

NOTICE OF MEETING

A **SPECIAL MEETING** of the **PETITIONS PANEL** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **MONDAY 14 JUNE 2010** at **6.30 PM**

HAZEL McMORROW
Head of Governance
Clerk to the Council

9 June 2010

B U S I N E S S

- (1) **APOLOGIES AND SUBSTITUTIONS**
- (2) **DECLARATIONS OF INTEREST**
- (3) **URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**
- (4) **MINUTES**
Petitions Panel – 16 December 2009 (Pages 1 – 6)
- (5) **MURRAYSHALL QUARRY REVIEW**
Report by Head of Governance and submitted Petition (Pages 7 - 16)

For further information please contact Margaret Murray on (01786) 443216

STIRLING COUNCIL

MINUTES OF MEETING of the **PETITIONS PANEL** held in **BRAEHEAD PRIMARY SCHOOL, SPRINGFIELD ROAD, STIRLING**, on **WEDNESDAY 16 DECEMBER 2009** at **6.30 pm**

Present:

Councillor Neil BENNY (in the Chair)

Councillor Ian BROWN
Councillor Steven PATERSON

Councillor Colin FINLAY

Also Present:

Councillor Corrie McChord
Councillor Jim Thomson

In Attendance:

Jim Chalmers, Central Scotland Police
Fiona Fulton, Communications Officer, Chief Executive's Office
Les Goodfellow, Head of Roads, Transport & Open Space
Hazel McMorrow, Head of Governance
Margaret Murray, Committee Officer, Governance (Clerk)

PT09 DECLARATIONS OF INTEREST

There were no declarations of interest.

PT10 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There was no urgent business brought forward by the Chair.

PT11 MINUTES

The Minutes of Meeting of the Petitions Panel held on 21 May 2009 were submitted for approval.

Decision

The Minutes of Meeting of the Petitions Panel held on 21 May 2009 were approved as a correct record of the proceedings.

PT12 STOPPAGE OF SINGLE AND DOUBLE DECKED BUSES IN LINDEN AVENUE, STIRLING

A valid Petition entitled "Stoppage of Single and Double Decked Buses in Linden Avenue, Stirling" which was supported by citizens, Braehead & District Community Council and Councillor C McChord (Local Member) was submitted for the Panel's consideration.

The Chair introduced Mrs C Hunter, Principal Petitioner, who was invited to speak in support of the Petition.

Mrs Hunter, who was accompanied by two petitioners, explained that as a result of traffic vibration, cracks were appearing in the walls and ceilings of the prefabricated, metal support Blackburn houses in Linden Avenue and that concerned citizens were calling for all "not in service" single and double decked buses running through Linden Avenue to be stopped. Due to road works across the network, both 7.5 and 14 tonne "not in service" buses were using Linden Avenue as an alternative route. Also, the 7.5 tonne restriction was not being adhered to. Contact had been made with First Bus and Central Scotland Police regarding the issue. It was also reported that there had been similar complaints in 2005, which had been resolved through the introduction of a weight limit.

Jim Chalmers, Central Scotland Police advised that the Police had been aware of the problem and, on being advised by the Council of the Petition, had contacted the operator, First Bus. Information had also been passed to the appropriate Officers of Central Scotland Police and enforcement action had been taken at the end of November 2009. Although checks had been carried out, no Fixed Penalty Notices had been issued to date. In response to whether petitioners had seen a decrease in the frequency of "not in service" buses since checks were put in place, it was reported that there had been a slight improvement but that the frequency was again increasing, particularly in the morning and around 5.00 pm. Also, there was a problem with speeding. Jim Chalmers advised the Panel that the complaint was still "live" and the problems with "not in service" buses and transport vehicles would again be highlighted for action.

A petitioner intimated that traffic calming in the area had also exacerbated the situation and that a letter of objection had been submitted to Stirling Council. It was explained that traffic calming issues could be raised with Local Members.

In response to a query around road signage, the Head of Roads, Transport and Open Space advised that the 2005 Order had been consolidated with the Stirling Council (Weight Restrictions) (Consolidation and Amendment No 7) Order 2006. Unusually, on Pike Road/Broom Road there was an exception for working buses. The Head of Service quoted the definition from the Order and explained that the current Order did not prevent buses in excess of the permitted weight using the route (as defined in Part 5 of the Schedule to the Order). The issue however was around whether a driver and a passenger in the employment of the bus company were permitted to use the route.

Jim Chalmers reported that on 14 December 2009 First Bus had advised that notices had been placed in the bus station and garage advising drivers to avoid Linden Avenue, and that if the instruction continued to be ignored, disciplinary action could be taken. This was a voluntary action undertaken by First Bus.

In response to whether it would be possible for the Order to be amended, the Head of Service confirmed that it could be pursued through the Council's Regulatory Function Panel. However, a consultation process would require to be undertaken in advance of this. In the meantime, Jim Chalmers confirmed that Road Traffic and Community Police Officers would patrol the area and reinforce their presence at the most problematic times. Failure to comply would result in enforcement action being taken. A letter from the Chief Inspector would also be sent to First Bus reminding them of the restrictions. A copy would be sent to the Council, who would forward a copy to the Principal Petitioner for information.

Following consideration, the Panel agreed that the matter would be reviewed in March and, if it remained unresolved, then a report which sought to amend the Traffic Order would be submitted to the Regulatory Functions Panel for consideration.

In response to a request, Jim Chalmers agreed to report back on any action taken to the next meeting of the Petitions Panel and to Braehead and District and Broomridge Community Councils on a monthly basis.

Decision

The Panel agreed:

- (1) to note the voluntary action taken by First Bus to resolve the situation;
- (2) to note that a letter would be sent to First Bus from the Chief Inspector and that a copy would also be sent to Stirling Council, who in turn would forward a copy to the Principal Petitioner for information;
- (3) to note that Central Scotland Police would continue to patrol the area, reinforce presence at the most problematic times and take enforcement action when necessary;
- (4) that the matter be reviewed in March 2010 and that, if it remained unresolved, a report that sought to amend the Traffic Order would be submitted to the Regulatory Functions Panel for consideration;
- (5) to note that Central Scotland Police would report any action taken to the next meeting of the Petitions Panel and to Braehead and District and Broomridge Community Councils.

(Reference - Report by Head of Governance, dated 18 November 2009 and submitted Petition.)

PT13 ALLOTMENTS - (a) PROVISION OF ALLOTMENT SPACE IN BRAEHEAD AND (b) PROMOTING THE PROVISION OF ALLOTMENTS

(a) Provision of Allotment Space in Braehead - A valid Petition entitled "Provision of Allotment Space in Braehead" which was supported by Braehead & District Community Council was submitted for the Panel's consideration.

The Chair introduced Mr Douglas Barrie, Principal Petitioner, and invited him to speak in support of the Petition.

Mr Barrie outlined the background to the Petition and requested that Stirling Council provide suitable land in the Braehead and District area for the provision of allotment plots for use by the local community. An approach had previously been made to Stirling Council to make a suitable plot of land available however the request was declined as none had been available. He highlighted the statutory obligation placed on Local Authorities to make available allotment space if there was a proven need and that the provision of allotments were consistent with the sustainability agenda.

Currently, there were three allotments in the Stirling Council area and 120 people on the waiting list for individual plots. There had been no additional provision of

allotment areas in over 20 years and no individual plots allocated over the last two years.

The land that had been requested had previously been allocated for housing. As this parcel of land was still not in use the Petitioner suggested that the Council make it available for community use.

The Head of Roads, Transport and Open Space advised that the Council recognised the demand for allotments and was in the process of developing a draft Allotments Policy and strategy. The Allotment Associations and the Scottish Allotment Garden Society would be included in discussion on the draft policy and strategy and on the importance of sustainability. It was highlighted that there were a number of Service areas involved and that a policy would be submitted to Council for consideration. It was acknowledged that debate would be required around resourcing issues (land, setting up and running costs, accessibility issues) and that a business case would need to be developed. Capital investment would also be required to establish an allotment area (eg fencing, water supply, disposal of waste).

The Panel referred to an audit which had been undertaken previously on allotments, which recognised that further development would assist the Council in taking forward its obligations.

The Petitioners highlighted that they were seeking community run initiatives, rather than Council run allotments.

(b) Promoting the Provision of Allotments - A valid Petition entitled "Allotments" which was supported by Broomridge Community Council was submitted for the Panel's consideration.

The Chair introduced Mr Malcolm Shaw, Principal Petitioner, and invited him to speak in support of the Petition.

Mr Shaw intimated that priorities for allotment areas should include fencing, location (in small areas within a confined space) and proximity to the community. He explained that community interest would determine the number of allotments required for a particular area. The provision of allotments would provide individuals with purpose and the opportunity to grow fresh produce.

At this point, the Panel agreed to consider both Petitions together.

Following discussion and consideration around possible options for managing allotment space, including the types, size, location and management of allotments, it was agreed that this should be undertaken in consultation with Community Councils and stakeholders. Also, that a draft Allotments Policy would be submitted to the Executive meeting scheduled for 4 February 2010. Petitioners would be reminded of the date of the meeting.

Decision

The Panel agreed:

- (1) that Community Councils and key stakeholder groups be consulted on the draft Allotments Policy and strategy and to assess demand;
- (2) that a draft Allotments Policy and strategy be submitted to the meeting of the Executive scheduled for 4 February 2010 for consideration;

(3) that the Petitioners be advised of the date of the Executive meeting.

(Reference - Reports by Head of Governance, dated 18 November 2009 and submitted Petitions.)

The Chair declared the meeting closed at 7.35 pm

STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 5
ON THE AGENDA**

PETITIONS PANEL**GOVERNANCE**

14 JUNE 2010**NOT EXEMPT**

MURRAYSHALL QUARRY REVIEW

1 SUMMARY

- 1.1 A Petition entitled "Murrayshall Quarry Review" has been received which calls on the Council to support Cambusbarron Community Council to take direct action through the Courts, if necessary, to have the 2002 Review set aside and a new review carried out with input from an Environmental Impact Assessment.

2 RECOMMENDATION(S)

- 2.1 That the Panel considers the Petition entitled "Murrayshall Quarry Review", attached as Appendix 1 to the report, and takes action as deemed appropriate.

3 CONSIDERATIONS

- 3.1 On 11 September 2008 the Council established a cross-party Petitions Panel and approved the introduction of a Petitions Procedure that would enable Stirling's citizens and local businesses to have a direct route of engagement with the Council's decision-making procedures.
- 3.2 One Petition, containing approximately 3,300 signatures, has been received for consideration at this special meeting of the Panel. The Petition, entitled "Murrayshall Quarry Review", and the guidance on the submission of Petitions are attached as Appendices 1 and 2 to this report.
- 3.3 The Petition asks that the Council joins in an action to have the 2002 Review of Murrayshall Quarry voluntarily set aside and a new review carried out with input from an Environmental Impact Assessment. It also calls on the Council to support Cambusbarron Community Council and provide financial support to take direct action through the Courts, if necessary.
- 3.4 The action taken to resolve the issues of concern, prior to submission of the Petition, is detailed in Appendix 1 to the submitted report.
- 3.5 The Petition is deemed to be competent and the Panel is asked to consider it and determine any action necessary.

- 3.6 The Principal Petitioner has indicated a willingness to appear before the Panel to speak in support of the Petition, if invited by the Chair.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Corporate/Service Plan	Yes/No
Existing Policy or Strategy	Yes/No
Risk	No
Resource Implications	
Financial	Yes/No
People	Yes/No
Land and Property or IT Systems	Yes/No
Consultations	
Internal or External Consultations	No

Policy Implications

- 4.1 This will depend on any action required and agreed by the Panel.

Resource Implications

- 4.2 This will depend on any action required and agreed by the Panel

Consultations

- 4.3 None.

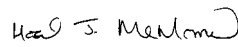
5 BACKGROUND PAPERS

- 5.1 Petitions Procedure – Report to Stirling Council, 11 September 2008.
5.2 Motion to and Decision of Council – 13 May 2010.

Author(s)

Name	Designation	Tel No/Extension
Margaret Murray	Committee Officer	01786 443216

Approved by

Name	Designation	Signature
Hazel McMorrow	Head of Governance	

Date 7 June 2010 Reference _____



PETITIONS FORM

If you wish to submit a petition for consideration by the Petitions Panel, please complete this template.

Please refer to the Guidance on Submission of Public Petitions before completing the template. If you require any further information or advice, please contact the Clerk to the Panel whose details are provided at the end of this form.

Details of Principal Petitioner

Please enter the name of person and organisation (if applicable) raising the petition. Please include a contact address to which correspondence may be sent, a contact telephone number and e-mail address if available.

Name: Mr Peter Paterson

Address: 1 Thomson Place, Cambusbarron

Title of Petition ...**Murrayshall Quarry Review**.....

Petition Statement - Please state (in no more than 250 words) what action the Petitioner wishes the Council to take.

On the basis that Stirling Council has not been able to persuade the interested parties of Murrayshall Quarry, Cambusbarron (Hanson, Drygrange Estate, Tarmac) to join with them in action to have the 2002 Review of Murrayshall Quarry voluntarily set aside, and a new review carried out, this time with the input from an Environmental Impact Assessment:

We call on Stirling Council to offer support (including financial support) to Cambusbarron Community Council to take direct action through the courts, if necessary, to have the 2002 Review set aside.

Action Taken (if any) to Resolve Issues of Concern before Submitting the Petition

Before a petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence, including any responses, should be appended. This information will be made available to the Petitions Panel prior to its consideration of the Petition.

Arranged meetings between Cambusbarron Community Council and the various landowners to discuss, among other matters, a request that an Environmental Impact Assessment be carried out prior to any reactivation of Murrayshall Quarry. In the event the landowners were not prepared to discuss this issue with the Community Council.

Arranged meetings with Stirling Council (Chief Executive's Office/Legal Department/Planning Department) to explain the importance of Gillies Hill to the Stirling area, and stressed the potential environmental damage that could be caused if a proper environmental assessment was not carried out. Acceptance by Stirling Council that for the Review of 2002, a formal Environmental Impact Assessment should have been called for.

Outcome of meeting was that Stirling Council approached the landowners and asked them to voluntarily set aside the 2002 review. However this was not acceptable to the landowners and the only course of action now open to the Community Council is to seek to have the 2002 review set aside in the Court of Session.

Appearance before Petitions Panel

The Chair of the Petitions Panel may invite petitioners to appear before the Panel to speak in support of their petition if it is considered this would be useful in assisting the Panel reach a decision.

Please indicate below whether you wish to submit a request to make a brief statement to the Panel when it is considering your petition.

***I DO wish the opportunity to make a brief statement before the Panel**

***I DO NOT wish to make a brief statement before the Panel**
* tick as appropriate

Signature of Principal Petitioner

When satisfied that the petition meets all the criteria outlined in the Guidance to Submission of Petitions, the Principal Petitioner should sign and date the form in the box below.

Any additional sheets of signatures should be appended to the form.

Signature **Date**3-June 2010

Name in block capitals ...PETER PATERSON



PETITION SUBMITTED BY CITIZENS

A petition must be supported by:-

at least 25 signatories living in the Stirling Council area and on the Register of Electors **OR** have the support of the relevant Community Council or one of the Local Elected Members by means of a Community Council Office Bearer or Local Elected Member countersigning the petition at the appropriate point. (A copy of the minutes of the relevant Community Council meeting should also be attached).

NAME	ADDRESS	SIGNATURE
1.Peter Paterson	1 Thomson Place, Cambusbarrow	
2.Jo Gibson	11 Cauldhame Crescent	
3.J MacDonald	6 Old Drove Road	
4.E B MacDonald	6 Old Drove Road	
5.K Conroy	10 Old Drove Road	
6.R Conroy	10 Old Drove Road	
7. K McArthur	12 Old Drove Road	
8. A McArthur	12 Old Drove Road	
9. G McArthur	12 Old Drove Road	
10. A Bryan Jones	14 Old Drove Road	
11. J Bryan Jones	14 Old Drove Road	
12. David Henderson	18 Old Drove Road	
13. Fiona Henderson	18 Old Drove Road	
14. William Simpson	20 Old Drove Road	
15. Maureen Simpson	20 Old Drove Road	
16. R Hutchens	38 Gillies Hill	
17. R Boon	49 Main Street	
18. J Neil	Teviotdale, Touch Road	
19.Val Marshall	10 Murray Place	
20. Martin Cousins	10 Murray Place	
21. J D Boyle	8B Murray Place	
22. S A Boyle	8B Murray Place	
23 A MacGregor	6 Murray Place	
24. S MacGregor	6 Murray Place	
25. E Dench	4 Gillies Hill	

Approximately 3,300 signatures submitted

APPENDIX 2**STIRLING COUNCIL****Guidance on Submission of Public Petitions****1. Introduction**

Stirling Council aims to make the Council as accessible as possible and to deliver quality and best value by providing good quality services, which meet the needs of communities. The public petitions process plays a key part in these aims by encouraging communities to fully participate in the decision making process, both in groups and as individuals. Councillors may not themselves submit petitions.

Petitioners (the people submitting a petition) are advised to read the following guidance and instructions carefully before preparing and submitting a petition to the Council.

2. Issues that can be considered

Petitions may be lodged in relation to services provided by Stirling Council and any of its Statutory Community Planning Partners, namely:

- **Central Scotland Police**
- **Central Scotland Fire and Rescue Service**
- **NHS Forth Valley**
- **Scottish Enterprise East**
- **Tayside and Central Scotland Transport Partnership**

In addition, the Council may agree to accept a petition, which refers to an external corporate body (for example, Loch Lomond and the Trossachs National Park) and consider whether to submit a complaint on behalf of the petitioner.

3. Issues that may not be considered

The Council is unable to consider petitions that are sub-judice, that is, matters that are the subject of any current court proceedings.

Petitions will only be considered if the criteria outlined in this guidance note have been met.

4. Content of Petitions

Once a petition has been submitted and acknowledged, it will be made available for public access on the Council's website. Petitioners should therefore take care not to include any information or signatures that they would not wish to be made available to the public. In exceptional circumstances, the Petitions Panel may agree that the name and address of the petitioner is not made publicly available.

Petitioners must ensure that information is submitted in good faith and does not include:-

- false or defamatory statements
- information which is protected by an interdict or court order
- material which is commercially sensitive, confidential or which may cause personal distress or loss
- the names of individual officers of public bodies
- the names of other individuals or information whereby they may be easily identified.

5. Action Before Submitting a Petition

Petitioners may wish to consider other steps before a petition is submitted. This may be by way of the Council's complaints procedure TALKBACK or by raising the issue and attempting to obtain the support of the relevant Local Elected Member, Member of Parliament, Member of the Scottish Parliament, Community Council or Area Community Planning Forum. If petitioners have explored these routes copies of any correspondence should be included as supporting information and submitted with the main petition.

6. Form at of Petitions

A template for petitions is included as an Appendix to these Guidance Notes and the form can be downloaded from the Council's website (*include link*) or completed online (prior to signature). Copies are also available from libraries and other public buildings.

The petition should be titled and include a short, clear and concise statement (no more than 250 words) which covers the main subject of the petition and details of action which the petitioner wishes the Council to take.

The petition **must** include the following:-

- the **name** of the **Principal Petitioner** who **must** be on the Register of **Electors** for the **Stirling Council Area** or in the case of a Local Business Petitioner be on the Valuation Roll for the Stirling Council Area;
- the **contact address** of the **Principal Petitioner** to which all communications should be sent;
- the **name, address and signature** of any person(s) supporting the petition.

It would be helpful if petitions were typewritten or completed in black ink to facilitate checking, scanning and reproduction. If petitioners have any special requirements, they should contact the Clerk to the Petitions Panel.

Petitions must not contain language, which is offensive, for example swear words, inflammatory, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader.

7. Validation of Petition

A petition **must** be supported by:-

- a. **Petition from Citizens** - at least 25 signatures from people living in the Stirling Council area and on the Register of Electors OR **have** the support of the relevant Community Council or one of the Local Elected Members by means of a Community Council Office Bearer or Local Elected Member countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved.
- b. **Petition from Local Business(es)** - support from at least 5 other businesses on the Valuation Roll OR have the support of the relevant Community Council or one of the Local Members by means of a Community Council Office Bearer or Local Elected Member countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved.

8. How to Submit a Petition

When the Principal Petitioner is satisfied that it meets the criteria outlined in this guidance, he/she should submit the petition to the Clerk to the Petitions Panel. Petitions can be submitted by post or handed in, clearly marked for the attention of the Clerk to the Petitions Panel, Stirling Council, Room 53, Old Viewforth, Stirling, FK8 2ET.

A written acknowledgement will be sent to the Principal Petitioner upon receipt of the petition.

9. Consideration of Petitions

Once the petition has been verified as having been correctly completed and submitted, it will be considered at the next available meeting of the Petitions Panel. The Chair of the Petitions Panel **may** invite petitioners to appear before the Panel to speak in support of their petition if it is considered this would be useful in assisting the Panel reach a decision. Petitioners should indicate on the form whether or not they wish to have the opportunity to make a statement before the Panel. Due to pressure of business, no guarantee can be given that petitioners will automatically be invited to address the Panel.

The Petitions Panel will take a decision on action to be taken. Actions may include:-

- (a) agreeing that the issues raised merit further action and formally agreeing to:-
 - (i) refer the petition to the relevant decision making body
 - (ii) refer the petition to the relevant Community Planning Partner or other body
- (b) agreeing that the issues raised do not merit further action
- (c) agreeing to take any other action as appropriate.

The petitioner will be advised in writing of the Panel's decision.

10. Contact Information

All correspondence and enquiries should be directed to:-

Clerk to the Petitions Panel
Stirling Council
Room 53, Old Viewforth
Stirling, FK8 2ET

Tel: 01786 443216

e-mail: petitionspanel@stirling.gov.uk