



**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held via VIDEO
CONFERENCE (MS TEAMS), on THURSDAY 6 OCTOBER 2022 at 9.30 am.**

PRESENT

Councillor Phil Fairlie, Convener (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Denis Coyne
Councillor Ellen Forson
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor Craig Holden
Councillor Fiona Law
Councillor Darren Lee
Councillor Graham Lindsay
Councillor Kathleen Martin
Councillor Mark McLuckie
Councillor Jane McTaggart
Councillor Bryan Quinn
Councillor Janine Rennie
Mr George Marcinkiewicz, Religious Representative, Roman Catholic Church (Item 14)
Rev Sang y Cha, Religious Representative, Church of Scotland (Item 14)

IN ATTENDANCE

Nikki Bridle, Chief Executive
Stuart Crickmar, Strategic Director (Partnership and Performance)
Lorraine Sanda, Strategic Director (People)
Pete Leonard, Strategic Director (Place)
Fiona Colligan, Strategic Director (Transformation)
Lindsay Sim, Chief Finance Officer (Partnership & Performance)
Cherie Jarvie, Senior Manager, Partnership and Transformation (Partnership & Performance)
Chris Alliston, Senior Manager, HR and Workforce Development (Partnership & Performance)
Fiona Grinly, Senior Manager (Transformation)
Seonaid Scott, Health and Safety Manager (Partnership & Performance)
Lesley Baillie, Strategy and Performance Adviser (Partnership & Performance)
Mark Ferris, Audit Scotland
Jane Adamson, Policy Officer (Partnership & Performance)
Lawrence Hunter, Energy and Sustainability Strategy Officer (Place)
Robert Seale, Climate Change and Energy Officer (Place)
Alison Mackie, Active Primary Co-ordinator (People)
Lynne McBain, Quality Improvement Officer (People)
Karen Payton, Team Leader, Communications, Community, Performance and Change (Partnership & Performance)
Carla McFarlane, Communications Officer (Partnership & Performance) (via Teams)
Neil Ramsay, Transformation Officer (Transformation)
Jane Burridge, Transformation Officer (Transformation)
Colin Bruce, Chief Education Officer (People)
Sharon Robertson, Chief Social Work Officer
Robbie Stewart, Sportscotland
Michael Boyle, Improving Outcomes Business Manager (People)
Ben Watson, Revenues Supervisor (Partnership & Performance)
Lynda McDonald, Senior Manager ELC and Primary (People)
Lee Robertson, Senior Manager, Legal and Governance (Partnership & Performance) (Clerk to the Council)
Melanie Moore, Committee Services (Partnership & Performance)
Gillian White, Committee Services (Partnership & Performance)

CC(22)35 APOLOGIES

Apologies were received from Councillor William Keogh and Councillor Kenneth Earle.

CC(22)36 DECLARATIONS OF INTEREST

None.

CC(22)37 MINUTES OF CLACKMANNANSHIRE COUNCIL – 11 AUGUST 2022

The minutes of the meeting of the Clackmannanshire Council held on 11 August 2022 were submitted for approval.

Decision

The minutes of the meeting of the Clackmannanshire Council held on 11 August 2022 were agreed as a correct record and signed by the Convener.

CC(22)38 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL

The report, submitted by the Chief Executive, sought Council approval of recommendations which had been made by the Audit and Scrutiny Committee on 25 August, 2022.

Motion

To agree the recommendations as set out in the report.

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

Decision

That Council, from the Audit and Scrutiny Committee of 25 August, 2022 in relation to the report entitled "Audit & Scrutiny Forward Plan":

1. Agreed to endorse the forward plan as set out in Appendix 1 of the above report; and
2. Noted that the report relating to Audit and Scrutiny Committee is available on the Council's website.

Action

Chief Executive

CC(22)39 ELECTED MEMBER REPRESENTATION ON OUTSIDE BODIES

Following approval of a number of outside bodies at the Statutory Meeting of Clackmannanshire Council held on 25 May 2022, the report set out requests for elected member representation on a further two outside. The report, submitted by the Chief Executive, sought Council's view on whether it wishes to be represented on these bodies and, if so, asked Council to appoint members to the relevant organisations.

The report also sought to appoint an elected member representative to vote at the Annual General Meeting of iESE. The Council has membership of iESE which is a not-for-profit social enterprise that works in partnership to support the Public sector, Private sector and the Third sector.

The report also updated the Council on the cessation of the University of Stirling Conference Committee.

Motion

Councillor Forson moved the undernoted appointments:

Scottish Joint Council:	Councillor Donald Balsillie
Central Scotland Valuation Joint Board Substitute (1st of 3):	Councillor Jane McTaggart
iESE Elected Member Representative	Councillor Donald Balsillie

Councillor Benny moved the undernoted appointment:

Central Scotland Valuation Joint Board Substitute (2nd of 3):	Councillor Denis Coyne
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Councillor Martin moved the undernoted appointments:

Central Scotland Valuation Joint Board Substitute (3rd of 3):	Councillor Mark McLuckie
Scottish Joint Council	Councillor William Keogh

There being two nominees for the single position on the Scottish Joint Council, the matter was put to the vote:

Voting on Scottish Joint Council Nominees

Councillor Balsillie 14 votes

The Convener advised that with Councillor Balsillie gaining the majority of votes, there was no requirement to continue with the voting.

Decision

The Council:

1. Confirmed that it wishes to be represented on the organisations set out in Appendix A;
2. Appointed the undernoted elected members to those organisations:
 - a. Scottish Joint Council – Councillor Donald Balsillie
 - b. Central Scotland Valuation Joint Board Substitutes (3) – Councillor Jane McTaggart, Councillor Denis Coyne and Councillor Mark McLuckie
3. Appointed Councillor Donald Balsillie as the Council's representative to vote at the annual general meeting of iESE.
4. noted that the University of Stirling Conference Committee is no longer operational (as advised by the University of Stirling on 30 May 2022); that the appointment of Councillor Forson on 25 May 2022 is not required; and that this Committee is removed from the list of outside bodies.

Action

Chief Executive

CC(22)40 UPDATE: WORKING GROUP FOR REVIEW OF STANDING ORDERS; AND SCHEME OF DELEGATION

The report, submitted by Senior Manager, Legal and Governance, invited Council to note the ongoing work of the Working Group on the review of Standing Orders; and that a review of the Council's Scheme of Delegation will also be carried out.

The Senior Manager, Legal and Governance, advised that there had been an addition to the membership of the Working Group in that Councillor Phil Fairlie and Councillor Craig Holden would also participate.

Motion

To agree the recommendations as set out in the report

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

Decision

The Council agreed to:

1. Note that the Working Group has been established and meeting dates created;
2. Note that in conjunction with the review of Standing Orders the Council's Scheme of Delegation will also be reviewed;
3. Note that a final version of the Standing Orders and Scheme of Delegation will be submitted to Council for approval once this work has been completed

Action

Strategic Director (People)

CC(22)41 LOCHIES PRIMARY SCHOOL OPTIONS APPRAISAL

The report, submitted by the Strategic Director (Place), provided Council with an update on the high-level options appraisals undertaken for Lochies Primary School.

Motion

To agree the recommendations as set out in the report.

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

Decision

The Council:

1. Noted the terms of the recommendations in the options appraisal for Lochies presented in the report at section 3.5;
2. Agreed that based on the options appraisal recommendations, a public consultation process, involving Education Scotland, will take place to relocate a new build Lochies to the Pavilions site at Alloa West;
3. Agreed to the submission of a bid to the Scottish Government Learning Estate Investment Programme (LEIP) for a replacement for Lochies, noting that this funding will be in the form of revenue funding as described in section 4 of this paper;
4. Noted that a further paper will be brought back to a future Council on the LEIP bid outcome and progress on the public consultation process to relocate Lochies;
5. Noted that the next stages are to complete site feasibility studies and RIBA design stages to provide more detailed costings on a relocated Lochies. The outcome of which will be brought back to Council for formal budgetary approval;
6. Noted that a further paper will be brought back to a future Council on the outcome of the high-level options appraisal for Deerpark Primary School; and
7. Noted that a further paper will be brought back to a future Council on the outcome of the high-level options appraisal for St Mungo's Primary School.

Action

Strategic Director (Place)

CC(22)42 INTERIM SWIMMING POOL & SWIMMING ARRANGEMENTS

The report, submitted by the Strategic Director (People), provided Council with an update on the costs of the development of an Interim Swimming Pool for Clackmannanshire and the plans for the reintroduction of a Learn to Swim Programme for school pupils.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Scott Harrison. Seconded by Councillor Graham Lindsay.

Decision

The Council agreed:

1. to terminate the development of an Interim Swimming Pool for Clackmannanshire on the grounds of ensuring best value of the use of Council resources based on the information contained in paragraph 2.2;

The Council noted:

2. the outcome of the most recent cost plan, currently reported as £3,482,230, a significant increase from the February 2022 cost plan where it was reported as £2.16m. The updated figure excluded any allowance for market inflation or to get a fixed price which is likely to result in a final total in the region of £3.7 – £3.9M in para 4.3;
3. the updated operating costs for Interim Swimming Pool which have increased to an estimated £748,000 per annum from £527,000 in para 4.4;
4. the continued financial uncertainty as detailed in para 4.5;
5. the update on current Learn to Swim provision in Clackmannanshire in para 4.6; and
6. the re-introduction of a Primary 5 Learn to Swim programme in para 4.7

Action

Strategic Director (People)

CC(22)43 ANNUAL REVIEW OF DEBTORS 2021/22

The report, submitted by the Chief Finance Officer (Section 95 Officer), provided council with the annual update on income collection and proposed the 'write-off' of those debts which are deemed as irrecoverable or 'bad debts'. The presentation of this report was a key milestone in the preparation of the council's draft financial statements.

Motion

To agree the recommendations as set out in the report.

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

Decision

The Council:

1. Noted the trends in income collection for 2021/22;
2. Approved the proposed write-off £568,299 as per 6.2 (Appendix B);
3. Noted the continued impact of the COVID 19 pandemic on collection and recovery, and
4. Noted and comment as appropriate on the other matters raised in the report.

Action

Chief Finance Officer (S95 Officer)

CC(22)44 ANNUAL TREASURY MANAGEMENT REPORT 2021/22

The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual review of treasury management activities. The report, submitted by the Chief Finance Officer, detailed the treasury management activities for the Council for the year ended 31 March 2022 and how this compared to the 2021/22 Treasury Management Strategy Statement set in March 2021.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson Seconded by Councillor Graham Lindsay.

Decision

Having considered the Annual Report for 2021/22 on the Council's Treasury Management activities, the Council agreed to note the report.

CC(22)45 CLOSURE OF COUNCIL ON 19 SEPTEMBER 2022

This report, submitted by the Strategic Director (Partnership and Performance) invited the Council to note that with the exception of emergency service provision, the Council closed on Monday 19 September 2022 to allow staff to mark the funeral of the Her Majesty Queen Elizabeth II.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Ellen Forson.

Decision

The Council agreed to:

1. Note that, as part of the accession ceremony, His Majesty King Charles III designated Monday 19 September 2022 a Bank Holiday in Scotland;
2. Note that Human Resource Advice Note HRA 22-09 SPDS issued by the employers function of CoSLA advised that Councils that chose to recognise the event could do so by granting either an additional bank holiday or an additional day of annual leave;
3. Note that to formally approve a bank holiday a special meeting of Council would have been required;

4. Note that an additional day of annual leave was granted by the Chief Executive, under delegated authority, in consultation with the Council Leaders, Leaders of the Labour and Conservative Groups and Councillor Quinn, as the Council's Green Party representative, to allow staff, on the day of Her Majesty Queen Elizabeth II state funeral, to pay their respects;
5. Note a pro-rata leave entitlement will be given to those staff that do not work on a Monday;
6. Note that where staff were required to undertake work no enhancement was given as the day was not formally designated a public holiday however staff who were required to work will be able to take the equivalent time back within the leave year;
7. Note the guidance issued by Scottish Government related to schools and early learning and childcare settings (paragraph 3.5);
8. Note the exemption from the statutory requirement to provide 190 days of schooling. (paragraph 3.6);
9. Note the provision related to 1140 Hours (paragraph 3.8) and that Education colleagues will offer the time to ELC on an alternative date, at the parents/carers request;
10. Note that those families who are entitled to free school meals will receive a payment to their bank account for this day; and
11. Note that adjustments to leave entitlement will be made by the Council's HR team.

Action

Strategic Director (Partnership and Performance)

CC(22)46 HR POLICIES

This report, submitted by the Strategic Director (Partnership and Performance) sought Council approval of the new Pregnancy Loss Policy / Procedure Council.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

Decision

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

1. Approve the Pregnancy Loss Policy and Procedure which was attached at Appendix 1.
2. Note that the Policy group met on the 23 August 2022 and extensive discussions took place with both Trade Unions and Management at this meeting in the formation and development of this Policy and procedure.
3. Note that following these discussions, minor revisions/amendments were made and agreed by those policy group members who had been in attendance.
4. Note that on 14 September 2022 the Tripartite agreed that the Pregnancy Loss Policy and Procedure be presented to Council for approval.

Action

Strategic Director (Partnership and Performance)

In line with Standing Order 10.24, the Convener agreed to a 10 minute comfort break at 11.35 am. The meeting resumed 11:45 am

CC(22)47 COUNCIL HEALTH & SAFETY STRATEGY & ACTION PLAN 2022-2025

The report, submitted by the Strategic Director (Partnership and Performance) invited the Council to agree the Health and Safety Strategy for the period 2022 – 2025.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed the Health and Safety Strategy at Appendix 1.

Action

Strategic Director (Partnership and Performance)

**CC(22)48 NATIONAL IMPROVEMENT FRAMEWORK REPORT AND PLAN,
SCOTTISH ATTAINMENT CHALLENGE FUND PLAN**

The report, submitted by the Chief Education Officer, presented the National Improvement Framework (NIF) Report 21/22 and Plan 2022/23 and the Scottish Attainment Challenge Fund Plan 2022/23.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Graham Lindsay. Seconded by Councillor Wendy Hamilton.

Decision

Having challenged and commented on the report, the Council agreed to note the report and the plans set out in Appendices 1, 2 and 3.

CC(22)49 PLACE BASED INVESTMENT PROGRAMME UPDATE

The report, submitted by the Strategic Director (Place), provided an update to Council on activity around the Council's Place Based Investment Programme. The paper described the process that Council Officers have undertaken to create both a plan for the appropriate use of the Scottish Government's Place Based Investment Funds for the year 2022/23 and a strategy for future place based funds. The paper was intended to update Council and provide a platform for discussion that will give Council Officers direction for future fundraising activity.

Motion

To defer consideration of the report, pending clarification on both the consultation mechanism and the liability for ongoing costs.

Moved by Councillor Ellen Forson. Seconded by Councillor Darren Lee

Decision

The Council agreed to defer consideration of the Place Based Investment Programme Update report, pending clarification on both the consultation mechanism and the liability for ongoing costs.

The Convener advised that the revised report should be brought back to the meeting of Clackmannanshire Council scheduled for Wednesday 30 November 2022. However, in the event that a decision is needed more timeously, a Special Council meeting could be called for that purpose.

Action

Strategic Director (Place)

CC(22)50 APPRENTICESHIPS IN THE COUNCIL

The report, submitted by the Strategic Director (Place), asked Council to consider and agree to revise the hourly rates paid to our Modern Apprentices in order to support the Community Wealth Building agenda and increase the attractiveness of our Apprenticeship programme.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law. Seconded by Councillor Jane McTaggart.

Decision

The Council:

1. Noted the variation in the hourly rates paid to Apprentices across the Council (Appendix B);
2. Noted the variation in the hourly rates paid to Apprentices across other local authorities (Appendix C);
3. Noted the cost associated with the implementation of these proposals (paragraph 3.18 and Appendix E);
4. Agreed to adopt the payment model outlined in paragraph 3.15 from April 2022; and
5. Agreed to uplift the wages of existing Apprentices from 1 April 2022 to the new hourly rates.

Action

Strategic Director (Place)

CC(22)51 GOVERNANCE ARRANGEMENTS FOR COMMUNITY ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

The report, submitted by the Senior Manager, Partnership and Performance, asked Council to agree the change to the governance arrangements for applications for Community Asset Transfer requests made by a community transfer body under the Community Empowerment (Scotland) Act 2015.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Donald Balsillie.

Decision

The Council:

1. Agreed that the Planning Committee is given delegated authority to take responsibility for making decisions on applications for Community Asset Transfers (CAT) in terms of the Community Empowerment Act (Scotland) 2015 (the "Act");
2. Agreed to make consequential changes to the Scheme of Delegation and Standing Orders to reflect the decision taken at recommendation 2.1;
3. Noted that the membership of the Community Asset Transfer Review Body agreed by Council on 20 December 2018 is amended so that members who are also members of the Planning Committee would not be part of any review body. In addition, elected members in whose ward the asset is situated would also be exempt from the independent review;
4. Noted that it is still anticipated that before the request is referred to the Planning Committee for decision that a lead officer would bring together officers with relevant responsibilities within the Council including property, legal and those with a focus on community development and community engagement to prepare a report for the Committee prior to decision; and
5. Noted that training on the Act will be made available to all members as part of Member Training.

Action

Senior Manager, Partnership and Performance

CC(22)52 MANAGEMENT RULES FOR CEMETERIES

The report, submitted by the Strategic Director (Place) sought Council agreement on the revised Management Rules for Cemeteries.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law. Seconded by Councillor Jane McTaggart.

Decision

The Council approved the amended Management Rules for Cemeteries.

Action

Strategic Director (Place)

CC(22)53 EDINBURGH DECLARATION

The report, submitted by the Strategic Director (Place), sought Council approval for Clackmannanshire Council to adopt the Edinburgh Declaration.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed to commit to the Edinburgh Declaration's post-2020 global biodiversity framework.

Action

Strategic Director (Place)

Ends: 13:07 hours

