

**MINUTE**  
of  
**EAST RENFREWSHIRE COUNCIL**

**Minute of Meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock on 25 March 2015.**

**Present:**

Provost Alastair Carmichael	Councillor Ian McAlpine
Councillor Tony Buchanan	Councillor Gordon McCaskill
Councillor Danny Devlin	Councillor Stewart Miller
Councillor Jim Fletcher (Leader)	Councillor Paul O’Kane
Councillor Charlie Gilbert	Councillor Tommy Reilly
Councillor Barbara Grant	Councillor Ralph Robertson
Councillor Elaine Green	Councillor Gordon Wallace
Councillor Kenny Hay	Councillor Vincent Waters
Councillor Alan Lafferty	

Provost Carmichael in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Julie Murray, Director of Community Health and Care Partnership; Mhairi Shaw, Director of Education; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Jim Sneddon, Head of Democratic and Partnership Services; Andy Corry, Head of Environment (Environmental Services and Roads); Iain Maclean, Head of Environment (Planning, Property and Regeneration); David Miller, Head of Revenue Services; Gillian McCarney, Planning and Building Standards Manager; Eamonn Daly, Democratic Services Manager; and Paul O’Neil, Committee Services Officer.

**Apologies:**

Deputy Provost Betty Cunningham; and Councillors Mary Montague and Jim Swift.

**Urgent Item of Business**

**Provost Carmichael gave notice that he had accepted an additional item of business as urgent on the grounds of the need to notify the Council of the successful receipt of a COSLA award by Roads and Transportation Services.**

**DECLARATIONS OF INTEREST**

**1459.** There were no declarations of interest intimated.

### **COSLA BEST TEAM AWARD – BIKEABILITY PROJECT**

**1460.** Provost Carmichael reported that at the recent COSLA Awards, East Renfrewshire Council were awarded a special award for Best Team for the Bikeability project. This was a major achievement for the Council and the first major COSLA Award for many years.

Thereafter Councillor Buchanan, Convener for Infrastructure and Sustainable Development was heard to congratulate Ralston Mackenzie, the project's lead officer, and the rest of the project team.

The Council congratulated the team on their success in winning the award.

### **MINUTE OF PREVIOUS MEETING**

**1461.** The Council considered and approved the Minute of the meeting held on 12 February 2015 subject to the following amendment being made:-

#### **Housing Revenue Account – Rent Setting 2015/16 – 2017/18**

Under reference to the item on the Housing Revenue Account – Rent Setting 2015/16 – 2017/18 (Page 1337, Item 1417 refers), Councillor Robertson stated that had expressed concern about the 4.9% increase that would take effect from April 2015 together with other increases of 4.9% being applied in April 2016 and April 2017 and this had not been recorded in the Minute.

### **MINUTE OF PREVIOUS MEETING**

**1462.** The Council considered and approved the Minute of the special meeting held on 25 February 2015.

### **MINUTES OF MEETINGS OF COMMITTEES**

**1463.** The Council considered and approved the Minutes of the meetings of the undernoted, except as otherwise referred to in Items 1464 and 1465 below:-

- (a) Cabinet – 19 February 2015;
- (b) Special Planning Applications Committee – 25 February 2015;
- (c) Cabinet (Police and Fire) – 26 February 2015;
- (d) Licensing Committee – 3 March 2015;
- (e) Audit and Scrutiny Committee – 5 March 2015;
- (f) Planning Applications Committee – 11 March 2015; and
- (g) Local Review Body – 11 March 2015.

#### **SPECIAL APPLICATIONS COMMITTEE – 25 FEBRUARY 2015 – PRE-DETERMINATION HEARING – ERECTION OF RETIREMENT RESIDENTIAL COMMUNITY 320 APARTMENTS (IN TOTAL), 66 BED CARE HOME AND MULTI PURPOSE VILLAGE CENTRE THAT INCLUDES APARTMENTS AND RESIDENTIAL ROOMS WITH THE FORMATION OF A NEW ACCESS ROAD FROM AURS ROAD AT NETHERPLACE WORKS, 180 NETHERPLACE ROAD, NEWTON MEARN (REF NO: 2014/0372/TP) BY WHITECRAIGS DEVELOPMENTS LIMITED**

**1464.** Under reference to the Minute of the special meeting of the Planning Applications

Committee of 25 February 2015 (Page 1349, Item 1434 refers) when the Planning Applications Committee agreed to **recommend to the Council** that the Council be disposed to grant the application, subject to the:-

- (a) conditions detailed in the report; and
- (b) conclusion of a legal agreement relating to affordable housing contributions and developer contributions.

Councillor Grant expressed concern about the Council's decision to approve the application given that the re-designation of the site from Industrial to Housing had not been supported by the proposed LDP Examination Report. She believed that the Council had set a precedent by granting planning permission and that further applications for development might be submitted in the future. Concluding her remarks, she sought clarification as to what would happen in the event that the developers decided not to proceed with the proposed development and whether the site could be developed for housing.

In reply, the Planning and Building Standards Manager explained that the Council had not set a precedent by approving the planning application as the proposal was not a mainstream residential development but a development of a retirement village with occupancy controlled by legal agreement and was a brownfield site. In addition this was the only brownfield former factory site on the west side of the M77. As such the application was not considered to be contrary to the LDP. It was further explained that Councillor McAlpine had expressed similar reservations at the meeting, and these and the explanation given at the time had been recorded in the Minute of the special meeting.

At this stage, Councillor McAlpine drew Councillor Grant's attention to page 1354 of the Minute which detailed the concerns he had expressed at the meeting and that he had been reassured that no precedent would be set by the Planning Applications Committee recommending to the Council the approval of the application.

In reply to a question by Councillor Robertson, the Planning and Building Standards Manager stated that mainstream housing at the site had not been approved and that in the event that the proposed development did not proceed, any prospective developer would require to submit a planning application for consideration.

The Council noted the position.

## **CABINET (POLICE AND FIRE) – 26 FEBRUARY 2015**

**1465.** Under reference to the Minute of the meeting of the Cabinet (Police and Fire) of 26 February 2015 (Page 1357, Item 1439 refers), when the Cabinet (Police and Fire) noted the performance report for the third quarter of financial year 2014/15 of Police Scotland, Councillor Grant stated that she understood that at the meeting, Chief Superintendent Bates had been asked a question about the proposal to allow the sale of alcohol in Scottish football grounds and that Councillor Montague had not allowed him to answer the question.

In reply, the Democratic Services Manager explained that the remit of the Cabinet (Police and Fire) was to scrutinise the performance of Police Scotland and the Scottish Fire and Rescue Service in terms of the local police and fire plans and not to consider national policy matters.

Councillor Grant suggested that the remit of the Cabinet (Police and Fire) was in her opinion too narrow in the course of which Councillor Robertson wondered whether other matters could be included in future agendas.

1384

In reply, the Chief Executive stated that consideration could be given to this matter in the future.

The Council noted the position.

### **PROVOST'S ENGAGEMENTS**

**1466.** The Council considered and noted a report by the Deputy Chief Executive, providing details of civic engagements attended by and civic duties performed by Provost Carmichael since the last meeting.

### **STATEMENTS BY CONVENER**

**1467.** Provost Carmichael intimated that no statements had been received.

### **STATEMENTS BY REPRESENTATIVES ON JOINT BOARDS/COMMITTEES AND COMMUNITY JUSTICE AUTHORITY**

**1468.** Provost Carmichael intimated that no statements had been received.

### **INTEGRATION JOINT BOARD - INTERIM ARRANGEMENTS**

**1469.** Under reference to the Minute of meeting of 11 December 2013 (Page 814, Item 864 refers), when it had been agreed to endorse the proposed interim transition arrangements from a CHCP to a Health and Social Care Partnership, including adjustments to the Scheme of Establishment, and to recommend to the health board and Council that the arrangements be approved, the Council considered a report by the Deputy Chief Executive, advising of the need for interim governance arrangements relating to the introduction of the Health and Social Care Partnership Integration Joint Board and seeking approval to a continuation of existing transition arrangements until the Board was in place.

The report highlighted that in line with the above decision it had been agreed that the CHCP Committee would perform the role of the "shadow" Integration Joint Board (IJB) for 2014/15 using the existing membership and Standing Orders. This decision was made on the assumption that all the necessary arrangements would be in place by 1 April 2015 to allow the Order establishing the IJB to be made and for the Integration Joint Board to take on its substantive role.

However, due to continuing lengthy negotiations with the Scottish Government over the Scheme of Establishment, the Integration Joint Board would not be ready to begin operating from 1 April 2015. As part of the legislative process around the introduction of IJBs, the legislation removing CH(C)Ps from the statute books with effect from 1 April 2015 had already been passed. Consequently, some other alternative mechanism needed to be introduced on an interim basis to allow for the transition from CH(C)Ps to IJBs to be completed.

It was noted that the matter had already been considered by the Health Board at its meeting in February 2015 and that as CH(C)Ps would no longer exist after 1 April, the Board was able to establish sub-committees and operational management arrangements as it saw fit.

In view of this, the Health Board had approved a proposal confirming that the current CH(C)P Committees were migrated to oversight sub-committees of the Board and that

Partnership Directors continued with their operational responsibilities until Chief Officers were formally appointed by the IJBs when established. It was noted that it had already been agreed that for the East Renfrewshire IJB, the CHCP Director would assume the role of Chief Officer. In moving to these arrangements the Board also recognised that any arrangements adopted needed to make provision for participation by those councillors who were to be members of the IJB.

The report also highlighted that Councillor Swift had tendered his resignation from the CHCP Committee and that the Council was being asked to give consideration whether, in view of the imminent commencement of the IJBs there was any need for the CHCP Committee vacancy to be filled at this time. Furthermore, the appointment of the 2 proxy positions had been continued from the meeting of the Council on 12 February and nominations for these positions were now being sought.

The Council:-

- (a) agreed to the proposal from the Health Board that the current CHCP Committee migrate to an oversight Sub Committee of the Board and continue until the formal introduction of the new Integration Joint Board;
- (b) noted Councillor Swift's resignation from the CHCP Committee;
- (c) agreed not to appoint a replacement for Councillor Swift; and
- (d) agreed Councillors Green and Reilly be appointed as the 2 proxy members on the Integration Joint Board.

## **EAST RENFREWSHIRE LOCAL DEVELOPMENT PLAN**

**1470.** The Council considered a report by the Director of Environment, providing an update in relation to the Local Development Plan (LDP) Examination Report, the modifications promoted by the Directorate for Planning and Environmental Appeals (DPEA) Reporter and seeking approval to proceed to adopt the Modified Plan.

The report explained that the Plan had been subject to public consultation for 12 weeks during the period February to May 2013 and that a further modification stage was subject to consultation during the period October to November 2013. The proposed Plan, representations and all supporting information were submitted to the Scottish Ministers on 25 April 2014 for Examination.

Whilst noting that the Examination Report had been received by the Council on 27 January 2015, taking approximately 9 months from submission by the Council to conclusion, the report highlighted that the examination was conducted with very few requests for additional/further information by the DPEA Reporters and there was no requirement for a Public Hearing on any of the 17 issues under examination.

The report highlighted that in the majority of the issues, the Reporters had agreed with the approach taken by the Council in preparing the Plan. Overall, the Reporters had made only minor modifications to the Plan, involving mainly changes to text and policies to assist with clarity and understanding. It was noted that this could largely be attributed to the robust evidence and justification that was prepared to support the proposed Plan and the Council's case at examination.

Furthermore, the report highlighted that the Reporters provided a full and positive endorsement of the development strategy and vision, which was described as transparent,

deliverable and robust. The housing land supply was viewed as being generous with no numerical justification to allocate further sites for private development. No new sites in the Green Belt were required to be released. The Reporters also stated support for the master plan approach and for the proposals at Maidenhill, Barrhead South and Barrhead North and support for the approach towards development contributions, affordable housing and housing mix which was viewed as proportionate and realistic.

The report also emphasised that the Reporters' recommendations were largely binding and that planning authorities could only depart from recommendations in specific circumstances. The Reporters' conclusions and recommendations had been carefully considered and officers were content with the modifications proposed.

The report proposed that the Council approve in full the proposed modifications as outlined in the Examination Report and submit the Plan to Scottish Ministers. It was noted that 28 days after the Plan had been submitted to Scottish Ministers, the Council might adopt the Plan unless directed by Ministers not to do so. Any legal challenge to the adoption of the Plan must be made within 6 weeks of the adoption date. Furthermore, the adoption of the Plan would provide the Council with a development strategy that would guide the future sustainable growth of East Renfrewshire up to 2025 and beyond and provide the appropriate basis for determining future planning applications.

Councillor Grant referred to the proposed wording of Policy D1 and stated that she would like the wording strengthened to include the following wording:- "...digital infrastructure must be put forward".

In reply, the Planning and Building Standards Manager referred Councillor Grant to paragraph 13 of the report which outlined the circumstances in which planning authorities might depart from recommendations and stated that unless the Council was in a position to comply with the 4 points listed in the report, the Council was not able to depart from the recommendations.

Councillor Grant sought clarification whether the Council could attach a condition to future planning consents requiring developers to have the necessary digital infrastructure in place at the start of a development, in reply to which the Planning and Building Standards Manager stated that this could be discussed with developers as part of pre-application discussions in the future.

Councillor Buchanan stated that he shared Councillor Grant's concerns highlighting the problems of achieving connections for telephones/broadband and stated that it would far easier to have the necessary infrastructure in place at the start of a development rather than at the end.

The Council:-

- (a) agreed the summary of the Reporter's recommendations to the Local Development Plan;
- (b) approved the East Renfrewshire Local Development Plan in the form intended for adoption and the accompanying revised Strategic Environmental Assessment;
- (c) authorised the Director of Environment to undertake the required statutory requirements including notifications and advertisements and submission to Scottish Ministers;

- (d) agreed that delegated powers be granted to the Director of Environment to approve any minor inconsequential changes to the Plan that were in line with Council policy, prior to submission to Scottish Ministers; and
- (e) agreed that the Director of Environment be authorised to adopt the Plan, subject to there being no adverse comments from the Scottish Ministers.

## **LOCAL DEVELOPMENT PLAN - SUPPLEMENTARY PLANNING GUIDANCE**

**1471.** The Council considered a report by the Director of Environment, providing an update in relation to the progress with the 14 Supplementary Planning Guidance (SPG) documents and seeking approval to submit the documents to Scottish Ministers for approval alongside the Local Development Plan.

The report explained that the Supplementary Planning Guidance provided context and detail and was an important tool in the development management process. It was noted that when adopted, the guidance would form a statutory part of the Local Development Plan.

The report also highlighted that a number of the SPG documents had been prepared and consulted upon at various stages in the Plan preparation process as set out in the report. Furthermore, each SPG proposal had been reviewed to factor in any changes resulting from the LDP Examination and officers also had made some minor changes to reflect responses received during the consultation exercise.

Whilst noting that a copy of each SPG and a statement setting out the publicity measures undertaken would be submitted to the Scottish Ministers together with the representation summary and responses, the report indicated that 28 days after the SPG had been submitted to Scottish Ministers, the Council might adopt the guidance unless directed by Ministers not to do so.

Councillor O’Kane referred to the Neilston Infill Development Strategy and the proposals to relocate Neilston Juniors Football Club to another site. He acknowledged that the proposal was an aspiration of the Council and sought clarification as to what action would be taken in the event that the football club did not want to move from its current site.

In reply, the Planning and Building Standards Manager explained that the documents were simply guidance and that most of the proposals had been received from the local community following the consultation exercise. Concluding her remarks, she emphasised that should the football club not want to move it did not have to.

The Council:-

- (a) approved the proposed responses and recommendations to the representations;
- (b) approved the submission of the Finalised Supplementary Planning Guidance to Scottish Ministers for Adoption; and
- (c) agreed that delegated powers be granted to the Director of Environment to approve any minor inconsequential changes to the documents, in line with Council policy, prior to submission to Scottish Ministers.

## **CLYDEPLAN STRATEGIC DEVELOPMENT PLAN – MAIN ISSUES REPORT**

**1472.** The Council considered a report by the Director of Environment, advising of the Strategic Development Plan (SDP) Main Issues Report which had been approved for publication and consultation, highlighting the main issues relating to East Renfrewshire and seeking approval to submit comments as the basis of the Council's response to the Main Issues Report.

Whilst noting that the Main Issues Report (MIR) and associated reports were published on 30 January 2015 for an 8 week period of consultation which ended on 27 March 2015, the report highlighted that the MIR formed an important stage in the review of the approved Strategic Development Plan (SDP)(2012).

The Council's LDP would need to conform to the SDP and was intended to apply a local interpretation of the vision and strategy of the SDP document. Furthermore, the MIR set out a series of options and alternatives for developing a longer term strategic planning framework for the Clydeplan area up to 2035 focused upon 7 main issues. Details of the Council's proposed response to the MIR were outlined in the report.

In summary, the vision and strategy of the MIR were welcomed. The MIR sought to promote an integrated land use and transport strategy focusing on recycling vacant sites, delivering a low carbon economy and improving connectivity and the public transport network. This approach accorded with the Council's local policy aspirations. It was noted that a strategy of 'sustained growth' had been chosen as the preferred and most realistic and deliverable approach and this was recommended to the Council.

The report also highlighted that a refreshed housing need and demand assessment (HNDA) had also been prepared. The MIR concluded that the existing established land supply was more than sufficient to meet housing need and demand by 2029, including a level of generosity required by Scottish Planning Policy. This would therefore mean that little change would be required to the housing strategy in the proposed SDP and in turn equally for the Council's review of its Local Development Plan in due course.

Furthermore, it was noted that the strategic recognition of the Green Network and the M77 Corridor project within the MIR were welcomed. Both of these strategies were key to the Council's Local Development Plan. The proposed SDP provided further recognition at a local level to these key projects.

The report recommended that the Council support the approach taken towards establishing a special framework that would direct renewal energy proposals to the most appropriate locations. Officers would prepare revised Supplementary Planning Guidance at a local level to accord with this approach. Following consideration of the comments received on the MIR, the Clydeplan team would prepare a proposed SDP, which was scheduled for February 2016 and would be subject to further consultation.

The Council:-

- (a) noted the publication of the Clydeplan Main Issues Report; and
- (b) approved the terms of the report as the Council's response to the Clydeplan Main Issues Report.



## **WEBCASTING OF COUNCIL MEETINGS**

**1473.** The Council considered a report by the Deputy Chief Executive, seeking approval to introduce webcasting of Council meetings and install a compatible microphone system in the Council Chamber.

The report highlighted that the introduction of webcasting in the Council Chamber would help to encourage engagement in the democratic process, the report highlighted that it would allow people who were either physically unable to attend meetings of the Council, or were unable to attend due to demand for limited places in the public gallery, to view proceedings as they happened. The archive facility would also allow any interested parties to view a meeting after the event.

The Council:-

- (a) approved the introduction of webcasting of Council meetings in the Council Chamber; and
- (b) approved the lease and installation of a webcasting service in the Council Chamber for an initial period of 3 years; and the renewal of the microphone system.

## **SCHEME OF MEMBER SALARIES AND EXPENSES 2015/16**

**1474.** The Council considered and approved a report by the Deputy Chief Executive on the Scheme of Member Salaries and expenses 2015/16. A copy of the scheme for Members' remuneration and expenses 2015/16 was appended to the report.

## **THE EAST RENFREWSHIRE COUNCIL (DISABLED PERSONS PARKING BAYS)(ON-STREET PARKING) ORDER 2015**

**1475.** The Council considered a report by the Director of Environment seeking approval and authorisation to the making of the East Renfrewshire Council (Disabled Persons Parking Bays) (On-Street Parking) Order 2015.

The report explained that the Disabled Persons' Parking Places (Scotland) Act 2009 required local authorities in Scotland to designate and control the use of all disabled persons' parking spaces by making a Traffic Regulation Order in terms of the Road Traffic Regulation Act 1984.

The Council:-

- (a) approved and authorised the making of the East Renfrewshire Council (Disabled Persons Parking Bays)(On-Street Parking) Order 2015; and
- (b) agreed that delegated powers be granted to the Director of Environment to arrange the implementation of the Order in accordance with the associated statutory procedures.

**THE EAST RENFREWSHIRE COUNCIL (DISABLED PERSONS PARKING BAYS) (OFF-STREET PARKING) ORDER 2015**

**1476.** The Council considered a report by the Director of Environment, seeking approval and authorisation to the making of the East Renfrewshire Council (Disabled Persons Parking Bays)(Off-Street Parking) Order 2015.

The report explained that the Disabled Persons' Parking Places (Scotland) Act 2009 required local authorities in Scotland to designate and control the use of all disabled persons' parking spaces by making and confirming a Traffic Regulation Order as per the Road Traffic Regulation Act 1984.

The Council:-

- (a) approved and authorised the making of the East Renfrewshire Council (Disabled Persons Parking Bays) (Off-Street Parking) Order 2015; and
- (b) agreed that delegated powers be granted to the Director of Environment to arrange the implementation of the Order in accordance with the associated statutory procedures.

PROVOST