

A meeting of the Petitions Committee will be held on Thursday 17 May 2018 at 3pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

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NEW BUSINESS		
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Report To:	The Petitions Committee	Date:	17 May 2018
Report By:	The Head of Legal and Property Services	Report No:	LP/059/18
Contact Officer:	Peter MacDonald	Contact No:	01475 712618
Subject:	Petitions Update Report		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Committee on petitions previously reported on and on new petitions received since the last meeting of the Committee.

2.0 SUMMARY

- 2.1 The position in relation to petitions received and previously reported on, and on new petitions received since the date of the last meeting of the Committee, is as detailed in Appendix 1.

3.0 RECOMMENDATIONS

It is recommended that the Committee

- 3.1 Notes the position in relation to (a) petitions previously reported on and (b) new petitions received since the date of the last report, all as detailed in Appendix 1

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4.0 BACKGROUND

- 4.1 The Committee received and noted a report to its meeting on 1 February 2018 providing an overview on the position in relation to all petitions received to that date, which overview confirmed if in each case further updates would be brought to the Committee at a later date. Appendix 1 includes any such updates.
- 4.2 Appendix 1 also includes details of all new petitions received since the preparation of the above report, and how these have been dealt with by officers.
- 4.3 The Committee will note from Appendix 1 that the petition in relation to Inchgreen Dry Dock by Mr Robert Buirds has achieved the level of support necessary for it to be brought before this committee for consideration. This petition is the subject of a separate report to the Committee.

5.0 IMPLICATIONS

5.1 Finance

None from this report.

Legal

- 5.2 Petitions submitted are evaluated by officers in Legal and Property Services with reference to the approved criteria, and either rejected or progressed on that basis. Individual petitions will only be brought before the Committee as a separate item of business when they have been published and attracted the necessary level of support, all in terms of the Council's Standing Orders and the approved petitions procedures.

Human Resources

- 5.3 None from this report.

Equalities

- 5.4 None from this report.

Repopulation

- 5.5 There are no repopulation implications.

6.0 CONSULTATIONS

- 6.1 None.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

Appedix 1 – update on petitions progress as at 9/5/18

Petitioner (where published)	Title	Last Update	Submitted	Start Date	Closing Date	Update (Cttee)	Next Steps
Miss Eileen Catterson	Petition for a residents parking permit scheme in Port Glasgow Town Centre	01/02/2018	27/09/2017	28/09/2017	28/12/2017	<p>Following support of the petition by the Committee at the meeting of 2 February, officers in Environmental and Commercial Services will commission surveys and a report to:</p> <ul style="list-style-type: none"> • determine the demand for parking by different users of the town centre; • consider if any changes are required to the current TROs (Traffic Regulation Orders) for Port Glasgow; • consider whether there is a requirement for Residents' Parking Permits, and if so the extent of such a scheme. <p>Once these are received, officers will in turn submit a report to the Environment & Regeneration Committee following the summer recess on the terms of the same and with the comments of this Committee. Should the Environment and Regeneration Committee at that stage support the promotion of changes to the TROs, the Committee should note that the Council's standard procedures for such promotion will require to be followed and that the estimated timescale for promoting a TRO is between 6 and 12 months depending on whether or not there are any objections received.</p>	A further update will be provided to the Committee in due course.
Mr Gus Munro	Petition for IC support of granting of a long term lease of the Indoor Bowling Facility to IL	01/02/2018	10/10/2017	10/10/2017	10/01/2018	<p>The Head of Inclusive Education, Culture and Communities has confirmed that discussions re lease renewal are ongoing with Inverclyde Leisure and further updates will be provided in due course. The Committee will recall the purpose behind the petition was to facilitate Inverclyde Leisure investment in repairs and upgrades. Separately, the 1 year budget approved by the Council at the meeting of 13 March included an allocation of £100,000.00 towards upgrades at this facility. Officers in Inclusive Education, Culture and</p>	A further update will be provided to the Committee in due course.

P3

P4

						Communities are in discussion with Inverclyde Leisure, who are in turn in discussion with the bowling club, on planning and progressing such works.	
Mrs Jackie McPherson	Petition to re-open Paton Street Community Centre to be re-opened.	01/02/2018	08/01/2018	15/01/2018	14/04/2018	This petition has been handed in to officers and runs in three strands: on the Council website; on the external petitions website www.change.org ; and in written form. Over these three, it has gained a sufficient number of signatures for it to be brought before the committee, however as the matter is being considered by one of the Council's substantive committees it is not competent for it to be considered by the Committee in terms of the petitions criteria. The Head of Environmental and Public Protection and the Head of Inclusive Education, Culture and Communities have confirmed that a report was brought to the Education and Communities Committee meeting of the 8 May on the future of all Ward 7 Community Facilities, including Paton Street Centre, with a further report to be brought in due course following the summer recess. The said Heads of Service have been made aware of this petition and make reference to it in the above report. The petitioner has also been made aware of the position.	No further updates will be brought to the Committee.
Mr John Rogers	Petition to Save Lamont's Pier	01/02/2018	08/01/2018	13/03/2018	12/06/2018	The petition has been accepted on the system and is presently a live petition on the website. It has already achieved in excess of 100 signatures however the petitioner wishes to allow the petition to run for the full publication period of 3 months before the matter is brought before the Committee.	A further update will be provided to the Committee in due course.
Mrs Patricia Gannon	Petition to remove the requirement to display a parking disc in relation to Council regulated parking.	01/02/2018	16/01/2018	17/01/2018	16/04/2018	The petition did not gain the necessary level of support for it to be brought before the committee for consideration.	No further updates will be brought to the Committee.

	Petition to keep open the Youth Connections Facilities	NEW	07/03/2018	07/03/2018	07/03/2018	This petition was handed in with a level of support sufficient to bring to petitions committee, however as the potential closure of this facility was already the subject of a report to the Inverclyde Council as part of the budget setting process, it cannot be considered by the Committee in terms of the Petitions Criteria. The petition was drawn to the attention of ward members and the officers dealing with the reports on this matter. The petitioner was also advised of the position.	No further updates will be brought to the Committee.
	Petition to keep open the Clune Park Resource Centre	NEW	09/03/2018	09/03/2018	09/03/2018	Written petition with level of support sufficient to bring to petitions committee, however as the potential closure of this facility is already the subject of a report to the Inverclyde Council as part of the budget setting process, it cannot be considered by the Committee in terms of the Petitions Criteria. The petition was drawn to the attention of ward members and the officers dealing with the reports on this matter. The petitioner was also advised of the position.	No further updates will be brought to the Committee.
PS	Petition to live stream/webcam Council Meetings	NEW	12/03/2018			This proposal was a contained in one of the budget proposals considered at the 15 March 2018 meeting of Inverclyde Council, but was rejected. As there has been a decision on the matter within the last 6 months, it cannot be considered by the Committee in terms of the Petitions Criteria	No further updates will be brought to the Committee.
	Petition to amend permitted parking period in Newton Street	NEW	28/03/2018			Roads colleagues are in the process of promoting TRO providing for such a change, and as such it cannot be considered by the Committee in terms of the Petitions Criteria. The TRO process will include a public notice and representation process. The petitioner has been advised.	No further updates will be brought to the Committee.

Mr Robert Buirds	Petition to save Inchgreen Dry Dock. Calls on the Council support the principle of Public/Community Ownership of the dry dock and to engage with Scottish Government to formulate a strategy seeking that end.	NEW	10/04/2018	10/04/2018	10/04/2018	This petition is a combination of an online petition through the 38degrees website and a written petition, and has not been run through the Council website. It is directed both at the Council and the Scottish Ministers. It has been handed in to officers and has the requisite level of support to be brought before the Committee.	The petition is being brought before the Committee for consideration in a separate report.
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Report To:	The Petitions Committee	Date:	17 May 2018
Report By:	The Head of Legal and Property Services	Report No:	LP/060/18
Contact Officer:	Peter MacDonald	Contact No:	01475 712618
Subject:	Council Support to bring Inchgreen Dry Dock into Public or Community ownership		

1.0 PURPOSE

- 1.1 The purpose of this report is place before the Committee for consideration a petition by Mr Robert Buirds (“the Petitioner”) seeking Council support for the principle of bringing Inchgreen Dry Dock into public or community ownership

2.0 SUMMARY

- 2.1 A petition was handed in to the Council to “Save Inchgreen Dry Dock”, which called upon the Council to support the principle of bringing the dry dock into public or community ownership and to engage with the Scottish Ministers with a view to achieving that end.
- 2.2 This petition has in excess of 100 signatures and is now being brought before the Committee for consideration.
- 2.3 The comments on the Petition by the Council Services affected by it are set out in Appendix 1.

3.0 RECOMMENDATIONS

It is recommended that the Committee

- 3.1 considers the terms of the petition as set out in this report, and as part of that consideration consider oral representations (if any) made by the relevant Council officers and by the Petitioner, all in accordance with the Rules of Procedure for Oral Representations adopted previously by the Committee (Appendix 1); and
- 3.2 following such consideration **either**:
- (a). supports this petition, remitting to the Corporate Director, Environmental and Regeneration Services to bring a report to the appropriate substantive Committee of the Council with recommendations on this matter; **or**
 - (b). reject the petition, bringing matters to an end.

4.0 BACKGROUND

- 4.1 The Petitioner is an individual who created an online petition through the www.38degrees.org.uk website seeking to save Inchgreen Dry Dock.
- 4.2 The full description of this petition entered by the Petitioner can be found on the www.38degrees.org.uk website using the following link:

<https://you.38degrees.org.uk/petitions/campaign-to-save-inchgreen-dock-1>

The Petitioner printed this off and handed it in with the petition, and copies have been distributed separately to the Members of the Committee, along with the covering letter handed in by the petitioner.

- 4.3 As at the date of writing of this report, this petition has received in the region of 1600 signatures online (it is at the date of writing still open to receive further signatures), and in addition copies of in the region of 1962 written signatures were handed in (copies only were provided as we are advised the petition is simultaneously being handed to the Scottish Ministers), meaning the level of support demonstrated as at the date of writing is in excess of 2500 signatures. As the petition has received more than 100 signatures, the petition is being brought forward for consideration by the Committee, all as provided for in the Council's Petitions Criteria.
- 4.4 Although not included in the text of the petition in terms of the www.38degrees.org.uk website, the Petitioner did in his covering letter make reference to his (and his campaign) group's wishes as to how this site should be treated in the new Local Development Plan (LDP). The process for producing the LDP is a planning matter dealt with through a separate Council procedure, which is governed by statute and includes a public consultation. As such, this particular element cannot be considered by the Petitions Committee (in terms of the petitions criteria). The Petitioner has been advised that he and his group should make separate representations as part of the LDP process and how he (and they) may do so.
- 4.5 The Rules of Procedure for Oral Representations at the Petitions Committee were approved by the Committee at its meeting of 15 June 2017, and are designed to ensure a fair hearing for all concerned, in relation to petitions coming before the Committee. These will apply in relation to the consideration of this petition by the Committee and are reproduced at Appendix 1 for ease of reference.
- 4.6 The appropriate Council service, in this case the Directorate of Environment, Regeneration and Resources, has set out view on the in relation to the Petition in terms of Appendix 2.

5.0 IMPLICATIONS

Finance

- 5.1 None from this report.

Legal

- 5.2 The Committee approved "The Rules of Procedure for Oral Representations at the Petitions Committee" on 15 June 2017, which designed to ensure a fair hearing for all concerned, in relation to petitions coming before the Committee. These rules will apply at this meeting of the Committee in relation to the consideration of this petition.
- 5.3 In terms of the Council's approved petitions procedures, in their consideration of a petition, the Committee can decide that:
1. that the issues raised merit further action and will refer the matter to the relevant decision making body (which may be within the Council) and which may require further work, resolution or influence from the Council;

2. that the issues raised do not merit any further action; or
3. to take any other action, provided there is no financial impact for the Council's service committees, as may be decided as appropriate.

It is the view of Officers that, by its nature, support of this petition will have possible financial implications and that the appropriate route, should the Committee decide to support the petition, is that the matter be remitted to the appropriate Service Committee.

Human Resources

- 5.4 None from this report.

Equalities

- 5.5 None from this report.

Repopulation

- 5.6 There are no repopulation implications.

6.0 CONSULTATIONS

- 6.1 The Corporate Director, Environment, Regeneration and Resources has been consulted on the terms of this report.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None.

Appendix 1

INVERCLYDE COUNCIL

PETITIONS COMMITTEE

RULES OF PROCEDURE FOR THE ORAL REPRESENTATIONS AT THE PETITIONS COMMITTEE.

During the consideration of a petition as an item of business (“**the Petition**”) at the Petitions Committee, the person responsible for the submission of the Petition (“**the Petitioner**”) will be given an opportunity to make oral representations in relation to the subject matter of the Petition. Council Officers (“**the Council Officer(s)**”) from affected Council Services will also be given the opportunity to make such representations, as will any Ward Members (see g) below). Below are the rules of procedure under which such representations will be heard at meetings of the Petitions Committee (“**the Rules of Procedure**”), and they have been designed to:

- create the right atmosphere for discussion;
- eliminate or reduce formalities; and
- give everybody a fair hearing.

The Rules of Procedure are as follows:

- a) The Convener will conduct the consideration of the Petition.
- b) At commencement of consideration of the Petition, the Convener will identify those intending to make oral representation on the merit of the Petition, namely : the Council Officer(s) present; the Petitioner (if present, or any person who, with the approval of the Convener, the Petitioner wishes to speak on his or her behalf); and any Ward Member in terms of g) below.
- c) The Convener will outline the procedure, explaining that it will take the form of a discussion which he will lead based on the Report to the Petitions Committee issued in relation to the Petition (“**the Report**”). The Report will have been circulated to the Members of the Committee, the Council Officer(s) and the Petitioner prior to the meeting. Copies will also be made available at the meeting.
- d) The Convener will ask the Petitioner whether or not he/she is content with the synopsis of the Petition contained in the Report. If the Petitioner disagrees with the summary he/she will be invited to clarify. This allows the Petitioner to ensure that the members of the Committee have a good understanding of the Petition.
- e) The Council Officer(s) will be invited to present the view of the affected Council Services on the merit or otherwise of and implications of the Petition, with their recommendation as to whether or not it should be supported, to set the scene for the discussion, with a time limit of 5 minutes.

- f) The Petitioner will be invited to speak to his/her Petition and comment on the representations made by the Council Officer(s), with a time limit of 5 minutes.
- g) Where the Petition relates to a specific part of the Inverclyde Council area, any Member of the Inverclyde Council whose ward includes all or some of that part (“**Ward Member**”) may make representation in support of or against the Petition. Any such Ward Member present will be invited to do so, with a time limit of 5 minutes.
- h) Where a Ward Member makes representation in terms of g) above and is also a Member of the Committee, he or she will not be entitled to participate in the decision of the Committee on the Petition. Similarly, any Member of the Committee who has prior to the consideration of the Petition at the meeting made it clear that he or she is either for or against the Petition will also not be entitled to participate in the decision of the Committee on the Petition. This is essential to ensure that the Petition is given a fair and proper hearing and will avoid any impression of bias in relation to the Committee’s decision-making processes.
- i) The Council Officer(s) will be invited to reply to the representations of the Petitioner or any Ward Member (introducing no new material), restricted to a time limit of 5 minutes.
- j) The Convener will allow the Petitioner the final word (introducing no new material), if he/she wishes it, by way of summary and in relation to any comments by a Ward Member, or the Council Officer(s), restricted again to a time limit of 5 minutes. The Convener will discourage repetitive or superfluous comments. At no time will cross examination be permitted. The Convener will indicate when he or she considers that sufficient clarification of the Petition has been achieved, and the discussion will then move on in terms of these rules, the oral representations element being at an end.
- k) The Committee will then proceed with consideration of the Petition as an item of business in terms of the Standing Orders.

Appendix 2 – Position of Council Officers

Petition to Save Inchgreen Dry Dock (call upon the Council to support principle of the bringing of the dry dock into public or community ownership and to engage with the Scottish Ministers with a view to achieving that end)

1. Introduction

- 1.1. The Petition, at its broadest, is a call for an expression of Council support for the proposal of public or community ownership of the dry dock at Inchgreen, and for Council engagement with the current owners (Peel), the Scottish Ministers and other interested parties. The expression of support of this sort is within the Council's powers.

2. Background

- 2.1. The site is currently in the ownership of the Peel group of companies.
- 2.2. From the terms of the petition, it would appear that the motivation for the campaign group is a view that the dry dock is not being utilised. It is the view of officers that while there have been extensive periods during which it is not in active operation, there do appear to have been periods of active use of the site, extending from a number of months to a number of years, by the current owner. Most recently, the dry dock has been emptied which demonstrates that this facility remains operational.
- 2.3. Officers understand there have been commercial discussions with a view to increased utilisation of the dry dock facility, however do not have any factual detail in this regard as this is a commercial matter. It is the view of officers that any Council involvement in or expression of views on the site or the proposal would be inappropriate in the circumstances, as we would not want to risk impacting or influencing the progress of any commercial discussions that may be ongoing.
- 2.4. From a planning policy perspective, within the current local development plan (LDP) Inchgreen forms part of the wider Pottery Street North / Inchgreen area e6a strategic economic investment location and is protected accordingly. In terms of part (a) of Policy ECN1 – Business and Industrial Areas:
“The strategic economic locations listed in Schedule 4.1 of the LDP and identified on the Proposals Map as ECN1 (a) will be safeguarded, with favourable consideration given to:
 - (i) new development in support of green technologies and business and financial services within the Inverclyde Waterfront Strategic Economic Investment Location (SEIL);
 - (ii) new development and support for the continuation of current uses for the operation of the international Ocean (Container) Terminal Strategic Freight Transport Hub; and
 - (iii) new development proposals for business, general industrial and storage or distribution (Use Classes 4, 5 and 6); and all subject to Policy ECN3.

2.5. As the Committee will be aware, the Council is in the process of preparing a new local development plan, which it is anticipated will be adopted by August 2019. The Committee should be aware that in its current form the proposed new plan seeks to safeguard the site for marine operations.

2.6. Additionally, Schedule 2 of the proposed plan identifies a series of priority places of which James Watt / Garvel Island is one. The proposed plan states:

“Mixed use development including housing, business, assembly and leisure, hotel and hostels, residential institutions, non-residential institutions, maritime-based commercial enterprises, and ancillary retail and food and drink.”

Officers believe that this policy provides greater protection to the existing marine based activities however if the Petitioner or the campaign group as a whole wished to make formal representation on the proposed plan then they are entitled to do so under the consultation process, as detailed below.

2.7. There is nothing in either in the current LDP or the proposed plan that points towards either the Inchgreen site, or the dry dock being used for housing.

2.8. The Committee should of course note that this is the current proposed plan, and as discussed subject to consultation, and so the final plan when adopted may or may not include such a statement.

2.9. The Petitioner and the campaign group as a whole are of course entitled to make representations on the new local development plan as part of the process. The consultation is open for responses up to the 29th of June 2018. More information is available here:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/new-ldp>

2.10. In the context of land uses as identified for this location in both the current and the proposed Local Development Plans, a Strategic Business Case is being developed in respect of the City Deal funding of £9.4M allocated for the wider Inchgreen Site. In partnership with Peel, investment options are being explored which would encourage new business into this location and grow the local job market. Any proposals will of course require to be State Aid compliant and approved by Inverclyde Council.

2.11. In terms of the aspirations of the petition, officers recognise the benefits of increased commercial usage of the dry dock and surrounding site. Indeed the importance of this is reflected in the inclusion of this site within City Deal. Officers cannot however recommend that it is appropriate for this Council to support a call for the site to be brought into public or community ownership. The reasons for this position are set out below.

3. Public Ownership

- 3.1. Any Council support for public ownership of the site raises the question of how could that be achieved.
- 3.2. The Council, or another public body such as the Scottish Ministers, could enter into negotiation with the current proprietor to seek to voluntarily acquire the site. Such acquisition would of course have financial implications, and would only be possible were Peel prepared to sell the site. As discussed above, a formal valuation of the site would be required before progressing with such discussions.
- 3.3. If voluntary acquisition were not a possibility, then the question of compulsory acquisition (CPO) would arise. On the basis of the information which officers currently have, it is their view that even were an appropriate compulsory purchase power identified (and of course without such a power, any attempt at CPO would be *ultra vires* and open to challenge), it is unlikely that the public necessity test would be met in the circumstances, meaning any attempt to compulsorily acquire is unlikely to succeed. To quote a Jeremy Rowan Robinson's text on CPO:

“Compulsory acquisition is justified by public necessity; if there is no such public necessity, the case for compulsory acquisition collapses.”

It should be borne in mind that, however desirable any acquisition may be, desirability does not mean necessity. On the basis of the evidence presented to date, officers are not of the view such a necessity test would be met.

- 3.4. Were the necessity test met, to proceed with a CPO would involve the seeking of CPO power from the Scottish Ministers, and to do this a satisfactory case for the exercise of planning CPO powers would need to be demonstrated to them. It is the view of officers that the factual basis for such a case has not been demonstrated.
- 3.5. Consideration must also be given to the value of the site, which is anticipated would be significant, as any acquisition will involve a payment being made (whether of price or compensation) to the owners. The sums likely to be involved would be an important consideration and need to be quantified before any such action were undertaken.
- 3.6. As stated above, public ownership is not limited to Council acquisition, and the petition is of course directed both at the Council and the Scottish Ministers. It is not for officers in the circumstances to comment on what powers the Scottish Ministers do or do not have in relation to compulsory acquisition, but discussion of such matters would feature in any engagement officers were to pursue with them.

4. Community Ownership

- 4.1. Similarly, any Council support for Community Ownership would raise the question of how that could be achieved.

- 4.2. As with the proposal of Public ownership, it would be open to a community group to seek to negotiate a voluntary acquisition of the site from the current owners.
- 4.3. The Community Empowerment (Scotland) Act 2015 introduced at Part 5 “Asset Transfer Requests”, whereby certain community bodies have a formal mechanism by which they may seek transfer of assets from public bodies. It is the view of officers that these provisions would not apply in this instance as Peel is not a public body (or in the terms of that act, a “relevant authority”) to which these provisions would apply.
- 4.4. The Community Empowerment (Scotland) Act 2015 also modified the terms of the Land Reform (Scotland) Act 2003 in relation to the registration of Community Interests in Land, which expanded this provision to include the urban as well as rural setting. The process of registration of such an interest is not one with which the Council has a formal involvement, and it would be a matter for any interested group to pursue with the Scottish Ministers to confirm if registration is competent or likely to be agreed to in the circumstances. It should be noted that registration of such an interest does not compel the sale of a site to the community group in question, but merely means in the event of a sale on the open market, that they have to be offered the site first on the same terms as any prospective purchaser, before a sale can proceed.
- 4.5. The Community Empowerment (Scotland) Act 2015 contains further provision to modify the terms of the Land Reform (Scotland) Act 2003 to allow for the registration of a Community Interest in Land for “abandoned or neglected” land. This provision is however not yet in force, and officers have not been made aware of a likely timescale for it to be brought into force. As these provisions are not in force, no established practice on their use has yet emerged, however it is the view of officers that this site would in any event not at present meet the test of “abandoned or neglected” for the purposes of this provision.
- 4.6. Again, any such acquisition will involve a payment being made to the owners, and a community body would need to consider both a valuation of the site and how they would raise funding for this.

5. Conclusion

- 5.1. In light of the points highlighted above, officers do not recommend the explicit expression of Council support of this campaign, or the taking of any steps towards Council acquisition. Officers recognise the strategic importance of this location and will continue to engage with Peel Ports on the future use of the site with a view to maximising economic activity.