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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>14 January 2021</b>
<b>Report By:</b>	<b>The Head of Legal and Property Services</b>	<b>Report No:</b>	<b>LP/012/21</b>
<b>Contact Officer:</b>	<b>Audrey Galloway</b>	<b>Contact No:</b>	<b>2102</b>
<b>Subject:</b>	<b>Report on the Public Consultation Relating to the Site of the Former Hector McNeil Baths</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the results of a public consultation, relating to proposals to appropriate the site of the former Hector McNeil Baths, as shown outlined on the plan at **Appendix 1**, for use as a Learning Disability Hub.

## 2.0 SUMMARY

- 2.1 The Health & Social Care Committee its meeting of 27 February 2020 supported the former site of the Hector McNeil Baths as the preferred site for the construction of a new Learning Disability Hub.
- 2.2 As this site is inalienable common good land, it is necessary that a consultation be progressed under Section 104 of the Community Empowerment (Scotland) Act 2015 and to obtain the consent of the Court under Section 75 of the Local Government (Scotland) Act 1973, in relation to the proposed change of use of the site.
- 2.3 The consultation is now closed and this report seeks to advise the Committee of the responses received and to provide an opportunity for Committee to consider same.

## 3.0 RECOMMENDATIONS

It is recommended that the Committee:

- 3.1 having regard to the terms of the consultation responses detailed in Appendix 2, authorises the Head of Legal and Property Services to appropriate the site of the former Hector McNeil Baths, as shown outlined on the plan at **Appendix 1**, for use as a Learning Disability Hub, subject to the Council obtaining of consent of the court to that appropriation.

## 4.0 BACKGROUND

4.1 The Health & Social Care Committee considered a detailed report at its meeting of 27 February 2020 on possible sites for the construction of a new Learning Disability Hub, and supported the selection of the former site of the Hector McNeil Baths as the preferred location.

4.2 The project involves the development of a new Inverclyde Community Learning Disability Hub. The new hub will support and consolidate development of the new service model and integration of learning disability services with the wider Inverclyde community in line with national and local policy. Delivering a new build Learning Disability Community Hub will ensure that people with a learning disability are fully supported to achieve their ambitions to be as independent as possible and included in their own community. Delivering the service model will support people to develop and maintain relationships and live healthy, safe and valued lives. The approximate net build cost for the hub at this location is circa £7.4M. This report deals with the results of the consultation only and all financial information is contained within other appropriate reports.

4.3 Following selection of the preferred location, officers are now progressing the initial design elements. It is necessary for the Council to carry out the steps detailed in this report before a final commitment to this site or any contract award in respect of construction is made, and so it is appropriate that such steps be undertaken at this time.

4.4 As was previously reported to the Policy and Resources Committee, this site forms part of the Council's inalienable common good, and accordingly the Council needs to:

- a) carry out a public consultation in terms of the Community Empowerment (Scotland) Act 2015, on the proposed appropriation or change of use;
- b) have regard to the responses to that consultation, in deciding whether or not to proceed with the change of use; and
- c) before proceeding with any change of use, obtain court consent in terms of Section 75 of the Local Government (Scotland) Act 1973.

Authority was granted to the Head of Legal and Property Services to progress both the consultation and the court action, and the purpose of this report is to advise the Committee of the outcome of that consultation.

4.5 The consultation ran for a period of 8 weeks and notice of same was:

- a) published on the Council website;
- b) placed at the site;
- c) sent directly to all active Community Councils;
- d) sent directly to any community group known by officers to have an interest in the site; and
- e) published in the Greenock Telegraph on two occasions.

The consultation period ended on 17 November 2020.

4.6 Details of the responses received to the consultation are provided in **Appendix 2**. Three groups in total responded, all in positive terms. With reference to the Greenock South West Community Council response, the Committee will note from the correspondence between officers and the group that while they support the principle of the project, they do reserve the right to make future comment on the detail. The Committee will also note the offer that officers have made to include them in ongoing stakeholder and community engagement as part of the process of developing a detailed design for the proposed facility.

4.7 Although the process of obtaining court consent has not yet completed, taking into account the nature of the proposals for the site and to avoid any potential delay to the project, it is the view of officers that it is appropriate to seek the views of the Committee on the consultation responses at this time.

## 5.0 IMPLICATIONS

### 5.1 Finance

#### Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.2 Legal

As the site is part of the common good estate, it was necessary for the Council to carry out public consultation process in terms of the Section 104 of the Community Empowerment (Scotland) Act 2015. In reaching a decision on the recommendations in this report, it is further necessary for the Committee to have regard to the consultation responses detailed in Appendix 2.

### 5.3 Human Resources

None.

### 5.4 Equalities

#### Equalities

(a) Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

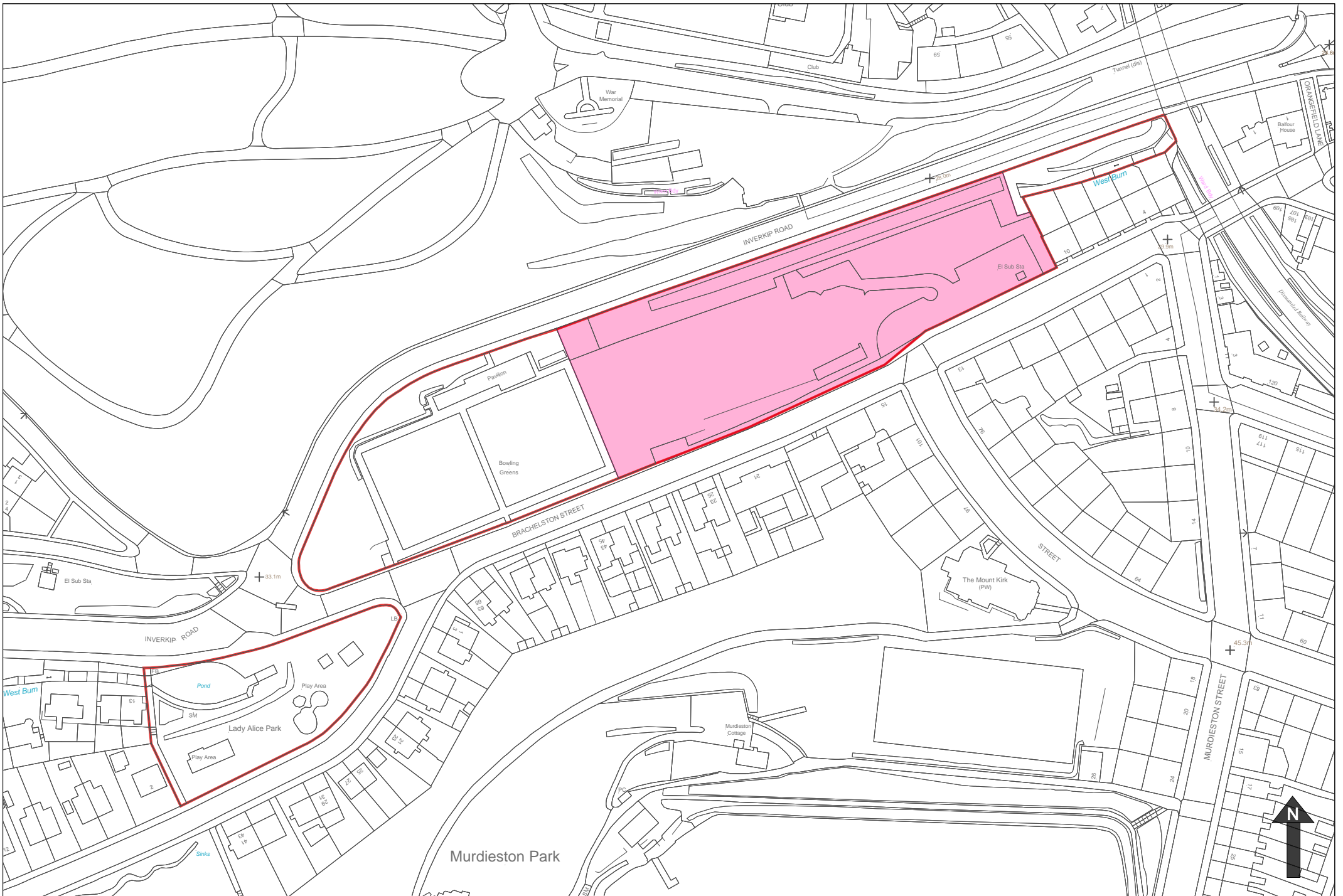
NO

**6.0 CONSULTATIONS**

6.1 None.

**7.0 BACKGROUND PAPERS**

7.1 None.



**Rona McGhee**

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**From:** Tommy Rodger <pgwestcommunitycouncil@gmail.com>  
**Sent:** 28 October 2020 12:41  
**To:** Peter MacDonald  
**Subject:** Re: (Official - Sensitive) Consultation on the Proposed Change of Use of Land At Gourock Park, Gourock by the formation of a Car Park

Hi Peter

We have no objection to this change of use, being assured that similar facilities are provided in the local area.

With regard to another correspondence, we fully support the change of use on the site of the former Hector McNeil Baths; to provide an Learning Disability Community Hub.

Regards

Tommy

On Tue, Oct 20, 2020 at 11:49 AM Peter MacDonald <[Peter.MacDonald@inverclyde.gov.uk](mailto:Peter.MacDonald@inverclyde.gov.uk)> wrote:

Dear Secretary

I am emailing you to let the Port Glasgow West Community Council know that the Council is considering changing the use of an area of land at Gourock Park and adjacent to Drumshantie Road, Gourock and is keen to hear the views of the community on this proposal so these can be considered when a decision is reached on whether or not to proceed.

The proposal is to form of a Car Park on the current site of a red blaes football pitch, and an access thereto off of Drumshantie Road. The site is not currently widely used given the provision of other and more modern sports facilities in the general area. The proposed use will facilitate use of the adjacent all weather sports pitch site, by providing useful, formalised car parking spaces which are not currently available in the area.

The design of the proposed car park has yet to be finalised, however it is anticipated the car park and access will extend to approximately 4400m<sup>2</sup>.

More information on this, including formal notice in terms of the Town and Country Planning (Scotland) Act 1959 and a plan showing the area affected, is available on the Council website at [www.inverclyde.gov.uk/gourockpark](http://www.inverclyde.gov.uk/gourockpark) .

I would encourage you to submit any representations or comments that the community council may have on the proposal. These can be either for or against the proposal, and made either by email to [property@inverclyde.gov.uk](mailto:property@inverclyde.gov.uk) or in writing to:

The Head of Legal and Property Services,

Inverclyde Council,

Municipal Buildings,

Clyde Square,

GREENOCK,

PA15 1LX.

**Representations must be made by no later than 5pm on 1 December 2020 and should state the grounds on which they are made.**

**Please note that the content of any representations made and the details of the party or parties making such representations will appear in a publically available report to the Council's Environment and Regeneration Committee.**

If you want any more information about the proposal, please contact the Roads Team on 01475 717171 or by email to [roads@inverclyde.gov.uk](mailto:roads@inverclyde.gov.uk) .

Regards

Peter

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## Rona McGhee

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**From:** Peter MacDonald  
**Sent:** 18 November 2020 11:57  
**To:** Paul Travers  
**Cc:** Paul Travers  
**Subject:** RE: (Official - Sensitive) Hector McNeil Baths

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Classification: Official - Sensitive

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Hi Paul

Thanks for that.

I note therefore that the community council has no objection in principal to the proposed change of use in terms of the present consultation, but is reserving the right to make representations on the detail of the proposed development as that emerges. I will report to the Committee on that basis.

I have discussed your comments with property colleagues, and detailed designs for the facility are not yet available. There will however be both stakeholder and community engagement by them those plans and details are developed. They are also happy to engage with your community council directly if you wish as part of this process. To do so, will I ask them to contact you on the on [vchairgswcc@gmail.com](mailto:vchairgswcc@gmail.com) address? They are not in a position to that immediately, but would do so in due course.

If you want to discuss this by phone, happy to do so.

Thanks.

Regards.

Peter

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Peter J MacDonald  
Principal Solicitor  
Inverclyde Council  
Environment, Regeneration & Resources  
Legal and Property Services  
Municipal Buildings  
Greenock  
PA15 1LY

 - 01475 712 618

 - [peter.macdonald@inverclyde.gov.uk](mailto:peter.macdonald@inverclyde.gov.uk)

Inverclyde Council website – [www.inverclyde.gov.uk](http://www.inverclyde.gov.uk)  
Inverclyde on Twitter – [twitter.com/inverclyde](https://twitter.com/inverclyde)

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**From:** Paul Travers [mailto: ]  
**Sent:** 17 November 2020 21:35  
**To:** Peter MacDonald <Peter.MacDonald@inverclyde.gov.uk>  
**Subject:** RE: (Official - Sensitive) Hector McNeil Baths

Hi Peter



The community council are not giving their consent to any planned developments at Lady Alice Park by responding to this consultation. We haven't seen any plans for the development and may want to make representations to any new road layout etc.

Kind Regards  
Paul Travers

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**From:** [Peter MacDonald](#)  
**Sent:** 17 November 2020 11:48  
**To:** [Paul Travers](#)  
**Subject:** RE: (Official - Sensitive) Hector McNeil Baths

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Classification: Official - Sensitive

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Morning Paul

Thanks for this and for the expression of support. Your comments will be included in the report to the relevant Council Committee on the matter.

One point I would like to clarify, if I can. You have said that "The community council are not giving their consent to any planned developments at Lady Alice Park by responding to this consultation".

In light of the remaining terms of your email I am assuming that comment is in relation to any other developments from the proposed centre and/or on parts of the park site other than the area shaded pink on the consultation plan (attached for ease of reference). Can you please confirm?

Although it will not generally be thought of as "Lady Alice Park", the former Hector McNeill site is part of the same title.

Happy to discuss as ever.

Regards.

Peter

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Peter J MacDonald  
Principal Solicitor  
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Inverclyde on Twitter – [twitter.com/inverclyde](https://twitter.com/inverclyde)

**From:** Paul Travers [<mailto:vchairgswcc@gmail.com>]  
**Sent:** 04 November 2020 17:19  
**To:** Property <[Property@inverclyde.gov.uk](mailto:Property@inverclyde.gov.uk)>  
**Subject:** Hector McNeil Baths

Head of Legal & property Services

The Greenock south west community council have discussed the change of use common good land Hector McNeil Baths, Inverkip Road (part of Lady Alice Park). The community council have no objections to the areas shaded pink in the drawing provided changing use using the community empowerment act 2015.

We agree that Inverclyde does need a new build learning disability community hub to support and integrate learning services within the wider Inverclyde area. The community council are not giving their consent to any planned developments at Lady Alice Park by responding to this consultation.

Kind Regards

Paul Travers

Vice Chair

GSWCC

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