

## FC29. NOTICE OF MOTION

### **Black Mould Growth Problem, Bonnybridge**

Councillor Coleman seconded by Councillor McNally moved that:-

“Most members will be aware of the black mould growth problem at properties in the proximity of the Diageo bonded warehousing in Bonnybridge. This council has the power under existing environmental legislation encompassed in the Environmental Protection Act 1990 Section 79 as amended by the Environmental Act 1995 to issue an abatement notice for a statutory nuisance to ameliorate this problem.

I request that this Council calls on the new administration together with their colleague Councillor Buchanan to instruct officers to take action on this matter to halt the problem of black mould growth by using existing environmental protection legislation in the form of an abatement notice for a Statutory Nuisance and to have officers report back to the next full council on the effect of the action taken”.

By way of an amendment Councillor Dr C R Martin, seconded by Councillor C MacDonald moved that:-

“The Council believes that the previous Scottish Government were wrong not to undertake a full health and environmental investigation into the association of *Aspergillus Niger* (black mould) with bonded warehouses when requested by this authority in 2009. The Government took this decision based on a report dated 2003. We believe, at this time, that this report is outdated and that a new full investigation is required.

This Council is content with the advice given to members of the Environment and Community Safety Committee on the 17th August 2010, advising members that the use of a statutory abatement notice on the terms of a nuisance would be unsuccessful.

This Council request that, due to the inaction of Michael Matheson MSP, we write to Margaret Mitchell, Mark Griffen, Margaret McCulloch and Siobhan McMahon MSPs requesting that they call on the Scottish Government to undertake a Scotland wide investigation be conducted by the relevant authorities to fully examine the health and environmental effects of “black mould” in the vicinity of bonded warehouses”.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 32 Members present with voting as undernoted:-

For the Motion (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

For the Amendment (16) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

Accordingly, **AGREED** in terms of the Amendment.