



MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 4 NOVEMBER 2010 at 9.30 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 Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE (from 9.50 am)
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley
Father Michael Milton (Religious Representative)

IN ATTENDANCE

Angela Leitch, Chief Executive
Nikki Bridle, Director of Finance and Corporate services
Garry Dallas, Director of Services to Communities
Stephen Crawford, Head of Facilities Management
John Gillespie, Head of Community and Regulatory Services
Elaine McPherson, Head of Strategy and Customer Services
David Thomson, Legal Services Manager (Clerk to the Council)
Ian Doctor, Environmental Health and Consumer Services Manager
Julie Hamilton, Strategy and Support Manager, Services to Communities

CC.47 APOLOGIES

Apologies for absence were received from Councillor Irene Hamilton and Councillor Tina Murphy.

CC.48 DECLARATIONS OF INTEREST

None

CC.49 MINUTE OF MEETING HELD ON THURSDAY 23 SEPTEMBER 2010

The minute of the meeting held on Thursday 23 September 2010 was submitted for approval by Council.

The minute of the meeting held on Thursday 23 September 2010 was agreed as a correct record and signed by the Provost.

CC.50 BUDGET STRATEGY UPDATE

A report which updated the Council on the implementation of the Budget Strategy which was agreed in August 2010, was submitted by the Director of Finance and Corporate Services.

At its meeting on 12 August 2010, the Council agreed a budget strategy, including an engagement process to inform the development of savings options. The paper updated members on progress in implementing the budget strategy and advised of the next phases of activity to the Council setting its 2011-12 budget early next year.

Motion

That Council notes the information set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed unanimously to note:

- (a) The outcome of the UK Comprehensive Spending Review as it relates to the Scottish block grant and Scottish local government.
- (b) the public engagement events which have taken place and some themes arising from these.
- (c) that senior officers are progressing a number of workstreams in relation to a range of proposals for savings and efficiencies.
- (d) that a fuller briefing for elected member on the results of the public engagement is to be held on 5 November 2010.
- (e) that a report will come forward to the Council meeting of 16 December 2010 setting out in more detail some preliminary savings options.

- ***Councillor Walter McAdam joined the meeting during debate on the following item (9.50 am)***

CC.51 ROADS AND TRANSPORTATION STRATEGY

A report which sought Council approval for new and updated policy documents was submitted by the Head of Community and Regulatory Services.

The Scottish Government's National Transport Strategy (NTS) states that local authorities will be key partners in delivering the strategic outcomes of the NTS "by working together to delivery national, regional and local strategies that integrate with each other". The Local Transport Strategy 2010-2014 fulfils this function and builds on the previous Local Transport Strategy which covered the period 2006-2009.

Motion

That Council approves the Local Transport Strategy 2010-2014 including its supporting documents.

Moved by Councillor Eddie Carrick. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed to approve the Local Transport Strategy 2010-2014 including its supporting documents:

- the Road Safety Plan 2010-2014
- the Road Traffic Reduction Report 2010-2014
- the Transport and the Environment Report 2010-2014
- the Road Asset Management Plan 2010-2011

Action

Director of Services to Communities

CC.52 TREATMENT OF CONTAMINATED LAND IN ALVA

A report which fulfilled the requirements of a motion agreed by Council on 23 September 2010 that a report be submitted on the progress made on the treatment of contaminated land associated with the former Alva Gas Works, Alva, and should detail any outstanding issues and options to resolve them, was submitted by the Head of Community and Regulatory Services.

The report confirmed that the current use of the site as garden ground is unlawful as planning consent has not been granted and suggested that conditional planning consent is the most appropriate way to deal with the regulation of this use. A separate report was submitted to the Planning Committee of 28 October 2010 on enforcement action under the Planning Acts.

Motion

That Council notes the options detailed in the report and notes that (a) the contract works undertaken by the Council have been satisfactorily completed and that (b) enforcement action has been taken to seek to regularise the breach of planning control.

Moved by Councillor Eddie Carrick. Seconded by Councillor Harry McLaren.

Amendment I

Add (c) That a further report is brought to Council outlining the outcome of any enforcement and Planning Appeal with detailed proposals on how the Council will ensure the treatment of remaining contaminated land associated with the former Alva Gas Works site is resolved as soon as possible and that public safety is assured.

Moved by Councillor Donald Balsillie. Seconded by Councillor Janis Paterson.

Voting

The vote on Amendment I was as follows:

For Amendment I - 7 votes
Against Amendment I - 9 votes
Amendment I was defeated by 9 votes to 7.

Amendment II

This Council agrees to undertake the remediation of the contaminated land associated with the former Alva Gas Works as part of a voluntary remediation scheme and that the full costs of this exercise are met by Clackmannanshire Council.

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

On the advice of the Clerk, the Provost ruled that in terms of Standing Order 25.7 the amendment was not competent on the ground that the purported amendment described as a "Motion to Council" did not relate to the motion and was truly a substantive motion of which due notice had not been given in terms of Standing Order 31. Accordingly, the Council did not vote on Amendment II.

In terms of Standing Order 27.1, Councillor Janet Cadenhead moved that the matter is put to the vote.

Seconded by Councillor George Matchett, QPM.

On a division, the motion to move to the vote was carried by 9 votes to 7.

Voting on the Motion

Councillor McGill asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the Motion (9)

Provost Derek Stewart
Councillor George Matchett, QPM
Councillor Reverend Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Eddie Carrick
Councillor Alastair Campbell

Against the Motion (3)

Councillor John Biggam
Councillor Craig Holden
Councillor Walter McAdam, MBE

Abstain (4)

Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English, and
Councillor Gary Womersley

Decision

The motion was carried by 9 votes to 3 with 4 abstentions,

Accordingly, the Council agreed to note the options detailed in the report and that:

- (a) the contract works undertaken by the Council have been satisfactorily completed; and
- (b) enforcement action has been taken to seek to regularise the breach of planning control.

CC.53 PROPOSED SALE OF GROUND TO REAR OF GLENTANA MILL, WEST STIRLING STREET, ALVA

A report which sought approval to sell an area of ground extending to 0.66 acres located to the rear of the former Glentana Mill, Alva, to Tilly Confectionary Ltd, was submitted by the Head of Facilities Management.

Tilly Confectionary Ltd which trades under the brand name "Mrs Tillys" of Tillicoultry wish to develop a new production plant, cafe and visitor centre in Alva. Their preferred location is the large landscaped public car parking area owned by the Council and located to the rear of the former Glentana Mill, Alva.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Eddie Carrick. Seconded by Councillor Bobby McGill.

Amendment

Add (c) That an equal area of land to that of the common good land to be sold by the Council is returned to Johnstone Park, Alva, from Council owned land comprising part of the former and soon to be vacant Alva Academy school site adjacent to the eastern boundary of Johnstone Park, Alva.

Moved by Councillor Donald Balsillie. Seconded by Councillor Gary Womersley.

Decision

The Council agreed unanimously to support the motion as amended.

Accordingly, the council agreed:

- (a) To approve the sale of the ground extending to approximately 0.66 acres to Tilly confectionery Ltd for the purposes of developing a new production unit and visitor centre.
- (b) That the sale price of the subjects will be determined in liaison with the District Valuer.
- (c) That an equal area of land to that of the common good land to be sold by the Council is returned to Johnstone Park, Alva, from Council owned land comprising part of the former and soon to be vacant Alva Academy School site adjacent to the eastern boundary of Johnstone Park, Alva.

Action

Director of Services to Communities

C.54 FORESTMILL SECTION 75 AGREEMENT

A report which sought approval of the terms of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council, Hermiston Securities and others in connection with the planning permission in principle (PPP) for a new village at Forestmill, as agreed at the Planning Committee of 29 October 2009 (Ref 06/00283/OUT) was submitted by the Head of Community and Regulatory Services.

Before planning permission in principle (PPP) can be issued, it was resolved that the Council should enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure certain matters which otherwise could not be properly secured through the use of planning conditions.

Motion

That Council approves the terms of the Section 75 Agreement which has been provided to elected members.

Moved by Councillor Eddie Carrick. Seconded by Councillor Bobby McGill.

Decision

The Council agreed unanimously to approve the terms of the Section 75 Agreement which had been provided to members.

Action

Director of Services to Communities

ENDS 11.50 am