

**MINUTE OF SPECIAL MEETING of the
CLACKMANNANSHIRE COUNCIL held
within the Council Chamber, Greenfield,
Alloa, on THURSDAY 3rd SEPTEMBER
2009 at 9.00 am.**

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 (from 9.23 am)
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley**

IN ATTENDANCE

**Garry Dallas, Director of Development and
Environmental Services
Graham Blair, Director of Services to People
Jim Goodall, Head of Education and
Community Services
Lisa Simpson, Legal Services Manager
(Clerk to the Council)
Muir Wilson, Head of Finance**

CC.40/29 APOLOGIES

Apologies for absence were received from Councillor Walter McAdam. Councillor McAdam subsequently joined the meeting at 9.23 am during debate on agenda item 3: report on offers to manage the Alloa Leisure Bowl.

CC.41 DECLARATIONS OF INTEREST

None.

Before consideration of the following item of business, the Provost proposed that Council adjourn to consider further information that had come to the attention of the Council this morning in the form of a letter from Councillor Holden to the Chief Executive. The letter outlined Councillor Holden's concerns that the Council had been in breach of European Procurement Law. The letter also detailed apparent advice from Central Scotland Police that Councillor Holden formally requests that the Chief Executive investigates this issue fully and that today's meeting should not proceed until such times as an investigation has been carried out.

The Council agreed to adjourn for 15 minutes at this point in the proceedings to consider the letter from Councillor Holden.

The meeting resumed at 9.15 am.

EXEMPT INFORMATION

On a division of 10 votes to 7, 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.

Councillor McAdam joined the meeting during discussion on the following item (9.23 am)

CC.42 ALLOA LEISURE BOWL - REPORT ON OFFERS TO MANAGE THE ALLOA LEISURE BOWL

There was submitted a report by the Head of Education and Community Services, a copy of which had been circulated previously to each Member. The purpose of the report was to advise the Council of the offers received as a result of a tendering exercise undertaken in respect of the management of the Alloa Leisure Bowl and to outline the criteria used in assessing and evaluating the offers.

~~A letter from the Deputy Chief Constable was made available to the Council which advised that the letter from Councillor Holden to the Chief Executive was "not entirely accurate" and that it was impossible at this stage for the Deputy Chief Constable to make a judgement as to whether there was any breach of either civil or criminal law and that this was a matter entirely for Clackmannanshire Council.~~
As no reference was made during the course of the meeting to the above letter, the Council agreed at its meeting on 24/09/09 that reference to a letter from the Deputy Chief Constable be struck from the minute of 03/09/09. Subject to this amendment, the minute was agreed as a correct record and signed by the Provost. (Minute of Meeting held on 24/09/09 confirms)

The Council heard from the Director of Development and Environmental Services on behalf of the Chief Executive. The Director, having considered all of the correspondence and having spoken directly to the Chief Constable, advised that the matter was a civil matter and that it would be entirely proper for the Council to consider the report on Alloa Leisure Bowl today; this view was reaffirmed by Legal Services. As neither the Chief Constable or the Council were aware of any possible criminal irregularities and that there was no evidence to suggest that Council is

investigated as such, this was entirely a matter for the Council in the absence of any evidence otherwise.

The Provost moved to a vote on whether Council would consider the paper before it today. There were 9 votes for and 9 votes against considering the paper. On the casting vote of the Provost, the Council agreed to consider the paper.

Councillor Holden indicated that he would participate in the debate to clarify the points he had made in his letter but he would not participate in any vote.

Councillor Cadenhead moved that Council accepts the tender from Wasp Leisure Limited. Seconded by Councillor Matchett.

Councillor Balsillie asked that the following statement be recorded in the minute:

"The SNP Group want the Council minutes to record our dissatisfaction with the Labour Administration in not following the agreement at the Leisure Working Group of 2nd May 2008 to submit future options on APEX Leisure to full Council for decision.

After ignoring this cross party agreement the Labour Administration have proceeded to a special council meeting where Council only has a single tender to consider. This has been without any prior consultation or agreement. We would have expected full Council endorsement on the way forward and agreement on the necessary council policy considerations setting the parameters, process and procedures to consider tenders and delivery of future services from the Leisure Bowl.

It is unacceptable that elected members are left with the options that they have in considering this Council paper. Unfortunately, elected members appear to be left with a stark choice - accept the tender or continue the operation of APEX Leisure in an illegal way.

This process once again reflects the Labour Administration's mismanagement of leisure provision in Clackmannanshire."

Councillor Matchett asked that the minute record that, on behalf of the Labour Administration, there is no involvement whatsoever in any secret agreement. The paper before Council sets out to right a wrong and the fact that it was made known, action was taken in a very timeous and very proper way to put it right."

Councillors Holden and 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:

Votes for the motion (16)

Provost Derek Stewart

Councillor George Matchett

Councillor Rev Sam Ovens

Councillor Janet Cadenhead

Councillor Bobby McGill
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Eddie Carrick
Councillor Alastair Campbell
Councillor John Biggam
Councillor Tina Murphy
Councillor Irene Hamilton
Councillor Janis Paterson
Councillor Mark English
Councillor Gary Womersley
Councillor Donald Balsillie

Abstain (2)

Councillor Walter McAdam
Councillor Craig Holden

Accordingly, on a division of 16 votes to 0 with 2 abstentions, the Council agreed to accept the tender from Wasp Leisure Limited.

Action: Director of Services to People