

**THE INVERCLYDE COUNCIL - 2 DECEMBER 2010**

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**The Inverclyde Council**

**Thursday 2 December 2010 at 4.00 pm**

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

**Chair:** Provost McCormick presided.

**In attendance:** Corporate Director Education & Communities, Corporate Director Organisational Improvement & Resources, Corporate Director Regeneration & Environment, Chief Financial Officer, Head of Legal & Democratic Services and Legal Services Manager (Courts & Litigation).

Prior to the commencement of business, the Provost referred to the absence of the Chief Executive due to ill health and, on behalf of the Council, wished him a speedy recovery.

**711 Apologies and Declarations of Interest 711**

An apology for absence was intimated on behalf of Councillor Grieve.

There were no declarations of interest intimated prior to the commencement of the meeting.

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

**712 The Inverclyde Council - 7 October 2010 712**

**Approved** on the motion of Provost McCormick.

**713 The Inverclyde Council (Special) - 7 October 2010 713**

**Approved** on the motion of Provost McCormick.

**714 General Purposes Board - 13 October 2010 714**

**Approved** on the motion of Councillor Ahlfeld.

**715 Audit Committee - 19 October 2010 715**

**Approved** on the motion of Councillor Blair.

**716 Health & Social Care Committee - 21 October 2010 716**

**Approved** on the motion of Councillor McIlwee.

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717	<b>Safe, Sustainable Communities Committee - 26 October 2010</b>	717
	Approved on the motion of Councillor Moran.	
718	<b>Regeneration Committee - 28 October 2010</b>	718
	Approved on the motion of Councillor Clocherty.	
719	<b>Education &amp; Lifelong Learning Committee - 2 November 2010</b>	719
	Approved on the motion of Councillor McKenzie.	
720	<b>Planning Board - 3 November 2010</b>	720
	Approved on the motion of Councillor Wilson.	
721	<b>Local Review Body - 3 November 2010</b>	721
	Approved on the motion of Councillor Wilson.	
722	<b>Appointment Panel (Head of Environmental &amp; Commercial Services) - 9 November 2010</b>	722
	Approved on the motion of Councillor Moran.	
723	<b>General Purposes Board - 10 November 2010</b>	723
	Approved on the motion of Councillor Ahlfeld.	
724	<b>Policy &amp; Resources Committee - 16 November 2010</b>	724
	Approved on the motion of Councillor McKenzie.	
725	<b>Grants Sub-Committee - 17 November 2010</b>	725
	Approved on the motion of Councillor Clocherty.	
726	<b>Human Resources Appeals Board - 23 November 2010</b>	726
	Approved on the motion of Councillor Brooks.	
727	<b>Policy &amp; Resources Executive Sub-Committee - 29 November 2010</b>	727
	Approved on the motion of Councillor McCabe.	
728	<b>Planning Board - 1 December 2010</b>	728
	Approved on the motion of Councillor Wilson.	

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**729 Councillor McCallum - Resignation from Human Resources Appeals Board Appointments to Outside Bodies**

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There was submitted a report by the Corporate Director Regeneration & Environment requesting the Council to (1) fill the vacancy on the Human Resources Appeals Board following the resignation of Councillor McCallum, (2) appoint two Elected Members to serve on the Board of Greenock Arts Guild and (3) consider an invitation for a Council representative to join the Board of Directors of Discover Inverclyde.

After discussion, Councillor MacLeod seconded by Councillor Nelson moved that Councillor Osborne be appointed to the Board of Greenock Arts Guild. As an amendment, Councillor Fyfe seconded by Councillor Rebecchi moved that Councillor Blair be so appointed. On a vote, 5 Members voted for the amendment and 8 for the motion which was declared carried. It was agreed unanimously Councillor Clocherty be appointed to the Board in his capacity as Convener of the Regeneration Committee.

Councillor McCabe seconded by Councillor McCallum moved that Councillor Ahlfeld be appointed to the Board of Directors of Discover Inverclyde. As an amendment, Councillor Blair seconded by Councillor Fyfe moved that Councillor Rebecchi be so appointed. As a further amendment, Councillor Osborne seconded by Councillor Nelson moved that Councillor MacLeod be appointed. On a vote between the two amendments, 4 Members voted for the amendment by Councillor Osborne and 4 for the amendment by Councillor Blair. There being equality in voting, the decision was determined by lot. On the cut of a pack of cards, Councillor Blair's card was of a higher value than that of Councillor Osborne and, accordingly, Councillor Blair's amendment was successful. On a vote between the amendment by Councillor Blair and the motion, 6 Members voted for the amendment and 12 for the motion which was declared carried.

**Decided:**

- (1) that Councillor Clocherty be appointed to the Human Resources Appeals Board in place of Councillor McCallum;
- (2) that Councillor Clocherty as Convener of the Regeneration Committee and Councillor Osborne be appointed to the Board of Greenock Arts Guild; and
- (3) that Councillor Ahlfeld be appointed to the Board of Directors of Discover Inverclyde.

**730 Appointment to Outside Body: HMP Low Moss - Visiting Committee**

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There was submitted a report by the Corporate Director Regeneration & Environment requesting the Council to either (1) nominate an Elected Member as a representative on the Prison Visiting Committee of the new prison, HMP Low Moss, and instruct advertisement to fill the other vacancy on the Committee by a non-elected representative or (2) instruct advertisement to fill both vacancies by non-elected representatives.

**Decided:**

- (1) that Councillor McCallum be appointed to serve on the Low Moss Prison Visiting Committee; and
- (2) that it be remitted to the Corporate Director Regeneration & Environment to advertise for a non-elected member to fill the other vacancy and report to the Council for nomination from the applicants who come forward in response to the advertisement.

**731 Update on Continued Absence of a Councillor**

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There was submitted a report by the Head of Legal & Democratic Services updating the Council on the position with regard to the continued absence of Councillor Grieve due to illness indicating that as Councillor Grieve had attended a meeting of the General

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Purposes Board his period of continued absence had ended.

**Noted**

**732 Proposed Traffic Regulation Order - A770 Albert Road, Gourock (Revocations and No Waiting No Loading at Any Time) Order 2010 732**

There was submitted a report by the Corporate Director Regeneration & Environment on the proposed Traffic Regulation Order - A770 Albert Road, Gourock (Revocations and No Waiting No Loading at Any Time) Order 2010.

**Resolved** on the motion of Councillor Moran seconded by Councillor Wilson that THE INVERCLYDE COUNCIL, incorporated under the Local Government etc (Scotland) Act 1994, RESOLVE TO MAKE as they HEREBY MAKE a Resolution under Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 to permit the revocation of "No Waiting 9 am - 6 pm Mon - Sat" "No Waiting at Any Time" and the introduction of "No Waiting No Loading at Any Time" in the lengths of road all as detailed in a copy of the Order forming a supplement to the principal minute hereof and that the Head of Environmental & Commercial Services and the Head of Legal & Democratic Services be authorised to take all necessary action in connection therewith.

**733 Proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 1 2010 733**

There was submitted a report by the Corporate Director Regeneration & Environment on the proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 1 2010.

**Resolved** on the motion of Councillor Moran seconded by Councillor Wilson 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 places 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 Environmental & Commercial Services and the Head of Legal & Democratic Services be authorised to take all necessary action in connection therewith.

**734 Proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 2 2010 734**

There was submitted a report by the Corporate Director Regeneration & Environment on the proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 2 2010.

**Resolved** on the motion of Councillor Moran seconded by Councillor Wilson 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 places 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 Environmental & Commercial Services and the Head of Legal & Democratic Services be authorised to take all necessary action in connection therewith.

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**735 Proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 3 2010** **735**

There was submitted a report by the Corporate Director Regeneration & Environment on the proposed Traffic Regulation Order - Disabled Persons' Parking Places (On Street) Order No 3 2010.

**Resolved** on the motion of Councillor Moran seconded by Councillor Wilson 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 places 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 Environmental & Commercial Services and the Head of Legal & Democratic Services be authorised to take all necessary action in connection therewith.

**736 Treasury Management - Mid-Year Review Report 2010/11 - Remit from Policy & Resources Committee** **736**

There was submitted a report by the Corporate Director Regeneration & Environment on a remit from the Policy & Resources Committee of 16 November 2010 on the Mid-Year Review Report on Treasury Management for 2010/11.

**Decided:** that the Council endorse the Mid-Year Review Report on Treasury Management for 2010/11.

**The Provost being of the opinion that the undernoted report by the Head of Legal & Democratic Services was relevant, competent and urgent moved its consideration in terms of the relevant Standing Order to allow the Council to be apprised of the position with regard to the Byelaws prior to their coming into operation. This was agreed unanimously.**

**737 Byelaws for Prohibiting the Consumption of Alcoholic Liquor in Public Places** **737**

There was submitted a report by the Head of Legal & Democratic Services advising that following advertisement of the making of the Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010 by the Council at its meeting on 7 October 2010 no objections had been submitted and that the Scottish Ministers have now confirmed the Byelaws which will come into operation on 20 December 2010.

**Decided:** that it be noted the Scottish Ministers have confirmed the Inverclyde Council (Prohibition of Consumption of Alcoholic Liquor in Designated Places) Byelaws 2010 will come into operation on 20 December 2010.

**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 for the following item on the grounds that the business involved the likely disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7(A) of the Act and the nature of the exempt information in respect of the item thereafter being that defined in the respective paragraphs of Part I of Schedule 7(A) of the Act as detailed in the relevant Minute.**

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**738 Appendix 4 Relative to Agenda Item 10 (Treasury Management - Mid-Year Report 2010/11 - Remit from Policy & Resources Committee) 738**

There was submitted Appendix 4 relative to Agenda Item 10 (Treasury Management - Mid-Year Review Report 2010/11 - Remit from Policy & Resources Committee) on a proposed list of tenderers for Treasury Adviser Services.

**Noted**

**739 Annual Accounts for the Year Ended 31 March 2010 739**

There was submitted a report by the Chief Financial Officer requesting the Council, as Trustees of the Council's Charitable Trusts, to (1) review and approve the annual accounts for the year ended 31 March 2010 and approve their submission to the Office of the Scottish Charity Regulator by the statutory deadline of 31 December 2010, (2) consider progress on the review of the Charitable Trusts and (3) consider the proposal for the independent examination of the 2010 - 2011 accounts.

**Decided:** that the Council, as Trustees of the Council's Charitable Trusts:

(1) note and approve the annual accounts for each charity for the year ended 31 March 2010 and approve their onward transmission to the Office of the Scottish Charity Regulator;

(2) note the progress on the review of the charities' funds set out in Appendix 1 to the report;

(3) approve the reciprocal arrangements at no cost with Argyll & Bute Council for the independent examination of Trust Fund Accounts for 2010 - 2011;

(4) approve, subject to the agreement of the Charity Regulator, transfer of the remaining funds in the RW Robertson Bequest to the Gourock Coal and Benevolent Fund (SCO9881) and thereafter the closing down of the Bequest; and

(5) remit to the Chief Financial Officer in consultation with the Head of Legal & Democratic Services to arrange refresher training for the Trustees.

(Councillor Wilson left the meeting following consideration of this item of business).

**Appendices to Minutes**

**740 Regeneration Committee - 28 October 2010 740**

**Approved** on the motion of Councillor Clocherty.

**741 Appointment Panel - Head of Environmental & Commercial Services - 9 November 2010 741**

**Approved** on the motion of Councillor Moran.

**742 General Purposes Board - 10 November 2010 742**

**Approved** on the motion of Councillor Ahlfeld.

**743 Policy & Resources Committee - 16 November 2010 743**

**Approved** on the motion of Councillor McKenzie.