshire Licensing Board on 27/02/18

## **CC.93 PLACING REQUEST – RESERVED PLACES**

The report, submitted by the Chief Education Officer, identified the number of places required to be reserved in Clackmannanshire schools during academic session 2018/19 to ensure there is sufficient provision for children at their local catchment schools. The Education service annually reviews the number of reserved places it needs in order to manage admission to schools to ensure children who move into school catchment areas after the normal enrolment can still be accommodated.

The Chief Education Officer advised that there was a typographical error in paragraph 2.1 of the report. The reference to Craigbank Primary School is to be removed.

#### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Graham Lindsay. Seconded by Councillor Ellen Forson.



## **Decision**

The Council agreed to:

1. Approve the recommended places to be reserved for catchment area children for session 2018/19 at the following primary schools: Abercromby, Park, Redwell, St Serf's, Strathdevon and Sunnyside and Lornhill Academy; and
2. Delegate authority to the Chief Education Officer to determine allocation of reserved places at specific year stages in each school.

## **Action**

Chief Education Officer

*The Appointed Member (Religious Representative) withdrew from the meeting at this point in the proceedings.*

## **CC.94 CLACKMANNANSHIRE COUNCIL BEST VALUE ASSURANCE REPORT – ACTION PLAN**

The report, submitted by the Chief Executive, proposed an Action Plan to progress the recommendations contained in the Best Value Assurance Report which was published by Audit Scotland in January 2018, and presented to Council at its meeting of 8 February 2018.

## **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Phil Fairlie.

## **Amendment**

In respect of Recommendation 2.1 and the action plan referred to therein it is recommended that the plan is amended in the following respects:-

Add a new column at 2D after item (v) to read:

(vi) that a long term plan be set out for the next three years addressing the continuing substantial changes necessary to respond to ongoing anticipated reduction in budget.

Amend the existing paragraph 4 and column F – i) to read:

“carries out a programme of training in leading and transformational change for **all** managers in the authority (funded from the existing corporate training budget)”.

Add at new column at 4F after item (iii) to read:

(iv) That a report be prepared for the Scrutiny Committee on how the balance between accomplishing the savings required with the need for sufficient office time and skills to support change will be achieved.

Councillor Dave Clark moved the amendment which was accepted as part of the substantive motion by Councillor Les Sharp.

## **Decision**

The Council agreed the Action Plan as amended which was attached as an appendix to the report.

## **Action**

Chief Executive

### **CC.95 RECRUITMENT OF HEAD OF PAID SERVICE (CHIEF EXECUTIVE)**

The report, submitted by the HR Service Manager, invited Council to agree the process for recruitment to the Head of Paid Service (Chief Executive) position.

The Clerk to the Council had previously circulated an addendum to recommendation 2(ii) which set out two options for the constitution of the Appointments Committee:

- (i) Option 1 - that there are 7 members of Council appointed to the Appointments Committee in the following ratio: 3 SNP members, 2 Labour members and 2 Conservative members.
- (ii) Option 2 - that there are 4 members of Council appointed to the Appointments Committee as follows: the Leader and Depute Leader of Council and the Leaders of the Labour and Conservative Groups.

#### **Motion 1**

That Council agrees the recommendations set out in the report and selects Option 2 for the constitution of the Appointments Committee.

Moved by Councillor Les Sharp. Seconded by Councillor Ellen Forson.

#### **Motion 2**

That Council agrees the recommendations set out in the report and selects Option 1 for the constitution of the Appointments Committee.

Moved by Councillor Dave Clark. Seconded by Councillor Kenneth Earle.

*The Provost adjourned the meeting for 5 minutes at this point in the proceedings (10.00 am)*

*When the meeting resumed at 10.05 am, eighteen(18) elected members remained present.*

## **Voting**

Voting for Motion 1	9 votes
Voting for Motion 2	9 votes

Motion 1 was carried on the casting vote of the Provost.

## **Decision**

On the casting vote of the Provost, the Council agreed:

- (i) that open recruitment is undertaken to fill the position of Head of Paid Service (Chief Executive) on a permanent basis;
- (ii) to establish a politically balanced Appointments Committee to appoint the Head of Paid Service (Chief Executive) made up of 4 members to include the Leader and Depute Leader of the Council, Leader of the Labour Group and Leader of the Conservative Group;
- (iii) that the existing Head of Paid Service (Chief Executive) oversees this recruitment process and remains in post until the conclusion of permanent recruitment;
- (iv) that an independent adviser, together with the HR Service Manager, be approached and asked to engage with the recruitment process for the permanent position of Head of Paid Service (Chief Executive) to provide professional advice and guidance to the Appointments Committee;
- (v) that the Society of Local Authority Chief Executives in Scotland (SOLACE) undertake the recruitment assessment centre exercise for the permanent position of Head of Paid Service (Chief Executive); and
- (vi) the proposed recruitment processes and timeline will be as presented in Appendix 1 of the report.

## **Action**

HR Service Manager

## **CC.96 GENERAL SERVICES REVENUE AND CAPITAL BUDGET 2018/19**

The report, submitted by the Depute Chief Executive, presented the Administration's General Services Budget for 2018/19. The report builds on the regular Budget Strategy Update reports and briefings presented to Council, and the Audit and Finance Committee throughout the year. The Council's financial sustainability has continued to be the focus of several member and trade union briefings held during the year.

## **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Phil Fairlie.

## **Amendment**

1. To amend recommendation 2.1.12., paragraph 6.20 and Appendix C to reflect a proposed Resource Transfer of £15.77m to the Health and Social Care Partnership, reflecting a reduction of £271,232 which is to be used to fund the changes to the proposed savings which total £271,232.
2. To request that the S95 officer make consequential amendments to the proposed budget summarised at Appendix C to reflect these amendments which sustain a balanced position.

3. To amend the proposed savings proposals as follows:
  - a. Amend Appendix A2 saving SCSR03 to delete reference to “Alva CAP to relocate to Primary School” and replace with “Alva CAP to relocate to Cochrane Hall” (no financial impact on savings).
  - b. Amend Appendix A2, saving SCSR05 to delete reference “Transfer for Cochrane Hall, Alva” (saving reduced by £30,822 from £47,702 to £16,880).
  - c. Remove from Appendix E, saving SCSR17 in respect of Sauchie Active 8 (£16,000);
  - d. Remove from Appendix E, saving DEP02 re Alloa Christmas Lights subsidy;
  - e. Remove from Appendix E, saving RGP02 in respect of Changes in Terms and conditions (£200k in 2018/19 and £215k in 2019/20;
  - f. Remove from Appendix E, saving SCSSR14 in respect of Coalsnaughton Café Society (£9,910)
4. To amend Appendix L1, the proposed 2018/19 Capital Programme to reduce project A33 from £508k to £408k and create a new capital project in 2018/19 to undertake the necessary capital works in respect of relocating the CAP to Cochrane Hall (£100k).

Moved by Councillor Dave Clark. Seconded by Councillor Kenneth Earle.

*The Provost adjourned the meeting at this point in the proceedings (11:20 am)*

*When the meeting resumed at 11.30 am, eighteen (18) elected members remained present.*

### **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 elected members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

#### **For the Amendment (5 votes)**

Councillor Dave Clark  
 Councillor Kenneth Earle  
 Councillor Derek Stewart  
 Councillor George Matchett, QPM  
 Councillor Kathleen Martin

#### **Against the Amendment (13 votes)**

Councillor Bill Mason  
 Councillor Martha Benny  
 Councillor Darren Lee  
 Councillor Mike Watson  
 Councillor Chris Dixon  
 Councillor Phil Fairlie  
 Councillor Helen Lewis  
 Councillor Graham Lindsay  
 Councillor Craig Holden  
 Councillor Donald Balsillie  
 Councillor Ellen Forson  
 Councillor Les Sharp  
 Provost Tina Murphy

The amendment was defeated by 13 votes to 5.

### **Voting on the Motion**

In terms of Standing Order 14.7, Councillor Kenneth Earle 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 elected members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

#### **For the Motion (9 votes)**

Councillor Chris Dixon  
Councillor Phil Fairlie  
Councillor Helen Lewis  
Councillor Graham Lindsay  
Councillor Craig Holden  
Councillor Donald Balsillie  
Councillor Ellen Forson  
Councillor Les Sharp  
Provost Tina Murphy

#### **Against the Motion (0 votes)**

#### **Abstain from Voting (9 abstentions)**

Councillor Dave Clark  
Councillor Kenneth Earle  
Councillor Derek Stewart  
Councillor George Matchett, QPM  
Councillor Kathleen Martin  
Councillor Bill Mason  
Councillor Martha Benny  
Councillor Darren Lee  
Councillor Mike Watson

The motion was carried by 9 votes to 0 with 9 abstentions.

### **Decision**

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

1. the corporate redesign, associated management structure and implementation process set out in Appendix A of the report;
2. the proposals for demand pressures (Appendix B);
3. the General Services Revenue Budget for 2018/19 (Appendix C);
4. the policy savings set out in Appendix E;
5. the 2018/19 Schedule of Funding to Voluntary Organisations and Income and Charging Strategy and Register of Charges (Appendices H and G );
6. the 3% increase in the level of Council Tax for 2018/19, resulting in Band D Council tax of £1217.91 (Appendix J) and the change to the payment date from the 1<sup>st</sup> to 15<sup>th</sup> of the month;
7. the utilisation of £0.669m of Capital Receipts Reserve and £0.959m uncommitted General Services Revenue reserves (paragraph 6.9 of the report);
8. to develop a plan to augment the level of the Employment Fund to ensure continued availability of funding for approved severances through ongoing redesign activity (paragraph 6.9 of the report);

9. to fund a voting share proportion (25%) of the Health and Social Care Partnership net operating deficit for 2017/18 up to the value of £500k (paragraph 6.24 of the report);
10. rent increase of 2% to the weekly rent for the travelling persons site (paragraph 6.4 of the report);
11. the continued utilisation of capital receipts to fund permitted elements of severance costs per Finance Circular 4/2015 (paragraph 6.11 of the report);
12. net resource transfer of £16.041m in respect of Adult Social Care to the Clackmannanshire/Stirling Health and Social Care Partnership (paragraph 6.20);
13. the financing limits placed on capital investment for 2018/19-2022/23 based on the underpinning assumptions in Table 5 and paragraph 8.8 of the report; and
14. the General Services Capital Budget for 2018/19-2027/28 (Appendices L1 and L2).

**The Council also agreed to note:**

1. that the redesign would offer potential staffing and non-staffing revenue savings of circa £1.7m over the next three years based on the proposed reductions detailed in Appendix A of the report;
2. that further reports will come to Council with proposals to progress the organisational redesign, including details of Programme oversight by Council;
3. the feedback from recent budget consultation and engagement activity detailed in section 4 of the report;
4. the previously approved savings (2017/18) which deliver benefit in 2018/19 (Appendices D1 to D3);
5. the schedule of management efficiencies (Appendix F);
6. the anticipated level of uncommitted reserves of £4.766m by 31 March 2018, prior to setting this budget (paragraph 6.7 of the report);
7. that the full anticipated year end balance of the Capital Receipts Reserve of £0.669m has been applied in setting the 2018/19 Budget (paragraph 6.9 of the report);
8. balance of £3.807m in uncommitted General Services Revenue reserves after setting this budget which equates to 3% of net expenditure in line with the minimum level set by the Council's approved Reserve Strategy (paragraph 6.9 of the report);
9. the cumulative indicative gap of £29.947m to 2022 following setting this budget, and a funding gap of £12.509m in 2019/20 (Table 4 of the report);
10. that the budget proposed for 2018/19 aims to deliver the Scottish Government's settlement package measures (paragraph 6.14 and 6.15 of the report);
11. that the Council's regular Budget Strategy Update reports will update Council on progress with implementing agreed proposals, including those relating to the Corporate redesign; and
12. the demand pressures submitted by the Chief Officer HSCP totalling £3.9m (Appendix K).

## **Action**

Depute Chief Executive

*The Provost adjourned the meeting at this point in the proceedings (12:30 pm)*

*When the meeting resumed at 1.00 pm, sixteen (16) elected members remained present.*

## **CC.97 TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19**

The report, submitted by the Chief Accountant, presented the Council's Treasury Management Strategy Statement for 2018/19 and Prudential Indicators for 2018/19 to 2022/23.

At this point in the proceedings, Councillor Les Sharp, Leader of the Council, gave notice under Standing Order 20.7 that proposals to amend standing orders would be brought before the next meeting of Council on 12 April 2018.

## **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Phil Fairlie.

## **Decision**

The Council agreed to approve the Treasury Management Strategy Statement for 2018/19 and prudential indicators for the years 2018/19 to 2022/23 in compliance with the Prudential Code requirements attached as Appendix A to the report.

## **CC.98 IMPLEMENTATION OF THE CARERS (SCOTLAND) ACT 2016**

The report, submitted by the Head of Social Services, provided an update to Council about the implementation of the Carers (Scotland) Act 2016 (the Act). The report focused on implementation of the provisions in respect of young carers.

## **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Phil Fairlie.

## **Decision**

Having commented on and challenged the report, the Council agreed:

1. To note progress on implementation;
2. To approve the Local Eligibility Criteria in respect of young carers (Appendix 2 of the report);
3. To approve the threshold at which young carers will be assessed as having an entitlement to access support from the responsible (local) authority. It is proposed that young carers assessed as having substantial or critical needs will be entitled to access support from the responsible authority. Young carers who are not eligible for services under the criteria will be provided with alternative sources of support and assistance or advice and information. The threshold will be reviewed on an annual basis and determined by the Council;

4. To agree that a further report will be presented to Council in June 2018, to update on implementation of the Act; and
5. To note that the duty to set local eligibility for carer support in respect of adult carers sits with Integration Authorities. There is a requirement to amend the Clackmannanshire and Stirling Health and Social Care Partnership's Integration Scheme to take account this. Revised Integration Schemes require to be submitted to the Scottish Ministers for approval in March 2018. A report will be presented to the Integration Joint in respect of implementation of the Carer's Act in respect of adult carers in March, 2018.

### **Action**

Head of Social Services

### **CC.99 CARERS (SCOTLAND) ACT 2016 – DELEGATION OF FUNCTIONS TO THE INTEGRATION JOINT BOARD**

The report, submitted by the Head of Resources and Governance, updated Council about an amendment to the regulations which govern the delegation of local authority functions to the Integrated Joint Board (IJB). The amendment follows on from the enactment of the Carers (Scotland) Act 2016. The amendment to the regulations has required some revision to the schedule to the Integration Scheme which sets out the functions which are delegated to the IJB. The revised Integration Scheme required Council approval.

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Les Sharp.

### **Decision**

The Council agreed to:

1. Note the functions set out in the regulations which require to be delegated by Council to the IJB by way of an amendment to the Integration Scheme;
2. Note that there has been a short consultation with stakeholders in relation to the change to the Integration Scheme;
3. Approve the amendment to the Integration Scheme which formally delegates the functions set out in paragraph 3.2.1 – 3.2.6 of the report and in terms of Appendix 1 to the report; and
4. Note that after Council approval the Integration Scheme will be submitted to the Scottish Government.

### **Action**

Head of Resources and Governance

Ends 13:35 hours



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**Report to: Meeting of Clackmannanshire Council**

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**Date of Meeting: 12 April 2018**

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**Subject: Appointment of Council Leader & Other Member Appointments**

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**Report by: Chief Executive**

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## **1.0 Purpose**

1.1 The purpose of this report is to:

- a) advise Council of the resignation of Councillor Les Sharp as Council Leader and invite Council to appoint a new Leader;
- b) advise Council of other resignations from member positions and invite Council to appoint to those vacancies;
- c) invite Council to amend its spokespersons; and
- d) advise Council of various member resignations from outside bodies and invite Council to appoint to those vacancies.

## **2.0 Recommendations**

2.1. It is recommended that Council:

- a) notes that Councillor Les Sharp has resigned as Council Leader;
- b) notes that Councillor Ellen Forson has resigned as Deputy Leader with effect from 12 April 2018;
- c) appoints a new Council Leader;
- d) appoints a new Deputy Council Leader;
- e) notes that Councillor Ellen Forson has resigned as Health & Social Services spokesperson with effect from 12 April 2018;
- f) appoints a member of the Administration to the post of spokesperson for Health & Social Services;
- g) notes that Councillor Phil Fairlie has resigned as Partnership & Third Sector spokesperson with effect from 12 April 2018;

**h)** appoints a member of the Administration to the post of spokesperson for Partnership & Third Sector;

**i)** creates a new spokesperson role of Audit & Finance (replacing the Chair of Audit & Finance post in terms of special responsibility allowance);

**j)** appoints a member of the Administration as spokesperson for Audit & Finance;

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**k)** appoints a member of the SNP group to the vacancy on the Scrutiny Committee left by the resignation of former Councillor Archie Drummond;

**l)** appoints a member to the vacancy on the Licensing Board left by the resignation of former Councillor Archie Drummond;

**m)** appoints a member of the SNP group to the vacancy on the Planning Committee left by the resignation of former Councillor Archie Drummond;

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**n)** notes that Councillor Ellen Forson has resigned as the Council's representative on the Board of NHS Forth Valley with effect from 12 April 2018;

**o)** appoints either the Council Leader or spokesperson for Health & Social Services as the Council's representative on the Board of NHS Forth Valley;

**p)** notes that Councillor Ellen Forson has resigned as a member of the Integration Joint Board with effect from 12 April 2018;

**q)** appoints a member of the SNP group to the Integration Joint Board (noting that that member will also fill the post of vice-chair of the Integration Joint Board);

**r)** notes the resignation of Councillor Derek Stewart from the Clackmannanshire & Stirling Environmental Trust and that no replacement member is required as the organisation has reduced its request for representatives from three to two;

**s)** notes that Councillor Phil Fairlie has resigned as a Council representative on the Board of SEStran;

**t)** appoints a member of the SNP group as a Council representative on the Board of SEStran;

**u)** appoints a member of the Administration to the vacancy on Falkirk Pensions Board left by the resignation of former Councillor Archie Drummond;

**v)** notes the resignation of Councillor Les Sharp as the Council's representative on the Scotland Excel Committee; and

**w)** appoints a member of the Administration as the Council's representative on the Scotland Excel Committee.

### **3.0 Background**

#### Council Political Leadership

3.1 The following resignations have been received:

- Councillor Les Sharp as Council Leader
- Councillor Ellen Forson as Depute Leader (with effect of 12 April)

3.2 Council is invited to appoint a new Leader and Depute Leader.

#### Spokesperson Roles

3.3 Further to the recent by-election, the resignations of the Council Leader and Depute Leader, and in anticipation of changes to the Council's political decision-making structure, the Administration wishes to review some previous spokesperson appointments and to make a small amendment to Council's spokesperson posts.

3.4 There have been two resignations of Administration members from spokesperson duties, viz:

- Councillor Ellen Forson has resigned as Health & Social Services spokesperson with effect from 12 April 2018; and
- Councillor Phil Fairlie has resigned as Partnership & Third Sector spokesperson with effect from 12 April 2018.

3.5 In addition, the Administration wishes to create a new spokesperson role for Audit & Finance. This would carry with it a special responsibility allowance, with the special responsibility allowance previously agreed for the Chair of Audit & Finance Committee being removed.

3.6 Council is, therefore, invited to:

- create a new spokesperson role of Audit & Finance;
- appoint a member of the Administration as spokesperson for Audit & Finance;
- appoint a member of the Administration to the post of spokesperson for Health & Social Services; and
- appoint a member of the Administration to the post of spokesperson for Partnership & Third Sector.

#### Committee Vacancies

3.7 The resignation of former Councillor Archie Drummond has left vacancies on the Planning and Scrutiny committees, as well as the Licensing Board.

3.8 Council is invited to appoint:

- a member of the SNP group to each of the Planning and Scrutiny committees; and
- a member to the Licensing Board (noting that that member will be required to undertake specific training).

## Outside Bodies

3.9 There have been a number of resignations by members from outside bodies as follows:

- Councillor Ellen Forson has resigned as the Council's representative on the Board of NHS Forth Valley with effect from 12 April 2018;
- Councillor Ellen Forson has resigned as a member of the Integration Joint Board with effect from 12 April 2018;
- Councillor Derek Stewart has resigned from the Clackmannanshire & Stirling Environmental Trust;
- Councillor Phil Fairlie has resigned as one of two Council representatives on the Board of SEStran;
- Councillor Les Sharp has resigned as the Council's representative on the Scotland Excel Committee.

3.10 There is also a vacancy on Falkirk Pensions Board due to the vacancy left by the resignation of former Councillor Archie Drummond.

3.11 Council is invited, therefore, to:

- appoint either the Council Leader or spokesperson for Health & Social Services as the Council's representative on the Board of NHS Forth Valley;
- appoint a member of the SNP group to the Integration Joint Board (noting that that member will also fill the post of vice-chair of the Integration Joint Board; Council is also advised that Councillor Dave Clark has recently been appointed as chair of the Integration Joint Board's Audit Committee for a period of two years);
- appoint a member of the SNP group as a Council representative on the Board of SEStran;
- appoint a member of the Administration as the Council's representative on the Scotland Excel Committee; and
- appoint a member of the Administration to sit on Falkirk Pensions Board.

## **4.0 Sustainability Implications**

4.1. None

## **5.0 Resource Implications**

*Financial Details* - there are no financial implications as a result of the recommendations contained in this report.

*Staffing*- there are no staffing implications arising from the recommendations contained in this report.

## **6.0 Exempt Reports**

6.1. This report is not exempt.

## **7.0 Declarations**

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

(1) **Our Priorities**

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** - n/a

**8.0 Equalities Impact** - n/a

**9.0 Legality**

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

**10.0 Appendices**

10.1 None

**11.0 Background Papers**

11.1 Reports to Council of 18 May 2017 and 28 June 2017, and minutes of those meetings.

Intimations of resignation

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Elaine McPherson	Chief Executive	2002

**Approved by**

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	



---

**Report to: Clackmannanshire Council**

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**Date of Meeting: 12 April, 2018**

---

**Subject: Council Decision-Making Framework**

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**Report by: Chief Executive**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to put to Council proposals for an amended decision-making framework in the context of wider organisational redesign.

## **2.0 Recommendations**

- 2.1 It is recommended that Council:

- a) agrees the proposals for an amended decision-making framework as set out in this report;
- b) notes that consequential changes will be made to Standing Orders and the Scheme of Delegation (notice of changes to Standing Orders having been given at the last Council meeting in March, 2018);
- c) agrees the composition of each of the People, Place and Performance committees as set out in this report;
- d) agrees that the convenors and vice convenors of those committees should come from the Administration Group;
- e) agrees that the convenors and vice convenors from that Group should be the members set out at paragraph 3.7 of this report;
- f) appoints a further two members of the Administration as members of those committees;
- g) appoints four members from other political groups to those committees; and
- h) agrees the cycle of meetings set out in the Appendix to this report.

## **3.0 Considerations**

- 3.1 To have clarity of accountability and governance, it is good practice to have political, managerial and operational frameworks which are aligned and complementary. In light of Council's decisions on the strategic redesign of the organisation, the Council's existing political decision-making framework should also be reviewed with a view to enhancing scrutiny and decision-making.

3.2 The existing decision-making framework comprises, as well as Council, the following standing committees:

- Audit & Finance
- Scrutiny
- Planning
- Regulatory

and other *ad hoc* committees.

3.3 Given the decisions on organisation redesign taken at Council's March meeting, it is proposed that the decision-making framework is changed so that as well as Council, there are the following standing committees:

- People
- Place
- Performance
- Scrutiny
- Planning
- Regulatory

and existing *ad hoc* committees.

3.4 The proposed remits of the first four of these standing committees are set out below:

#### **People Committee**

(1) To determine policies for the promotion of care and protection, education and learning, community support and health and well-being

(2) To set standards for service delivery in the abovementioned areas

(3) To secure best value in the provision of these services

(4) To monitor performance in the delivery of services including consideration of:

- quarterly service performance reports
- inspection or other similar reports
- financial performance
- audit reports

(5) To keep under review the impact of the Committee's policies on Clackmannanshire

Note - As the People Committee will be advising the Council on education matters and discharging functions of the Council in relation to education matters, the committee must also include among its membership:

- ☐ one member nominated by the Church of Scotland
- ☐ one member nominated by the Catholic Church
- ☐ one member nominated by a further denominational body or church (taking account of the comparative strength of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship)



### **Place Committee**

- (1) To determine policies for the environment, development and facilities and assets
- (2) To set standards for service delivery in the abovementioned areas
- (3) To secure best value in the provision of these services
- (4) To monitor performance in the delivery of services including consideration of:
  - quarterly service performance reports
  - inspection or other similar reports
  - financial performance
  - audit reports
- (5) To keep under review the impact of the Committee's policies on Clackmannanshire

### **Performance Committee**

- (1) To determine policies for the resources, risk and governance and strategic support
- (2) To set standards for service delivery in the abovementioned areas
- (3) To secure best value in the provision of these services
- (4) To monitor performance in the delivery of services including consideration of:
  - quarterly service performance reports
  - inspection or other similar reports
  - financial performance
  - audit reports
- (5) To keep under review the impact of the Committee's policies on Clackmannanshire

### **Scrutiny Committee**

- (1) To monitor the achievement of organisation-wide agreed outcomes, standards and targets
- (2) To monitor the achievement of agreed outcomes, standards and targets by the community planning partnership
- (3) The scrutiny of Council decision-making, with the ability to call in decisions
- (4) To initiate or undertake scrutiny reviews
- (5) To deal with matters referred by the Council for scrutiny purposes

- 3.5 It is not proposed that the existing remits of the Planning and Regulatory committees are amended. However, it is proposed that in future:
- a) meetings of the Planning Committee follow on from meetings of the Place Committee (with *ad hoc* meetings of the former committee convened as required to deal with matters which require to be considered outwith the regular cycle of meetings); and
  - b) meetings of the Regulatory Committee follow on from meetings of the Performance Committee (with *ad hoc* meetings of the former committee convened as required to deal with matters which require to be considered outwith the regular cycle of meetings).
- 3.6 It is proposed that membership of each of the People, Place and Performance committees is 8 members, with membership being based on the Council's political balance as follows:

Group	Overall Balance	Proposed Seats	Associated Ctte Balance
Administration Members (8)	44%	4 (44% of 8 = 3.52)	50%
Opposition Members (10)	56%	4 (56% of 10 = 4.48)	50%
	<u>100%</u>	<u>8</u>	<u>100%</u>

- 3.7 It is further proposed that the Convenors and Vice Convenors of these three committees are from the Council's political administration. The following nominations have been submitted by the Administration:

*People Committee*

Convenor - Councillor Graham Lindsay  
Vice-Convenor - Councillor Les Sharp

*Place Committee*

Convenor - Councillor Craig Holden  
Vice Convenor - Councillor Donald Balsillie

*Performance Committee*

Convenor - Councillor Phil Fairlie  
Vice-Convenor - Councillor Helen Lewis

- 3.8 There are no proposals to alter the membership or chairing arrangements of the Scrutiny Committee which Council has previously agreed.
- 3.9 If the new decision-making framework is approved, the cycle of Council and committee meetings will need to be amended. A cycle of meetings based on

the proposed changes is attached in the Appendix to this report for Council's consideration. The new cycle would begin post recess in August of this year.

**4.0 Sustainability Implications - n/a**

**5.0 Resource Implications - none**

**6.0 Exempt Reports - this report is not exempt**

**7.0 Declarations**

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

**8.0 Equalities Impact - n/a**

**9.0 Legality**

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

**10.0 Appendices**


1 - Proposed cycle of committee meetings

**11.0 Background Papers**

Council Budget Report - 8 March, 2018

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Elaine McPherson	Chief Executive	452002

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	

**Programme of Meetings from August 2018 – June 2019**

	<b>Meeting</b>	<b>Time/Day</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>	<b>Cycle 4</b>	<b>Cycle 5</b>
	<b>Clackmannanshire Council</b>	9.30 am <b>Thursday</b>	23 August 2018	25 October 2018	20 December 2018	21 February 2019	18 April 2019 27 June 2019
	People Committee	9.30 am <b>Thursday</b>	30 August 2018	1 November 2018	17 January 2019	14 March 2019	16 May 2019
	Place Committee	9.30 am <b>Thursday</b>	13 September 2018	8 November 2018	24 January 2019	21 March 2019	23 May 2019
	Planning Committee	1.00 pm <b>Thursday</b>	13 September 2018	8 November 2018	24 January 2019	21 March 2019	23 May 2019
	Performance Committee	9.30 am <b>Thursday</b>	27 September 2018	22 November 2018	31 January 2019	28 March 2019	30 May 2019
	Regulatory Committee	1.00 pm <b>Thursday</b>	27 September 2018	22 November 2018	31 January 2019	28 March 2019	30 May 2019
	Scrutiny Committee	9.30 am <b>Thursday</b>	11 October 2018	6 December 2018	7 February 2019	25 April 2019	20 June 2019
	Licensing Board	9.30 am <b>Tuesday</b>	4 September 2018 2 October 2018	13 November 2018 11 December 2018	22 January 2019 19 February 2019	19 March 2019 30 April 2019	28 May 2019 25 June 2019
	Education Appeals Committee	9.30 am <b>Tuesday</b>					14 May 2019 4 June 2019 11 June 2019

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**Report to: Council**

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**Date of Meeting: 12<sup>th</sup> April 2018**

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**Subject: Financial Regulations**

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**Report by: Head of Resources and Governance**

---

**1.0 Purpose**

- 1.1. To seek Council's approval of the revised Financial Regulations.

**2.0 Recommendations**

- 2.1. To agree to adopt the revised Financial Regulations.

**3.0 Considerations**

- 3.1. The Council's Financial Regulations were last revised in February 2008. In general the principles underpinning financial management in the Council have remained consistent, however terminology has become outdated and with the introduction of the Tech 1 Financial system a number of the processes that were detailed are no longer relevant.
- 3.2. The lengthy period of time between updates was due to various attempted drafts being prepared but not presented to Council because of anticipated changes to processes as result of introducing the new finance system which was being considered as early as 2010.
- 3.3. The revision of the Finance Regulations also aims to simplify the document by focussing on the main principles underpinning sound financial governance and, where appropriate, signposting to other policies or governance documents.
- 3.4. A cascade process alerting all staff to the updated financial regulations, but particularly those with financial responsibilities, will be undertaken by the Head of R&G during April and May using Connect, service team briefing and other existing internal communications channels. This will provide a high level briefing on the key issues that officers with financial responsibility must be aware of. The opportunity to use the leadership training identified in the Best Value implementation plan to improve awareness of Officers' personal accountability and financial management skills, based on the revised Regulations, will be taken forward to ensure that relevant staff have the skills they need to discharge their financial responsibilities effectively.

- 3.5. Options are also being explored with the Tech 1 team to implement reports or system enhancements that would prevent staff breaching finance regulations at source. This would include measures to prevent staff exceeding expenditure limits on particular contracts or authorising expenditure beyond their delegated authority.
- 3.6. In line with the principles adopted to the revision of the Local Code of Governance, a leaner process for keeping Financial Regulations up to date and relevant will be introduced whereby the Council can review Financial Regulations by exception on an annual basis, or as required, as part of the Annual Governance Review.
- 3.7. Internal Audit has been consulted and has contributed comments to the final draft. Any recommended changes to detail from either set of auditors in the light of their scrutiny work can be incorporated via the process identified in paragraph 3.6.
- 3.8. Changes to financial limits delegated to officers to reflect changes in circumstances and inflation over the 10 years since the limits were last reviewed are proposed as part of the revision and are detailed below.
- 3.9. Budget virement allows Chief Officers to manage budgets with a degree of flexibility within the overall approved revenue budget (para 5.2 of the Regulations) Changes to the value of Budget Virements delegated to Officers are as follows
- A Chief Officer in consultation with the Depute S95 Officer can vire a budget up to £50,000. This is an increase from £30,000.
  - The Chief Executive can authorise a virement between £50,000 and £100,000. This is an increase from the previous range of £30,000 to £60,000.
  - Any budget virement greater than £100,000 must be approved by the Council.
- 3.10. At paragraph 5.7 of the Regulations, the Council must approve any changes to the approved capital programme exceeding £100,000. The previous value was £30,000.
- 3.11. At paragraph 17.4 of the Regulations Chief Officers can authorise the disposal of surplus stock up to a value of £2000 which is an increase from £1000.
- 3.12. Paragraph 14.9 of the Regulations introduces a new control on the authorisation of extraordinary payments made to staff such as payments made for mutual termination, redundancy or severance. These must now be approved by the S95 Officer.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

### 5.1. *Financial Details*

5.2. 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 ☒

5.3. Finance has been consulted and has agreed the financial implications as set out in the report. Yes ☒

### 5.4. *Staffing*

## 6.0 **Exempt Reports**

6.1. Is this report exempt? No ☒

## 7.0 **Declarations**

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

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

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input checked="" type="checkbox"/>
our families; children and young people will have the best possible start in life	<input type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input type="checkbox"/>

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

## 8.0 **Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes ☐ No ☒ (Not applicable)

## 9.0 **Legality**

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

## 10.0 **Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

## 11.0 Background Papers

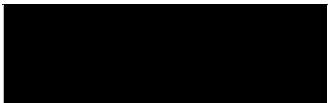

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

No ☒ (please list the documents below)

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stephen Coulter	Head of Resources and Governance	2022

### Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources and Governance	
Nikki Bridle	Deputy Chief Executive	



Clackmannanshire Council  
Financial Regulations  
April 2018





## **TABLE OF CONTENTS**

<b>Definitions</b>	<b>3</b>
<b>Section A - Introduction</b>	<b>4</b>
1. Status of Financial Regulations	4
<b>Section B – Financial Administration and Budgeting</b>	<b>5</b>
2. Financial Administration	5
3. Budgets	5
4. Budgetary Controls	6
5. Budget Transfers (Virement) and Budget Changes	6
6. Accounting	7
<b>Section C – Control Arrangements</b>	<b>8</b>
7. Financial Document Retention	8
8. Segregation of Duties	8
<b>Section D – Income and Expenditure</b>	<b>10</b>
9. Income	10
10. Debt management	10
11. Purchasing of Goods and Services	10
12. Orders for Goods and Services	10
13. Payment for Goods and Services	11
14. Salaries, Wages, Pensions and Expense Claims	13
15. Payments to Councillors	14
<b>Section E – Assets and Security</b>	<b>15</b>
16. Inventories	15
17. Stocks and Stores	15
18. Vehicles	16
19. Assets	16
20. Estates and Property Security	16
21. Cash Security	16
<b>Section F – Internal Audit, Risk and Insurance</b>	<b>18</b>
22. Internal Audit	18
23. Risk Management and Business Continuity	19
24. Insurance	19
<b>Section G – Banking, Treasury and Capital Investment</b>	<b>20</b>
25. Banking Arrangements and Cheques	20
26. Treasury Management	20
27. The Prudential Code	21
<b>Section H – Imprests, Advances and Other Funds</b>	<b>22</b>
28. Imprests / Petty Cash	22
29. Advances	22
30. Independent Funds	22
31. Client Funds	23
32. Protection of Private Property	23
33. Trust Funds	23

## ***Clackmannanshire Council Financial Regulations***

34.	Variation of Financial Regulations	23
	<b>Appendix 1 – Internal Audit Charter</b>	<b>24</b>

## ***Clackmannanshire Council Financial Regulations***

### **DEFINITIONS**

This section defines terminology used within the Financial Regulations.

<b>The Council</b>	Clackmannanshire Council
<b>Section 95 Officer (S95 Officer)</b>	As defined in the Council's current Scheme of Delegation
<b>Depute Section 95 Officer (Dep S95 Officer)</b>	As defined in the Council's current Scheme of Delegation
<b>Chief Officer</b>	A Senior officer responsible for the running in whole or in part a Service as defined in the Council's current Scheme of Delegation and employed in accordance with the Chief Officer terms and conditions
<b>Emergency</b>	An unplanned event that requires an immediate response to safeguard life, health or property.
<b>Fleet manager</b>	An officer so delegated who has the required professional qualifications and experience and holds the relevant accreditation with the Department of Transport
<b>Guidelines / procedures</b>	Any guideline, procedure, or similar document issued by the S95 Officer under the authority conferred by Financial Regulation 1.3.
<b>Councillor</b>	An Elected Member of the Council
<b>Officer</b>	An employee of the Council.
<b>Senior Legal Officer</b>	The Council's most senior legal officer as identified in the Scheme of Delegation
<b>Council Policy</b>	A formal policy approved by the Council or a sub-Committee, where powers have been delegated, which has to be followed by all parties referred to in the policy document.
<b>Accountable Stationery</b>	Any document that is of sufficient importance for audit and control purposes each document should be accounted for. This is done by having sequential numbers and controlling the issue and use of the documents.
<b>Authorised Signatory</b>	A person with authority delegated to them by a Chief Officer to authorise payments for goods and services. Depending on the circumstances, signature may be electronic or hard copy.
<b>Relevant Committee</b>	A committee identified in the Council's Standing Orders and Scheme of Delegation as the appropriate Committee to receive reports on financial performance related to Council overall or specific Services.

**These Financial Regulations form part of the Standing Orders and Scheme of Delegation approved by the Council and must be read in conjunction with them.**

**SECTION A - INTRODUCTION**

**1. STATUS OF FINANCIAL REGULATIONS**

- 1.1. The Council's Financial Regulations aim to ensure the highest standards of probity in dealing with public money and to assist and protect staff in such dealings.
- 1.2. Within the Scheme of Delegation, for the purposes of Section 95 of the Local Government (Scotland) Act 1973, the "Proper Officer", under the general direction of the Council and the Chief Executive, for the administration of the Council's financial affairs will be identified.
- 1.3. In addition to these Regulations, the S95 Officer may issue financial guidelines and instructions. Official guidelines, procedures etc issued by the S95 Officer have the same status as the Financial Regulations. Subject to the approval of the S95 Officer, Chief Officers may also issue financial guidelines for activities within their Service.
- 1.4. Every Committee, Sub-Committee, Councillor and officer of the Council must adhere to these Financial Regulations. Chief Officers will ensure that all officers in their reporting lines are made aware of the Regulations and the requirement to comply with them.
- 1.5. Only the Council can agree exceptions to these Financial Regulations or contract standing orders, other than where the powers have been delegated under the exception procedure set out in contract standing orders.
- 1.6. Any officer discovering a possible breach of these Financial Regulations must report the matter immediately to their line manager or to the S95 Officer. Failure by any officer to comply with the Regulations, or in the case of staff with supervisory responsibilities, failure to ensure the compliance of others, could be treated as misconduct which might give rise to disciplinary procedures up to and including dismissal. Some breaches of Financial Regulations may be treated as offences giving rise to criminal proceedings. The Council's Policy on Prevention and Detection of Fraud is to be treated as part of the Regulations.
- 1.7. Financial transactions are aggregated for the purposes of these Financial Regulations. Therefore, financial limits cannot be avoided by deliberately splitting transactions into smaller components.
- 1.8. An officer can incur expenditure which is essential to meet any immediate need created by an emergency, subject to any such action being reported to the appropriate Chief Officer at the earliest opportunity. This could include the prevention of the destruction of Council property, as well as non-property related expenditure.
- 1.9. The powers of a Chief Officer may be delegated in accordance with the Council's Scheme of Delegation

**SECTION B – FINANCIAL ADMINISTRATION AND BUDGETING**

**2. FINANCIAL ADMINISTRATION**

- 2.1. Meetings of the Council regulate and control its finances so as to comply with these Regulations. Officers will keep Councillors informed as to the state of the Council's finances and will report on the accounts of each financial year as soon as practicable.
- 2.2. The S95 Officer will:
- report to the Council on the level of financial resources proposed to be used in each financial year,
  - report to the relevant Committees as set out in the Council's Standing Orders and Scheme of Delegation, as well as meetings of the Council, regarding the Council's finances and financial performance.
- 2.3. Chief Officers must consult with the S95 Officer on the financial aspects of any report to Council or before any commitment is incurred which may significantly affect the finances of the Council. Chief Officers are responsible for ensuring that there are adequate internal controls in place for the conduct of all Council business in a correct and secure manner and in accordance with best practice. In respect of the Annual Accounts, the Chief Executive and Council Leader are required to sign an Annual Governance Statement, which will cover all arrangements for risk management, governance, and control.
- 2.4. It is the responsibility of Chief Officers to ensure that all staff within their Service are made aware of the existence of the Standing Orders, Scheme of Delegation, Contract Standing Orders and Financial Regulations. Staff should receive any training which may be required to perform their jobs according to the requirements of the Standing Orders, Contract Standing Orders, and Financial Regulations.
- 2.5. Chief Officers, in consultation with the S95 Officer, are also responsible for ensuring that necessary supporting procedures and guidance are in place to ensure that all staff have proper guidance regarding the systems they are using and procedures they are following. Where changes occur, procedures and guidance should be updated accordingly.
- 2.6. The Council manages its finances through an IT system, Tech One. The S95 officer will ensure that sufficient resources are made available to ensure that the system is maintained and continuously developed in line with the Council's IT strategy and policies on data security and privacy. The Depute S95 Officer has responsibility for ensuring that guidance notes and training are made available to ensure the efficient and effective use of the system and compliance with these Regulations.

**3. BUDGETS**

- 3.1. The S95 Officer will determine the format of the budget that is approved by the full Council. The format will comply with all legal requirements and with CIPFA's *Service Reporting Code of Practice*.
- 3.2. Chief Officers, in conjunction with the Depute S95 Officer, will prepare detailed revenue and capital budgets for consideration by the Council in compliance with accounting guidance provided by the S95 Officer.

## **Clackmannanshire Council Financial Regulations**

- 3.3. When drawing up draft budget requirements, Chief Officers will have regard to approved Council Policy requirements.
- 3.4. The draft revenue budgets will be submitted to the Council for approval no later than the date prescribed by statute, in order that Council Tax and Rent levels can be fixed.
- 3.5. The S95 Officer will prepare and submit reports to the Council on the resources available to fund aggregate spending plans over the medium term (3 years), and the implications for the level of Council Tax subject to that information being made available from the Scottish Government.
- 3.6. Chief Officers, in consultation with the S95 Officer, will integrate budget plans from service planning, so that budget plans can be supported by financial and non-financial performance measures. Budgets must include all financial aspects related to the delivery of Service plans, and consider the risks associated with delivery.
- 3.7. The inclusion of items in approved revenue or capital budgets will, assuming they comply with other requirements, such as Contract Standing Orders, constitute authority to the Committee or Chief Officer, as appropriate in terms of the Scheme of Delegation, to incur such expenditure.

### **4. BUDGETARY CONTROLS**

- 4.1. The S95 Officer will establish an appropriate framework of budgetary management and control to ensure that:
- budget management is exercised within annual budgeted limits;
  - Chief Officers are provided with up-to-date, real time information of income and expenditure in sufficient detail to enable managers to fulfil their budgetary responsibilities;
  - Significant forecast and actual over and underspends from approved budgets are investigated and reported by Chief Officers to the appropriate Committee.
- 4.2. Chief Officers will ensure that an accountable manager is identified to manage each element of the budget under their control.
- 4.3. The S95 Officer will submit regular performance statements of revenue and capital income and expenditure against budgets to the relevant Committee.
- 4.4. It is the Chief Officer's responsibility to report to S95 Officer significant overspends. The S95 Officer, after consultation with each Chief Officer, will arrange for a report to be submitted to the appropriate committee or to Council (for consent, if necessary) if it is forecast that the total revenue or capital income or expenditure for a Service is likely to vary significantly from the approved budget.

### **5. BUDGET TRANSFERS (VIREMENT) AND BUDGET CHANGES**

- 5.1. Virement is intended to enable Chief Officers to manage budgets with a degree of flexibility within the overall approved revenue or capital budget.
- 5.2. Provided they do not relate to the funding of new Council services or changes in policy, budget virements, capital and revenue, must be approved as follows:

## **Clackmannanshire Council Financial Regulations**

- up to £50,000 by a Chief Officer in consultation with the Depute S95 Officer;
- greater than £50,000 but less than or equal to £100,000 by the Chief Executive
- greater than £100,000 by the Council.

- 5.3. Virement that is likely to impact on the level of service activity of more than one Chief Officer should be implemented only after the approval of all the relevant officers.
- 5.4. Any budget virements must be made by 31 March of the financial year to which it relates.
- 5.5. Schools must adhere to the virement and budget carry forward rules contained within the Scheme of Devolved School Management and note that virements must also be made by 31 March not the end of the academic year.
- 5.6. Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement.
- 5.7. For capital budgets, the Council must approve any changes to the approved capital programme exceeding £100,000. This is not required for the re-profiling of capital expenditure within the current capital plan.
- 5.8. New proposals not already in the capital plan must be approved by the Council. Any proposals that have revenue consequences must follow the limits on virement set out at 5.2 above.

## **6. ACCOUNTING**

- 6.1. All accounts and accounting records of the Council will be compiled under the direction of the S95 Officer. The S95 Officer will exercise supervision over any financial records and financial systems maintained by individual Services, particularly with regard to ensuring uniformity.
- 6.2. The S95 Officer is responsible for the Council's financial statements which must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (the SORP) published by CIPFA and the Local Authority (Scotland) Accounts Advisory Committee (LASAAC).
- 6.3. The S95 Officer will draw up the timetable for final accounts preparation and will advise staff and external auditors accordingly. Chief Officers will comply with accounting guidance provided by the S95 Officer and will supply information when required.
- 6.4. The S95 Officer will prepare for audit and publish the draft financial statements by the statutory deadline of 30 June in each financial year. The draft accounts will be presented to the relevant Committee prior to 30 June each financial year.
- 6.5. The S95 Officer will present the audited financial statements to the relevant Committee for approval at the first available meeting following completion of the annual audit and before the statutory 30 September deadline.



**SECTION C – CONTROL ARRANGEMENTS**

**7. FINANCIAL DOCUMENT RETENTION**

- 7.1. Chief Officers should ensure that arrangements are in place for the proper management of financial documents and that these documents are retained in accordance with any specific statutory requirements, including the Data Protection Act, the Freedom of Information (Scotland) Act, and any approved Council and / or management policies and procedures particularly the Council's Records Management Plan which includes its retention schedule and destruction arrangements.
- 7.2. The S95 Officer will determine the retention periods for specific documents.
- 7.3. The recommended retention periods for records are detailed in the Council's document retention schedule.
- 7.4. Invoices paid through the accounts payable section will be scanned and held electronically within the financial system and the paper copies destroyed.
- 7.5. Disposal of records should be carried out under controlled conditions by two persons, and an appropriate record should be completed, dated and signed by both as evidence.
- 7.6. The Scheme of Delegation will identify the Senior Legal Officer responsible for the custody of securities, property deeds, etc.

**8. SEGREGATION OF DUTIES**

- 8.1. No Officer should have sole responsibility for all elements of a financial transaction, for example the requisition, order, receipt, and payment for a good or service. It is Chief Officers' responsibility to ensure that appropriate segregation is applied between the key stages of every transaction, from beginning to end.
- 8.2. Ideally, there should be segregation between the Officers ordering and receipting / paying for goods and services. In exceptional circumstances, however, this may not be practical and, in those instances, the S95 Officer may approve exceptions (submitted formally and in writing), provided adequate compensating control and monitoring procedures are in place.
- 8.3. Officers involved in calculating and / or recording any income due to the Council should not collect or process the related income.
- 8.4. All cash collection and cash accounting records should be examined and checked by a second Officer, with periodic sample checks by line management as appropriate. All checks must be documented. Particular care must be taken to implement proper controls in all Council offices where Officers are required to collect and handle cash or valuables, in order to protect those individuals from suspicion or accusation.
- 8.5. Reference should be made to the Council's Guidance on Following the Public Pound covering all matters pertaining to funding given to external organisations. There should also be compliance with the COSLA / Accounts Commission Guidance.
- 8.6. Where any external organisation receives significant funding, as defined in the COSLA/ Accounts Commission Code of Practice on Following the Public Pound, it will be a

## ***Clackmannanshire Council Financial Regulations***

condition of funding that Officers of the Council have such rights of access to the organisation's premises, records and staff as are necessary to form an opinion as to the adequacy of the organisation's internal control arrangements.

- 8.7. The S95 Officer may authorise funding transfers to external bodies of £30,000 per annum, providing that these transfers are made from approved budgets. Any transfer of funding above that limit required a decision of Council.
- 8.8. A register of ALEOs (Arms-Length External Organisations) who receive funding from the Council will be maintained by the S95 Officer.

**SECTION D – INCOME AND EXPENDITURE**

**9. INCOME**

- 9.1. Chief Officers will at least annually, and in consultation with the S95 Officer, review all scales of charges or tariffs relating to their Service. Appropriate steps will be taken to publicise all fees and charges.
- 9.2. Chief Officers are responsible for identifying all sources of income within their Service, for calculating the income due to the Council and for monitoring to ensure all income is received. The Depute S95 Officer may assist Services in the collection and monitoring of income.
- 9.3. Chief Officers will promptly provide the Depute S95 Officer with the details necessary to raise accounts for sums due to the Council.
- 9.4. All income received by an officer will immediately be acknowledged by the issue of an official receipt or other document approved by the S95 Officer. Exceptions to this rule may be permitted but only with the specific approval of the S95 Officer.
- 9.5. All receipts and other forms of stationery used to record income will be in a form approved by the S95 Officer. They should be treated as accountable stationery and will be ordered, controlled and issued under arrangements approved by the S95 Officer.
- 9.6. All money received by an officer on behalf of the Council must be paid in full and without delay into an official nominated bank account.
- 9.7. A clear, documented, audit trail must be maintained as evidence of proper income handling, administration, and banking.

**10. DEBT MANAGEMENT**

- 10.1. It is the responsibility of Chief Officers to ensure that the Council's Corporate Debt Policy is followed for the cancellation or write-off of all debts, and raising of credit notes.

**11. PURCHASING OF GOODS AND SERVICES**

- 11.1. Any officer who enters into an agreement for the supply of goods or services to the Council must ensure that the agreement complies with Contract Standing Orders and that they have the delegated authority to enter into such an agreement.
- 11.2. All strategies, policies, and operational procedures etc. issued by the Council's Procurement section must be adhered to at all times.

**12. ORDERS FOR GOODS AND SERVICES**

- 12.1. All official orders must be in a form approved by the S95 Officer. They should be treated as accountable stationery and will be ordered, controlled and issued under arrangements approved by the Depute S95 Officer.

## **Clackmannanshire Council Financial Regulations**

- 12.2. Official orders must be issued for all goods or services to be supplied to the Council, except as provided for in 12.3, below. Those who have authority to make purchases must ensure that official purchase orders are raised.
- 12.3. Official orders are not required where purchasing cards are used. Procedures for the issue of cards, authorisation limits and checking of statements sanctioned by the Depute S95 Officer must be followed at all times. The Depute S95 Officer must also be satisfied with the control arrangements in place. All purchasing and business credit card users must obtain receipts, both as an internal control and also to enable VAT to be reclaimed.
- 12.4. Orders must be provided to the supplier in advance of any work, goods or services being provided to the Council. Where a verbal order is provided, this must be confirmed in writing as soon as possible and marked "confirmation order". Exceptions can only be approved by the Depute S95 Officer. Verbal orders should only be used in genuine emergency situations.
- 12.5. All orders and internal requisitions to another Service must be signed by an authorised signatory. The Depute S95 Officer will maintain lists of approved officers and limits.
- 12.6. The officer authorising an order must be satisfied that:
- there is sufficient budget provision (this must always take precedence);
  - the expenditure is legal and within the power of the Council;
  - best value has been achieved;
  - the timing of the order and the quantities ordered are appropriate;
  - the price, quantity, and details pertaining to delivery have been agreed;
  - the nature and quantity of goods or services to be supplied are clearly stated on the order;
  - correct ledger codes have been provided;
  - the order is within their delegated authority limit;
  - the order does not contravene any other section of these Regulations or Contract Standing Orders;
  - all instructions, guidelines, advice, and best practice advised by the Council's Procurement Manager have been complied with.

## **13. PAYMENT FOR GOODS AND SERVICES**

- 13.1. All payments, except those from imprests (petty cash) and advances or by purchasing cards, will be by the automated transfer of funds (BACS) from the Council's main bank accounts. Payment by cheque should be avoided wherever possible.
- 13.2. Any request for payment without an invoice must be supported by appropriate documentation signed by the authorised signatories who ordered the goods or services, and who approved the payment. In any instance where it is necessary to make a payment to account, a proper invoice for the full amount must subsequently be obtained.
- 13.3. All invoices must be approved by an authorised signatory. This will normally be by an appropriate authorised member of staff within the Service to which the payment pertains. The Depute S95 Officer will maintain lists of such authorised signatories. It is

## **Clackmannanshire Council Financial Regulations**

the responsibility of Chief Officers to supply and update the Depute S95 Officer with the names and specimen signatures of such authorised signatories. In all cases, except those referred to in 14.2, the invoice must be agreed and attached to a copy of the order form, prior to submission for payment.

- 13.4. The authorised signatory of the invoice must be different from the authorised signatory signing the related purchase order. This is referred to in Financial Regulation number 8.1.
- 13.5. The officer certifying an invoice or other payment must be satisfied that:
- the goods or services have been received, examined and approved;
  - the invoice price matches the purchase order price;
  - the arithmetic is correct including discounts, credits and VAT;
  - appropriate entries have been made in inventories or stock records, where relevant;
  - the invoice is in the name of Clackmannanshire Council, or an integral part of it or a body with which the Council has an agreement in respect of the management of its financial affairs;
  - the invoice is a proper liability of the Council;
  - the relevant expenditure has been properly incurred and is in accordance with all relevant sections of these Regulations;
  - the invoice complies with the requirements of HM Revenues and Customs, as regards VAT (e.g. must have VAT number, proper address, and all other relevant details); and
  - no additional charges have been added to the invoice if none were agreed at the time of the order.
- 13.6. Care must be taken to avoid making duplicate payments. Additional checks should be in place where the invoice to be processed is an invoice is a fax, copy invoice, photocopied invoice or the documentation is a statement. Where a copy invoice is received, for example, due to the loss of the original, the supplier should be requested to confirm that the invoice has not been paid. Furthermore, the invoice should be marked "Copy invoice. Original not paid." by the person authorising the invoice and duly signed.
- 13.7. Goods and services should not be paid for in advance. In exceptional circumstances, this may be undertaken where the advantages clearly outweigh the inherent risks of potential non-delivery of goods or services, or of the supplier company ceasing to trade. Only Chief Officers may authorise prepayments and must use judgement on what level of prepayment is appropriate given the circumstances of the case.
- 13.8. In all situations where discounts are available, care should be taken that the relevant time period is adhered to.
- 13.9. Certified invoices will be promptly input to the creditors payment system for payment. Lists of invoices which have been input by Services must be certified by an authorised signatory.
- 13.10. Payments to suppliers should normally be processed using the Council's standard weekly payment system.

## **Clackmannanshire Council Financial Regulations**

- 13.11. A payment may be made before the next scheduled payment run using the daily payment system in line with the following criteria which must be used for determining whether to bring forward the payment date:
- It is necessary to meet credit terms offered by a supplier or to achieve a discount.
  - It is necessary to comply with the requirements of the Late Payment of Commercial Debts (Interest) Act 1998.
  - It is necessary to fulfil a recognised Council policy or service objective.
- 13.12. Persons authorised to use the daily payment system shall clearly mark the authorisation document to indicate which of the above reasons apply. All requests must be countersigned by an authorised officer. Daily payments should only be used where absolutely necessary. Invoices must be obtained where possible.
- 13.13. Invoices will be processed as soon as they have been received by Accountancy Services.

### **14. SALARIES, WAGES, PENSIONS AND EXPENSE CLAIMS**

- 14.1. The payment of all salaries, wages, pensions and other payments to officers or former officers of the Council will be made by the S95 Officer.
- 14.2. Any documents, physical or electronic, which form the basis of a payment must be approved by an authorised signatory as required. Chief Officers will supply and update the Depute S95 Officer with the names and specimen signatures of such authorised signatories.
- 14.3. Payments will wherever possible be claimed and authorised using the Council's HR management system.
- 14.4. The approving officer must be satisfied that:
- any payment conforms with approved terms and conditions for the employee concerned;
  - forms and claims have been completed accurately and are correct;
  - claims are not excessive or anomalous;
  - in the case of expense claims, journeys were necessary and authorised, expenses were properly and necessarily incurred and allowances were properly due. In addition, all receipts must be kept, both as verification and to enable VAT to be reclaimed. If receipts are not attached to the claim, the officer authorising it must obtain an acceptable explanation, and that must be submitted with the claim, prior to being approved by such officer;
  - in the case of any claims made in regard to additional payments for hours worked which attract a premium payment, the Officer was authorised in advance to work the additional hours and they were actually worked.
- 14.5. Chief Officers will notify Human Resources and the Depute S95 Officer as soon as possible of all matters affecting the payment of officers.
- 14.6. Appointments of all officers and changes to grades will be made in accordance with approved Council policies and accompanying procedures.

## **Clackmannanshire Council Financial Regulations**

- 14.7. The re-imbursement of travel and subsistence expenses must be in accordance with the Council's Policy, and any accompanying procedure and guidance. Claims may only be made in respect of expenditure that was actually incurred.
- 14.8. Claims should be submitted on a monthly basis with receipts attached. Claims submitted more than three months after the event will only be paid if authorised by the relevant Chief Officers .
- 14.9. Any extraordinary payments made to staff such as payments made for mutual termination, redundancy or severance must be approved by the S95 Officer.

### **15. PAYMENTS TO COUNCILLORS**

- 15.1. Payments to Councillors, including co-opted Councillors, will be made by the S95 Officer or under arrangements approved by the S95 Officer. A properly completed standard claim form must be completed in accordance with:
- guidelines issued by the Council on Councillors Allowances;
  - Local Government (Scotland) Act 2004 and any regulations made under the Act;
  - Sections 46-49 (as amended) and any regulations made by the Scottish Ministers in terms of Section 50 of the Local Government (Scotland) Act 1973.
- 15.2. Councillors may claim travelling and subsistence allowances at the approved rates.
- 15.3. All claims for a financial year are to be submitted before the end of April in respect of the Financial Year Ending on 31 March (i.e. within one month of the Year End).

**SECTION E – ASSETS AND SECURITY**

**16. INVENTORIES**

- 16.1. Chief Officers will make arrangements for inventory lists to be drawn up. The inventory should include office equipment, furnishings, plant and machinery and any other valuable property. A purchase price of £ 500 may be used to determine if an item should be included on an inventory list, however other factors such as attractiveness and portability should be taken into consideration.
- 16.2. For insurance purposes, a copy of the inventory list should be kept off site.
- 16.3. Inventories should be kept up to date, with at least an annual check of all items. Any significant discrepancies should be reported to the Depute S95 Officer immediately.
- 16.4. Wherever practical, valuable property should be clearly marked as the property of the Council.
- 16.5. Council property should not be removed from Council premises, other than in the course of proper Council business, except with the specific authority of the relevant Chief Officer.
- 16.6. The ICT service should be consulted before disposing of any IT equipment. All disposals should be in compliance with ICT Security policies and WEEE (Waste Electrical and Electronic Equipment) directive. The disposal of other inventory items should be undertaken in accordance with Financial Regulation 17.4.

**17. STOCKS AND STORES**

- 17.1. Chief Officers are responsible for the control of their stocks and stores. They must ensure that:
- stock is securely stored;
  - stock levels are maintained at the minimum level required to meet operational requirements;
  - records are to be maintained for all stock items and updated for each stock transaction;
  - stock is counted at least once per year and checked by a person independent of the day-to-day administration of the stock. The appropriate Manager or Supervisor will sign the Final Stock Certificate to confirm agreement with the Final Valuation;
  - Any surpluses or deficiencies found on stocktaking or at any other time are investigated and reported to the responsible Manager within the Service, and, if material, to the Depute S95 Officer immediately.
- 17.2. All stock write-offs must be authorised in writing by a manager independent of the day-to-day administration of the stock. This in turn must be sanctioned in writing by the Depute S95 Officer.
- 17.3. Any significant stock losses or write-offs should be reported to the Depute S95 Officer immediately.



## **Clackmannanshire Council Financial Regulations**

17.4. Surplus stocks can be disposed of as follows:

- if the income realised is expected to be under £2,000, Chief Officers can authorise its disposal;
- if stock to be disposed of is valued in excess of over £2,000 disposal should be by competitive tender, public auction or equivalent;
- when appropriate, especially on electrical items, the disposal should be accompanied with a statement which clearly states that the Council does not accept any liability for anything that may go wrong with the item following the disposal.

### **18. VEHICLES**

18.1. The officer responsible for fleet management identified in the scheme of delegation is responsible for ensuring that all vehicles are maintained in a satisfactory state of repair, and will take action or issue advice to ensure that all legal and safety requirements are complied with. "Vehicles" includes all those owned, leased, hired by, or otherwise in the custody or control of the Council.

18.2. The Council's policy in regard to the purchase, maintenance and disposal of fleet will be maintained by the officer responsible for fleet management and comply with these regulations and contract standing orders and be agreed with the S95 officer. This includes policy in regard to vehicle leasing, purchase, retention etc

### **19. ASSETS**

19.1. The Depute S95 Officer will maintain a record of all vehicles, plant and equipment in an Asset Register. All assets will be valued and depreciated in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom. All Chief Officers will ensure that all purchases, sales, write-offs etc. of assets are promptly reported to the Depute S95 Officer to ensure that the register can be updated on an ongoing basis.

### **20. ESTATES AND PROPERTY SECURITY**

20.1. A Chief Officer identified in the Scheme of Delegation will maintain a register of all properties owned or leased by the Council recording the purpose for which held, location, extent and plan reference, purchase details, particulars or nature of interest and rents payable and particulars of any tenancies granted. All properties will be revalued periodically, to ensure that market values continue to be reflected, and in line with the Code of Practice on Local Authority Accounting in the United Kingdom.

20.2. The Council's Senior Legal Officer will have the custody of all title deeds under secure arrangements.

20.3. Chief Officers are responsible for maintaining proper security of all buildings, stocks, stores, furniture, equipment, cash, etc. under their control.

### **21. CASH SECURITY**

21.1. Chief Officers will advise the Depute S95 Officer of all changes in circumstances within the Service where cash is held or is otherwise under the control of officers of the

## ***Clackmannanshire Council Financial Regulations***

Council. They will ensure that the minimum level of cash is held subject to the practicalities of individual circumstances.

- 21.2. Cash should never be used in any instance where a purchase order can be raised, and the goods or services paid for in the normal way through Creditors.
- 21.3. When cash is held, risk management and insurance implications must always be considered. All staff who have responsibility for handling cash should ensure that they are familiar with and comply with the Council's insurance policies.
- 21.4. Changes to the list of authorised signatories must be promptly notified to the Depute S95 Officer who is responsible for maintaining the central database.
- 21.5. The transfer of cash or incoming cheques through the Cash Offices should be evidenced by a receipt or written record.
- 21.6. Officers with specific authorisation given by the Depute S95 Officer are responsible for the security of safes and similar receptacles. Access should be limited to named officers and a security protocol for each safe should be developed taking into account the security requirements such as locations, sensitivity and value of contents and the numbers of staff requiring access. A register of keyholders for safes and similar receptacles is maintained by the Depute S95 Officer. The loss of any key should be reported immediately to the relevant Chief Officers and to the Depute S95 Officer.

**SECTION F – INTERNAL AUDIT, RISK AND INSURANCE**

**22. INTERNAL AUDIT**

- 22.1. The S95 Officer will make arrangements for a continuous and effective Internal Audit of the accounting, financial and other operations of the Council. The Internal Audit Charter (see Appendix 1) will define the role and responsibilities of Internal Audit.
- 22.2. The aim of the Internal Audit function is to provide an independent and objective opinion to the Council on the risk and control environment, comprising risk management, governance, and control, by evaluating its effectiveness in achieving the Council's objectives. It objectively examines, evaluates, and reports on the adequacy of the framework of internal controls as a contribution to the proper, economic, efficient, and effective use of resources.
- 22.3. The Internal Audit Manager is accountable to a Chief Officer identified within the Scheme of Delegation, but has the right where circumstances warrant it to report in their own name and without fear or favour to the Chief Executive and to all officers and members. In addition, the Internal Audit Manager presents reports on relevant topics, including the Annual Internal Audit Plan, Annual Assurance Report, and Progress Reports, to the relevant Committee. Internal Audit staff have freedom of access at all times to all officers, members, IT systems, documents, and other Council assets consistent with any requirements of Data Protection legislation.
- 22.4. Chief Officers are responsible for identifying and managing the risk of fraud and corruption, for ensuring that appropriate risk management, internal control, and governance arrangements are in place, and that best value is achieved. The Internal Audit Manager's Annual Assurance Report to the relevant Committee will provide an opinion on the overall adequacy and effectiveness of these arrangements.
- 22.5. Internal Audit will review and report on the adequacy and effectiveness of internal controls, and in particular:-
- The safeguarding of assets;
  - The economic, efficient and effective use of resources;
  - The suitability and reliability of management information;
  - Compliance with approved Council policies, plans, and procedures.
- 22.6. Internal Audit must comply with relevant professional guidance, currently the CIPFA / CIIA Public Sector Internal Audit Standards.
- 22.7. Where Internal Audit write a report with recommendations, Chief Officers must confirm, in writing, within the specified timescale the action to be taken. Alternatively, they must provide an explanation where no action will be taken. It should be clearly understood, that in all instances where no action is taken, for whatever reason, that management have accepted the risk that arises from failure to implement an Internal Audit recommendation. This is in line with the principles of risk management and corporate governance.
- 22.8. Chief Officers are required to notify Internal Audit of all proposed changes to systems, or the establishment of new systems, where these have an impact on financial control.

## **Clackmannanshire Council Financial Regulations**

- 22.9. All officers and Members of the Council are required to promptly notify the S95 Officer of all financial irregularities or of any circumstances that may suggest the possibility of irregularities. The S95 Officer, in conjunction with the Internal Audit Manager, will determine the form of any resultant investigation.
- 22.10. Any officer has the right to use the Council's Reporting Concerns at Work (whistleblowing) Policy on reporting serious concerns at work. This may include contacting the relevant Chief Officer with responsibility for Fraud, the Depute S95 Officer or Internal Audit Manager on any matter which gives them cause for concern.

### **23. RISK MANAGEMENT AND BUSINESS CONTINUITY**

- 23.1. Chief Officers must ensure that appropriate Risk Management measures are taken within their Service. A Risk Register and Risk Management Plan will be drawn up and kept constantly updated. Chief Officers will maintain Risk Management Action Plans for their own areas and a Council-wide approach to risk management including the maintenance of a risk register will be co-ordinated by the Chief Executive.
- 23.2. Chief Officers must have a comprehensive Business Continuity Plan to cover all their operational activities and locations. Staff must be trained and the Plans must be tested periodically.
- 23.3. Updated copies of Business Continuity Plans must be passed to the service responsible for Emergency Planning, which will act in a corporate co-ordinating capacity for the Plans.

### **24. INSURANCE**

- 24.1. The Depute S95 Officer will make appropriate insurance arrangements and will negotiate all claims via the Council's Insurers.
- 24.2. Staff must comply with any requirements imposed by the Council's insurers as a condition of the policies.
- 24.3. Chief Officers will notify the Depute S95 Officer promptly of any changes in properties, vehicles, equipment and other assets, any new or increased risks and any activities that might result in claims against the Council.
- 24.4. Chief Officers will immediately notify the Depute S95 Officer in writing of any loss, liability or damage or any event likely to lead to a claim. Chief Officers will inform the Police where there is a legal liability to do so or where the Insurance Section has advised them to do so.
- 24.5. Chief Officers will notify the Depute S95 Officer, and the Council's Senior Legal and HR officers of all cases involving personal injury.
- 24.6. All appropriate officers of the Council will be included in suitable fidelity guarantee insurance.
- 24.7. Chief Officers will consult the Depute S95 Officer and the Council's Senior Legal Officer regarding the terms of any indemnity that the Council is requested to give.

**SECTION G – BANKING, TREASURY AND CAPITAL INVESTMENT**

**25. BANKING ARRANGEMENTS AND CHEQUES**

- 25.1. All arrangements with the Council's bankers, including indemnities, will be made by, or under arrangements approved by, the Depute S95 Officer who is authorised to operate such bank accounts as may be considered necessary.
- 25.2. Cheques drawn on the Council's main bank accounts will be signed by the Depute S95 Officer or other officers formally authorised by the Depute S95 Officer, in line with delegated authority limits agreed with the bank.
- 25.3. All arrangements for transfer, receipt, or payment using any form of automated bank transfer will be made by, or under arrangements approved by, the S95 Officer.
- 25.4. Personal cheques cannot be cashed out of money held on behalf of the Council or substituted for cash collected on behalf of the Council.
- 25.5. The S95 Officer shall ensure that banking services are put out to tender every five years.
- 25.6. All Council bank accounts, and other bank accounts operated by Council staff as part of their work with the Council, must be reconciled at least once a month.

**26. TREASURY MANAGEMENT**

- 26.1. The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice 2009 (as subsequently revised).
- 26.2. All borrowing and lending will be performed in the name of the Council.
- 26.3. All funds in the hands of the Council will be aggregated for the purposes of Treasury Management and will be under the control of the Depute S95 Officer.
- 26.4. All executive decisions on borrowing, investment or financing are managed in accordance with the Scheme of Delegation which makes provision for the S95 Officer to act on the Council's behalf and is required to act in accordance with the CIPFA Code and in particular:-
- all loans to the Council will be negotiated by the Depute S95 Officer and wherever possible will be paid direct by the lender or his agent to the Council's bank account;
  - all Council loan certificates will, prior to use, be in the custody of the Depute S95 Officer and issued only when required for completion;
  - All heritable securities which are the property of or in the name of the Council and the title deeds of all property in its ownership will be held in custody of the Senior Legal Officer;
  - Any trust funds will wherever possible be in the name of the Council.
- 26.5. The Council has adopted a Treasury Policy Statement. The Depute S95 Officer will report to the Council as follows:

## **Clackmannanshire Council Financial Regulations**

- an Annual Strategy at the commencement of each financial year;
- an Annual Review of the Treasury function for presentation by at the end of each year.

26.6. The Depute S95 Officer will be the Council's registrar of stocks, bonds and mortgages granted by the Council and will maintain records of all borrowing of money by the Council.

26.7. There will be no unlimited authorisation below Chief Officer level, and no authorisation level below Chief Officer level shall exceed £30,000, unless the S95 Officer authorises otherwise.

### **27. THE PRUDENTIAL CODE**

27.1. This Council adopts CIPFA's Prudential Code for Capital Finance in Local Authorities.

27.2. The Depute S95 Officer is responsible for ensuring that all matters required to be taken into account are reported to Council in line with the Code, and will monitor performance.

27.3. Before the start of each financial year the Depute S95 Officer will prepare a report setting out the prudential indicators for the following three years. These will be based on the capital and revenue spending plans submitted for approval.

27.4. There will be no unlimited authorisation below Chief Officer level, and no authorisation level below Chief Officer level shall exceed £30,000, unless the S95 Officer authorises otherwise.

**SECTION H – IMPRESTS, ADVANCES AND OTHER FUNDS**

**28. IMPRESTS / PETTY CASH**

- 28.1. The S95 Officer will provide an amount of money, called an imprest, to nominated Officers of the Council, for the purpose of paying for minor petty cash expenditure.
- 28.2. Imprests will be operated in accordance with detailed procedures issued by the Depute S95 Officer.

**29. ADVANCES**

- 29.1. An advance can be issued to an officer who is likely to incur substantial expenditure on behalf of the Council out of their own pocket. This practice is not intended for routine expense claims that should not involve substantial amounts of money and should cover only reasonably anticipated expenditure.
- 29.2. Advances will be issued and operated in accordance with detailed procedures issued by the Depute S95 Officer.

**30. INDEPENDENT FUNDS**

- 30.1. Independent funds are those operated by Council officers authorised for that purpose by the Depute S95 Officer by reason of their employment with the Council. Examples include school funds, donation accounts and The Community Chest.
- 30.2. Funds should be operated in accordance with any specific guidance issued by the Depute S95 Officer.
- 30.3. Authorised Officers are responsible for:-
- authorising the establishment of funds;
  - maintaining a register of all funds and bank accounts;
  - ensuring that proper books of account and other records are maintained and are always up to date;
  - ensuring all funds with their own bank accounts are audited annually;
  - ensuring that any concerns are immediately notified to the appropriate Chief Officer, and, if involving concerns over potential financial irregularity, to the Depute S95 Officer.
- 30.4. All bank accounts, purchases, contracts etc must be in the name of the Council or, with the agreement of the Depute S95 Officer, the name of the establishment (e.g. the school name). The establishment's address must be used for all correspondence and for the delivery of all goods ordered and paid for from the account.
- 30.5. The Head of the Establishment is responsible for ensuring that income and expenditure is properly monitored and that accounts remain in credit at all times.
- 30.6. Independent Funds should be regarded as public money and therefore all purchases must comply with Public Procurement legislation and other requirements on fair competition, best value etc.

## ***Clackmannanshire Council Financial Regulations***

### **31. CLIENT FUNDS**

- 31.1. Any officer who, by reason of their employment with the Council, is responsible for the custody or management of cash or property belonging to a third party will employ standards of stewardship no less than those laid down elsewhere in these Regulations.
- 31.2. Officers will adhere to any guidance issued by their Chief Officer.
- 31.3. Each officer will, if so required by the Depute S95 Officer or by the Chief Officer concerned, provide immediately a full account of all cash and property received from, or on behalf of a third party.

### **32. PROTECTION OF PRIVATE PROPERTY**

- 32.1. Circumstances may arise where the Council is required to assume legal responsibility over the movable property of a third party such as a list of personal possessions left in an abandoned house or where a client is moving into care.
- 32.2. Chief Officers must ensure that a detailed inventory of all such property is prepared. The inventory should be assessed for items of value or legal importance, and arrangements made for their safe custody and eventual disposal.
- 32.3. Chief Officers must have in place detailed procedures relevant to their services areas in regard to the management and protection of private property.

### **33. TRUST FUNDS**

- 33.1. Trust funds are money or other assets to be used for the purpose(s) specified in the trust deed. Trust funds are commonly used as a method of donating money for the benefit of a community or project, for example bequests from the public.
- 33.2. Trust funds and bequests will be operated under the directions of the Depute S95 Officer and the Senior Legal Officer.
- 33.3. A trust deed setting out the terms and conditions of the trust must be deposited with the Senior Legal Officer.
- 33.4. Trustees are bound by the terms of the trust deed and trust legislation and when they have responsibility for cash or other assets should employ standards no less than those laid down elsewhere in these Regulations.

### **34. VARIATION OF FINANCIAL REGULATIONS**

- 37.1. The S95 Officer shall be authorised to amend these Regulations as and when required, to take account of alterations in Financial Practice and Legislation. Such changes will be reported to Council.



**APPENDIX 1 – INTERNAL AUDIT CHARTER**

**1. Introduction**

- 1.1 This Internal Audit Charter sets out the role, authority, and responsibility of the Council's Internal Auditors, in accordance with the UK Public Sector Internal Audit Standards (PSIAS). The Charter will be reviewed annually.
- 1.2 It is a requirement of PSIAS that the Charter is approved by the 'Board'. Within Clackmannanshire Council, the Audit and Finance Committee is deemed to be the Board or as otherwise amended by Standing Orders.
- 1.3 Internal Audit is provided under a consortium audit agreement with Falkirk Council who will provide the overall supervision and management of the Council's audit programme drawing on Clackmannanshire resources as well utilising their own resources under a fee agreement in accordance with a service level agreement between the two Councils agreed by the Council's Audit and Finance Committee.
- 1.4 The Head of Internal Audit in Falkirk is designated the Chief Internal Audit Executive by the Council to comply with PSIAS regulations and for the purposes of managing Internal Audit in Clackmannanshire he/she will be designated "Internal Audit Manager".

**2. Role of Internal Audit**

- 2.1 Internal Audit is an independent and objective assurance and consulting activity that aims to add value to, and improve the operations of, Clackmannanshire Council.
- 2.2 The main objective of Internal Audit is to provide a high quality, independent, and innovative audit service, culminating in an Annual Assurance Report providing an opinion on the adequacy of the Council's arrangements for risk management, governance, and control.
- 2.3 In addition to this assurance role, Internal Audit will also:
- present periodic Progress Reports to relevant Committees;
  - provide ad hoc consultancy and advice to Services;
  - monitor and report on the implementation of Internal Audit recommendations;
  - help promote an anti-fraud and corruption culture, and assist with investigations as appropriate.
- 2.4 The Internal Audit Manager will support the relevant Chief Officers in the roles of Key Contact for the bi-annual National Fraud Initiative exercise and as the Council's Single Point Of Contact (SPOC) with Police Scotland in relation to Serious Organised Crime and Corruption.

**3. Professionalism**

- 3.1 Internal Audit will adhere to the (Public Sector Internal Audit Standards) PSIAS. These Standards set out the fundamental requirements for the professional practice of Internal Auditing, and are based on the Institute of Internal Auditors' mandatory guidance. They also set out requirements in relation to evaluating the effectiveness of the Internal Audit Function's performance.
- 3.2 Internal Audit will adhere to Council policies, procedures, and guidance, and will operate in line with its own Internal Audit Manual.
- 3.3 All Internal Audit staff managed under the consortium audit arrangements participate in the Continuous Professional Development (CPD) requirements of the relevant Chartered Institute, and in their employing Council's personal development arrangements). To assist with compliance with these CPD requirements, Falkirk Council's Finance Service is an accredited CIPFA CPD employer, and its Internal Audit Section has been awarded the equivalent CIIA accreditation.
- 3.4 Internal Audit staff are also required to adhere to the Chartered Institute of Internal Auditors' Code of Ethics, and are reminded of this requirement on an annual basis.
- 3.5 Networking and sharing of good professional practice across Local Authorities is achieved through the Scottish Local Authorities Chief Internal Auditors' Group (SLACIAG) and its Computer Audit Sub-Group (CASG). Both of these Groups meet periodically throughout the year to discuss topical issues, emerging risks, and to progress specific initiatives.

**4. Authority and Scope**

- 4.1 The scope of Internal Audit allows for unrestricted coverage of the Council's activities. To allow the Service to be truly independent, all Internal Audit staff will have authority to:
- enter any Council premises or land;
  - access any records, documents, or correspondence (held in any format) relating to any matter which may have audit or assurance implications for the Council;
  - require explanations relating to any matter under review from any employee, including Chief Officers and elected Members; and
  - require any employee (or agent) of the Council to produce cash, stores, assets, or any other property under their control or to which they have access.
- 4.2 This access is on demand and need not be subject to prior notice. However IA staff are aware of their general responsibilities to maintain client confidentiality and specific responsibilities under the Data Protection act
- 4.3 In addition, the Internal Audit Manager will have unrestricted access to:
- the Chief Executive;

## **Clackmannanshire Council Financial Regulations**

- the Convener and Members of the Audit and Finance Committee;
- Chief Officers;
- all Council employees.

4.4 The Internal Audit Manager has the right to report directly to the Council in any instance where he/she deems it inappropriate to report to the Council's S95 Officer), Chief Executive, or Audit and Finance Committee.

4.5 Right of access to other bodies funded by the Council should be set out in the conditions of funding or relevant contractual arrangement.

### **5. Organisation**

5.1 The Internal Audit Manager reports functionally to the Audit and Finance Committee and administratively to the relevant Chief Officer, who is a member of the Council's Corporate Management Team. The Internal Audit Manager meets with the Convener of the Audit and Finance Committee prior to each meeting of the Committee to discuss matters relating to the Agenda.

5.2 Functional reporting means that the Audit and Finance Committee will:

- approve the Internal Audit Charter;
- approve the annual risk based Internal Audit Plan;
- consider reports on Internal Audit activity, including an Annual Assurance Report;
- seek assurances from Chief Officers that appropriate action has been taken to address Internal Audit recommendations; and
- make enquiries of management and the Internal Audit Manager to identify any inappropriate scope or resource limitations.

5.3 The Internal Audit Manager, Senior Internal Auditors, and Internal Auditors are required to hold a relevant professional qualification and to be suitably experienced.

### **6. Independence and Objectivity**

6.1 Internal Audit staff will act independently and objectively at all times. In addition, Internal Audit is not an extension of, or substitute for, the functions of line management and will remain free from any undue influence or other pressure affecting its actions and reporting.

6.2 Internal Auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair their judgment. They may, however, be consulted on the implementation of new systems or processes to ensure that, as far as possible, sound and proportionate arrangements for risk management, governance, and control are built in.

6.3 It is a Chief Officers' responsibility to:

## **Clackmannanshire Council Financial Regulations**

- maintain a robust framework of internal control within their area of responsibility;
- put in place arrangements to prevent, detect, and resolve instances of fraud or corruption;
- consider and act upon Internal Audit findings and recommendations, or accept the risk of not acting on these; and
- inform Internal Audit of any material proposed changes to systems or processes.

6.4 Internal Auditors must exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being reviewed. They must make a balanced assessment of all the relevant circumstances, and not be unduly influenced in forming judgments.

6.5 The Internal Audit Manager will report to Audit and Finance Committee in his/her own name, and will confirm, in the Annual Assurance Report, the organisational independence of the Internal Audit function.

### **7. Responsibility - Reporting Requirements**

7.1 The scope of Internal Auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the Council's risk management, governance, and control arrangements.

7.2 It is the responsibility of Internal Audit to complete sufficient work to allow an Annual Assurance Report to be presented to the Audit and Finance Committee. This report provides an annual, overall, opinion on the adequacy of arrangements for risk management, governance, and control, and informs the Council's Annual Governance Statement.

7.3 The Annual Assurance Report will be based on the range of risk based reviews set out in the Annual Internal Audit Plan, and will encompass:

- systems and processes for establishing and embedding effective risk management across the Council;
- corporate governance arrangements;
- routine business processes and central systems; and
- non-key processes.

7.4 In preparing the Annual Internal Audit Plan, cognisance will also be taken of information obtained from Internal Audit's own Audit Needs Assessment model, previous audit reviews, and from consultancy and advisory work. In addition, consideration will be given to information obtained through regular contact with Service managers, and from other independent review activities, such as external audit, and the work of external inspection agencies.

7.5 For each individual audit review, Internal Audit will develop a Terms of Reference and agree this with the relevant Service managers. Reviews are carried out using a risk based approach, taking account of the objectives of the activity being reviewed, risks to that activity, and the adequacy of existing risk management, governance, and control arrangements.

## **Clackmannanshire Council Financial Regulations**

- 7.6 Internal Audit will develop and document work programs for each review, setting out the approach to be taken for identifying, analysing, evaluating, and documenting information during the review. A detailed file will be kept as a record of work undertaken. This will be done in line with the standards set out in the Council's Internal Audit Manual.
- 7.7 Matters arising from each Internal Audit review will be reported to management in the form of a draft audit report. Each report will be reviewed by the Internal Audit Manager and will include a statement on the level of assurance that can be provided, as well as an action plan setting out any recommendations. The overall assurance will be provided in line with the definitions set out below.

Substantial assurance	Largely satisfactory risk, control, and governance systems are in place. There may be some scope for improvement as current arrangements may undermine the achievement of objectives or leave them vulnerable to error or abuse.
Limited assurance	Risk, control, and governance systems have some satisfactory aspects. There are, however, some significant weaknesses likely to undermine the achievement of objectives and leave them vulnerable to an unacceptable risk of error or abuse.
No assurance	The systems for risk, control, and governance are ineffectively designed and operated. Objectives are not being achieved and the risk of serious error or abuse is unacceptable. Significant improvements are required.

- 7.8 The report and completed Action Plan will form the final record of each audit.
- 7.9 Reports will be provided to the Audit and Finance Committee at meetings agreed at the start of the financial year and detailed in the Council's "Forward Plan". Reports will detail progress in completing the Annual Internal Audit Plan and highlighting any key matters arising. These progress reports will also provide information on any ad hoc or consultancy work undertaken by Internal Audit as well as any significant instances of theft, fraud, or irregularity considered by Internal Audit.
- 7.10 The Progress Reports will also provide information in relation to Internal Audit Recommendations that remain outstanding.
- 7.11 Internal Audit will capture on the Council's performance management system all recommendations made along with management responses provided. The reports are accessible to Chief Officers who have the responsibility to periodically provide an update on the recommendations falling within their area of responsibility. Any recommendations that have been fully implemented are noted with updates added where corrective action has commenced but not yet been completed.

## **Clackmannanshire Council Financial Regulations**

- 7.12 The report to the Audit and Finance Committee of recommendations that remain outstanding will focus on:
- recommendations where the agreed Action Date has lapsed; and
  - where no revised (and reasonable) Action date has been agreed with Managers.

- 7.13 This approach allows any particular areas of risk or concern to be highlighted, and positive assurance to be provided where appropriate.

### **8. Responsibility – Consultancy Work and Fraud / Corruption**

- 8.1 Internal Audit will include an allocation of ‘days’ in the annual Internal Audit Plan for Consultancy Work which may include work on Fraud and Corruption.
- 8.2 Consultancy work includes commenting on draft procedural guidance and responding to management requests for advice on risk and control issues. Approval will be sought from the Audit and Finance Committee if there is to be a significant variation in consultancy work above the allocation within the Internal Audit Plan.
- 8.3 As detailed in Finance Regulations, Chief Officers are responsible for identifying and managing the risk of fraud. Chief Officers are also, required to notify the S 95 Officer of all financial irregularities or of any circumstances that may suggest the possibility of irregularities. The S 95 Officer will form an opinion on the process to be followed on notification of an irregularity, and this may involve requesting that Internal Audit assist with, or take a lead on, any investigation. Ultimately, this decision will be taken with due regard to the Council’s Anti-Fraud and Corruption Strategy.

### **9. Quality Assurance**

- 9.1 Internal Audit is subject to a Quality Assurance and Improvement Programme that covers all aspects of the Function’s activity (and its compliance with PSIAS). This consists of an annual self assessment, ongoing performance monitoring, and a periodic external assessment.
- 9.2 The Internal Audit Manager is responsible for undertaking an annual self assessment and for reporting the results of this self assessment to the Audit and Finance Committee and will do so within the Internal Audit Annual Assurance Report.
- 9.3 External assessments will be conducted at least once every five years by a suitably qualified, independent, assessor. The Internal Audit Manager will discuss and agree options for these assessments with the S 95 Officer and Convener of the Audit and Finance Committee.

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**Report to**                      **Clackmannanshire Council**

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**Date of Meeting:**    **12<sup>th</sup> April 2018**

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**Subject:**                      **Scheme for the Establishment of Community Councils**

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**Report by:**                      **Head of Strategy & Customer Services**

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## **1.0 Purpose**

- 1.1. The purpose of this report is for Council to consider the outcome of the third stage of consultation on the content of a proposed new Scheme for the Establishment of Community Councils.

## **2.0 Recommendations**

- 2.1. It is recommended that Council
- 2.1.1. notes the summary of final representations on the proposed Scheme attached as Appendix 1 to this report;
- 2.1.2. approves for adoption the proposed new Scheme for the Establishment of Community Councils attached as Appendix 2 to this report;
- 2.1.3. notes the timetable for introduction of the new Scheme, including the scheduling of the next review, attached as Appendix 3 to this report.

## **3.0 Considerations**

- 3.1. Clackmannanshire Council has a statutory duty to draw up a Scheme for the Establishment of Community Councils to ensure that community councils have a framework within which to exist and operate.
- 3.2. At its meeting in December, 2017, the Council agreed to take a proposed new Scheme forward to a third stage of statutory consultation in accordance with Section 22 of the Local Government Scotland Act 1994.
- 3.3. The four-week consultation period which has just ended invited final comments in writing on the proposed new Scheme including some amendments to the draft Scheme which had been the subject of the previous stage of consultation.
- 3.4. Comments which were received during the third stage of consultation are summarised in Appendix 1 to this report. While there was general agreement

with the content of the proposed Scheme following final amendments, there were new comments submitted on the top-up election provision.

#### **4.0 Final Representations**

- 4.1. The provision for top-up elections was originally proposed as a means for the Council to assist community councils to maintain membership numbers within an election cycle. It was included at the first appropriate stage (Stage 2) of this consultation on the new Scheme.
- 4.2. In the second stage of consultation, there was support for the introduction of more opportunities for people to fill vacancies arising on community councils. However, upon further examination in the third stage of consultation, this provision was found on balance to be less helpful than intended and of less value than the other provisions for filling vacancies.
- 4.3. The Council's approach to the content of the Scheme aims to reflect our aspirations to empower communities and help community councils to modernise. Accordingly, comments relating to community councils' need for flexibility to balance the workload of involving residents in community council elections with their other core functions to suit local circumstances have been given weight and the provision for top-up elections has been removed from the proposed draft Scheme.
- 4.4. In addition, to emphasise community council prerogative to request an interim election when necessary, the provision for interim elections has been amended to allow more flexibility in the threshold for membership numbers at which they can be called.
- 4.5. The removal of the provision for top-up elections and the amendment to the provision for interim elections do not change the principle or method by which people become community councillors. Therefore, it is recommended that the proposed draft Scheme proceeds to adoption with the amendments outlined in paragraphs 4.3 and 4.4.
- 4.6. There were otherwise no substantive comments on the final amendments to the Scheme after Stage 2 and only further amendments of a stylistic nature in the interests of clarity have been made.

#### **5.0 Next Step In The Process**

- 5.1. Six of the eight steps in the statutory consultation process to prepare a new Scheme for the Establishment of Community Councils have been completed (see Appendix 3). Should Council adopt the proposed new Scheme, a final notice will be published announcing the adoption of the new Scheme.
- 5.2. The content of the new Scheme will be reflected in the content of other documents governing community councils. (See drafts in appendix 4). Any necessary re-wording of these documents and the new arrangements will be effected in consultation with the community councils.
- 5.3. The approach to this extensive statutory process aimed to ensure any changes to the Scheme remain relevant and applicable over at least the



period of the full election cycle of community councils, and the need for review can next be considered in 2022.

## 6.0 Sustainability Implications

- 6.1. The recommendations will have a positive impact on encouraging community participation in decision making.

## 7.0 Resource Implications

### 7.1. *Financial Details*

- 7.2. 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 ☒

- 7.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒

### 7.4. *Staffing*

## 8.0 Exempt Reports

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

## 7.0 Declarations

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

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

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input type="checkbox"/>
Our families; children and young people will have the best possible start in life	<input type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input checked="" type="checkbox"/>

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

## 8.0 Equalities Impact

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

Yes ☒ No

## 9.0 Legality

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

## 10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – Summary of consultation responses stage 3

Appendix 2 – draft proposed Scheme

Appendix 3 – Review Timetable

Appendix 4 – Revised draft model documents

## 11.0 Background Papers



- 11.1 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)

Yes ☐ (please list the documents below) No ☒

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Baillie	Community Planning Adviser	2012

### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Head of Strategy & Customer Services	
Elaine McPherson	Chief Executive	

Questionnaire comment	Council Response	Final proposed Scheme content
<b><i>Filling vacancies arising in between elections</i></b>		
<b>Top-up Elections</b>		
1. Top-up elections are intended to fill vacancies. When an individual is co-opted onto a CC, for example, to replace a member standing down, then that vacancy no longer exists. Therefore, to create a vacancy, to be filled at a Top-up Election, the co-opted member will be required to stand down to create a vacancy to be filled at the Top-up Election. MCC considers this to be unacceptable.	The provision for co-option has been included primarily to allow community councils to maintain workload until new members can be elected at the next elections. It is not intended to allow people to bypass the formal election process.	This objection has been indirectly addressed by the removal of the provision for top-up elections but for different reasons.
2. Should one member leave the area, or resign, then a replacement member could be co-opted. Does this mean that the following January, the Council would be required to conduct a Top-up election and that the Co-opted member would be required to stand for election, possibly unopposed, to fill the membership gap that was previously filled by co-option? This could be simply avoided by changing the wording in Sec. 8.13 to read: "... and will serve until the next round of elections (whether regular or interim)", rather than the wording "... (whether regular, top-up or interim)"	As above, our position is that it is neither desirable nor in the interests of the electorate to avoid this situation.	As point 1 above, the provision causing this objection has been removed.
3. should the Council decide to go ahead and adopt the current Scheme proposal for Top-Up Elections to fill casual vacancies, then what is the proposed procedure by which a co-opted member would be required to stand down, in order to re-create the required vacancy? Further, at what point in time would a co-opted member be required to do so?	Should the Scheme be adopted with this provision remaining, the process and timing would be consistent with that of a regular election.	We are no longer proposing to include this provision.
4. Although top up elections are a good idea in principle, as tax payers, we feel having a top up election which could go to ballot only to fill	Community concern about the costs involved is understandable. Whilst we do not feel that	As with point 1 above, this objection has been indirectly addressed by the

one place is not good value for money.

the reasonable costs of legitimate, democratic processes which intend to meaningfully increase citizen participation should be a key factor in the debate, the case against top-up elections has in any case been argued elsewhere.

removal of the provision for top-up elections but for different reasons.

5. Elections are work for ccs too and we would like to be able to request an election when necessary rather than to a schedule

We are aware of the extensive work community councils undertake to encourage residents to take part in their elections and we acknowledge that the trend for more community consultation and participation in local community planning are placing increasing demands on community council time and attention.

The provision for Interim Elections will be re-worded to help community councils respond to drops in membership numbers in a managed way.

## Interim Elections

6. Having been supportive of the concept of Top-Up Elections I now believe that if the cases of the Interim Election could be altered to allow for a CC to request an Interim Election in circumstances where either the overall number of CC members has dropped or are at risk of dropping to too low a level to allow for the effective operation of the CC or if the balance between elected CC members and Co-opted Members has again reached a point which would prejudice the operation of the CC then this would be a simpler arrangement giving the CC's maximum flexibility.

We welcome this pragmatic response and are aware that it came about through careful consideration and deliberation by community councils collectively.

As point 4 above, we accept the case for managing volunteer workload. Elections, and the work involved in campaigning actively to involve residents in their elections, should not present a barrier to community council activities but should inherently support them.

The wording in the paragraphs relating to interim elections has been amended so as to assist community councils with their efforts to monitor membership numbers and plan for election campaigns.

7. Further to our meeting on Monday, MCC would be grateful if the following additional comments could be noted, in terms of our input to the consultation. MCC would be happy if the term 'Top-up

8.11 would require to be changed accordingly.

8. I like the idea of top up elections but would only like to see them called if there two or more vacancies, as I won't want to do election unless necessary as it would distract from cc business.

## Co-option

9. MCC strongly believes that [ *requiring a co-opted member to stand at a top-up election*] will discourage any member of the community volunteering to fill a casual vacancy, during the 'life' of the CC, leaving the remaining members with a disproportionate workload.

We note a key point in this comment is the importance of not creating barriers for new members and of avoiding disproportionate disruption to community council business.

This objection has been addressed, as per point 6-8 above.

10. should a vacancy arise close to the date of a Top-Up Election (say, in the September), a CC may decide not to take "immediate steps" to co-opt a member to fill a casual vacancy, for that individual, potentially, to participate in one, at the most, two CC meetings prior to being required to stand down for an election taking place!! The wording in Para. 8.12 need to be amended, and / or 'conditions' added, to reflect this situation.

The provision for co-option has been included on the understanding from Stage 2 that community councils usually require to replace members immediately to maintain productivity, but we accept that for practical reasons the process of co-option would not always be immediate.

The wording of the provision for interim elections (point 6-8 above) addresses the need to allow for what is practicable.

11. casual "vacancies arising since a regular or interim election" are only vacancies if the place has not been filled by co-option. Therefore, the only way a vacancy can be created is if the co-opted member is required to stand down. As previously submitted, this is not something that MCC supports. A co-opted member should be allowed to remain on the CC until the next Regular (or Interim) Election. We do not believe that Sec. 8 of the proposed draft Scheme (referenced in Q. 8 below) adequately deals with this issue.

We provide guidance on adhering to minimum standards for co-option and we note our community councils are striving to undertake co-option to even higher standards to ensure residents are as confident of the legitimacy of the status of co-opted community councillors as those who became members at an election.

We are not proposing any changes to this provision in the Scheme but will revisit the guidance we provide to community councils on co-option with a view to ensuring it reflects the high standards they expect of themselves.

12. It is essential to have both a flexible (co-option) and less flexible but more democratically robust method (elections) of recruiting. Co-options must be done with safeguards in place to ensure legitimacy. Co-option is a form of election so a co-opted place is not vacant.

13. It is important that the majority of Community councils are elected, although co-option should be available.	We agree with this and feel the Scheme already reflects this.	Continue with provisions for traditional elections and co-options.
14. If there is a resignation during the term, it would be desirable to be able to elect an interested and suitable candidate for the duration of the term. Without having to go through hoops to do so.	We respect the need for local flexibility. This has been recognised and reflected in the new proposed Scheme	Continue with provision for co-option and amend provision for interim elections (as point 6-8 above).

## ***Dissolution and Suspension***

### **Power**

15. MCC is still of the belief that the Council, ultimately, needs to take responsibility for the dissolution of a CC which is in breach of the Scheme and / or it's Constitution and that this should be made clear. The Council is responsible for establishing a CC, through a fair and democratic election process, that it arranges and conducts. It also establishes and 'owns' the Scheme. Therefore, it should also take ultimate responsibility for dissolving a CC. Other Local Authorities reserve the right to dissolve CCs, e.g. Glasgow City Council (Sec. 13 (a) of its Scheme): "Any decision which may lead to the dissolution of a community council rests with the Executive Committee within Glasgow City Council". This is similar to the powers that the Scottish Government has to suspend or 'dissolve' a Council / Local Authority that is in breach of its rules, or its terms of operation, or, indeed, that the UK Government can, ultimately, take over from or 'dissolve', a devolved Government that is not, or can not, operate effectively in the interests of the electorate that put it in place.	<p>The Scheme shows that the Council takes breaches of the Scheme seriously but we maintain our stance that the will of the people determines a community council and determines its future.</p> <p>We hope community councils will help us to dispel the common misunderstanding that because we set the framework and administer the elections, the Council creates and is in charge of community councils.</p> <p>The Scheme is indeed Clackmannanshire's. There is no requirement for Schemes across Scotland to be identical and the scope for local determination of the content is important. Like the respondent, we frequently refer to government and local government processes for rationale but community councils are unique organisations and comparisons are not always applicable.</p>	Continue with the existing provision.
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### **Process**

16. If the Council still wishes a community to take responsibility for the dissolution of a CC, under Sec. 12.1, what 'process' is to be followed?	Circumstances under which dissolution occurs vary. The Council will respond as necessary with a level and nature of assistance which	The process for dissolution is set out in the constitution of each community council.
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What assistance will be provided to the community?

suits the local circumstances.

17. What if the CC in question is in breach of its governance framework, and is subsequently suspended by the Council, but has the full support of the community it represents? How will this CC be dissolved!? What is the documented process that the Council will follow to determine whether a CC should be dissolved against the wishes of the community?

A community council which has the full support of the community it represents will not be dissolved. The suspension will be lifted when residents take the steps necessary to rectify the actions which have placed it in breach of the Scheme. It may continue to operate as a community group but it will not be recognised as a community council.

Unfortunately, a process for dissolution which applies across the county to cover all eventualities would be subject to too many variables to include. No change to proposed provision.

18. what if the community actually continues to fully support a CC that the Council has suspended and it continues to operate without funding?

## Other

### General

19. The final content of the draft scheme is fine and easy to understand and would be beneficial for those wanting to become Community Councillors.

The content has been derived following extensive negotiation primarily with community councils and we are pleased to receive this reassurance.

No change to proposed Scheme

20. It looks good to me

21. When someone applies at election time, there is no vetting on the suitability unless it goes to a vote when numbers are at maximum. I think there should be some kind of vetting to deter time wasters or people who are only interested in having the title.

Elections are designed to give residents the chance to 'vet' nominees through a ballot. This has proven itself to work in practice when voters have chosen their community councillors based on the content of the candidates' supporting statements on their nomination form.

No change to eligibility criteria or to proposed Scheme.

22. I do not think that CC should be paid, as if this was the case the difference in the input and effort that each CC makes would become an issue. Some do not even attend meetings while others are busy

Community councillors are volunteers. They are reimbursed for out-of-pocket expenses but they are not paid a wage. This is not a

No change to proposed Scheme.

with CC almost every day.

reflection of the quality or quantity of the work they undertake or on the role they assume within the community council. There are currently no proposals to give community councillors a wage.

## Future direction of community council activity

23. I would suggest that Community Councillors are advised that they are here for all communities within the Alloa area and not just for the young, but middle age and elderly. Specific groups appears to be missed out at every opportunity and there are a lot more things that can be done instead of just having things done for the chosen few.

Community councils represent the breadth of interests within a geographic community. As such, they do have to balance the interests of various groupings within that community and as they have limited resources, they have to prioritise their work. Not all the work done in a community for specific groups has to be done by a community councillor and people can help as volunteers.

The model community council constitution has been amended to make it clearer that community councils can engage volunteers who are not community councillors. No change to the Scheme.

24. Is [ *the direction community councils should be moving in to fulfil their function meaningfully, to be relevant*] not already covered in Secs. 2 and 3 of the proposed draft Scheme?.

We agree that the function, as described in legislation, generally gives community councils the scope to respond to the interests and priorities of their communities through the activities they judge to be appropriate.

No change to proposed Scheme

25. Community Councils should have a "special relationship" with their councils. Often described as influence but not decision making, which is the Clacks Councillors role.

We agree that the working relationship between community councils and the Council should add value to the work of both and, in technical terms, our community council protocol covers this.

No change to proposed Scheme.

26. The recent snowy weather, highlighted how Community Councils using their links into the community help link people who wanted to help with those that needed help

We agree that effective use of these links makes a positive difference to how communities mobilise in extreme situations.

No change to proposed Scheme.



## Respondent breakdown

Where in Clackmannanshire do you live?

Community Council Review Stage 3

Final Proposals

Option	Total	Percent of All	Total	Percent of All
Alloa	3	50%	0	0%
Alva	0	0%	0	0%
Cambus	0	0%	0	0%
Clackmannan	1	17%	0	0%
Coalsnaughton	0	0%	0	0%
Devonside	0	0%	0	0%
Dollar	0	0%	0	0%
Fishcross	0	0%	0	0%
Forestmill	0	0%	0	0%
Glenochil	0	0%	0	0%
Kennet	0	0%	0	0%
Menstrie	0	0%	0	0%
Muckhart	1	17%	2	100%
Sauchie	0	0%	0	0%
Tillicoultry	1	17%	0	0%
Tullibody	0	0%	0	0%
Not Answered	0	0%	0	0%

Do you have any experience of community councils in the last 4 years either as a community councillor or as a member of the public attending community council meetings?

Community Council Review Stage 3

Final Proposals

Option	Total	Percent of All	Total	Percent of All
Yes, I've attended one or more community council meetings in the last 4 years	6	100%	2	100%
No, I've haven't attended a community council meeting in the last 4 years	0	0%	0	0%
Not Answered	0	0%	0	0%



# **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**



**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

## **1. Introduction**

- 1.1. Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities and made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.
- 1.2. The Scheme is designed to enable the establishment of community councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

## **2. Statutory Purposes**

- 2.1. The statutory purposes of community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "In addition to any other purpose which a Community Council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".

## **3. Role of Community Councils**

- 3.1. Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises community councils as the voice of the community on matters which directly affect public services in their areas and as appropriate bodies to participate at all stages of Local Development Planning.
- 3.2. Community councils have a statutory right to be consulted on planning applications which affect their area.
- 3.3. Community councils are competent objectors for licensing applications.
- 3.4. It is the role of community councils to inform the community they represent of matters of public concern and enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Clackmannanshire Council also recognises the scope community councils have to promote the well-being of the communities they represent; foster community spirit, and safeguard and improve the amenities of the community council area, its buildings and its natural environment.

## 4. Boundaries and Membership

- 4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this map which annexes this Scheme.
- 4.2. There shall be minimum and maximum membership numbers of community councillors. Only members who were elected at a regular, or interim election count for minimum membership to operate. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

Community Council	Membership maximum	Minimum membership to operate	Minimum nominations at a regular election	Population est
Alloa	16 members	8 members	9 nominations	14085
Alva	14 members	7 members	8 nominations	4824
Clackmannan	14 members	7 members	8 nominations	3716
Dollar	14 members	7 members	8 nominations	3084
Menstrie	14 members	7 members	8 nominations	2826
Muckhart	12 members	6 members	7 nominations	534
Sauchie & Fishcross	14 members	7 members	8 nominations	6425
Tillicoultry	14 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	14 members	7 members	8 nominations	9345

## 5. Eligibility

- 5.1. To qualify for nomination and election to a community council, and membership, a candidate must:

- Reside in the community council area for which membership is sought and,
  - be aged 18 or over and included on the current electoral register for the Community Council Area, or
  - be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
- Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
- Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
- Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

## 6. Establishment

- 6.1. Clackmannanshire Council will invite electors in an area where no community council exists to apply in writing to the Chief Executive for the establishment of a community council in their area.

- 6.2. Clackmannanshire Council will arrange an election where at least 20 electors, who in their own right would be eligible to stand for election to a community council, notify the Chief Executive in writing within 21 days that they wish to see a community council established for their area. The method of election will be that of a regular election described in Paragraph 8.
- 6.3. If nominations are received for less than the minimum nomination number, no community council will be formed. Clackmannanshire Council will give a statement of reasons why a community council may not be formed in any area.
- 6.4. In areas where no community council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a community council. This will be subject to there being no more than two elections in a twelve month period in any one community council area.
- 6.5. Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular, National or Local election is scheduled.

## **7. Election**

- 7.1. The method by which people become community councillors shall be open and transparent. Clackmannanshire Council will conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through four methods, described in Paragraph 8. They are:
  - Regular elections, every four years to fill all places on all community councils
  - Top-up elections, in the January of the second and third years after every regular election
  - Interim elections, in the event that a community council's membership falls below the minimum membership to operate, or when the community council fails to receive the minimum nominations at a regular election
  - Co-option, to be used to maintain membership numbers as soon as a vacancy arises
- 7.3. Regular, top-up and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.

## **8. Election Methods**

### **Regular Elections and Interim Elections**

- 8.1. The Returning Officer for community council elections carried out by Clackmannanshire Council will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

## Regular Elections

- 8.2. Regular elections are held every four years at a time to be determined by Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in a year National or Local Elections are scheduled.
- 8.3. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2020.

## Regular Election Process

### 8.4. Step 1 Nominations

All places on all community councils are available. All serving Community councillors will stand down and will be eligible for re-election. For all serving community councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

Clackmannanshire Council will advertise a Notice of Election by public notices in the area covered by the community council. This notice will invite residents of the area to put forward nominations for membership of the community council.

Nominations will be in the form decided by the Returning Officer and will be subscribed by one proposer and one seconder, both of whom must be eligible for election in their own right. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

Nominations for election to a community council must be received by the Returning Officer by the time specified.

### 8.5. Step 2 Election Process

Where nominations are received for between the nomination minimum and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of places to be filled, a ballot will be held.

### 8.6. Step 3 Ballot

When a ballot is held, community councils shall be elected on the Block Voting system. The ballot will be secret and will follow the process set by the Returning Officer.

### 8.7. Optional Step: Nomination deadline extension

Should the total number of candidates nominated be below the minimum nomination number as specified for the community council area, no community council will be established in that area at that time. However, Clackmannanshire Council may, at its discretion, extend the deadline and within 6 months of the closing date for the registration of the first call for nominations issue a second call for nominations for a community council area failing to meet the minimum nomination requirement.

## **Interim Elections**

- 8.8. In the event that a community council's membership falls below or is at risk of falling below the minimum membership to operate, it shall notify Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements for an interim election to be held to fill places left vacant at a regular or interim election and vacancies arising since a regular or interim election. Places filled at a regular, or previous interim election are not subject to interim elections, however, places filled by co-option are. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

### **Interim Elections Process**

- 8.9. The process for an interim election is that of the nominations and ballot process in a regular election but nominations shall be invited only for the number of vacancies. There will be no second call for nominations. A community councillor elected at an interim election will hold office until the next regular elections.

## **Co-option**

- 8.10. Should a place filled through an election become vacant, community councils shall take steps through a process of co-option to fill the vacancy to maintain membership numbers until the next election. A community council must not co-opt further members if, as a result, the number of co-opted members would exceed one third of the number of community councillors elected at a regular or interim election. Places not filled at a regular or interim election cannot be filled by co-option.
- 8.11. Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the community council by a two-thirds majority of the elected (regular and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (whether regular or interim). Co-opted members do not count for minimum operating numbers.

### **Co-option Process**

- 8.12. Community councils shall determine the process of co-option. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members and publicly in the community council area at least 14 days prior to the meeting at which the matter will be decided.

## **9. Meetings**

- 9.1. The Returning Officer will call the first meeting of the community council after its establishment and after regular elections. This meeting will take place within 4 weeks of the election or as soon thereafter as is practicable. The election of a chairperson for that meeting from amongst community councillors present must be the first item of business at this meeting. Until a chairperson for that meeting is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.

- 9.2. Community councils shall determine the format of their meetings subject to meetings being open to the public, with the place, date, time, nature of the business to be conducted at the meeting and draft note of any decisions made at the previous meeting advertised in the community council area at least 7 days before the meeting.
- 9.3. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
- 9.4. Each community council shall hold a meeting by the end of September of each regular election year and by the end of October in non-election years at which it will account for its activities in the previous year, present its annual accounts for approval and elect its office bearers.
- 9.5. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.

## **10. Constitution**

- 10.1. Each community council is required within 2 months of establishment or as soon thereafter as is practicable to adopt a Constitution which adheres to the terms of this Scheme. The constitution must meet minimum standards of legitimacy, democracy, accountability and transparency relevant to the statutory function of community council and is required to be approved by Clackmannanshire Council prior to adoption by the community council.

## **11. Resourcing**

- 11.1. Clackmannanshire Council will provide assistance to community councils to support their administrative needs. The details of this assistance and resourcing which the Council will from time to time determine will be set out in the Protocol which accompanies this Scheme.
- 11.2. Any financial assistance will be made available to community councils following receipt of bank account details and, in the case of established community councils, approval by the chief finance officer of independently examined annual accounts which the community council can demonstrate have been approved by the community council at a properly-convened meeting which is open to the public.

## **12. Dissolution and Suspension**

### **Dissolution**

- 12.1. Clackmannanshire Council will, upon request of the community in question and following due process as set out in the community council's own constitution, assist a community with the process of the dissolution of a community council.

### **Suspension**



- 12.2. Clackmannanshire Council may move to consider a community council to be suspended where:
- It has demonstrated a major single breach or a series of breaches to the requirements set out in this Scheme or its adopted constitution and where said breach(es) have not been remedied after being brought to the community council's attention.
  - A majority of its members collectively or separately have been charged with an offence under the law
- 12.3. Should Clackmannanshire Council consider a community council to be suspended, it shall publish a public notice in the area giving reasons. Within 2 months of suspension of a community council (or as soon as is practicable) Clackmannanshire Council shall set in motion a process to establish if the community wish to dissolve the community council or take action to re-instate its status. The process will be set out in the public notice.
- 12.4. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

## **13. Exchange of Information**

### **Procedures**

- 13.1. Procedures for the exchange of information on matters of mutual interest will be negotiated, and updated to suit changes in working arrangements, between community councils and Clackmannanshire Council. They are set out in the community council Protocol which accompanies this Scheme.

### **Single Point of Contact**

- 13.2. Each community council shall elect from among its members a Single Point of Contact for communication with Clackmannanshire Council and other public authorities, and provide the name and contact details of the Single Point of Contact to Clackmannanshire Council for wider publication to the public. The community council shall notify the Community Council Liaison Officer of any changes to the Single Point of Contact.

### **Community Council Liaison Officer**

- 13.3. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

### **Guidance**

- 13.4. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

Adopted: [ date ].

Review date : 2022



## Appendix 3

### Indicative Review Timetable

- 1.1. The steps involved in this process and proposed timescales are laid out in the Table below.

<b>Date</b>	<b>Step</b>
<i>January 2017:</i>	Council agrees to revoke existing Scheme.
<i>February 2017:</i>	Public notice of intention to revoke existing Scheme and statutory minimum 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.
<i>June 2017:</i>	Council meeting considers the outcome of the consultation, recommendations arising from comments gathered during the public consultation and the contents of a draft new Scheme.
<i>August 2017:</i>	Public notice of second statutory minimum 8-week public consultation inviting the public to make representations on the aspects of governance of community councils and their relationship with Clackmannanshire Council which the Scheme details.
<i>December 2017:</i>	Council consider any revised draft proposals on the contents of a proposed new Scheme. If there are none, Council may consider adopting a new Scheme.
<i>February 2018:</i>	If required, the public will have a 4-week period in which to make any final representations on the proposed document.
<i>April 2018:</i>	Council will consider any final representations and will formally adopt a new Scheme.
<i>April 2018:</i>	Public notice of the adopted Scheme and invitation for electors to apply for establishment in areas where no community council exists.

- 1.2. The eventual Scheme is timetabled for implementation in 2018.
- 1.3. Consideration will be given to the next review of the Scheme in 2022.





## Appendix 4

### Draft revised model documents

- i. Draft revised model constitution
- ii. Draft revised model standing orders
- iii. Draft revised model code of conduct

- i. Draft revised model constitution

### [ ... ] **COMMUNITY COUNCIL**

#### **CONSTITUTION**

##### **ONE            Name**

The name of the Community Council shall be [.....]  
**COMMUNITY COUNCIL** (hereinafter referred to as the Community Council).

##### **TWO            Objects**

The objects of the Community Council shall be

- a) To ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b) To provide a link between the community and the elected members and officers of Clackmannanshire Council and all statutory bodies.
- c) To keep the community informed of matters of public concern.
- d) To take such action in the interests of the community it represents as appears to be expedient and practicable
- e) [To promote community spirit and the well-being of the community, provide assistance, advice and help to all sections of the community as sought without favour, and to safeguard and improve the amenities of the Community Council area by providing advice and assistance on environmental issues, maintaining and improving public amenities and buildings of historical or cultural importance.]

and unless specifically authorised by the Constitution, for no other purposes whatsoever.

##### **THREE        Area of Jurisdiction**

The boundaries of the Community Council shall be as described in the Scheme for the Establishment of Community Councils approved by Clackmannanshire Council and are shown in the map attached.

##### **FOUR        Eligibility**

To qualify for nomination, election and membership, a candidate must:

- Reside in the community council area and,
- be aged 18 or over and included on the current electoral register for the Community Council Area, or
- be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
- Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
- Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
- Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

## **FIVE Composition**

There shall be a maximum of [sixteen (16) Alloa, twelve (12) Muckhart, fourteen (14) rest] elected Community Councillors (hereinafter referred to as Councillors).

The Community Council shall remove from membership any Councillor who

- a) no longer meets the eligibility criteria or
- [b) has failed to attend x consecutive meetings for reasons unacceptable to members of the Community Council; or
- c) [ ... ]]

A decision to remove a community councillor shall be taken by a simple majority of members present on an appropriate motion at a properly-convened community council meeting. In the event of such a decision, the Community Council shall apply in writing to the Returning Officer for that place to be declared vacant.

## **SIX Membership**

Community councillors are elected to the community council through an open and transparent election process.

- a) the term of office of a Councillor shall be four years at a regular election
- b) all Councillors are eligible for re-election at the next election, provided that they meet the eligibility criteria.

## **SEVEN Office Bearers**

The Community Council will elect from among its members a Single Point of Contact, [Chairperson, Vice-Chairperson, Secretary ] and a Treasurer annually by the end of October or in regular election years at the first meeting after a regular election. Office bearers shall be eligible for re-election. Other office bearers may be elected as required.

## **EIGHT Casual Vacancies**

In the event that an elected Councillor resigns within a term of office, the Community Council may fill the vacancy through an open and

transparent co-option process. Councillors elected through a co-option process will hold office until the next election.

#### **NINE Appointment of Sub-Committees and Volunteers**

The Community Council may, if it deems it appropriate, appoint sub-committees to consider specific items of business. The Community Council shall determine the powers and terms of reference of such sub-committees which must be chaired by a Councillor.

The Community Council may recruit as volunteers interested individuals and experts to assist with its work, and may appoint these individuals to a sub-committee and to agreed tasks and action. The Community Council will determine the duration of such appointments.

These individuals shall have no voting rights on the Community Council but may be granted voting rights on a sub-committee to which they have been appointed.

#### **TEN Meetings**

The Council shall hold a minimum of four (4) regular meetings per year. Members of the public (including the press) shall be allowed to attend as observers and may be permitted to address the meeting at the discretion of the chairperson.

One half of the members (where there is an odd number the largest number less than half) in post or 4 whichever is greater shall be the quorum.

The Community Council will conduct its business in accordance with its adopted Standing Orders annexed to the Constitution.

#### **ELEVEN Annual General Meeting**

The Community Council shall hold a meeting no later than six months after the end of the financial year each year at which it will account for its activities in the previous year, present its annual accounts for approval and [except in regular election years] elect its office bearers. At least fourteen (14) days public notice shall be given in writing of such a meeting.

#### **TWELVE Special Meeting**

A special meeting shall be called when (i) the Community Council, receives a written request containing details of the business to be discussed submitted by at least three (3) Councillors; or (ii) the Chairman of the Community Council submits a written request to the Secretary. ]

At least fourteen (14) days written notice shall be given to every member of the Community Council, together with the names of those requesting the meeting and the business to be discussed. The meeting shall be held within twenty one (21) days of notification having been received by the Secretary. No other business shall be in order at that meeting.

### **THIRTEEN    Exceptional Circumstances**

In the event of exceptional circumstances which could not reasonably have been foreseen, where a decision must be taken urgently, procedures for meetings and decision-making will not apply provided that the decision to act is made unanimously by the Officer-bearers. The Community Council shall be bound by the decision unless the Office-bearers act outwith the provisions of this clause.

### **FOURTEEN    Finance**

- a) The Community Council may obtain, collect and receive money and funds and accept and receive gifts of property of any description provided that the acceptance of such gifts does not contravene any applicable rule of law.
- b) The income and property of the Community Council shall be applied solely towards the promotion of the objects of the Community Council and no part thereof shall be paid or transferred directly or indirectly to any member of the Community Council other than the reimbursement of out-of-pocket expenses incurred in connection with Community Council business
- c) The Treasurer shall keep appropriate accounts of the finance of the Community Council
- d) The accounts shall be independently examined by a person approved by the chief finance officer of Clackmannanshire Council.
- e) The Community Council shall operate a bank account(s) through which all financial transactions shall be run. There shall be three (3) authorised signatories, one of whom shall be the Treasurer.

### **FIFTEEN    Property**

The title of all and any heritable property which may be acquired by the Community Council shall be taken in the names of the [ 3x office-bearers ] for the Council and their successors in office as Trustees for the Community Council.

### **SIXTEEN    Contracts**

The Community Council shall, in pursuit of its objects, have the power to contract as it may from time to time determine.

### **SEVENTEEN Employees**

The Community Council shall, in pursuit of its objects, have the power to appoint and dismiss paid officials and such other employees as it may from time to time determine provided any such engagement complies with current employment laws.

### **EIGHTEEN    Liability**

The Community Council will only be liable for those actions of members which they have authorised in accordance with the procedures set out in this constitution.



Provided that the Community Council act within the terms of its constitution, the Office Bearers shall be indemnified by the Community Council against any claims arising from the exercise of their powers under clauses 15, 16 and 17.

## **NINETEEN      Dissolution**

A process of dissolution will be initiated if

- a) the Community Council has been notified in writing by Clackmannanshire Council that it is acting in breach of the terms of its constitution or the Scheme for Establishment and has not ceased to do so
- b) the Community Council decides by a majority that it is advisable to dissolve the Community Council

If the Community Council is to be dissolved a meeting shall be called of all the electors within the Community Council area. Notice of such a meeting shall not be less than twenty-one (21) days and shall be posted in a conspicuous place or places within the area and shall be advertised in a local newspaper circulating in the area, stating the terms of the resolution to be proposed at the meeting.

If such a decision shall be confirmed by a majority of those present and voting at such a meeting the Community Council shall, subject to the consent of Clackmannanshire Council, have power to dispose of any assets held by or in the name of the Community Council.

Any assets remaining after the satisfaction of proper debts and liabilities shall be applied towards charitable purposes for the benefit of the residents of the area as the Community Council may decide, and as may be approved by Clackmannanshire Council. Clackmannanshire Council shall upon request hold any assets in trust for one calendar year in case a new Community Council is formed in the area.

## **TWENTY      Alterations to the Constitution**

Any proposal to alter this Constitution must be delivered in writing to the [ Secretary] of the Community Council not later than twenty eight (28) days before the date of the meeting at which it is to be considered. Any alteration shall require the approval of two thirds majority of the members of the Community Council present and voting.

Where an alteration is approved then the Constitution shall be amended and each member of the Community Council shall be issued a copy of the amended Constitution. Such alterations must be consistent with the provisions of the Scheme for the Establishment of Community Councils and shall not come into force until approved in writing by Clackmannanshire Council.

## **TWENTY ONE      Acceptance of the Constitution, Standing Orders and rules**

The Community Council accepts the Constitution, Standing Orders and rules laid down subject to any subsequent alternations or additions as provided for by the Constitution.

Constitution accepted as the Constitution of [.....] Community Council.

Chairperson \_\_\_\_\_

Secretary \_\_\_\_\_

Date \_\_\_\_\_

And approved on behalf of Clackmannanshire Council by

.....

..... (signed)

.....(date)

ii. Draft revised model standing orders

[ ... ] Community Council

## Standing Orders

### **1 The first meeting after an election**

- 1.1 In an election year, the Returning Officer will call the first meeting of the community council within 28 days from the date of the election.
- 1.2 At this first meeting the election of a chairperson must be the first item of business at this meeting.
- 1.3 The Community Council may deal with any urgent suitable business, taking account of these standing orders.
- 1.4 Unless a Community Councillor (hereinafter referred to as a Councillor) resigns from any appointment, each of the appointments will stand until the next Annual General Meeting.
- 1.5 The business of the first meeting after establishment will include adoption of a Constitution and Standing Orders.

### **2 Ordinary meetings**

- 2.1 Ordinary meetings will usually be held in a public venue within the Community Council boundary, or other such place as the Community Council shall decide from time to time.

### **3 Special meetings**

- 3.1 A special meeting may be called at any time by a written request to the Secretary that must specify the business proposed.
- 3.2 The request to hold a special meeting must be signed by the Chairperson or by at least three councillors.
- 3.3 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 Community Council or to the item of business set out in the request for the meeting.
- 3.4 The special meeting will be held within 22 working days from when the Secretary receives the valid request.
- 3.5 The quorum of a special meeting is that set out in the constitution.
- 3.6 Standing order 3.4 may not be suspended.

### **4 Notices to Community Councillors**

- 4.1 At least seven clear days before the meeting, the Secretary will give notice of the meeting and its business to all councillors.
- 4.2 A councillor will be deemed to have received notice 48 hours after service of the notice.

### **5 Notice to the press and public**

- 5.1 Community Council meetings will be open to the public and the press. At least seven clear days before a community council meeting, the community council must publish the time and place of the intended meeting.

- 5.2 Copies of the agenda, minutes and accompanying reports will be available for the public to see.
- 6 Urgent business**
- 6.1 No business, other than that set out on the agenda, will be carried out unless the Chairperson decides that the item should be discussed as a matter of urgency.
- 7 The agenda**
- 7.1 Any councillor will have the right to have an item placed on the agenda for a meeting, as long as they give the Secretary notice in writing (setting out the nature of the item) at least seven clear days before the date of the relevant meeting.
- 8 Quorum**
- 8.1 One half of the number of councillors (where there is an odd number the largest number less than half) in post shall be the quorum. Information may be exchanged but no business will be carried out at a meeting of the Community Council unless a quorum of councillors is present.
- 9 Chairperson**
- 9.1 The Chairperson, if present, will chair Community Council meetings.
- 9.2 If the Chairperson is not present, the Vice-chairperson will chair the meeting. If neither the Chairperson nor the Vice-chairperson is at the meeting, the councillors present will decide who will chair the meeting by a show of hands.
- 10 Failure to go to meetings**
- 10.1 If a councillor fails to attend three consecutive Community Council meetings, the councillor shall be disqualified from the Community Council, unless the Community Council grant them leave of absence in writing.
- 10.2 If a councillor is not able to go to the meeting for whatever reason, he or she may give his or her apologies either by telling the Secretary (before the meeting) or through another councillor who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes.
- 11 Including the public in meetings**
- 11.1 Members of the public may go to Community Council meetings as observers. However, if there is any disruptive behaviour, the Community Council have the right to ask any member or members of the public to leave.
- 11.2 Standing Order 11.1 may not be suspended
- 12 Rights of community councillors**
- 12.1 Councillors will receive from the Community Council copies of all governing documents and meeting papers.

13 **Responsibilities of community councillors**

- 13.1 Councillors will observe the Code of Conduct adopted by the community council when participating in meetings and when transacting community council business and will observe [ ...] Community Council's guidance and operational procedures.
- 13.2 The Chairperson may, at a properly-convened meeting, enter a motion to sanction, up to and including suspension for a period time which he or she considers proportionate, a councillor who habitually acts in breach of the Code of Conduct.

14 **The order of business**

- 14.1 Business at ordinary meetings of the Community Council will usually take place in the following order.

- Recording the names of members present at the meeting.
- Recording apologies.
- Declaration of conflict of interest
- Minutes of the previous meeting or meetings of the Community Council.
- Business arising from Minutes
- Reports
- Motions (formal proposals for items to be discussed) from members.
- Correspondence
- Any other competent business
- Date, time and venue of next meeting

14.2 Annual General Meeting

The business at the annual general meetings of the Community Council will usually take place in the following order: -

- Recording of membership present and apologies received.
- Declaration of conflict of interest
- The minutes of the last annual general meeting of the community council for adoption.
- Chairperson's Annual Report (and questions from the floor).
- Secretary's Annual Report (and questions from the floor).
- Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- Demit of current office bearers & election of office bearers.
- Any other competent business
- Chairperson to close meeting.

Special Meeting

The business at special meetings of the Community Council will usually take place in the following order:-

- Recording of membership present and apologies received.
  - Declaration of conflict of interest
  - Business for debate, as described in the calling notice for the meeting.
  - Chairperson to close meeting.
- 14.3 The order of business may be rearranged by the Chairperson or if the Community Council agree on the motion of any councillor.
- 15 The powers and duties of the Chairperson**
- 15.1 It is the duty of the Chairperson to make sure that standing orders are followed and to make sure that all councillors receive a fair hearing.
- 15.2 The decision of the Chairperson on all questions on procedure, order, relevancy or following standing orders will usually be final.
- 16 The rules of debate**
- 16.1 People present at a meeting who do not have voting rights may not move or second an amendment or a motion.
- 16.2 People will address the meeting through the Chairperson.
- 16.3 If a councillor has entered a motion on the agenda of any meeting, the Community Council may still consider the motion even if the councillor is not present. However, before the Community Council can consider the motion and vote on it, it must be moved and seconded by councillors present at the meeting. If this fails to happen, the motion will be deemed to have failed and cannot be raised again except as a new motion at a future meeting of the Community Council.
- 16.4 Only one amendment may be debated at the one time. 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.
- 16.5 All motions, and any amendment(s), must be competently proposed and seconded. An amendment to a motion must be considered and voted on before the substantive motion is debated. Where two or more amendments to a motion are tabled, the amendments must be considered in the reverse order to that in which they were tabled.
- 16.6 A member who has spoken on a motion will not speak again during the debate on the motion unless the Chairperson gives them permission or:
- 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
- 16.7 New matters should not be introduced into the debate
- 16.8 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 Chairperson. Other members taking part in the discussion will speak for no more than five minutes unless they have the permission of the Chairperson.
- 16.9 There is no right of reply for the mover of an amendment.

**17 Misbehaviour**

- 17.1 If anyone at any meeting behaves improperly or offensively, or is deliberately obstructing its business, the Chairperson may take any or all of the following courses of action.
- Ask the person to stop speaking during the rest of the debate on the matter under discussion.
  - Ask for a vote on the proposal that the person is not allowed to contribute to the rest of the meeting.
  - Move that the person should leave the meeting.
  - Postpone the meeting for a period of time that he or she considers to be appropriate.
- 17.2 If anyone in the course of transacting business in preparation for or to follow up a meeting communicates improperly or offensively, the Chairperson may take any or all of the following courses of action.
- Ask the person to stop the improper or offensive communication or withdraw entirely from communication until after the next scheduled meeting
  - Postpone for a period of time that he or she considers to be appropriate any business which, as a result of the improper or offensive communication it attracts, is deemed impossible to transact.
  - Move for a vote at a properly-convened meeting on a sanction that will allow the community council, without obstruction, to correspond in preparation for or to follow up a meeting.

**18 Voting**

- 18.1 Unless allowed by standing orders, every question coming to or arising at a Community Council meeting will be decided by a show of hands of a simple majority of the councillors who are present and eligible to vote. The minutes of the meeting will record the vote, including any abstentions.
- 18.2 A community councillor can ask for a roll-call vote, and the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.
- 18.3 A councillor may ask that the minutes of the meeting record a note of his or her vote for or against any motion.
- 18.4 A councillor may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.
- 18.5 The Chairperson will have a substantive and 'casting vote'. He or she may use the casting vote if there is an equal number of votes for or against any motion or amendment.

**19 Points of order**

- 19.1 Any councillor (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 order has been, or is about to be, broken. The Chairperson will rule on the point of order and decide how it should be dealt with.

**20 Notices of motion intended for consideration at the next meeting**

- 20.1 Every motion must be relevant to matters within the Community Council's powers and duties or involve an issue that will affect the Community Council's area. The Secretary may refuse to accept any notice of motion which (due to any condition in these standing orders), should not be considered. When this happens, the Secretary 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.
- 21 **Presenting petitions and hearing comments**
- 21.1 Anyone who wants the Community Council to hear their comments must apply in writing. The Community Council will only hear their comments if they have lodged their application with the Community Council at least eight clear working days before the meeting (and before the community council issue the notice calling the meeting). Applications will be included as part of the agenda for the meeting.
- 22 **Withdrawing previous decisions**
- 22.1 No motion that tries to alter or withdraw a Community 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 Chairperson is satisfied that circumstances have changed in a relevant way; and
  - the notice or meeting papers of the meeting say that the decision may be withdrawn or altered ; or
  - a decision is needed by law.
- 23 **Minutes of meetings**
- 23.1 Minutes of community council meetings will be put together by the (minute) secretary, printed and, as far as practical, given to councillors no later than seven clear days before the next ordinary meeting of the Community Council. .
- 23.2 A councillor who was not present at the meeting that the minutes refer to may ask that the minutes of the current meeting record their disagreement towards a decision recorded in the minutes of the earlier meeting.
- 24 **Suspending standing orders**
- 24.1 Standing orders may be suspended at any meeting of the Community Council 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.
- 24.2 Standing order 24.1 cannot be suspended.
- 25 **Appointing committees**
- 25.1 The Community Council may at any time appoint sub-committees to help carry out its functions. The Community Council will set out the membership, powers and duties of these committees.
- 25.2 People the Community Council appoint to committees who are not councillors will be non-voting members at full Community Council meetings.



26 **Delegation arrangements**

- 26.1 The Community Council may put in place a scheme of delegation to allow sub-committees or members to carry out its objects in the event that the full Community Council cannot discuss or debate a matter raised in respect of its position as a statutory consultee.
- 26.2 The appropriate person/sub-committee may, in accordance with legislation and the Community Council's constitution, formulate any objections or representations and submit these on behalf of the Community Council and such objection/representation shall be treated as if having been made by the full Community Council.
- 26.3 The appropriate person or representative of the sub committee must report the details of the submissions to the next full meeting of the Community Council.

27 **Alteration of Standing Orders**

- 27.1 A proposal to alter these Standing Orders may be put to the local authority at any time by the Community Council, provided that notice of motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.
- 27.2 No change is effective until approved by the local authority in writing.

- iii. Draft revised model code of conduct

## **Model Code of Conduct for community councils**

### **Introduction**

The Code of Conduct for [ ...] Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

The rules of good conduct must be observed in all situations where you act as a community councillor, including representing the community council on official business.

You must respect the chair, your fellow community councillors and any members of the public present during meetings of [ ...] Community Council, its Committees or Sub-Committees or of any other organisations where you have been appointed by, and represent [ ...] Community Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

The responsibilities of community councillors to adhere to this Code of Conduct are also set out in [ ...] Community Council's Standing Orders through which any breaches may be addressed.

### **Principles**

[ ...] Community Councillors, as elected representatives of the [ ...] community, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all [ ...] Community Councillors and those representing [ ...] Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

### **Service to the Community**

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to ascertain and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion. You should ensure that you are, within reason, accessible to the [ ...] community and [ ...] residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

### **Selflessness**

You have a duty to take decisions solely in terms of the interest of the [ ...] community. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

### **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of the [ ...] community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

### **Objectivity**

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of the [ ...] community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate.

You may be appointed or nominated by [ ...] Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of the [ ...] community and [ ...] Community Council and not the interests of a particular political party or other group.

### **Accountability and Stewardship**

You are accountable for the decisions and actions that you take on behalf of the [ ...] community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of [ ...] Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

### **Openness**

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

### **Honesty**

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interests of the community and the Community Council.

### **Leadership**

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole [...] community. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

### **Respect**

You must treat fellow members of [...] Community Council and those that you represent with respect, with courtesy and in a non-discriminatory manner at all

times both in person and in all communication. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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**Report to: Clackmannanshire Council**

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**Date of Meeting: 12<sup>th</sup> April 2018**

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**Subject: Clackmannanshire Community Justice Outcomes Improvement  
Plan 2018/2023**

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**Report by: Head of Social Services**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to present Clackmannanshire's Community Justice Improvement Plan 2018/23 for approval. This plan will replace the transitional single year Community Justice Plan 2017/18.

## **2.0 Recommendations**

- 2.1. It is recommended that Council approves the Community Justice Improvement Plan for 2018- 23, following which the plan will be published on Council website.

## **3.0 Considerations**

- 3.1. The Clackmannanshire Community Justice Improvement Plan 17/18 set out a course of actions for a single year transitional plan up to the end of March 2018. A key action contained in that plan was the development of a longer term Community Justice Improvement Plan for Clackmannanshire. The plan has been developed in line with national guidance and Community Justice (Scotland) Act 2016.
- 3.2. The Community Justice Improvement Plan 2018/23 builds on the strengths and good practice of the single year transition plan, but also aligns closely with the priorities in the new Local Outcome Improvement Plan for Clackmannanshire and aligns with national outcomes for community justice set out by Community Justice Scotland.
- 3.3. The new plan identifies 3 headline local priorities which link to the Local Outcome Improvement Plan and specific community justice evidence. These are:
- Developing healthy relationships, healthy minds and healthy gender constructs.

- Enabling worthwhile work and financial inclusion – with a focus on Alloa South and East.
  - Addressing misuse of alcohol and other substances.
- 3.4. The new plan recognises a challenging operational environment with reducing financial resources across all statutory partners. Therefore the main delivery mechanisms in the plan will continue to support collaboration, synergy and improvements within existing or external resources. The plan also recognises the relationship between community justice and other community planning partnerships, particularly community wellbeing and safety, gender based violence and alcohol and drugs partnership.
- 3.5. Delivery of the plan follows areas of good practice and approaches developed over the past 12 months. These have included Communities of Practice; Engagement with Communities of Interest; Ambassadors Programme; Trauma Informed Approaches; Inclusive Services and Know Clackmannanshire.
- 3.6. Clackmannanshire's Community Justice Plan 2018/23 has been developed over the past 12 months with full engagement of a wide range of stakeholders including community justice communities of practice and communities of interest. An equalities impact assessment informed the engagement and consultation activity. A public consultation was held over December and January and extensive feedback has been received through ongoing engagement with stakeholders including Community Justice Scotland. This feedback was used to shape the final Community Justice Improvement Plan 2018/23.

#### **4.0 Sustainability Implications**

- 4.1 There are positive sustainability implications arising through this report including on; social exclusion, targeting skills, training and reducing unemployment and reducing health inequalities.

#### **5.0 Resource Implications**

- 5.1. There are no financial or staffing implications for Council arising from this report. Delivery of the plan will be from existing council resources or through partner and/or external resources.

#### **6.0 Exempt Reports**

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

#### **7.0 Declarations**

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

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



Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	X
Our families; children and young people will have the best possible start in life	X
Women and girls will be confident and aspirational, and achieve their full potential	X
Our communities will be resilient and empowered so that they can thrive and flourish	X

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

**Clackmannanshire Local Outcome Improvement Plan 2017/27**

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes ☒ No ☐

**9.0 Legality**

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

**10.0 Appendices**

10.1 Community Justice Outcome Improvement Plan 2018/2023



**11.0 Background Papers**

11.1 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)  
 Yes ☐ (please list the documents below) No ☒

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Cherie Jarvie	Strategy and Performance Manager	2365

**Approved by**

NAME	DESIGNATION	SIGNATURE
Celia Gray	Head of Social Services	
Elaine McPherson	Chief Executive	



## Community Justice Outcome Improvement Plan 2018 – 2023

# Building Resilience in the Face of Adversity in Clackmannanshire

## Contents

Introduction .....	3
The Clackmannanshire Community Justice Journey .....	5
The Clackmannanshire Local Outcome Improvement Plan (LOIP).....	6
Identifying Local Community Justice Needs .....	7
Clackmannanshire Community Justice Priorities .....	7
Our Vision for Smart Justice in Clackmannanshire 2018/2023 .....	9
How We Will Work in Partnership to Deliver Community Justice Improvements .....	9
Communities of Practice .....	9
Communities of Interest .....	10
Ambassadors .....	10
Trauma Informed Approach .....	10
Universal Services and Communities .....	10
Know Clackmannanshire .....	10
Community Justice Delivery Plan.....	12
Our Community Justice Planning Partnership .....	15
Our Performance Framework – How will we know what is different?.....	16

## Introduction

Welcome to the Clackmannanshire Community Justice Outcomes Improvement Plan (CJOIP) 2018-2023.

The partnership has listened to *communities of interest*<sup>1</sup> and has listened to *communities of practice*<sup>2</sup> representing the community justice workforce and key stakeholders. These conversations have helped us to understand what matters and what will make a difference to *very vulnerable people*<sup>3</sup> in Clackmannanshire.

This plan sets out the vision of the partnership for the next 5 years. It links direction from the National Strategy for Community Justice with our Local Outcome Improvement Plan 2017/2027 (LOIP) and triangulates this direction with our community justice conversations and research evidence.

Most people in Clackmannanshire enjoy healthy and productive lives. However, the Scottish Index of Multiple Deprivation (SIMD) ranks Clackmannanshire as the 9<sup>th</sup> Scottish local authority out of 32, in terms of our *proportionate share of deprivation*<sup>4</sup>.

The number of very vulnerable people in Clackmannanshire (per head of population) is among the highest rates in Scotland. The rates are more similar to Glasgow and Dundee than authorities with similar economic profiles to Clackmannanshire. This is evidenced by robust long term statistical trends in child protection, suicides, teenage pregnancies, reconvictions, domestic abuse etc. These are reliable proxy indicators for extreme adversity and trauma and these indicators show an elastic link rather than direct link to deprivation. Therefore our community planning conference in 2017 “Resilience in the Face of Adversity” made a Clackmannanshire commitment to taking a trauma informed approach to community planning.

Responding to adversity and trauma is an important part of our approach to resolving the cycles of suffering. These cycles of suffering are accelerated by exclusion, deprivation, stigma, misuse of alcohol & other substances, mental health problems, relational poverty, unhealthy gender constructs and low job density. Low job density creates stiff competition for local entry level employment and without real prospect of employment locks chaos and

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<sup>1</sup> Communities of Interest include Forth Valley Recovery Community, people with prison experience, victims and families.

<sup>2</sup> Communities of practice are drawn from expertise within the community justice workforce and include uniformed and non uniformed staff and stakeholders.

<sup>3</sup> Very vulnerable people commonly live with unresolved childhood adversity and trauma which may lead to long term chaos and overlaps between adversities, victimisation, substance misuse, homelessness and offending behaviours.

<sup>4</sup> The Scottish Index of Multiple Deprivation 2016 Clackmannanshire Area Profile.

<http://www.gov.scot/Resource/0051/00510714.pdf>

hopelessness into the lives of some people in Clackmannanshire. Transport costs and availability can also inhibit access to entry level employment outside the area.

Very vulnerable people in Clackmannanshire commonly start their lives with complex childhood adversities. This can lead to repeat victimisation, re-traumatisation and repeat offending. *Smart justice* solutions will provide inclusion without exclusion, regardless of an individual's status or suffering, but this is balanced with a requirement for each citizen to take responsibility for their own actions and delivery of appropriate community safety controls. Improving outcomes for very vulnerable people protects justice and wellbeing for everyone.

The contrast is *short-sighted justice* which would continue to expand criminalisation and short prison sentences. Short-sighted justice tends to create new chaos, entrenches deep-rooted deprivation and increases crime in the long term.

Even in the long term, the partnership will never eliminate crime in Clackmannanshire; however our commitment to tackling the causes of crime will create the best available long-term community justice outcomes and contribute to the delivery of Clackmannanshire's Local Outcome Improvement Plan 2017/2027.

Clackmannanshire has much to be proud of; a compassionate and committed partnership and community justice workforce; existing collaborations on improving community justice outcomes for Clackmannanshire and a committed and engaged voluntary sector. The anonymous recovery fellowships have made long term contributions to the lives of very vulnerable people in Clackmannanshire and the more recent work of the Forth Valley Recovery Community is complementing this.

A key theme identified through our early community justice work in Clackmannanshire is the importance of healthy personal relationships which encourage and build resilience and sustain positive change. This theme is central to our Community Justice Improvement Plan 2018/2023.

## **The Clackmannanshire Community Justice Journey**

The Clackmannanshire Community Justice Journey started with a single year Community Justice Transition Plan for 2017/18. This five year plan sets out a series of priorities for community justice in Clackmannanshire going forward, which has informed by the transitional year and transitional plan. This plan has been developed by the Clackmannanshire Community Justice Partnership and in partnership with a wide range of partners and stakeholders. This plan brings together our collective focus for improving community justice outcomes by 2023 and contributes to the delivery of our Local Outcome Improvement Plan 2017-2027.

The plan has been developed from a sound understanding of the key issues in Clackmannanshire and how partners can contribute to community justice locally. This understanding has been developed over the past 18 months with extensive stakeholder engagement as well significant research including an updated strategic assessment and needs assessment; poverty assessment and economic baseline assessment – all carried out in 2017 and which also informed the development of the Local Outcome Improvement Plan in Clackmannanshire.

As set out in the single year plan (2017/18) partners have reflected on the difficult financial circumstances of many of the statutory partners. As a result partners have taken a strategic direction for an improvement model where existing services are strengthened, the connections between them are strengthened and where empowerment and a person centred approach is promoted. The approaches in cross-organisational communities of practice have supported this learning and practice development. They have also enabled better collaboration and two-way sharing of information between community justice partners.

The evidence of local adversity and trauma has become much clearer and the partnership has influenced trauma informed thinking in wider Clackmannanshire community planning forums through our 2017 conference entitled “Resilience in the Face of Adversity”. This supported our approach to universality in access to services for very vulnerable people, challenged stigma and set a springboard for widening a trauma informed approach for a social model of support in Clackmannanshire within our new plans.

Partners in Clackmannanshire have worked hard to ensure that the community is a key part of community justice locally. We have supported and collaborated on a number of capacity building activities around community justice in our local communities. These have included integrated practical activities with the aim of developing healthy and productive relationships through bread baking, gardening and nail bars. These activities have been supported by The Gate, Forth Valley Men’s Sheds, Hawkhill Community

Centre and ACE Recycling alongside Volunteer Matters, Forth Valley Recovery Community, Barnardos and Apex

The community of practice and ambassador development has involved many different organisations and communities of interest. They include representatives from the following organisations and projects:

Clackmannanshire Council Housing Services	Clackmannanshire Criminal Justice Social Work	Clackmannanshire Tenants and Residents Federation
Clackmannanshire and Stirling ADP	Clackmannanshire Healthier Lives	Clackmannanshire Integrated Mental Health Service
Clackmannanshire Women's Aid	Clackmannanshire Works	Clackmannanshire Third Sector Interface
Forth Valley Recovery Community	Glasgow Homelessness Network	Forth Valley College
Jobcentre Plus	NHS Forth Valley	HMP Glenochil Visitor Centre
Positive Prison? Positive Futures!	Recruit With Conviction	Police Scotland
Scottish Fire and Rescue Service	Scottish Prison Service	Scottish Courts and Tribunals Service
Skills Development Scotland	SOLD Network	Signpost Recovery
Tullibody Community Garden	Wellbeing Scotland	Stirling and Clackmannanshire Interfaith Community Justice Network
Victim Support Scotland	Volunteer Matters	Women 4 Women

## **The Clackmannanshire Local Outcome Improvement Plan (LOIP)**

This plan has been developed in line with our Local Outcome Improvement Plan, using shared evidence and stakeholder feedback. Our LOIP has set out a strategic vision for Clackmannanshire from 2017 to 2027 with three Locality priorities.

1. Improving outcomes for children and young people living in poverty



2. Improving outcomes for women and girls living in Clackmannanshire
3. Improving outcomes for people living in Alloa South and East

These priorities will be measured by four strategic outcomes:

- Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all.
- Our communities will be resilient and empowered so that they can thrive and flourish.
- Our families; children and young people will have the best possible start in life.
- Women and girls will be confident and aspirational, and achieve their full potential.

## **Identifying Local Community Justice Needs**

From engagement, consultation and research, the partnership has identified five specific headline community justice problems in Clackmannanshire that it intends to address. These needs were drawn from a discussion paper summarising inputs from communities of interest and communities of practice, and agreed by the Community Justice Partnership. This paper was also available as part of the public consultation. These themes contribute to offending behaviour as well as the vulnerability of victims and families, and are consistent with the LOIP priorities.

1. Alcohol misuse and its link to poor community justice outcomes.
2. Deprivation/Poverty and its link to victimisation and criminality.
3. Negative gender constructs and its complex contributions to poor community justice outcomes.
4. Poverty of healthy relationships in the way that it inhibits resilience and desistance.
5. Unresolved trauma from extreme adverse experiences.

## **Clackmannanshire Community Justice Priorities**

The needs identified above have been considered within the context of the LOIP to inform three local community justice priorities. These are:

- Developing healthy relationships, healthy minds and healthy gender constructs.
- Enabling worthwhile work and financial inclusion - particularly within Alloa South and East.
- Addressing misuse of alcohol and other substances.

The local priorities will provide a local framework for delivery of the 7 national outcomes for community justice. These are:

1. Communities improve their understanding and participation in community justice
2. Partners plan and deliver services in a more strategic and collaborative way
3. People have better access to the services they require, including welfare, health and wellbeing, housing and employability
4. Effective interventions are delivered to prevent and reduce the risk of further offending
5. Life chances are improved through needs, including health, financial inclusion, housing and safety being addressed
6. People develop positive relationships and more opportunities to participate and contribute through education, employment and leisure activities
7. Individual resilience and capacity for change and self-management are enhanced.

## **Our Vision for Smart Justice in Clackmannanshire 2018/2023**

Our smart justice solution will smooth the pathway out of chaotic lifestyles for very vulnerable people by developing supports for healthy relationships, healthy gender constructs and freedom from misuse of alcohol and other substances to enable worthwhile employment and active citizenship.

## **How We Will Work in Partnership to Deliver Community Justice Improvements**

Partnership working is crucial to improving community justice outcomes. In addition to the statutory partners, we require the input of a diverse range of individuals and organisations covering a wide-range of interests, including housing, employability, and health and wellbeing.

The third sector plays an important role in improving community justice outcomes. They are a source of innovation, responsiveness and flexibility, and can provide a meaningful connection to otherwise hard-to-reach service users and communities. The most effective way to improve outcomes for people and communities is by joined up working with the Third Sector at the planning stage.

Community is at the heart of the model. Whether challenging stigma, employing people with convictions, or participating in community justice planning, improving community justice outcomes requires the involvement and support of local people and businesses.

We will continue to develop community justice in Clackmannanshire with the support of communities of practice, communities of interest and our ambassadors programme.

## **Communities of Practice**

The partnership set up communities of practice in 2017 and they have been effective in building a detailed picture of Clackmannanshire Community Justice, informing evidence based improvement, building relationships between employees in different organisations and sharing learning. Partners have reflected on feedback that there would be an advantage in having fewer groups and for them to be more structured as task and finish groups to address distinct challenges and report upon these.

## **Communities of Interest**

We shall continue to listen to Communities of Interest. They help us consider the things that matter to very vulnerable people and understand the changes which can make a difference. We shall work in partnership to make best use of the Place Standard Tool, in order to consider their holistic needs as Clackmannanshire citizens and to create a user informed baseline for performance management.

## **Ambassadors**

We shall build upon work already undertaken by local leaders and the community justice workforce to develop the Community Justice Ambassador approach. This will continue to promote smart justice evidence and start to challenge negative gender constructs. This will dovetail similar evidence based work undertaken by the Alcohol and Drug Partnership such as the values and attitudes training.

Partners have also identified through engagement, three new approaches that will further develop community justice in Clackmannanshire:

## **Trauma Informed Approach**

In response to the evidence about rates of local adversity and trauma, we shall further develop our trauma informed approach by building upon existing local expertise and seeking to develop a trauma informed whole community.

## **Universal Services and Communities**

We shall continue to take an inclusive approach to planning services to enable wider integration and to promote positive social influence through healthy relationships. While some controls such as prison are sometimes required to keep communities safe, we shall seek to mitigate the unintended consequences of isolating people within negative peer groups or insulating them from communities and proactively promote appropriate universal inclusion.

## **Know Clackmannanshire**

Multi-agency approaches need to be continually developed to ensure that they are person centred. There should be no expectation that a person with social anxiety will turn up at a new environment to receive a new service. The gaps

created by non-attendance and consequences of unsuitable referrals are much more complicated than this – nobody knows everything which is happening locally. However in a place the size of Clackmannanshire there should be significant rewards from improving the connections.

Therefore, the Community Justice partnership will work with the Alcohol and Drug Partnership (ADP) to pilot a programme for the community justice workforce called “Know Clackmannanshire”. It will comprise a programme of activities linked to social prescribing and Recovery Oriented Systems of Care (ROSC), where the community justice workforce engage in a programme of activities to connect with people who provide community based activities. This will be evaluated to measure the impact on effective, appropriate and assertive referrals.

## Community Justice Delivery Plan

The partnership will oversee the following early actions to support the delivery of the wider plan. These actions will contribute to outcomes defined in the national community justice outcome and indicator framework and our local outcome improvement plan.

<b>Actions</b>	<b>Timescales</b>	<b>Responsibility</b>
Undertake entrepreneurial work at HMP Glenochil to explore opportunities and required actions to secure safe and sustainable employment for people with complex convictions in ways which support employers to protect their brands and are able to develop commercial opportunities.	Year 2	SPS with support of SDS, MAPPA Coordinator and Clacks Council
Develop a plan and deliver actions to boost referrals for victim support from Clackmannanshire residents. Young victims will be a specific priority and it will draw on evidence of best practice from other areas.	Year 1	Victim Support with assistance of Police Scotland, CTSI and Clacks Council
Hold a community planning conference to promote and enable Corporate Social Responsibility activities within a context of inclusive growth and opportunities for very vulnerable people.	Year 1 or 2	Clacks Council with support of partners
Develop a Forth Valley Community Justice Information Framework in order to understand different local authority benchmark information within the regional context.	Every Year	Clacks Council with support of partners
Develop the use of the place standard tool within communities of interest to benchmark and monitor perceptions of stakeholders for the purpose of engagement, performance measurement and improvement.	Year 1	Clacks Council with support of Communities of Interest
Expand the Smart Recovery Model to work inside statutory services.	Year 1 and 2	ADP with support of all partners

<b>Actions</b>	<b>Timescales</b>	<b>Responsibility</b>
Pilot and evaluate a service supporting financial inclusion and advocacy for Families affected by imprisonment in HMP Glenochil	Year 1	SPS with support of partners and Citizen's Advice

Support the development of self reliant groups and evaluate impact	Year 1	CTSI with support of partners
Develop a plan to co-ordinate a social model for mental health and trauma informed practice across the community justice workforce within the widest possible context in Clackmannanshire.	Year 1 and 2	Clacks Council with support of ADP and CWSP
Undertake research about residential premises in Clackmannanshire where alcohol and other substances are misused to establish their impact and present recommendations for change.	Year 1	Clacks Council with Support of ADP and Police
Support the Recovery Community to develop engaging community activities in Clackmannanshire which are safe and attractive to very vulnerable people and involve wider communities.	Year 1 or 2	ADP with support of partners
Develop and deliver a plan for Community Justice Ambassador Activities and evaluate them. Activities should include dissemination of smart justice evidence, anti stigma and promotion of positive gender constructs.	Year 1	Police Scotland with support of ADP and VAW Partnership

Develop, pilot and evaluate new methods of improving assertive referrals and social prescribing through the "Know Clackmannanshire campaign" led by 3 <sup>rd</sup> sector partners.	Year 1 and 2	CTSI with support from ADP and other partners
Develop and deliver a plan to maximise new opportunities after the reforms of the Rehabilitation of Offenders Act 1974 in Scotland to enable advocacy for people with convictions, work with employers and provide incentives for desistance.	In readiness for implementation of legislative change.	Clacks Council with Support of LEP Partners
Support development of social enterprise opportunities for very vulnerable people.	Year 2	CTSI with support of partners
Deliver new contributions to social education for other activities in CPO's through Fire and Rescue and evaluate impact.	Year 1	Fire and Rescue Service with support of CJSW
Host and evaluate a Community Justice Conference in HMP Glenochil to improve understanding of Smart Justice evidence.	Year 2	SPS with Support of Partners
Develop a targeted community safety plan for Alloa South and East which will focus on reducing anti-social behaviour; alcohol and substance misuse and impact, primary and secondary fires, hate crimes, domestic abuse and all crime types and the fear of crimes.	Year 1	Clackmannanshire Council with Support of ADP and CWSP.
Put in place a local model for Alloa South and East that integrates multiagency services for	Year 1	Clackmannanshire

vulnerable children and families building on research undertaken for the early system change proposal in 2017.		Council with Support of ADP and CWSP.
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## Our Community Justice Planning Partnership

The partnership includes the following 3 partners which are not specifically named in the Community Justice (Scotland) 2016 Act:

Clackmannanshire  
Third Sector  
Interface

Clackmannanshire  
Tenants and  
Resedents  
Federation

Clackmannanshire  
and Stirling ADP

With support from the following partners which have a legal responsibility for community justice:

Clackmannanshire  
Council

Police Scotland

Scottish Courts and  
Tribunals Service

Crown Office and  
Procurator Fiscal  
Service

Skills Development  
Scotland

Scottish Prison  
Service

Clackmannanshire  
and Stirling Health  
and Social Care  
Partnership

NHS Forth Valley

Scottish Fire and  
Rescue Service

The partnership works as an integral part of the Clackmannanshire Alliance and regularly reports on its progress. We recognise that managing performance across the partnership is critical to ensuring appropriate mobilisation of resources, assessing progress and performance collectively and ensuring accountability of partners in delivering this plan. We already have good embedded practice through our community justice partnership and will ensure that delivery of this plan meets partner expectations on governance, performance, accountability and improvement. As part of that commitment, each year the partnership will write and review an annual smart action plan and publish an annual report on progress.

## Our Performance Framework – How will we know what is different?

The Scottish Government has a specific Outcome Performance Improvement Framework for Community Justice; this local framework sets out links between Community Justice Outcomes and Clackmannanshire LOIP outcomes to ensure delivery of Community Justice is embedded locally in Clackmannanshire.

The partnership is keen to make progress using the principle of “what matters to you” for vulnerable people and their families. In order to develop this, the partnership will adopt the “place standard tool” to better understand their needs and measure progress.

1-5 year Outcomes	National Outcomes	Outcome Measures					Lead Partners
Outcomes	National Outcomes	Improvement Measure	Baseline	Trend	18/19	21/22	Lead Partners
Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all	People have better access to the services they require, including welfare, health and wellbeing, housing and employability  Life chances are improved through needs, including health, financial inclusion, housing and safety being addressed  People develop positive relationships and more opportunities to participate and contribute through education, employment and leisure activities	Proportion of new CPO orders where the person is in work or other purposeful activity	New Measure				CJSW
		18-24 Year olds claiming out of work benefits	6.4%	Up	6.4%	6.3%	LOIP
		Participation rate of 16-19 year olds in training, employment and learning	88.2%	-	88.5	89.0	LOIP
		Job density rate	0.51	Down	0.53	0.55	LOIP
		Aggregate score for perceptions of “work and local economy” among vulnerable groups	New measure				Community of Interest
		Aggregate score for perceptions of “public transport” among vulnerable groups	New Measure				Community of Interest
		Aggregate score for perceptions of “facilities and amenities” among vulnerable groups	New Measure				Community of Interest
Our families; children and young people will have the best possible start in life	People have better access to the services they require, including welfare, health and wellbeing, housing and employability  Communities improve their understanding and participation	Aggregate score for perceptions of “Social Contact” among vulnerable groups	New Measure				Community of Interest
		Residents who feel that Clacks has a strong sense of community	60%	Up	65%	80%	LOIP
		Residents who feel safe or very safe at night in Clacks	92%	Up	94%	96%	LOIP
		Resident who are satisfied with how	59%	Up	65%	75%	LOIP

	in community justice	partners are tackling crime in Clacks					
	Effective interventions are delivered to prevent and reduce the risk of further offending	Prevalence rate of substance misuse in Clackmannanshire	1.8	Down	1.7	1.6	LOIP
		Suicide Rate in Clacks	32	Up	25	20	LOIP
		Clacks VS referrals	New measure				Victim Support
		School Exclusions	212	-	Reduce year on year		LOIP
Women and girls will be confident and aspirational, and achieve their full potential	All community justice outcomes	Aggregate score for perceptions of "Influence and Sense of Control" among vulnerable groups	New Measure				Community of Interest
		Rate of domestic abuse incidents reported to Police Scotland	136	Up	130	120	LOIP
		Number of perpetrators of violence against women and girls who are referred to perpetrator interventions	16	Up	18	25	LOIP
		% of residents agreeing that equality and diversity are promoted in Clackmannanshire	34%	Down	40%	60%	LOIP
Our communities will be resilient and empowered so that they can thrive	All community Justice outcomes	Aggregate score for perceptions of "Feeling Safe" among vulnerable groups	New Measure				Community of Interest
		Aggregate score for perceptions of "Housing and Community" among vulnerable groups	New Measure				Community of Interest
		Residents who have been fearful of becoming a victim of crime in the last 12 months	12	Up	10	6	LOIP
		Number of crimes and offences recorded by the police per 10k population	437	Up	420	400	LOIP
		Number of hate incidents reported in Clackmannanshire	43	Down	40	35	LOIP
		Number of Clacks people attending FVRC	New measure				ADP



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**Report to Clackmannanshire Council**

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**Date of Meeting: 12 April 2018**

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**Subject: Conservation Area Appraisals - Clackmannanshire Local  
Development Plan Update**

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**Report by: Executive Director**

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**1.0 Purpose**

- 1.1. This report is to seek approval of the Finalised Conservation Area Appraisals (CAA) for Alloa Glebe, Tillicoultry, Clackmannan, Kennet and Dollar, prepared under the current LDP and also provides an update on the commencement of the Local Development Plan (LDP) Review.

**2.0 Recommendations**

It is recommended that the Council approve the Finalised Conservation Area Appraisal documents, including the proposed alterations to the Conservation Area boundaries at Alloa Glebe, Tillicoultry and Dollar (copies have been provided to Members in the Group Rooms along with the consultation comments received).

**3.0 Considerations**

**Finalised Conservation Area Appraisals**

- 3.1. The adopted Clackmannanshire LDP contained a commitment to produce Conservation Area Appraisals for each of the Conservation Areas in Clackmannanshire to meet the Planning Authority's duty to prepare proposals for the preservation and enhancement of conservation areas.
- 3.2. The appraisal process sought to:
- Define the special interest of the conservation area;
  - Identify issues which threaten the special qualities of the conservation area;
  - Provide guidelines to prevent harm and assist in the enhancement of conservation area; and
  - Provide the Council with a tool to inform planning practice and policies for the conservation area.

Analysis within the appraisals includes historic development, topography, built form and character, views, open spaces, landmarks as well as key buildings and groups.

- 3.3. The former Enterprise and Environment Committee approved the draft Appraisals of Alloa Glebe, Tillicoultry, Clackmannan and Kennet for consultation and that any representations received, along with Officer's recommended responses would be reported back for final approval. The Draft Dollar Conservation Area Appraisal had previously been consulted on and it was agreed that this would be reported back to the same committee.
- 3.4. The Consultations were advertised in the Alloa Advertiser, the Council's Development Services Bulletin and on the Council's website. Community Councils and other selected external groups and agencies and local interest groups were also targeted by e-mail/mail to advise them of the consultation.
- 3.5. Responses were received from the Scottish Government, Historic Environment Scotland and one Alloa resident. Officer's recommendations on the representations received can be found in the Members Group Rooms along with those received previously on the Dollar CAA.
- 3.6. The Alloa Glebe, Tillicoultry and Dollar CAAs proposed alterations to the existing boundaries. The reasoning behind these changes is to exclude modern interventions which are not in character with the traditional building forms in the locality and also to encompass parts of the town centre which retain their historic urban and traditional building form.

### **Consideration of Representations**

- 3.7. Representations were considered by Council Officers, who liaised with some of the respondents and external agencies during the preparation of responses.
- 3.8. Requests for minor wording changes or updating of references to refer to events following publication of the Draft CAAs, and which Officers felt were not unreasonable requests, are recommended to be accepted and the relevant CAA changed accordingly.
- 3.9. The Council contacted those who were considered to be most affected by the proposed boundary changes in Alloa Glebe, Tillicoultry and Dollar. Representations and responses have been provided to Members.
- 3.10. The Proposed Finalised CAAs have been provided to Members and indicate where new conservation area boundaries are proposed. If agreed, the Council can adopt these as the new conservation area boundaries and inform Historic Environment Scotland of the changes. No further consultation or advertising is required.

### **Local Development Plan Review**

- 3.11. Clackmannanshire Council are required to produce a Local Development Plan for the administrative area. The current Clackmannanshire LDP was adopted on 19th August 2015 and must be reviewed by August 2020. A review timetable is contained within the annual Development Plan Scheme and included as Appendix 1. It identifies the documents which will be produced, the nature of the review and the timescales within which this will be done.

- 3.12. The first stage in the Review has already commenced with a 'Call for Issues' and a 'Call for Sites' from 30<sup>th</sup> September 2017 until 7<sup>th</sup> January 2018. This provided the opportunity for groups, individuals and companies to raise issues which they feel should be addressed in a Main Issues Report (MIR), to be published and consulted on in Autumn 2018.
- 3.13. 35 responses were received, including:
- requests for 8 new residential sites to be considered as part of the review;
  - support for the continued inclusion of 3 residential and 1 business sites;
  - requests for the wording of Policy SC23 to be modified to remove the requirement for "locational justification" for new developments in the countryside;
  - requests for policies protecting the natural environment and biodiversity to be strengthened; and
  - request for the consideration of policies within the plan to support arts and culture at all levels.
- 3.14. In reviewing the LDP, the Council is required to take into account the National Planning Framework (NPF), which is the Scottish Government's strategy for Scotland's long term spatial development and Scottish Planning Policy (SPP).
- 3.15. A Monitoring Statement serves as the main evidence base for the LDP and requires to be published to accompany the MIR. It will explain the main changes in the principle physical, economic, social and environmental characteristics of the area that have occurred since the LDP was adopted and assess the impact of the policies and proposals in the Plan.
- 3.16. As part of the LDP review, fully inclusive consultation must be carried out on the MIR, which will focus on the key issues arising since the LDP was adopted. It will set out general proposals for development in the area, and in particular, proposals as to where development should and should not occur. It will also contain one or more reasonable alternative sets of proposals and draw attention to the ways in which the favoured and alternative proposals may differ from the currently adopted spatial strategy in the Adopted LDP. Likely Environmental Implications will also be identified for each of the options.
- 3.17. The LDP review will take account of development priorities set out in forthcoming City Deal Heads of Terms.
- 3.18. Scottish Government is currently proposing reforms to the Scottish Planning system and the Planning (Scotland) Bill proposes changes in the preparation form and content of development plans. Given that the Council is at the earliest stage of the process, and the Bill is part of a lengthy process, it is proposed that we continue under the current system and align our work as necessary, as and when any changes are introduced. This will ensure that we continue to meet statutory targets.

## **4.0 Sustainability Implications**

- 4.1. The Proposed Finalised CAAs support the promotion of sustainability in development proposals. The need for Strategic Environmental Assessment of the Conservation Area Appraisals was considered through a pre-screening

determination of the Proposed Muckhart CAA, and it was agreed with the Consultation Agencies that a Strategic Environmental Assessment would not be required as it would not be likely to have significant environmental effects. There is therefore no requirement to pre-screen the subsequent CAAs, as they follow the same format.

- 4.2. The Planning etc. (Scotland) Act 2006 requires planning authorities to carry out their development planning functions with the objective of contributing to sustainable development. The LDP's policies and proposals are firmly based on the principles of sustainable development, and provide an important contribution to delivering the Council's objectives on sustainability and climate change, as set out in the Clackmannanshire Sustainability & Climate Change Strategy. Sustainable development principles have been incorporated into the Main Issues Report Vision and all Issues have been assessed for their contribution to achieving the Vision, in terms of achieving our objectives for economic, environmental and social sustainability. The likely significant environmental effects of each of the policy options contained in the MIR have been assessed through the statutory strategic environmental assessment process and an environmental report has been prepared setting out these likely effects. However, the MIR is not prescriptive and is intended rather to explore issues and enable discussion and awareness of its content. More detail on sustainability implications will therefore become available at the Proposed Plan stage and will be reported at that time.

## **5.0 Resource Implications**

- 5.1. The resources for preparing the Conservation Area Appraisals and any associated costs are already provided for in the Development Services budget.
- 5.2. The funding of the MIR and associated consultation will be met from existing budgets.
- 5.3. 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 ☒
- 5.4. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒
- 5.5. No additional staff resources are required as a consequence of this report.

## **6.0 Exempt Reports**

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

## **7.0 Declarations**

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



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

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all ☒

Our families; children and young people will have the best possible start in life ☐

Women and girls will be confident and aspirational, and achieve their full potential ☐

Our communities will be resilient and empowered so that they can thrive and flourish ☒

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

The Conservation Area Appraisals accord with and support the Council's key strategies including, the Single Outcome Agreement and the Sustainability and Climate Change Strategy.

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

**9.0 Legality**

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

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Local Development Plan Review Timetable

The following reports have been placed in the Members Group Rooms:

CAA Representations received and Officer Responses  
Proposed Finalised Alloa Glebe Conservation Area Appraisal  
Proposed Finalised Clackmannan Conservation Area Appraisal  
Proposed Finalised Kennet Conservation Area Appraisal  
Proposed Finalised Tillicoultry Conservation Area Appraisal  
Proposed Finalised Dollar Conservation area Appraisal

## 11.0 Background Papers

11.1 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)

Yes ☒ (please list the documents below) No ☐

- Clackmannanshire Local Development Plan (August 2015)
- Report to Council dated 24<sup>th</sup> October 2013 – Proposed Clackmannanshire Local Development Plan, Open Space Strategy and Associated Documents
- Report to Council dated 26<sup>th</sup> June 2014 – Proposed Clackmannanshire Local Development Plan, Open Space Strategy and Dollar/Muckhart Conservation Area Appraisal
- Report to Enterprise and Environment Committee dated 19<sup>th</sup> May 2016 – Clackmannanshire Draft Conservation Area Appraisals for consultation:
  - Alloa Glebe
  - Clackmannan
  - Kennet
  - Tillicoultry
- Muckhart Conservation Area Appraisal (June 2014)
- Draft Dollar Conservation Area Appraisal (June 2014)
- Draft Alloa Glebe Conservation Area Appraisal (2016)
- Draft Tillicoultry Conservation Area Appraisal (2016)
- Draft Clackmannan Conservation Area Appraisal (2016)
- Draft Kennet Conservation Area Appraisal (2016)
- Scottish Government Planning Advice Note 71 (Conservation Area Management) (December 2004)

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Graeme Finlay	Principal Planner	2643

### Approved by

NAME	DESIGNATION	SIGNATURE
Garry Dallas	Executive Director	
Elaine McPherson	Chief Executive	

## Appendix 1





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**Report to: Clackmannanshire Council**

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**Date of Meeting: 12 April 2018**

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**Subject: City Region Deal: Heads of Terms Agreement**

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**Report by: Executive Director**

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## **1.0 Purpose**

- 1.1. Negotiations have been taking place with both UK and Scottish Governments to reach a Heads of Terms Agreement on a City Region Deal for Stirling and Clackmannanshire. This is approaching its conclusion and it is anticipated that an offer will shortly be forthcoming, which Clackmannanshire Council must be in a position to accept or reject within a short period after the offer is made.

## **2.0 Recommendations**

- 2.1. It is recommended that the Council agrees to delegate authority to the Chief Executive, in consultation with Group Leaders, to accept the offer of a Heads of Terms Agreement for a City Region Deal for Stirling and Clackmannanshire, in so far as its content relates to Clackmannanshire.

## **3.0 Considerations**

- 3.1. We are seeking the financial investment from UK and Scottish Governments, through a City Region Deal, to deliver a programme of change for the region that will unlock our full potential and result in a healthier, wealthier, greener and better connected future.
- 3.2. Over the next 10 years, the programme for inclusive and sustainable economic growth is designed to help us transform the local economy by boosting jobs and business density with a substantial positive impact on economic and social inclusion.
- 3.3. Clackmannanshire's economy has particular strengths however it is characterised by a poor jobs density. Clackmannanshire residents out-commute to a greater extent than those in many other authorities as there are simply not enough jobs for those who need to work close to home. The City Region Deal will, among other things, help address this by diversifying and expanding the economic base and providing improved infrastructure.
- 3.4. Economic Growth in itself, whilst welcome, has been shown historically not to address deep seated economic exclusion. A distinctive feature of the Deal is

that alongside capital projects will be a structured Skills & Inclusion programme which is designed to ensure that our most excluded residents are actively included. Target groups for this activity will be those identified in the Local Outcome Improvement Plan and through an Inclusive Growth Diagnostic process<sup>1</sup>.

3.5. The programme has been built on a considerable evidence base which shows that as a result of the investment, the following outcomes can be achieved regionally;

- Achieve a permanent GVA uplift of 6 – 7 % for the region.
- Create 3000 additional jobs over the life of the City Deal.
- Increase sustainable tourism by 25%.
- Ensure growth is sustainable.
- Ensure all citizens benefit from growth through a targeted Skills & Inclusion programme.
- Close the health inequalities gap between those who are most advantaged and disadvantaged.

3.6. In addition, subject to the formal offer within the Heads of Terms, the programme will locally deliver:

- Activity to support the achievement of the LOIP priorities,
- Increased investment in research & development which will boost the local economy and drive jobs growth at all levels of the labour market,
- An increase in both jobs and business density.

3.7. If there is no delegation of authority to accept the offer, the Council may not be in a position to reach a Heads of Terms agreement for the City Region Deal.

## **4.0 Sustainability Implications**

4.1. Due to the nature of the proposed projects the Deal is likely to have positive impacts on sustainability. Individual projects will be subject to appropriate assessment of sustainability, environmental impact, planning consents etc.

## **5.0 Resource Implications**

### **5.1. Financial Details**

5.2. 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 ☐

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<sup>1</sup> The Inclusive Growth Diagnostic is a process devised by the Scottish Government to support the identification of inclusive growth priorities. It is a requirement that all regional partnerships complete this prior to any deals being agreed.

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

5.4. The delegation of authority as above does not impact on resources.

## 6.0 Exempt Reports

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

## 7.0 Declarations

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

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

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input checked="" type="checkbox"/>
Our families; children and young people will have the best possible start in life	<input checked="" type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input checked="" type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input checked="" type="checkbox"/>

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

## 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

## 9.0 Legality

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

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

## 11.0 Background Papers


11.1 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)

Yes ☐ (please list the documents below) No ☒

### Author(s)

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Ian Fraser	Team Leader Economic Development	2293

### Approved by

NAME	DESIGNATION	SIGNATURE
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Elaine McPherson	Chief Executive	