

**THE INVERCLYDE COUNCIL - 9 OCTOBER 2008**

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**The Inverclyde Council**

**Thursday 9 October 2008 at 4.00 pm**

**Present:** Provost McCormick, Councillors Ahlfeld, Blair, Brooks, Clocherty, Dorrian, Fyfe, Grieve, Loughran, MacLeod, McCabe, McCallum, McIlwee, McKenzie, Moran, Osborne, Rebecchi, White and Wilson.

**Chair:** Provost McCormick presided.

**In attendance:** Chief Executive, Corporate Director Education & Social Care, Corporate Director Environment & Community Protection, Corporate Director Improvement & Performance, Corporate Director Regeneration & Resources, Mr F Jarvie, Legal Services Manager (Procurement, District Court & Administration), Mr H McNeilly, Legal Services Manager (Courts & Litigation) and Head of Corporate Communications & Public Affairs.

**Apologies:** Councillor Ferguson.

**Minutes of Meetings of  
The Inverclyde Council, Committees, Sub-Committees and Boards**

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|------------|---|------------|
| <b>671</b> | <b>The Inverclyde Council - 12 June 2008</b>  | <b>671</b> |
|            | <b>Approved</b> on the motion of Provost McCormick.   |            |
| <b>672</b> | <b>Education &amp; Lifelong Learning Committee - 18 June 2008</b>   | <b>672</b> |
|            | It was noted that this minute had been approved at the special meeting of The Inverclyde Council on 18 June 2008. |            |
| <b>673</b> | <b>The Inverclyde Council - 18 June 2008</b>  | <b>673</b> |
|            | <b>Approved</b> on the motion of Provost McCormick.   |            |
| <b>674</b> | <b>Safe, Sustainable Communities Committee - 19 June 2008</b>   | <b>674</b> |
|            | <b>Approved</b> on the motion of Councillor Moran.  |            |
| <b>675</b> | <b>Policy &amp; Resources Executive Sub-Committee - 25 June 2008</b>  | <b>675</b> |
|            | <b>Approved</b> on the motion of Councillor McCabe.   |            |
| <b>676</b> | <b>Audit Committee - 26 June 2008</b>   | <b>676</b> |
|            | <b>Approved</b> on the motion of Councillor Blair.  |            |
| <b>677</b> | <b>Policy &amp; Resources Executive Sub-Committee - 30 July 2008</b>  | <b>677</b> |
|            | <b>Approved</b> on the motion of Councillor McCabe.   |            |

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| <b>678</b> | <b>Education Appeals Board - 4 August 2008</b>  | <b>678</b> |
|            | Approved on the motion of Councillor Moran.   |            |
| <b>679</b> | <b>Planning Board - 6 August 2008</b>   | <b>679</b> |
|            | Approved on the motion of Councillor Wilson.  |            |
| <b>680</b> | <b>General Purposes Board - 13 August 2008</b>  | <b>680</b> |
|            | Approved on the motion of Councillor Ahlfeld.   |            |
| <b>681</b> | <b>Education &amp; Lifelong Learning Committee - 21 August 2008</b>   | <b>681</b> |
|            | It was noted that this minute had been approved at the special meeting of The Inverclyde Council on 21 August 2008.   |            |
| <b>682</b> | <b>The Inverclyde Council - 21 August 2008</b>  | <b>682</b> |
|            | Approved on the motion of Provost McCormick.  |            |
| <b>683</b> | <b>Human Resources Appeals Board - 26 August 2008</b>   | <b>683</b> |
|            | Approved on the motion of Councillor McCallum.  |            |
| <b>684</b> | <b>Audit Committee - 26 August 2008</b>   | <b>684</b> |
|            | Approved on the motion of Councillor Blair.   |            |
| <b>685</b> | <b>Health &amp; Social Care Committee - 28 August 2008</b>  | <b>685</b> |
|            | Approved on the motion of Councillor McIlwee.   |            |
| <b>686</b> | <b>Safe, Sustainable Communities Committee - 2 September 2008</b>   | <b>686</b> |
|            | Approved on the motion of Councillor Moran.   |            |
| <b>687</b> | <b>Policy &amp; Resources Executive Sub-Committee - 2 September 2008</b>  | <b>687</b> |
|            | Approved on the motion of Councillor McCabe.  |            |
| <b>688</b> | <b>Planning Board - 3 September 2008</b>  | <b>688</b> |
|            | Approved on the motion of Councillor Wilson.  |            |
| <b>689</b> | <b>Regeneration Committee - 4 September 2008</b>  | <b>689</b> |
|            | Approval of the minute as a correct record was moved by Councillor Clocherty.   |            |
|            | Councillor Blair expressed the view that consideration of paragraph 583 (Proposed Disposal of Ground, Kempock Street, Gourcock) be in public and this was agreed on the |            |

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basis that the discussion related only to the general principles of disposal. Councillor Ahlfeld seconded by Councillor Loughran then moved that the decision of the Committee as minuted be approved as follows: (1) that the Committee note the contents of the report; (2) that the gap site at 38 Kempock Street, Gourock be declared surplus to Council requirements; (3) that authority be delegated to the Corporate Director Regeneration & Resources to market the site on the open market, secure further external valuation advice regarding offers received to confirm optimum value for money is being achieved and, where this is confirmed, dispose of the site thereafter; and (4) that a further report be submitted to the Committee only where the valuation advisers indicate that optimum value for money is not being achieved. As an amendment, Councillor White seconded by Councillor Blair moved (1) that the Committee note the contents of the report; (2) that the site not be declared surplus to requirements and (3) that no action be taken with regard to disposal of the site. Councillor White seconded by Councillor Blair requested in terms of the relevant Standing Order that the vote be taken as a roll call vote and this was unanimously agreed. On a vote, Councillors Osborne, Blair, Fyfe, Rebecchi and White voted in favour of the amendment and Provost McCormick, Councillors Grieve, Brooks, McCabe, McKenzie, Clocherty, McCallum, Dorrian, Loughran, McIlwee, Moran, Ahlfeld and Wilson voted in favour of the motion which was declared carried.

**Decided:** that the minute be approved.

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| <b>690</b> | <b>Education &amp; Lifelong Learning Committee - 9 September 2008</b>     | <b>690</b> |
|            | Approved on the motion of Councillor McCabe.                              |            |
| <b>691</b> | <b>General Purposes Board - 10 September 2008</b>                         | <b>691</b> |
|            | Approved on the motion of Councillor Ahlfeld.                             |            |
| <b>692</b> | <b>Human Resources Appeals Board - 12 September 2008</b>                  | <b>692</b> |
|            | Approved on the motion of Councillor McCallum.                            |            |
| <b>693</b> | <b>Policy &amp; Resources Executive Sub-Committee - 15 September 2008</b> | <b>693</b> |
|            | Approved on the motion of Councillor McCabe.                              |            |
| <b>694</b> | <b>General Purposes Board - 18 September 2008</b>                         | <b>694</b> |
|            | Approved on the motion of Councillor Ahlfeld.                             |            |
| <b>695</b> | <b>Policy &amp; Resources Committee - 23 September 2008</b>               | <b>695</b> |
|            | Approved on the motion of Councillor McCabe.                              |            |
| <b>696</b> | <b>Audit Committee - 23 September 2008</b>                                | <b>696</b> |
|            | Approved on the motion of Councillor MacLeod.                             |            |
| <b>697</b> | <b>Planning Board - 1 October 2008</b>                                    | <b>697</b> |
|            | Approved on the motion of Councillor Wilson.                              |            |

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- 698 Human Resources Appeals Board - 7 October 2008 698**
- Approved** on the motion of Councillor Brooks.
- 699 General Purposes Board - 8 October 2008 699**
- Approval of the minute as a correct record was moved by Councillor Ahlfeld subject to amendment to paragraph 670 (Smoking Health & Social Care (Scotland) Act 2005) to include the following addition “and that hearings against Fixed Penalty Notices under the Smoking Health & Social Care (Scotland) Act 2005 be held in public”.
- Decided:** that the minute as amended be approved.
- 700 Labour Group - Changes to Committee and Outside Body Memberships 700**
- There was submitted a report by the Corporate Director Regeneration & Resources asking the Council to consider a number of changes proposed by the Labour Group to Committee and outside body memberships.
- Decided:**
- (1) that agreement be given to (a) Councillor Dorrian’s removal from the Education & Lifelong Learning Committee and his appointment to the Health & Social Care Committee and (b) Councillor McKenzie’s removal from the Health & Social Care Committee and his appointment to the Education & Lifelong Learning Committee;
  - (2) that Councillor Dorrian be appointed Vice-Convener of the Health & Social Care Committee;
  - (3) that Councillor McKenzie be appointed Convener of the Education & Lifelong Learning Committee; and
  - (4) that Councillor Dorrian be appointed to (a) the Education Appeals Board and (b) the North Strathclyde Community Justice Authority in place of Councillor McKenzie.
- 701 Councillor Ahlfeld - Resignation from Education & Human Resources Appeals Boards 701**
- There was submitted a report by the Corporate Director Regeneration & Resources advising of the resignation of Councillor Ahlfeld from the Education & Human Resources Appeals Boards and asking the Council to fill the resultant vacancies.
- Decided:**
- (1) that Councillor MacLeod be appointed to the Human Resources Appeals Board in place of Councillor Ahlfeld; and
  - (2) that consideration of the vacancy on the Education Appeals Board be continued to the next meeting of the Council.
- 702 Motion Against Renewal of Nuclear Weapons - Motion by Councillor MacLeod 702**
- There was submitted a report by the Corporate Director Regeneration & Resources on a motion received from Councillor MacLeod seconded by Councillor Brooks relative to the UK Government’s plans to replace Trident which had been submitted in accordance with Standing Order 22 as follows:
- “Inverclyde Council notes that the UK Government’s plan to replace Trident will cost over £60 billion, and that the plan has been opposed by the majority of Scottish MPs and by the Scottish Parliament, that a study by the STUC indicated that the plan would result in a net loss of jobs in Scotland, and that the continued operation of nuclear-armed submarines on the Clyde is a risk to the residents of Inverclyde and calls on the UK

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Government not to go ahead with their plan to replace Trident.”

As an amendment, Councillor Clocherty seconded by Councillor McCabe moved that:

“Inverclyde Council notes that in an increasingly interdependent and uncertain world, the UK Government should continue to work through our strong partnerships and alliances to successfully meet the challenges of the 21<sup>st</sup> century. NATO remains the cornerstone of Britain’s defence and security policy, we agree with Britain leading efforts to enhance Europe’s military capabilities for humanitarian and crisis management operations where NATO as a whole is not engaged. Tackling threats to our security from terrorism and weapons of mass destruction are vital parts of a strategy to protect British citizens and to help build a fairer, more prosperous world for all.

We welcome the British Government’s decision to build two new Air Craft carriers and the job security that this will bring to the Clyde.”

On a vote, 7 Members voted for the motion and 10 for the amendment which was declared carried.

**Decided:** that Inverclyde Council notes that in an increasingly interdependent and uncertain world, the UK Government should continue to work through our strong partnerships and alliances to successfully meet the challenges of the 21<sup>st</sup> century. NATO remains the cornerstone of Britain’s defence and security policy, we agree with Britain leading efforts to enhance Europe’s military capabilities for humanitarian and crisis management operations where NATO as a whole is not engaged. Tackling threats to our security from terrorism and weapons of mass destruction are vital parts of a strategy to protect British citizens and to help build a fairer, more prosperous world for all.

We welcome the British Government’s decision to build two new Air Craft carriers and the job security that this will bring to the Clyde.

**703 Proposed Traffic Regulation Order - Pennyfern Area, Greenock (One Way) Order 2008**

703

There was submitted a report by the Corporate Director Regeneration & Resources on the proposed Traffic Regulation Order - Pennyfern Area, Greenock (One Way) Order 2008.

**Resolved** on the motion of Councillor Moran seconded by Councillor Dorrian that THE INVERCLYDE COUNCIL, incorporated under the Local Government etc (Scotland) Act 1994, RESOLVE TO MAKE as they HEREBY MAKE a Resolution under Sections 1(1), 2(1) and (2) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 to introduce oneway driving in Maple Road, Pennyfern Road and Pennyfern Drive, Greenock all as detailed in a copy of the Order forming a supplement to the principal minute hereof, and that the Head of Planning, Housing & Transportation and the Head of Legal & Administration be authorised to take all necessary action in connection therewith.

**704 Proposed Traffic Regulation Order - The A78 Trunk Road Greenock Schools (Extension of Part Time 20mph Speed Limit) Order 2008**

704

There was submitted a report by the Corporate Director Regeneration & Resources on the proposed Traffic Regulation Order - the A78 Trunk Road Greenock Schools (Extension of Part Time 20mph Speed Limit) Order 2008.

**Resolved** on the motion of Councillor Moran seconded by Councillor Dorrian that THE INVERCLYDE COUNCIL, incorporated under the Local Government etc (Scotland) Act 1994, RESOLVE TO MAKE as they HEREBY MAKE a Resolution under Section 83(2) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 to permit the extension of the part time 20mph speed restriction all as detailed in a copy of the Order forming a supplement to the principal minute hereof, and that the Head of Planning, Housing &

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Transportation and the Head of Legal & Administration be authorised to take all necessary action in connection therewith.

**705 Proposed Traffic Regulation Order - On-Street Parking Places (Without Charges) Order No 1 2008 705**

There was submitted a report by the Corporate Director Regeneration & Resources on the proposed Traffic Regulation Order - On-Street Parking Places (Without Charges) Order No 1 2008.

**Resolved** on the motion of Councillor Moran seconded by Councillor Dorrian that THE INVERCLYDE COUNCIL, incorporated under the Local Government etc (Scotland) Act 1994, RESOLVE TO MAKE as they HEREBY MAKE a Resolution under Section 32(1) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 to permit the provision of parking spaces for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended all as detailed in a copy of the Order forming a supplement to the principal minute hereof and that the Head of Planning, Housing & Transportation and the Head of Legal & Administration be authorised to take all necessary action in connection therewith.

**706 Birkmyre Park Floodlights 706**

There was submitted a report by the Corporate Director Regeneration & Resources requesting that the Council, as Local Authority and Trustee with responsibility to manage the Trust property in accordance with the conditions of the Trust, (1) grant permission for Birkmyre Rugby Club to proceed with erecting floodlights at Birkmyre Park and (2) delegate authority to negotiate appropriate agreements with the Birkmyre Rugby Club.

**Decided:** that the Council, as Local Authority and Trustee with responsibility to manage the Trust property in accordance with the conditions of the Trust, (1) consent for the Birkmyre Rugby Club to erect floodlights at Birkmyre Park subject to obtaining planning consent and (2) delegate authority to the Corporate Director Regeneration & Resources to negotiate appropriate agreements with the Birkmyre Rugby Club regarding the long term maintenance of the floodlights and exploring opportunities for the use of the floodlit facilities by other clubs when not in use by the Rugby Club.

**707 Use of Powers Delegated to the Chief Executive - The Stopping Up of Footpaths, Inverclyde (Auchmead Road to Norfolk Road and Cumberland Road, Greenock) Order 2008 707**

There was submitted a report by the Corporate Director Regeneration & Resources advising of the use of the powers delegated to the Chief Executive since the last ordinary meeting of the Council to confirm the Stopping Up of Footpaths, Inverclyde (Auchmead Road to Norfolk Road and Cumberland Road, Greenock) Order 2008 and to authorise the Head of Legal & Administration to take all necessary action in connection therewith.

**Noted**

**It was agreed in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 as amended, that the public and press be excluded from the meeting on the grounds that consideration of the following item involved the likely disclosure of exempt information as defined in the respective paragraphs of Part I of Schedule 7(A) of the Act, as detailed in the minute of the relevant Committee, Sub-Committee or Board.**

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**Appendices to Minutes**

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|------------|---|------------|
| <b>708</b> | <b>Policy &amp; Resources Executive Sub-Committee - 30 July 2008</b>  | <b>708</b> |
|            | <b>Approved</b> on the motion of Councillor McCabe.   |            |
| <b>709</b> | <b>Education Appeals Board - 4 August 2008</b>  | <b>709</b> |
|            | <b>Approved</b> on the motion of Councillor Moran.  |            |
| <b>710</b> | <b>Education &amp; Lifelong Learning Committee - 21 August 2008</b>   | <b>710</b> |
|            | It was noted that the appendix to this minute had been approved at the special meeting of the Inverclyde Council on 21 August 2008. |            |
| <b>711</b> | <b>The Inverclyde Council - 21 August 2008</b>  | <b>711</b> |
|            | <b>Approved</b> on the motion of Provost McCormick.   |            |
| <b>712</b> | <b>Human Resources Appeals Board - 26 August 2008</b>   | <b>712</b> |
|            | <b>Approved</b> on the motion of Councillor McCallum.   |            |
| <b>713</b> | <b>Policy &amp; Resources Executive Sub-Committee - 2 September 2008</b>  | <b>713</b> |
|            | <b>Approved</b> on the motion of Councillor McCabe.   |            |
| <b>714</b> | <b>Regeneration Committee - 4 September 2008</b>  | <b>714</b> |
|            | <b>Approved</b> on the motion of Councillor Clocherty.  |            |
| <b>715</b> | <b>Human Resources Appeals Board - 12 September 2008</b>  | <b>715</b> |
|            | <b>Approved</b> on the motion of Councillor McCallum.   |            |
| <b>716</b> | <b>Policy &amp; Resources Committee - 23 September 2008</b>   | <b>716</b> |
|            | <b>Approved</b> on the motion of Councillor McCabe.   |            |
| <b>717</b> | <b>Human Resources Appeals Board - 7 October 2008</b>   | <b>717</b> |
|            | <b>Approved</b> on the motion of Councillor Brooks.   |            |