



MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held in the Council Chamber, Kilncraigs, Alloa, on Thursday 16 May 2024 at 9.30 am.

PRESENT

Councillor Phil Fairlie, Convener (Chair)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Denis Coyne
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor Craig Holden
Councillor Darren Lee (via Teams)
Councillor Graham Lindsay
Councillor Jane McTaggart
Councillor Janine Rennie
Councillor Bryan Quinn

IN ATTENDANCE

Nikki Bridle, Chief Executive
Lorraine Sanda, Strategic Director (People)
Pete Leonard, Strategic Director (Place)
Chris Alliston, Strategic Director (Partnership & Performance)
Colin Bruce, Chief Education Officer (People)
Cherie Jarvie, Senior Manager, Partnership & Transformation (Partnership & Performance)
Lee Robertson, Senior Manager, Legal and Governance (Partnership & Performance) (Clerk to the Council)
Elizabeth Hutcheon, Management Accountancy Team Leader (Partnership & Performance)
Helen Coleman, Accountancy Team Leader (Partnership & Performance)
Alastair Hair, Senior Manager, HR (Partnership & Performance)
Sarah Langsford, Senior Manager, HR (Partnership & Performance)
Andrew Buchanan, Housing Operations Manager (Place)
Caroline Muir, Performance and Information Officer (Place)
Katie Roddie, Senior Housing Officer (Place)
Lawrence Hunter, Energy and Sustainability Strategy Officer (Place) (Via Teams)
Gavin Wright, Planned Works & Compliance Team Leader (Place)
Monika Bicev, Housing Policy Officer (Place)
Michael Boyle, Improving Outcomes Business Manager (People)
Emma Fyvie, Senior Manager – Development (Place) (via Teams)
Claire Fullarton, Communications Officer (Partnership & Performance)
Lesley Robertson, Business Support, Wellbeing Hub (People) (via Teams)
Gillian White, Committee Services (Partnership & Performance) (Minute)
Melanie Moore, Committee Services (Partnership & Performance)

CC(24)026 APOLOGIES

Apologies were received from Councillor William Keogh, Councillor Fiona Law, Councillor Mark McLuckie and Councillor Kathleen Martin.

CC(24)027 DECLARATIONS OF INTEREST

None.

CC(24)028 MINUTES OF CLACKMANNANSHIRE COUNCIL – 21 MARCH 2024

The minutes of the meeting of the Clackmannanshire Council held on 21 March 2024 were submitted for approval.

Councillor Holden questioned the accuracy of minute reference CC(24)020 St Mungo's RC Primary – Learning Estates, in terms of the response given by the Convener when declaring Councillor Holden's amendment as not competent.

The wording within the minute stated:

“The Convener advised that as the legislation refers to a single proposal, the Amendment submitted by Councillor Holden is not competent and as such would not be considered.”

Councillor Holden stated that he did not consider that an accurate reflection of the ruling made by the Convener on the day and that the wording should be replaced with:

“The Convener advised that the legislation required the council to consult on a single proposal and as the amendment would take the council outwith that requirement, the amendment was deemed not competent”.

The Convener advised that he would be happy to go back and look at the wording again and check the language and amend the minute to reflect that if required.

Councillor Holden raised a point of order that he was unsure whether that was appropriate and suggested that the Council had to approve the minute and was unsure how the change could be made retrospectively.

The Convener put forward that approval of minute of the meeting would be deferred to the next meeting of Council.

Decision

Consideration of the minutes of the meeting of Clackmannanshire Council held on 21 March 2024 were deferred to the next meeting of Council.

Action

Clerk to the Council

CC(24)029 BE THE FUTURE UPDATE, MAY 2024

The report, submitted by the Chief Executive, provided the latest update in respect of the Council's Be the Future Target Operating Model (BtF TOM) and associated Transformation Programme. The report provided updates in respect of the progress in the BtF priority Communication and Engagement Models and Collaborative Community Models and the associated Benefits Realisation Plan (BRP) for the programme.

Motion

To agree the recommendations set out in the report.

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

Decision

The Council noted:

1. Progress in developing the process for agreeing benefits realisation and the associated plan (para 3.6-3.11);

2. Progress in developing the scope for the communication and engagement model. (para 3.12-3.14); and
3. Progress on the development of the new role for the Strategic Lead - Community Collaboration and Redesign (para 3.15-3.17)

CC(24)030 BUDGET STRATEGY UPDATE

The report, submitted by the Chief Executive, maintained the Council's regular update on the approved Budget Strategy. The report provided an update on the post-Budget context and set the timetable and key milestones to commence the 2025/26 Budget process.

Motion

To agree the recommendations set out in the report.

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

Voting

For the motion	12 votes
Against the motion	0 votes
Abstain from voting	1

Councillor Lee was not present (on Teams) during the vote on this item of business.

The motion was carried by 12 votes to 0 with 1 abstention.

Decision

The Council:

1. Agreed the high level Budget Timetable (Appendix A);
2. Noted the extremely challenging financial position faced by the Council (paragraphs 3.1 to 3.6);
3. Noted that the indicative funding gap is £13.012m in 2025/26 rising to £29.662m by 2028/29 (paragraph 3.5 and Exhibit 2);
4. Noted the arrangements for 2025/26 budget preparation, including the work of the Budget Working Group and the proposed scheduling of three tranches of Budget Challenge sessions (paragraphs 3.7 to 3.9);
5. Noted the approach to the development of the HRA Business plan to support the preparation of the 2025/26 Revenue and Capital Budgets (paragraphs 3.10 to 3.12); and
6. Noted the ongoing work with CoSLA and the Scottish Government to raise awareness of the systemic and contextual challenges facing Clackmannanshire (paragraph 3.13)

Action

Chief Executive

CC(24)031 TREASURY MANAGEMENT QUARTERLY UPDATE AT 31 DECEMBER 2023

The report, submitted by the Strategic Director, Partnership and Performance, presented an update on Treasury Management activity for the third quarter of the year - 1st October to 31st December 2023.

Motion

To agree the recommendation set out in the report.

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

Decision

Having commented and challenged the review of the Council's Treasury Management activities, the Council agreed to note the report.

CC(24)032 COUNCIL FINANCIAL PERFORMANCE 2023/24 AS AT DECEMBER 2023

The report, submitted by the Strategic Director, Partnership and Performance, provided an update on the financial performance for the Council, as at December 2023, in respect of: the General Fund (GF) revenue and capital spend and the achievement of savings for the current financial year 2023/24; the Clackmannanshire element of the Stirling & Clackmannanshire Health and Social Care Partnership (H&SCP) revenue spend; and the Housing Revenue Account (HRA) revenue and capital spend, for the financial year, 2023/24.

Motion

To agree the recommendation set out in the report.

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

Decision

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

1. The General Fund revenue forecasted underspend of £(0.735)m for the year to 31 March 2024;
2. The Clackmannanshire element of the Health and Social Care Partnership (H&SCP) forecasted overspend of £3.684m as at December 2023, for the year to 31 March 2024;
3. The HRA revenue forecasted underspend of £(3.996)m, £0.178m more than the budgeted underspend for the year to 31 March 2024;
4. The HRA Capital programme forecasted underspend of £(6.285)m, of which £6.265m is proposed to be carried forward;
5. The General Fund Capital Programme forecasted underspend of £(9.737)m, and proposed carry forward of £8.462m; and
6. The progress to date in delivering the £3.814m approved savings programme, currently forecast to achieve £2.612m, 68.5%, as at 31 March 2024.

CC(24)033 WELLBEING HUB & LOCHIES SCHOOL PROJECT UPDATE

The report, submitted by the Senior Manager, Sport and Leisure, provided Council with an update on the progress of the Wellbeing Hub & Lochies School project.

Motion

To agree the recommendation set out in the report.

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

Decision

The Council noted the:

1. Key programme updates (set out in paragraph 3.1);
2. Planning pre-application consultation programme update (set out in paragraphs 3.2-3.4);
3. Co-design update (set out in paragraphs 3.5-3.6);
4. Futures Institute of Dollar Academy (FIDA) design competition update (set out in paragraphs 3.7-3.9)

CC(24)034 SCOTTISH HOUSING REGULATOR ANNUAL RETURN OF THE CHARTER (ARC)

The report, submitted by the Strategic Director, Place, presented the Scottish Housing Regulator Annual Return of Charter 2024.

Motion

To agree the recommendation set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Wendy Hamilton.

Decision

The Council agreed to:

1. Note the 2023/24 submission of the ARC, which will be submitted to the Scottish Housing Regulator (SHR) on 31st May 2024, noting the relevant performance results and measures for scrutiny purposes; and
2. Approve that in line with SHR Guidance, the Senior Manger Housing confirms acceptance of the submission and that future ARC reports will be submitted to the closest Audit and Scrutiny committee, to enable performance to be scrutinised in a meaningful way.

Action

Strategic Director (Place)

Councillor Holden raised a point of order in relation to the earlier agreement by Council to defer consideration of the Minute of the Meeting of Clackmannanshire Council held on 21 March 2024 (Minute Reference: CC(24)028) until the next Council meeting.

He advised that Standing Order 21.2 states that “No discussion or amendment will be accepted on minutes of a previous meeting, other than an objection that they are not a correct record. Any objection for this reason will, if not agreed, result in an amendment to a motion approving the minutes or part of the minutes”. He advised that his earlier objection to the correctness of that minute had to be heard today. It could not be heard in camera or be heard offline and then reported back to the next meeting. He advised that the Council must either agree to the objection today, or not agree to it, in which case the motion must be put forward and he would be entitled then to amend it and have the Council vote on it. He advised that should the matter be heard offline, then he may lose the ability to challenge it.

The Convener adjourned the meeting at 10.58 to take the opportunity to consult Standing Orders and to provide Council with a comfort break. The meeting resumed at 11.18 with 14 members present.

Having checked Standing Orders, the Convener advised that Councillor Holden was correct in his interpretation of Standing Orders and adjourned the meeting at 11.19 to take the opportunity to review the recording of the Meeting of Clackmannanshire Council held on 21 March 2024. The meeting resumed at 11.39 with 14 members present.

The Convener, having listened to the recording of the previous Council meeting, agreed that the information put forward by Councillor Holden is a correct verbatim statement on his (the Convener’s) response. The Convener advised that on reflection having listened to the recording that his that response could have been fuller, more explicit and may have been potentially ambiguous as to the reasons for the rejection of the amendment. He advised that the focus had been on the issue around “proposal” versus “proposals”, when actually the more important point was around the validity of any proposals that were coming forward on that day and that hadn’t been reflected in his response. He apologised to Councillor Holden and the wider Council. On that basis, he was prepared to correct the minute to reflect the suggestion put forward by Councillor Holden.

Councillor Quinn asked the Convener to read out amended section of the minute before seeking approval from Council for the amended minute.

The Clerk advised that the Minute of Clackmannanshire Council held on 21 March 2024, (Minute reference CC(24)020 St Mungo’s RC Primary – Learning Estates), in terms of the response given by the Convener when declaring Councillor Holden’s amendment as not competent, should be amended to read:

“The Convener advised that the legislation required the council to consult on a single proposal and as the amendment would take the council outwith that requirement, the amendment was deemed not competent”.

Decision

Notwithstanding, the earlier decision to defer consideration of the minutes, subject to the amendment, the minutes of the meeting of Clackmannanshire Council held on 21 March 2024 were agreed as a correct record and signed by the Convener.

Action

Clerk to the Council

The Convener paused the meeting at 11.40 am to provide an opportunity for external parties to leave the meeting. Councillor Holden withdrew from the meeting prior to the following item of business. The meeting resumed at 11.41 am with 13 members present.

EXEMPT ITEMS

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 items of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 1.

CC(24)035 STRATEGIC DIRECTOR RECRUITMENT

The report, submitted by the Chief Executive, invited Council to agree that an Appointments Committee be convened to take forward recruitment to the position of Strategic Director (Place) on a fixed term basis for up to two years pending review of the Organisational Design in line with the Council's agreed Target Operating Model.

Motion

To agree the recommendation set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Jane McTaggart.

Decision

The Council agreed:

1. That an Appointments Committee be set up and agreed the process of recruitment for the Strategic Director (Place);
2. That the Appointments Committee is politically balanced and be comprised of:

Political Party	Members	Agreed Membership
SNP	2	Councillor Ellen Forson and Councillor Jane McTaggart
Conservative	1	Councillor Martha Benny
Labour	1	Councillor Kenneth Earle

3. That notwithstanding the current terms of the Scheme of Delegation, which provide that recruitment of Strategic Director is delegated to the Appointments Committee, that the recruitment to the interim Director post within the Place portfolio, not including final interview, is delegated to the Chief Executive;
4. That in order to maximise the field of potential candidates, that the recruitment will be advertised simultaneously as an internal, external or secondment opportunity

The Council noted:

5. That the Chief Executive and Senior Manager – HR and Workforce Development (acting) will support the Appointments Committee as professional advisers.

Action

Chief Executive

Ends: 11:44 am

