

THE INVERCLYDE COUNCIL – 4 DECEMBER 2014

The Inverclyde Council

Thursday 4 December 2014 at 4pm

Present: Provost Moran, Councillors Ahlfeld, Brennan, Brooks, Campbell-Sturgess, Clocherty, Dorrian, Jones, Loughran, McCabe, McColgan, McCormick, McEleny, McIlwee, Nelson, Rebecchi, Shepherd and Wilson.

Chair: Provost Moran presided.

In attendance: Chief Executive, Corporate Director Education, Communities & Organisational Development, Corporate Director Environment, Regeneration & Resources, Corporate Director Inverclyde Community Health & Care Partnership, Head of Legal & Property Services, Mr J Kerr (Legal Services), Chief Financial Officer, Head of Environmental & Commercial Services, Environmental Services Manager, Roads, Transport & Waste Collection, Head of Regeneration & Planning, Corporate Policy & Partnership Manager and Corporate Communications Manager.

744 Apologies and Declarations of Interest

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Apologies for absence were intimated on behalf of Councillors Grieve and MacLeod.

Councillor Wilson declared an interest in agenda item 2 (Corlic Hill).

745 Corlic Hill

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There was submitted a report by the Head of Legal & Property Services together with report by the Planning Board on the Pre-Determination Hearing in relation to a planning application by Inverclyde Windfarm Ltd for erection of 8 wind turbines, the construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers and culverts), the formation of a borrow pit, the erection of a sub-station and control building, the formation of a car park and the erection of temporary construction compounds at land north and east of Corlic Hill, Greenock (13/0199/IC) which the Planning Board at the meeting on 5 November 2014 had referred to the Inverclyde Council with the recommendation that planning permission be refused for a number of reasons.

Councillor Wilson declared a non-financial interest in this matter as the Chair of a Group opposing the development of a wind farm on the application site and left the meeting. After discussion, Councillor McEleny seconded by Councillor Campbell-Sturgess moved (1) that the application be referred to the Scottish Ministers recommending that planning permission be granted subject to relevant conditions, Section 75 Agreement(s) and Bond(s) as recommended by the Head of Regeneration & Planning; and (2) that a report on action that can be taken to promote renewable energy be submitted to the Environment & Regeneration Committee.

As an amendment, Councillor Clocherty seconded by Councillor Brennan moved (1) that planning permission be refused as the proposed wind farm may adversely impact on the safe operation of Glasgow Airport and en-route traffic to the detriment of public safety; and (2) that a report on action that can be taken to promote renewable energy be submitted to the Environment & Regeneration Committee.

As a further amendment, Councillor Jones seconded by Councillor Rebecchi moved (1) that planning permission be refused for the following reasons as recommended by the

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Planning Board:-

- (1) as the proposed wind farm may adversely impact on the safe operation of Glasgow Airport and en-route traffic to the detriment of public safety;
 - (2) as it is contrary to Policies ENV1, criterion (b)(i) and ENV2, criterion (i) of the Inverclyde Local Development Plan as it will adversely impact on visual amenity and, in the case of the latter, is not capable of satisfactory mitigation;
 - (3) as it is contrary to Policies ENV2, criterion (f) and INF1, criterion (b) of the Inverclyde Local Development Plan as it will adversely impact on landscape character;
 - (4) as it is contrary to Policy INF1, criterion (c) of the Inverclyde Local Development Plan as it will adversely impact upon neighbouring settlements in terms of their visual outlook and enjoyment of the landscape;
 - (5) as it is contrary to Policy INF1, criterion (d) of the Inverclyde Local Development Plan as it will adversely impact on the enjoyment of the landscape by recreational users of Clyde Muirshiel Regional Park;
 - (6) as it is contrary to Policies INF1, criterion (e), ENV2, criterion (e) and HER6 of the Inverclyde Local Development Plan in that the proposal will have an adverse impact on the setting of the scheduled monument of Lurg Moor Roman Fortlet and Roman Road; and
 - (7) as the visual impact and impact on landscape character of the proposed development would also be contrary to Scottish Natural Heritage guidance on “Siting and Designing Wind Farms in the Landscape”, Scottish Government online guidance “Onshore Wind Turbines” and the Clyde Valley Strategic Development Plan Authority guidance “Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley”; and
- (2) that a report on action that can be taken to promote renewable energy be submitted to the Environment & Regeneration Committee.

On a vote between the two amendments, 4 Members voted for the amendment by Councillor Clocherty and 12 for the amendment by Councillor Jones. The amendment by Councillor Clocherty then fell. On a vote between the amendment by Councillor Jones and the motion, 3 Members voted for the motion and 14 for the amendment which was declared carried.

Decided:

- (1) that planning permission be refused for the following reasons as recommended by the Planning Board:-
 - (1) as the proposed wind farm may adversely impact on the safe operation of Glasgow Airport and en-route traffic to the detriment of public safety;
 - (2) as it is contrary to Policies ENV1, criterion (b)(i) and ENV2, criterion (i) of the Inverclyde Local Development Plan as it will adversely impact on visual amenity and, in the case of the latter, is not capable of satisfactory mitigation;
 - (3) as it is contrary to Policies ENV2, criterion (f) and INF1, criterion (b) of the Inverclyde Local Development Plan as it will adversely impact on landscape character;
 - (4) as it is contrary to Policy INF1, criterion (c) of the Inverclyde Local Development Plan as it will adversely impact upon neighbouring settlements in terms of their visual outlook and enjoyment of the landscape;
 - (5) as it is contrary to Policy INF1, criterion (d) of the Inverclyde Local Development Plan as it will adversely impact on the enjoyment of the landscape by recreational users of Clyde Muirshiel Regional Park;
 - (6) as it is contrary to Policies INF1, criterion (e), ENV2, criterion (e) and HER6 of the Inverclyde Local Development Plan in that the proposal will have an adverse impact on the setting of the scheduled monument of Lurg Moor Roman Fortlet and Roman Road; and

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(7) as the visual impact and impact on landscape character of the proposed development would also be contrary to Scottish Natural Heritage guidance on “Siting and Designing Wind Farms in the Landscape”, Scottish Government online guidance “Onshore Wind Turbines” and the Clyde Valley Strategic Development Plan Authority guidance “Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley”; and

(2) that a report on action that can be taken to promote renewable energy be submitted to the Environment & Regeneration Committee.

Councillor Wilson returned to the meeting at this juncture.

746 Annual Report to Members 2013/14 746

There was submitted a report by the Chief Executive appending the Annual Report to Members 2013/14 issued by Grant Thornton, the Council’s external auditors.

Mr Gary Devlin of Grant Thornton was present, spoke to the report and answered a number of questions from Members.

Decided: that the Council endorse the contents of the Annual Report to Members 2013/14, note that progress on delivering the Action Plan will be tracked via the Audit Committee and that the Council’s thanks to the external auditors and officers be recorded.

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

747 General Purposes Board – 8 October 2014 747

Approved on the motion of Councillor Dorrian.

748 Local Police & Fire Scrutiny Sub-Committee – 9 October 2014 748

Approved on the motion of Councillor Loughran.

749 The Inverclyde Council – 9 October 2014 749

Approved on the motion of Provost Moran.

750 Grants Sub-Committee – 16 October 2014 750

Approved on the motion of Councillor McColgan.

751 Audit Committee – 21 October 2014 751

Approved on the motion of Councillor Rebecchi.

752 Human Resources Appeals Board – 22 October 2014 752

Approved on the motion of Councillor Brooks.

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- 753 Inverclyde Community Health & Care Partnership Sub-Committee – 23 October 2014 753**
Approved on the motion of Councillor McIlwee.
- 754 Environment & Regeneration Committee – 30 October 2014 754**
Approved on the motion of Councillor McCormick.
- 755 Education & Communities Committee – 4 November 2014 755**
Approved on the motion of Councillor Loughran.
- 756 Planning Board – 5 November 2014 756**
Approved on the motion of Councillor Wilson.
- 757 General Purposes Board – 12 November 2014 757**
Approved on the motion of Councillor Dorrian.
- 758 Policy & Resources Committee – 18 November 2014 758**
Approved on the motion of Councillor McCabe.
- 759 Local Review Body – 3 December 2014 759**
Approved on the motion of Councillor Wilson.
- 760 Environment & Regeneration Committee – 4 December 2014 760**
Approved on the motion of Councillor McCormick.
- 761 The Renfrewshire Educational Trust 761**
 There was submitted a report by the Head of Legal & Property Services (1) advising of a reorganisation of the Renfrewshire Educational Trust (the Trust) and (2) seeking to formalise the appointment of 2 Elected Members of the Council as Trustees.
Decided:
 (1) that the Council note the terms of the Renfrewshire Educational Trust Scheme 2014 (the New Scheme) appended to the report; and
 (2) that Councillor Brennan and Councillor Shepherd be appointed as Trustees of the Trust.
- 762 Glasgow and Clyde Valley City Deal: Governance Arrangements 762**
 There was submitted a report by the Head of Legal & Property Services seeking approval for the Council's participation in the establishing of a Joint Committee for the purposes of governing the delivery of the Glasgow and Clyde Valley City Deal.

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Decided: that the Council:

- (1) note the progress which has been made in formalising the structures and processes relative to the delivery of the City Deal;
- (2) approve the establishing of a Joint Committee for purposes of strategic direction and implementation;
- (3) approve the delegated functions of the Cabinet of the Joint Committee and note the implementation arrangements for the City Deal;
- (4) note the timescales and progress being made to finalise the arrangements in discussions with the UK and Scottish Governments;
- (5) approve, in terms of clauses 2.3 and 3.2 of the proposed Constitution, the appointment of the Leader of the Council as the Council's representative on the Joint Committee and that the Depute Leader of the Council be nominated as the Council's substitute representative;
- (6) remit it to the Corporate Director Environment, Regeneration & Resources to establish suitable internal mechanisms for a Project Board to oversee local implementation and progress of City Deal projects and to engage relevant partners; and
- (7) authorise the Chief Executive, in consultation with the Chief Financial Officer and Head of Legal & Property Services, to adjust and negotiate any necessary alterations to the proposed Assurance Framework and Constitution.

763 Effective Democracy: Reconnecting with Communities

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There was submitted a report by the Corporate Director Education, Communities & Organisational Development on the Commission on Strengthening Local Democracy's Report "Effective Democracy: Reconnecting with Communities", which focuses on empowering communities, and setting out seven fundamental principles the Commission believes must underpin Scotland's democratic future.

Decided: that the Council note the content of the "Effective Democracy: Reconnecting with Communities" report from the Commission on Strengthening Local Democracy, that the report be referred to the Policy & Resources Committee and that it be remitted to officers to report on how to strengthen local democracy in Inverclyde and improve and encourage local community involvement in the democratic process.

Councillor McCabe left the meeting at this point.

764 Financial Strategy 2014/2022 - Update

764

There was submitted a report by the Chief Financial Officer seeking approval of the revised Financial Strategy 2014/2022 appended to the report.

Councillor McCabe returned to the meeting during consideration of this item of business.

Decided: that the latest revision of the Financial Strategy 2014/2022 as set out in the appendix to the report be approved.

765 Chief Social Work Officer – Annual Report

765

There was submitted a report by the Corporate Director Inverclyde Community Health & Care Partnership appending the Chief Social Work Officer Annual Report which provides Members with a view on the effective functioning of Social Work Services within Inverclyde as a component of the governance arrangements of the Council and outlines the key challenges faced by the service.

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Decided:

- (1) that the Council note the Chief Social Work Officer report as set out in appendix 1; and
- (2) that it be remitted to the Chief Executive to write to NHS Greater Glasgow & Clyde seeking assurances in relation to the process for the development of a new Health Centre in Inverclyde.

766 Update on Greenock Arts Guild: Beacon Arts Centre 766

It was noted that this item would be considered at a special meeting of the Policy & Resources Committee to be held on 16 December 2014.

767 Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 2) Order 2014 – Remit from Environment & Regeneration Committee 767

There was submitted a report by the Corporate Director Environment, Regeneration & Resources requesting approval of the proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 2) Order 2014.

Decided: that the Inverclyde Council approve the making of the Traffic Regulation Order - The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 2) Order 2014, 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 & Property Services be authorised to take all necessary action in connection therewith.

768 Proposed Traffic Regulation Order – The Inverclyde Council, Gourock Waterfront (Waiting Restrictions) Order 2014 – Remit from Environment & Regeneration Committee 768

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a remit from the Environment & Regeneration Committee of 30 October 2014 requesting approval of the proposed Traffic Regulation Order – The Inverclyde Council, Gourock Waterfront (Waiting Restrictions) Order 2014.

Decided: that the Inverclyde Council approve the making of the Traffic Regulation Order - The Inverclyde Council, Gourock Waterfront (Waiting Restrictions) Order 2014, 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 & Property Services be authorised to take all necessary action in connection therewith.

769 Proposed Traffic Regulation Order – The Inverclyde Council, Gordon Street, Greenock (One Way Only) Order 2014 – Remit from Environment & Regeneration Committee 769

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a remit from the Environment & Regeneration Committee of 30 October 2014 requesting approval of the proposed Traffic Regulation Order – The Inverclyde Council, Gordon Street, Greenock (One Way Only) Order 2014.

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Decided: that the Inverclyde Council approve the making of the Traffic Regulation Order - The Inverclyde Council, Gordon Street, Greenock (One Way Only) Order 2014, 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 & Property Services be authorised to take all necessary action in connection therewith.

770 Proposed Traffic Regulation Order – The Inverclyde Council, Canmore Crescent, Greenock (One Way Only) Order 2014 – Remit from Environment & Regeneration Committee 770

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a remit from the Environment & Regeneration Committee of 30 October 2014 requesting approval of the proposed Traffic Regulation Order – The Inverclyde Council, Canmore Crescent, Greenock (One Way Only) Order 2014.

Decided: that the Inverclyde Council approve the making of the Traffic Regulation Order - The Inverclyde Council, Canmore Crescent, Greenock (One Way Only) Order 2014, 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 & Property Services be authorised to take all necessary action in connection therewith.

771 Proposed Traffic Regulation Order – The Inverclyde Council (Off-Street Parking Places) (Variation No. 2) Order 2014 – Remit from Environment & Regeneration Committee 771

There was circulated a report by the Corporate Director Environment, Regeneration & Resources on a remit from the Environment & Regeneration Committee of 4 December 2014 requesting approval of the proposed Traffic Regulation Order – The Inverclyde Council (Off-Street Parking Places) (Variation No. 2) Order 2014.

Decided: that the Inverclyde Council approve the making of the Traffic Regulation Order - The Inverclyde Council (Off-Street Parking Places) (Variation No. 2) Order 2014, 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 & Property Services be authorised to take all necessary action in connection therewith.

772 Treasury Management – Mid-Year Review Report 2014/15 – Remit from Policy & Resources Committee 772

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a remit from the Policy & Resources Committee of 18 November 2014 on the Mid-Year Review Report on Treasury Management for 2014/15.

Decided: that the Council approve the Treasury Management Mid-Year Review Report 2014/15.

773

Media and Social Media Protocol – Motion by Councillor Brooks

773

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a motion by Councillor Brooks, countersigned by Councillor McEleny, proposing amendments to the Council's Media and Social Media Protocol which had been submitted in accordance with Standing Order 22 in the following terms:-

"In order to ensure that –

1. all information and advice properly given by Officers is available to all Members of the Council
2. and to prevent any democratic deficit by use of this information for political advantage through its prior awareness by reason of the pre-agenda purpose

we move that the Council's media and social media protocol be amended to require –

1. any non-urgent press release in respect of the Council's business be distributed to all Members at least 24 hours prior to distribution to the press and media; and
2. any press contact by Conveners of committees following upon the publishing of any committee agenda be withheld for a period of at least 24 hours from the time of issue of the agenda.

The Council's media and social media protocol was approved in December 2013 and it states that press releases distributed to the press and media will also be distributed to Councillors and the Corporate Management Team. This distribution will take place at the same time as press releases are distributed to the press and media and usually when the press release is published on the Council website. The Administration is aware of Council business in advance through the pre-agenda process and this promotes a democratic deficit for the other Members of the Council and this motion assists all Members by giving them a more reasonable chance and timescale to consider reports from the date of publication of the committee agenda. This motion also assists all Members by giving them an opportunity to consider any non-urgent Council press release a reasonable time in advance.

The Councillors' Code says that all political groups need to recognise that information and advice given by Officers should be used "to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued."

As an amendment, Councillor Rebecchi seconded by Councillor Shepherd moved that scrutiny of the Council's Media and Social Media Protocol be remitted to the Policy & Resources Committee including revisiting local ward Members' involvement in activities and events within their wards and informing local ward Members of matters relating to their ward.

On a vote, 6 Members voted for the motion and 12 for the amendment which was declared carried.

Decided: that scrutiny of the Council's Media and Social Media Protocol be remitted to the Policy & Resources Committee including revisiting local ward Members' involvement in activities and events within their wards and informing local ward Members of matters relating to their ward.

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774 Fracking – Motion by Councillor McEleny

774

There was submitted a report by the Corporate Director Environment, Regeneration & Resources on a motion by Councillor McEleny, countersigned by Councillor Brooks, making proposals in relation to fracking which had been submitted in accordance with Standing Order 22 in the following terms:-

“In order to ensure that –

1. Fracking is not carried out underneath the property of both Inverclyde Council and the people that live in Inverclyde without the right to be consulted and object.
2. Inverclyde Council’s views are expressed in writing to both the UK and Scottish Governments.

We move that –

1. The Chief Executive writes to the Rt. Hon. Edward Davey MP UK Government Secretary of State for Energy and Climate Change to express the concern of Inverclyde Council that the Westminster Government plans to allow underground drilling rights beneath people’s homes to be granted without any right to object or even be notified.

2. Inverclyde Council supports the approach taken by the Scottish Government and notes that further devolution of powers over energy would better allow people in Scotland and local councils to make decisions on Fracking themselves.

The UK Department of Energy and Climate Change has announced proposals to grant automatic underground drilling access to energy companies, in spite of Scottish Government and public opposition, and with no right of appeal or notification for the people who live on the land above such drilling.

It is utterly unacceptable that the Westminster Government plans to allow underground drilling rights beneath people’s homes to be granted without any right for people to object or even be notified.

The Scottish Government and people across Scotland and indeed the UK, have told the Westminster Government they are wrong, but as usual they are simply not listening.

The approach being taken by the Westminster Government to fracking stands in stark contrast to the cautious, considered and evidence based approach being taken in Scotland, and further underlines why energy policy should be devolved to Scotland.”

Decided: that a detailed report on the implications of Councillor McEleny’s motion be submitted to the Environment & Regeneration Committee.

Appendices to Minutes

775 Human Resources Appeals Board – 22 October 2014

775

Approved on the motion of Councillor Brooks.

776 Inverclyde Community Health & Care Partnership Sub-Committee – 23 October 2014

776

Approved on the motion of Councillor McIlwee.

777 Environment & Regeneration Committee – 30 October 2014

777

Approved on the motion of Councillor McCormick.