



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 23 AUGUST 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 Bill Mason
Councillor George Matchett, QPM
Councillor Les Sharp
Councillor Derek Stewart
Councillor Mike Watson

IN ATTENDANCE

Nikki Bridle, Chief Executive
Garry Dallas, Executive Director
Stephen Coulter, Head of Resources and Governance
Stuart Crickmar, Head of Strategy and Customer Services
Anne Pearson, Chief Education Officer
Paula Tovey, Acting Chief Accountant
Murray Sharp, Service Manager (Revenues and Strategy)
Julie Hamilton, Service Manager (Development)
Annette McEnaney, Governance Officer (Legal and Democracy)
Lindsay Thomson, Service Manager (Legal and Democracy) (Clerk to the Council)
Gillian White, Committee Services (Legal and Democracy)

The Provost congratulated Nikki Bridle on her appointment as Chief Executive.

CC.144 APOLOGIES

Apologies were received from Councillor Kathleen Martin.

CC.145 DECLARATIONS OF INTEREST

Councillor Sharp declared a non-financial interest in Item 11 (Notice of Motion – Tullibody Healthy Living Initiative Limited (THLI) Funding) as he is a director of THLI. Having considered the test set out in Paragraph 5.3 of the Councillors Code of Conduct, Councillor Sharp decided he would not participate in discussion and voting on the item and he would withdraw from the Chamber at that time.

Councillor Murphy declared a non-financial interest in Item 11 (Notice of Motion – Tullibody Healthy Living Initiative Limited (THLI) Funding) as she is a director of THLI. Having considered the test set out in Paragraph 5.3 of the Councillors Code of Conduct, Councillor Murphy she would not participate in discussion and voting on the item and she would withdraw from the Chamber at that time.

Councillor Matchett declared a non-financial interest in Item 11 (Notice of Motion – Tullibody Healthy Living Initiative Limited (THLI) Funding) as he is a director of THLI. Having considered the test set out in Paragraph 5.3 of the Councillors Code of Conduct, Councillor Matchett decided that he would participate in discussion and voting on the item.

Councillor Lee declared a non-financial interest in Item 11 (Notice of Motion – Tullibody Healthy Living Initiative Limited (THLI) Funding) as he is a director of THLI. Having considered the test set out in Paragraph 5.3 of the Councillors Code of Conduct, Councillor Lee decided that he would participate in discussion and voting on the item.

CC.146 MINUTES OF MEETING OF CLACKMANNANSHIRE COUNCIL 28 JUNE 2018

The minutes of the meeting of the Clackmannanshire Council held on 28 June 2018 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 28 June 2018 were agreed as a correct record and signed by the Provost.

Councillor Dave Clark, Leader of the Opposition, gave notice under Standing Order 20.7 that proposals to amend standing orders would be brought before the next meeting of Council on 25 October 2018.

CC.147 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 28 JUNE 2018

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 28 June 2018.

- (i) Licensing Board on 17/07/18
- (ii) Regulatory Committee on 06/08/18

CC.148 STIRLING AND CLACKMANNANSHIRE CITY REGION DEAL GOVERNANCE ARRANGEMENTS

The report, submitted by the Executive Director, provided an update on the scope and scale of the Stirling and Clackmannanshire City Region Deal following receipt and agreement on Head of Terms with both the Scottish and UK Governments. The report proposed a governance framework for the delivery of the City Region Deal. It built on the governance proposals considered by Stirling Council at its meeting on 28 June 2018.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

It is recommended that Council agree:

1. To amend recommendation 2.1.3 as follows:
 - a. Delete the reference to “Depute Leader and Leader of the Opposition” and
 - b. Insert “leaders of the other two political groups” in its place
2. And consequently, to amend recommendation 2.1.5. in respect of the delegated authority to finalise the establishment of the Joint Committee as follows:
 - a. Delete the reference to “Depute Leader and Leader of the Opposition” and
 - b. Insert “leaders of the other two political groups” in it place.

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

Voting

For the motion as amended	16 votes
Against the motion as amended	1 vote
Abstain from voting	0 votes

Decision

On a division of 16 votes to 1 with 0 abstentions, the Council agreed to:

1. Establish a Joint Committee with Stirling Council to be known as the Stirling and Clackmannanshire City Region Deal Joint Committee, to oversee the governance arrangements for the City Region Deal and approve the establishment of the wider governance framework as set out in the report;
2. Approve the Joint Committee’s Terms of Reference and governance arrangements as set out in the report;
3. Appoint three members of Council, (the Leader and the Leaders of the other two political groups) to the Joint Committee, and appoint three Council members as substitutes;
4. Note that the Clackmannanshire Commission will nominate one private sector member of the Commission to be a member of the Joint Committee;
5. Appoint two members of Council (Leader and Depute Leader of the Council) and up to two substitute members, to the Stirling and Clackmannanshire Regional Economic Advisory Board and to delegate authority to the Strategic Director of Performance to finalise any other aspects of the establishment of the Joint Committee in consultation with the Leader, and the leaders of the other two political groups.

Action

Executive Director

CC.149 COUNCIL DECISION MAKING FRAMEWORK UPDATE

The report, submitted by the Head of Resources and Governance, developed the high level remits which were approved by Council on 12 April 2018 to allow the Council's new Committees structure to operate and to set a timetable for the review of Standing Orders and Scheme of Delegation.

Motion

That Council agrees the recommendations set out in the report.

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

Amendment

It is recommended that Council also agrees:-

- 2.2.4 to move the functions concerning housing, as set out originally in the table in Appendix 3 of this report, out of the People Committee's remit and consequently out of the People directorate and into the Place Committee's remit and consequently into the Place Directorate.

Moved by Councillor Craig Holden. Seconded by Councillor Donald Balsillie.

The Provost noted that the aspects of this report relating to committee remits and Strategic Director accountabilities fall under Standing Order 17.1 ("the six month rule").

Since approval of the management restructure at the Council meeting on 8 March 2018 (part of the approval of the General Services Revenue and Capital Budget 2018/19) and the Council's Decision Making Framework at the Council Meeting on 12 April 2018, the Provost was satisfied that circumstances have changed in a relevant way. The restructure is progressing and the revised remits of committees and portfolios will give clarity on the content of the portfolios for the recruitment to Strategic Director posts. Moving all housing related functions into the Place Committee would also preserve the integrity of the housing service as all housing related functions remain together. Therefore, the Provost agreed to allow this item to be considered.

Decision

The Council agreed the motion as amended:

1. That the Strategic Director for Performance leads a review of the Scheme of Delegation and Standing Orders and brings forward proposals for agreement by Council for the start of the 2019-20 financial year;
2. To amend the proposals for an amended decision-making framework as set out in the Council paper of 12 April 2018 entitled "Council Decision Making Framework" by:
 1. Changing the "Scrutiny Committee" to the "Audit Committee" to align with recently published CIPFA Guidance on arrangements for Audit Committees in local authorities;
 2. Amending the remit of the previously proposed Scrutiny Committee to that of an Audit Committee and making consequential amendments to the remits of the People, Place and Performance Committees;
 3. Re-naming the "Performance Committee" to "Partnership and Performance Committee" to reflect its amended remit; and

4. To move the functions concerning housing, as set out originally in the table in Appendix 3 of the report, out of the People Committee's remit and consequently out of the People directorate and into the Place Committee's remit and consequently into the Place directorate.

Action

Head of Resources and Governance

CC.150 PROGRAMME GOVERNANCE

The report, submitted by the Head of Resources and Governance, put forward proposals for the structured management of change in the Council.

Motion

That Council agrees the recommendations set out in the report.

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

Decision

The majority of Councillors present, agreed to:

1. Establish a Change Board comprising the Strategic Directors leading People, Performance and Place, the Chief Executive and 4 elected members including the Council Leader and representatives from each of the three political parties, based on the current political balance;
2. Recruit a Programme Manager, with support from the Improvement Service to establish and lead a Programme Management Office (PMO) using the transformation change fund. Estimated costs for the appointment are £70k per annum including on costs;

The majority of the Councillors present also agreed to note that:

3. Under the authority delegated to the Head of Paid Service (Chief Executive), suitably qualified staff from within the Council will be seconded into the PMO. The exact constitution of the PMO will vary over time as demands for project resources change.
4. The Chief Executive will consider options for the recruitment of a Programme Manager to oversee organisational change and the PMO following the Strategic Director recruitment exercise.

Action

Head of Resources and Governance

CC.151 BUDGET STRATEGY UPDATE

The report, submitted by the Interim Chief Accountant, maintained Council's regular update on the approved Budget Strategy. The report provided an update on the fiscal outlook, the key financial publications over the last few months and the Quarter 1 savings outturn.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Phil Fairlie. Seconded by Councillor Helen Lewis.

Decision

The Council agreed to note:

1. The CIPFA monthly briefing for June 2018;
2. The SPICe facts and figures highlights from 2013/14 – 2018/19;
3. The refreshed outturn position on the funding gap for the next three years;
4. Quarter 1 outturn savings position;
5. Current work to develop the 2019/20 savings plans; and
6. The work ongoing regarding capital asset plans and the development of a capital strategy.

CC.152 POLLING DISTRICTS AND POLLING PLACES REVIEW

The report, submitted by the Head of Resources and Governance, informed Council of the requirement to undertake a polling place review in accordance with the Representation of the People Act 1983 and to seek approval for the timetable and steps to be taken for the review and public consultation.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Phil Fairlie. Seconded by Councillor Helen Lewis.

Decision

The Council agreed to the proposed timetable and steps to be taken for the review and public consultation.

Action

Head of Head of Resources and Governance

CC.153 NON-TRADITIONAL PROPERTIES: CAROLINE CRESCENT, ALVA

The report, submitted by the Head of Housing and Community Safety, sought approval for the budget for renovation works at Caroline Crescent, Alva

Motion

That Council agrees the recommendations as set out in the report.

Moved by Councillor Craig Holden. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed to amend the Housing Revenue Account (HRA) business plan to allocate a budget of £750k for improvement works to the non-traditionally build properties at Caroline Crescent, Alva.

Action

Head of Housing and Community Safety

Councillor Matchett asked the Provost for at 15 minute adjournment at this point in the proceedings. The Provost advised that she intended to take Item 12 on the Agenda as the next item of business (Annual Property Review 2018/19), then there would be a fifteen minute adjournment prior to consideration of Item 11 on the Agenda (Motion from Councillor Matchett on Tullibody Healthy Living Initiative Limited Funding).

EXEMPT INFORMATION

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

Members of the public and press were asked to withdraw from the Chamber at this point in the proceedings.

CC.154 ANNUAL PROPERTY REVIEW 2018/19

The report, submitted by the Executive Director, provided an overview of progress on the disposal of surplus property assets since approval by Council of the previous Property Review reports on 31 August 2017 and 9 November 2017. It also identified the proposed disposal plan for 2018/19, and sought approval, where necessary, to declare further properties surplus to our operational and strategic requirements.

The Development Service Manager, advised of an error in paragraph 4.1 of the report. It should read "Four further properties" not "Two further properties".

Motion

That Council agrees the recommendations as set out in the report.

Moved by Councillor Craig Holden. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed to approve recommendations 2.1 (a) to (d) as set out in the report.

Action

Executive Director

The Provost adjourned the meeting at 11:55 am.

Having earlier declared a non-financial interest in Item 11 (Motion from Councillor Matchett on Tullibody Healthy Living Initiative Limited Funding), the Provost - Councillor Tina Murphy, and Councillor Les Sharp withdrew from the meeting.

Councillor Derek Stewart and Councillor Mike Watson also withdrew from the meeting at this point in the proceedings.

When the meeting resumed at 12:20 pm, 13 members remained present. In the absence of the Provost, the Depute Provost, Councillor Donald Balsillie took the Chair.

Members of the public were invited back into the Chamber as the next item of business was not exempt.

Councillor George Matchett QPM and Councillor Darren Lee, having earlier declared a non-financial interest in the undernoted item of business, decided they would participate in the discussion and voting on the item.

CC.155 NOTICE OF MOTION IN TERMS OF STANDING ORDER 16.0 – TULLIBODY HEALTHY LIVING INITIATIVE LIMITED FUNDING

A notice of motion in terms of Standing Order 16.0 was submitted by Councillor George Matchett QPM.

Motion

“Council agrees to

1. Reverse its decision of 8 March 2018 in terms of recommendation 2.1.4 of the General Services Revenue and Capital Budget 2018/19 in respect of Appendix E Schedule of Saving SCSSR15 – continue Clackmannanshire Healthier Lives for 6 months in regard to Tullibody Healthy Living Initiative Limited (THLI) but only to the extend of £31,475.50.
2. Continue to fund THLI for a period of 6 months from 1 October 2018 at a cost of £31,475.50, which will be funded from unallocated reserves.”

Moved by Councillor George Matchett QPM. Seconded by Councillor Darren Lee.

Councillor Craig Holden requested a 5 minute adjournment at this point in the proceedings. The Depute Provost agreed to adjourn the meeting at 12:55 pm.

When the meeting resumed at 1:10pm, 13 members remained present.

Amendment

"That the Council deletes paragraph 1 and replaces paragraph 2 with the wording:

Council acknowledges the difficulties experienced by the Tullibody Healthy Living Initiative Limited (THLI) and recommends that they make a formal approach to the Integration Joint Board for financial support as the work of the organisation falls within their organisational remit."

Moved by Councillor Craig Holden. Seconded by Councillor Helen Lewis.

Voting on the Amendment

Votes for the Amendment	9 votes
Votes against the Amendment	4 votes
Abstain from voting	0 votes

On a division of 9 votes to 4 with 0 abstentions, the amendment was carried.

Decison

The Council, on a division of 9 votes to 4 with 0 abstentions, agreed to delete paragraph 1 of the motion and replace paragraph 2 with the wording:

Council acknowledges the difficulties experienced by the Tullibody Healthy Living Initiative Limited (THLI) and recommends that they make a formal approach to the Integration Joint Board for financial support as the work of the organisation falls within their organisational remit.

Ends: 1:16 pm

