



**Clackmannanshire  
Council**

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**THIS PAPER RELATES TO  
ITEM 3  
ON THE AGENDA**

**MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 21 APRIL 2011 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 Irene Hamilton  
Councillor George Matchett, QPM  
Councillor Walter McAdam  
Councillor Bobby McGill  
Councillor Harry McLaren  
Councillor Tina Murphy  
Councillor Reverend Sam Ovens  
Councillor Janis Paterson  
Councillor Gary Womersley

**IN ATTENDANCE**

Angela Leitch, Chief Executive  
Nikki Bridle, Director of Finance and Corporate Services  
Garry Dallas, Director of Services to Communities  
Deirdre Cilliers, Joint Head of Social Policy  
Stephen Crawford, Head of Facilities Management  
John Gillespie, Head of Community and Regulatory Services  
Belinda Greer, Joint Head of Education  
Elaine McPherson, Head of Strategy and Customer Services  
Lesley Robertson, Interim Head of Education  
David Thomson, Legal Services (Clerk to the Council)

**CC.01/97      APOLOGIES**

Apologies for absence were received from Councillor Craig Holden and Rev Mairi Lovett, Religious Representative.

**CC.02      DECLARATIONS OF INTEREST**

Councillor Womersley declared an interest in Agenda Item 11 (Notice of Motion - Waterwatch Scotland) by virtue of being Chief Executive Officer/Director of Waterwatch Scotland.  
Councillor Womersley indicated his intention to withdraw from the Chamber until discussion of, and voting on, the item is concluded.

**CC.03                    PRESENTATION: COSLA EXCELLENCE AWARDS 2011 - GOLD AWARD  
CLACKMANNANSHIRE INTEGRATED MENTAL HEALTH TEAM**

Clackmannanshire Council, in partnership with NHS Forth Valley and the Scottish Association for Mental Health, were successful in winning a gold award for integrated mental health services at the CoSLA Excellence Awards 2011. The Council, together with its partners, won the award in the category of service innovation and improvement.

On behalf of the Council, Councillor Rev. Sam Ovens, Leader of the Council, congratulated the Integrated Mental Health Team on its achievement. Jane Menzies, Service Manager Partnership and Workforce Development, thanked the Council and responded on behalf of the Integrated Mental Health Team.

**CC.04                    MINUTE OF MEETING HELD ON THURSDAY 10 MARCH 2011**

A minute of the meeting held on Thursday 10 March 2011 was submitted for approval by Council

The minute of the meeting held on Thursday 10 March 2011 was agreed as a correct record and signed by the Provost.

**CC.05                    SUBMISSION OF PETITION AND REQUESTED TO BE HEARD FROM  
TILlicOUNTRY COMMUNITY ACTION GROUP**

A report which advised the Council formally of the receipt of a petition by Tillicoultry Community Action Group and asked Council to consider whether or not comments by the Group should be heard at this meeting of the Council was submitted by the Head of Strategy and Customer Services.

A petition signed by 2111 individuals was delivered to the Council by Tillicoultry Community Action Group on 1 April 2011. A copy of the terms of the petition and an accompanying letter were appended to the report.

In terms of Standing Order 34.2, the Council agreed unanimously that comments from Tillicoultry Community Action Group would be heard at today's meeting.

**Amendment**

That there is added a further recommendation, namely:

- 2.1        That Council instructs officers to cease any actions in pursuing the closure of the facilities in Tillicoultry for a period of six months, in order to allow for a full consultation exercise to take place with the local community, existing and potential user groups.

Moved by Councillor Gary Womersley.

The Clerk to the Council advised that the purpose of the report by the Head of Strategy and Customer Services is to note the submission and the contents of a petition and to decide whether comments will be heard, it is largely a procedural matter. The extent of members input in this matter is to hear the petitioners if they are so minded and after comments, members may also ask questions. In terms of Standing Order 25.7, amendments must relate to the motion and this amendment relates to a previous substantive decision of the Council and, as such, cannot be accepted as an amendment.

### **Motion**

That Council suspends Standing Orders in order that an additional contribution can be heard from the Tillicoultry Community Action Group.

Moved by Councillor Mark English. Seconded by Councillor Walter McAdam.

### **Voting**

On a division, the motion to suspend Standing Orders was defeated by 9 votes to 8.

In terms of Standing Order 34.4, the Council heard representations from Mr Archie Drummond and Ms Clare MacKay on behalf of Tillicoultry Community Action Group.

In terms of Standing Order 34.5, Members then had opportunity to put questions to the Tillicoultry Community Action Group representatives.

On behalf of the Council, the Provost thanked the representatives from Tillicoultry Community Action Group for their contribution to the meeting. (Item ends 10.00 am)

### **CC.06                    CONSULTATIONS ON (1) THE FUTURE OF POLICING IN SCOTLAND AND (2) THE FUTURE OF THE FIRE AND RESCUE SERVICE IN SCOTLAND**

A report which invited Council to agree its response to the consultation exercises being undertaken by the Scottish Government on the future of policing and the fire and rescue service was submitted by the Head of Strategy and Customer Services.

Formal consultations on police and fire services reform were launched on 10 February, with responses being sought by 5 May 2011.

### **Motion**

That Council approves the document appended to the report as its submission to the Scottish Government.

Moved by Councillor George Matchett, QPM. Seconded by Councillor Eddie Carrick.

### **Decision**

The Council agreed unanimously to approve the document appended to the report as its submission to the Scottish Government.

### **Action**

Head of Strategy and Customer Services

## **CC.07 CLACKMANNANSHIRE/STIRLING SHARED SERVICES**

A report which updated Council, as agreed at its meeting on 2 December 2010, on the progress being made on the development of shared education and social services with Stirling Council was submitted by the Chief Executive.

In December 2010 Clackmannanshire and Stirling Councils approved recommendations to manage education and social services jointly within the terms of the Local Government (Scotland) Act 1973 and to appoint a Joint Head of Education and a Joint Head of Social Services.

### **Motion**

That the Council notes the progress made to date and provides any further observation and guidance to the Leader of the Council that may be thought appropriate for consideration at future Steering Group meetings.

Moved by Councillor Rev Sam Ovens. Seconded by Councillor George Matchett, QPM.

### **Decision**

Following debate on revision of the Scheme of Delegation and the need to brief those members of the Council not directly involved in the Steering Group, the Council agreed to note the progress made to date.

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The Chief Executive withdrew from the meeting at 10.50 am during debate on the following item. The Director of Finance and Corporate Services then acted on her behalf.

## **CC.08 OCHIL HILLS LANDSCAPE PARTNERSHIP**

A report which informed members of success in attracting funding from the Heritage Lottery Fund (HLF) towards implementation of the Ochils Landscape Partnership Scheme and sought agreement to sign the relevant documentation to enable commencement of the Scheme's implementation was submitted by the Head of Community and Regulatory Services. The report also advised Council of its changed role in the Partnership.

The Landscape Partnership Scheme has been planned and developed by the Council and its partners since 2007.

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

### **Decision**

The Council agreed unanimously to approve:

- (i) the Ochil Landscape Partnership Constitution (Appendix 1)
- (ii) the Ochil Landscape Partnership Management Agreement (Appendix 2); and
- (iii) the contract with Heritage Lottery Fund (Appendix 3)

The Council also agreed to note the intention to offer the Chair of the OLP to one of the Scheme's other partners. As such, Councillor Eddie Carrick will step down from Chairmanship at the first OLP meeting following the signing of the Constitution.

### **Action**

Head of Community and Regulatory Services

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Councillor Womersley asked for a short adjournment before consideration of the following item of business. The Council agreed to adjourn for five minutes at this point in the proceedings (11.10 am). Councillor Campbell withdrew from the meeting at this point.

When the meeting resumed at 11.15 am, sixteen (16) members were present.

### **CC.09 ALVA POOL COMPLEX**

A report which sought an extension to the closure of the Alva Pool Complex to 21st June 2012 to allow further consideration of alternative funding, management and efficiency arrangements for the building was submitted by Councillors Balsillie, English and Womersley.

The report sought to alter Council decision CC.84 (Special Meeting 10 February 2011) and, as such, was subject to Standing Order 35 (Withdrawing Previous Decisions).

#### **Standing Order 35 - Withdrawing Previous Decisions**

- 35.1 No motion that tries to alter or withdraw a council decision (or has that effect) will be considered or passed for at least six months from the date of the original decision, unless:
- The Provost is satisfied that circumstances have changed in a relevant way; and
  - the notice of the meeting says that the decision may be withdrawn or altered (this information does not need to be specifically highlighted if the withdrawal or alteration is set out in the terms of a report or of any committee minute put forward to us); or
  - a decision is needed by law.

The Clerk to the Council provided explanation and advice to Council regarding the application of Standing Order 35. He advised that The report would have the affect of altering a previous decision of Council taken within the last 6 months and for this matter to proceed the Provost must make a ruling that he is satisfied that circumstances have changed in a relevant way.

Having taken advice from the Clerk, the Provost was of the view that there had been no relevant change in circumstances and, as such, the item would not be taken.

Councillor Womersley acknowledged the advice given by the Clerk and the Provost's decision but disagreed with the reasons for not taking the report. Councillors Balsillie, English, Hamilton, McAdam, Murphy, Paterson and Womersley then withdrew from the meeting at this point in the proceedings (11.22 am).

Nine (9) Members remained present for the following items of business.

**CC.10 NOTICE OF MOTION IN TERMS OF STANDING ORDER 31 - COALFIELD REGENERATION TRUST**

"That this Council welcomes the Scottish Government's change of mind by now committing to fund the Coalfield Regeneration Trust CRT) in Scotland for one year.

This decision has been taken based on the tremendous work the CRT has carried out in our former mining communities since its inception in 1999.

As recent independent reports have shown, because of the recession having a greater detrimental impact in the former coalfield areas, it is crucial that this organisation is allowed to continue for a longer period of time.

Therefore, we call on the Scottish Government to commit itself to a longer term funding package for the CRT. This is vital for the type of projects they support especially in relation to employment, a one year package does not meet the requirement to assist these types of projects."

Moved by Councillor Bobby McGill. Seconded by Councillor John Biggam.

**Decision**

The Council agreed to support the motion to call on the Scottish Government to commit itself to a longer term funding package for the Coalfields Regeneration Trust.

**Action**

Head of Strategy and Customer Services.

**CC.11 NOTICE OF MOTION IN TERMS OF STANDING ORDER 31 - WATERWATCH SCOTLAND**

"This Council is concerned over the likely loss of jobs from Clackmannanshire which could result from the future transfer of Waterwatch Scotland to the Public Services Ombudsman.

The Council requests the new Scottish Government after 5 May 2011 to review the decision."

Moved by Councillor Rev Sam Ovens. Seconded by Councillor George Matchett, QPM.

**Decision**

The Council agreed to support the motion to request the new Scottish Government after 5 May 2011 to review the decision on the future transfer of Waterwatch Scotland to the Public Services Ombudsman.

**Action**

Head of Strategy and Customer Services

ENDS 11.35 am