

**MINUTE OF MEETING of the
CLACKMANNANSHIRE COUNCIL held
within the Council Chamber, Greenfield,
Alloa, on THURSDAY 18th DECEMBER
2008.**

PRESENT

**Provost Derek Stewart (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Eddie Carrick
Councillor Kenneth Earle
Councillor Mark English
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett
Councillor Walter McAdam
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley**

IN ATTENDANCE

**Dave Jones, Chief Executive
Jeni Graham, Director of Corporate
Development Services
Stephen Bell, Head of Development Services
Peter Broadfoot, Head of Administration
and Legal Services (Clerk to the Council)
Gary Devlin, External Auditor (Items 5 & 6)
Barry Dickson, Head of Business
Improvement and Technology Services
John Gillespie, Head of Housing, Benefit
and Advice Services
Jim Goodall, Head of Education
Brian Hutchison, Head of Human Resources
Ewart McAuslane, Head of Environmental
Services
Gordon Stewart, Head of Property Services
Muir Wilson, Head of Finance**

Presentation of Award:

Before the start of business, the Council made a presentation to Development and Environmental Services' Property Contracts Service on gaining an award for Customer Service Excellence from the APSE Performance Network's Annual Awards 2008 for Best Overall Performer in Building Maintenance.

The Council also congratulated Development and Environmental Services for being nominated as finalists in the APSE Performance Network's Annual Awards 2008 in the following categories:

- Most Improved Performer in Building Maintenance
- Most Improved Performer in Street Cleaning

In terms of Standing Order 21.2, the Provost indicated that agenda item 15 (Question to the Provost) would be taken as the first item of business after confirmation of the minute of the meeting held on 6th November 2008.

CC.184 APOLOGIES

Apologies for absence were received from Rev Mairi Lovett, Religious Representative.

CC.185 DECLARATIONS OF INTEREST

Provost Derek Stewart declared an interest in agenda item 16 (Sale of Former Zones Leisure Centre).

CC.186 MINUTE OF MEETING HELD ON 6th NOVEMBER 2008

There was submitted a minute of the meeting held on Thursday 6th November 2008, a copy of which had been circulated previously to each Member.

Councillor Matchett's name had been omitted from the minute of the meeting held on Thursday 6th November 2008; Councillor Matchett was present at the meeting.

Subject to the above amendment, the minute of the meeting held on Thursday 6th November 2008 was accepted as a correct record and signed by the Provost.

CC.187 QUESTION TO THE PROVOST

There was submitted a Question to the Provost from Councillor McAdam, a copy of which was made available to each Member at the start of the meeting.

Devon Equestrian Centre

Q. When did you and the Administration first become aware that obtaining a licence for the Centre was dependent on having "stables/shelters"?

A. Neither I, nor the Administration were aware at that time.

Supplementary Question 1:

Q. I believe that £28,000 was spent on repairs and maintenance (cost to the Council), £5,000 unpaid rent, £2,000 unpaid grazing and no share of the profit, and investment over 5 years £110,000 (ie £22,000 per year) (nothing so far). Can you confirm that there never was an expectation of income over the first 2 years?

A. The Provost indicated that he would respond to Councillor McAdam in writing.

Supplementary Question 2:

Q. Would you agree that at best this was unethical, stacking the cards unfairly against the alternative bid.

A. The Provost indicated that he would respond to Councillor McAdam in writing.

CC.188 STATUTORY PERFORMANCE INDICATORS 2007-08

There was submitted a report by Stuart Crickmar, Business Improvement Manager, and Judith Richardson, Business Improvement Officer, a copy of which had been circulated previously to each Member.

Moved by Councillor Cadenhead. Seconded by Councillor McGill.

The Chief Executive advised the Council that measure 38 (Public access - percentage of public services buildings that are suitable and accessible to disabled people) has now been amended by the External Auditor to read that Clackmannanshire Council is ranked 16th and not 31st as indicated in the paper.

Councillor Balsillie asked that it be recorded in the minute as an objective of the SNP Group that, as a small local authority dedicated to improvements for disable people, Clackmannanshire targets that particular area for improvement.

The Council agreed to note the information set out in the report.

- ***Councillor English joined the meeting during the debate on the following item (10.20 am)***

**CC.189 AUDITED STATEMENT OF ACCOUNTS 2007/08/ANNUAL
AUDIT REPORT FOR THE YEAR ENDED 31st MARCH 2008.**

The Council agreed that agenda item 5 (Audited Statement of Accounts 2007/08) and agenda item 6 (Annual Audit Report for the Year Ended 31st March 2008) would be considered as one item of business.

There were submitted reports by Martin Dunsmore, Accounting and Budgeting Manager, and Muir Wilson, Head of Finance, copies of which had been circulated previously to each Member.

The Council heard from Gary Devlin (Grant Thornton, External Auditors) and had opportunity to put questions to Mr Devlin.

Both reports were moved by Councillor McGill and seconded by Councillor Earle.

The Council agreed to note the information set out in both reports as well as the Action Plan agreed with officers (appended to the Annual Audit Report as Appendix 1).

The Council agreed to formally approve the Accounts for the financial year 2007/08.

Action: Jeni Graham, Director of Corporate Development Services

CC.190 COMMUNITY SAFETY PARTNERSHIP STRATEGY AND FUNDING

There was submitted a report by Dave Jones, Chief Executive, a copy of which had been circulated previously to each Member.

The Council agreed to defer this item to the last item of non-exempt business to give Councillor Holden the opportunity to prepare and put forward an option for consideration by the Council.

CC.191 CHANGE OF NAME OF REGULATORY COMMITTEE

There was submitted a report by Peter Broadfoot, Head of Administration and Legal Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor Campbell.

The Council agreed that the Scheme of Delegation be amended so that the term "Regulatory Committee" is replaced with the term "Planning Committee" and that after the term "Regulatory Sub Committee" the words "of the Planning Committee" be added.

The Council noted as a first indication that a report proposing amendments to the Council's Standing Orders to take account of the change of name of the Regulatory Committee to the Planning Committee would be submitted to Council on 29th January 2009.

Action: Dave Jones, Chief Executive

CC.192 HOUSING (SCOTLAND) ACT 2006, PART 3

(1) Arrangements for Reviewing Penalty Charge Notices

(2) Authorisation of Trading Standards Officer

There was submitted a report by Amanda Inglis, Solicitor, Administration and Legal Services, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor McLaren.

The Council agreed:

- To delegate to the Regulatory Sub-Committee (of the Planning Committee) the holding of reviews under Schedule 3 of the 2006 Act.
- To delegate to the Director of Development and Environmental Services the power to serve penalty notices in terms of Part 3 of the 2006 Act.
- To amend the Scheme of Delegation as set out in Paragraph 4.3 of the report.

Action: Dave Jones, Chief Executive

CC.193 APPOINTMENT OF AN ELECTED MEMBER REPRESENTATIVE TO VISIT SCOTLAND AREA TOURISM PARTNERSHIP

There was submitted a report by Eileen McKinsley, Administration Officer, a copy of which had been circulated previously to each Member.

Councillor Carrick moved that Councillor Earle be appointed to fill the vacancy on Visit Scotland Area Tourism Partnership. Seconded by Councillor McGill.

Councillor Balsillie moved that Councillor Hamilton be appointed to fill the vacancy on Visit Scotland Area Tourism Partnership. Seconded by Councillor Paterson.

On a division, the Council agreed by 8 votes to 6 with 2 abstentions that Councillor Earle be nominated to fill the vacancy on Visit Scotland Area Tourism Partnership.

Councillors Holden and English were not present during the vote on this item.

Action: Dave Jones, Chief Executive

CC.194 CLACKMANNANSHIRE LOCAL PLAN 1st ALTERATION (HOUSING LAND)

There was submitted a report by Graeme Finlay, Principal Planner, a copy of which had been circulated previously to each Member.

Moved by Councillor Carrick. Seconded by Councillor McGill.

The Council agreed to approve the Consultative Draft Local Plan 3rd Alteration to enable consultation for a period of 6 weeks while allowing a further period of 4 weeks beyond the statutory period for the submission of comments on the Plan.

Action: Garry Dallas, Director of Development and Environmental Services

CC.195 ERECTION OF WIND TURBINES

There was submitted a report by Peter Morrison, Property Team Leader, a copy of which had been circulated previously to each Member.

Councillor Carrick moved the recommendation set out in the report. Seconded by Councillor McLaren.

Amendment

To add:

- 2.2 Council is further asked to agree that prior to the development becoming operational, a Community Benefit Fund is established which shall receive 10% of the total annual income to the Council and that this fund should be administered by a group established for such a purpose. The group shall be comprised of residents drawn equally from the three communities adjacent to the development, namely Alloa Park, the Mar Policies and the Bowhouse Estate (including Earls Court, Riverside Gardens etc).
- 2.3 Council is also asked to agree that the aforementioned group can distribute the Community Benefit Fund as it sees fit with the proviso that monies cannot be distributed or invested outwith the three communities outlined above.

Moved by councillor Holden. Seconded by Councillor English.

The amendment was carried by 10 votes to 8.

The Council agreed to support the motion as amended:

- That a standard lease option is concluded with Partnership for Renewables (PfR) to proceed to the development stage, over a period of 24 to 36 months, for the proposal to site four wind turbines on the former landfill site at Forthbank, Alloa.

- That prior to the development becoming operational, a Community Benefit Fund is established which shall receive 10% of the total annual income to the Council and that this fund should be administered by a group established for such a purpose. The group shall be comprised of residents drawn equally from the three communities adjacent to the development, namely Alloa Park, the Mar Policies and the Bowhouse Estate (including Earls Court, Riverside Gardens etc).
- That the aforementioned group can distribute the Community Benefit Fund as it sees fit with the proviso that monies cannot be distributed or invested outwith the three communities outlined above.

Action: Garry Dallas, Director of Development and Environmental Services

CC.196 BEST VALUE REVIEW OF HOUSING REPAIRS

There was submitted a report by John Gillespie, Head of Housing, Property and Benefit Advice, and Gordon Stewart, Head of Property Services, a copy of which had been circulated previously to each Member.

The Council agreed to support the report subject to the undernoted amendment moved by Councillor Rev. Ovens. Seconded by Councillor Balsillie.

- (a) That Council approves the continuation of the in-house provider PCU as the best option to deliver an improved repairs service for council tenants and
- (b) That a review report in six months time of the various actions proposed is prepared for Council with particular reference to the repair centre and communication arrangements between the repair centre, all CAPs and Contact Centre.

The report as amended was agreed without division.

Action: Dave Jones, Chief Executive

CC.197 CELEBRATION OF THE OPENING OF THE NEW SECONDARY SCHOOLS

There was submitted a report by Sheila Bulloch, Leisure Services Manager, a copy of which had been circulated previously to each Member.

Moved by Councillor Matchett. Seconded by Councillor McGill.

Councillor Matchett agreed to accept an amendment by Councillor Balsillie, seconded by Councillor Holden, to add a further recommendation (2.4):

- 2.4 Members agree that as well as the key focus of celebrating the opening of the school(s) that one of the five themes of the national initiative "Homecoming Scotland 2009" be selected as a sub theme for celebration.

The motion as amended was agreed without division.

Action: Dave Jones, Chief Executive

CC.190 COMMUNITY SAFETY PARTNERSHIP STRATEGY AND FUNDING

There was submitted a report by Dave Jones, Chief Executive, a copy of which had been circulated previously to each Member.

The Council agreed to adjourn for 10 minutes at this point (12.20 pm) to allow members to consider the paper and a further option (Option E) proposed by Councillor Holden. When the meeting resumed (12.40 pm) all 18 members were present.

Option E was presented in diagrammatic format with the following narrative:

"The diagram represents a process where the Clackmannanshire Alliance is central to the decision making process in allocating funding to community safety priorities. Funding for community safety priorities and strategic objectives will be allocated from GAE. Through this process, the Alliance issues funding guidance and based on the community safety strategy and invites bids from community planning partnership agencies, including the Council.

Both the Council and the Community Safety Partnership then consider and develop proposals and agree recommendations and these return to the Alliance for consideration and allocation of resources.

Partner organisations then implement proposals and through its evaluation framework, the Alliance monitors progress by requiring progress reports to be submitted by each funded programme or project. These reports would be scrutinised both by Council and by the Community Safety Partnership.

Through this process of monitoring, the Alliance evaluates progress on the overall strategy programme and produces reports on an agreed basis."

Councillor Cadenhead moved that Council agrees Option B in the report, to include:-

- (a) Mainstream Wardens Team, including ASB Co-ordinator, ASB Administrator, ASB Legal Adviser and Wardens Team less one warden's post, and including associated costs - £342.8k.*
 - Commit, subject to annual review to: 2 police officers - £70k*
 - 25% contribution to CCTV Development Manager's post - £10.5k*

- (b) Target £100,000 to enhanced youth support, including a review of youth provision.
- Allocate residual funding of £120-£130k* to the Clackmannanshire Alliance via the Community Safety Partnership for disbursement according to identified community safety priorities.

(Nb.*Figures are approximate and subject to final projections and confirmation).

Seconded by Councillor Earle.

Amendment

That Council agrees Option E as submitted by Councillor Holden.

Moved by Councillor Holden. Seconded by Councillor Balsillie.

Councillor Cadenhead 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 members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the amendment (Option E)

Councillors Biggam, Holden, McAdam, Paterson, Hamilton, Murphy, Womersley, Balsillie and English.

Against the amendment (Option E)

Provost Stewart, Councillors Matchett, Ovens, Earle, McLaren, McGill, Cadenhead, Carrick and Campbell.

There were 9 votes for the amendment and 9 votes against the amendment. The amendment was defeated on the casting vote of the Provost.

For the motion (Option B)

Provost Stewart, Councillors Matchett, Ovens, Earle, McLaren, McGill, Cadenhead, Carrick and Campbell.

Against the motion (Option B)

Councillors Biggam, Holden and McAdam.

Abstain

Councillors Paterson, Hamilton, Murphy, Womersley, Balsillie and English.

The motion was carried by 9 votes to 3 with 6 abstentions.

Accordingly, the Council agreed Option B.

Action: Dave Jones, Chief Executive

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 items of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 6, 9 and 13.

Provost Stewart declared an interest in the following item of business and withdrew from the Chair. Provost Stewart withdrew from the Council Chamber. Councillor McLaren (Depute Provost) chaired the meeting for the duration of the item.

CC.198 SALE OF THE FORMER ZONES LEISURE CENTRE

There was submitted a report by Tom Smillie, Property Surveyor, and George Adamson, Estates Team Leader, a copy of which had been circulated previously to each Member.

Councillor Balsillie moved the recommendation set out in the report. Seconded by Councillor Holden.

Councillor 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 17 members present who were eligible to vote. On the roll being called the members present voted as follows:

Abstain

Councillors Matchett, Ovens, Earle, McGill, McLaren, Carrick and Cadenhead.

For the Motion

Councillors Campbell, Biggam, Holden, Paterson, Hamilton, Murphy, Womersley, Balsillie and English.

Against the Motion

Councillor McAdam

The motion was carried by 9 votes to 1 with 7 abstentions.

Accordingly, the Council agreed the recommendation set out in the report (Offer 1).

Action: Garry Dallas, Director of Development and Environmental Services

Provost Stewart resumed the Chair at this point in the proceedings.

CC.199 REMEDIATION OF LAND FORMER GASWORKS (LAND TO THE REAR OF 5 WOODBURN WAY, ALVA)

There was submitted a report by Councillor Donald Balsillie, a copy of which had been circulated previously to each Member.

Moved by Councillor Balsillie. Seconded by Councillor Murphy.

Amendment I

Councillor Carrick moved an amendment. Seconded by Councillor McLaren

Amendment II

Councillor Campbell moved an amendment. Seconded by Councillor Murphy.

Councillor Balsillie agreed to accept the motion as amended by amendment (II).

Councillor Cadenhead 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 members present who were eligible to vote. On the roll being called the members present voted as follows:

For the Amendment (I)

Councillors Carrick, Cadenhead, McGill, McLaren, Earle, Ovens, Matchett and Provost Stewart.

Against the Amendment (I)

Councillors English, Balsillie, Womersley, Murphy, Hamilton, Paterson, McAdam, Holden, Biggam and Campbell.

The amendment (I) was defeated by 10 votes to 8.

For the Motion as amended by amendment (II)

Councillors Campbell, Biggam, McAdam, Paterson, Hamilton, Murphy, Womersley, Balsillie, English.

Against the Motion as amended by amendment (II)

Councillors Holden, Carrick, Cadenhead, McGill, McLaren, Earle, Ovens, Matchett and Provost Stewart.

There were 9 votes for the motion as amended by amendment II and 9 votes against.

The motion as amended by amendment II was defeated on the casting vote of the Provost.

The motion as amended by amendment (II) and the amendment (I) were both defeated.

The meeting concluded at 1.40 pm.

