

THE INVERCLYDE COUNCIL – 23 SEPTEMBER 2021

The Inverclyde Council

Thursday 23 September 2021 at 4pm

Present: Provost Brennan, Councillors Ahlfeld, Brooks, Clocherty, Crowther, Curley, Jackson, MacLeod, McCabe, McCormick, C McEleny, J McEleny, McKenzie, McVey, Moran, Murphy, Nelson, Quinn, Rebecchi, Robertson and Wilson.

Chair: Provost Brennan presided.

In attendance: Chief Executive, Interim Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership, Corporate Director Education, Communities & Organisational Development, Interim Service Director Corporate Services & Organisational Recovery, Interim Service Director Environment & Economic Recovery, Interim Head of Legal Services, Interim Head of Public Protection & Recovery, Head of Organisational Development, Policy & Communications, Interim Head of Property Services, Ms K Macvey, Mr C MacDonald and Ms D Sweeney, (Legal Services), ICT Services Manager and Service Manager, Communications, Tourism and Health & Safety.

The meeting was held at the Municipal Buildings, Greenock with Councillors Ahlfeld, Clocherty, Crowther, Curley, Jackson, MacLeod, McCabe, McCormick, C McEleny, J McEleny, McKenzie, McVey, Moran, Murphy, Quinn, Rebecchi and Robertson attending by video-conference

374 Apologies and Declarations of Interest 374

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

No declarations of interest were intimated.

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

375 Appointment Panel – Chief Executive – 24 May 2021 375

Approved on the motion of Councillor McCabe.

376 General Purposes Board – 9 June 2021 376

Approved on the motion of Councillor Quinn.

377 The Inverclyde Council – 10 June 2021 377

Approved on the motion of Provost Brennan.

378 Appointment Panel – Chief Executive – 11 June 2021 378

Approved on the motion of Councillor McCabe.

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379	The Inverclyde Council (Special) – 16 June 2021	379
	Approved on the motion of Provost Brennan.	
380	Appointment Panel – Chief Executive – 16 June 2021	380
	Approved on the motion of Councillor McCabe.	
381	Environment & Regeneration Committee (Special) – 23 June 2021	381
	Approved on the motion of Councillor McCormick.	
382	Policy & Resources Committee (Special) – 24 June 2021	382
	Approved on the motion of Councillor McCabe.	
383	Audit Committee – 8 July 2021	383
	Approved on the motion of Councillor Rebecchi.	
384	General Purposes Board (Special) – 13 July 2021	384
	Approved on the motion of Councillor Quinn.	
385	General Purposes Board (Special) – 4 August 2021	385
	Approved on the motion of Councillor Quinn.	
386	Planning Board (Special) – 4 August 2021	386
	Approved on the motion of Councillor Wilson.	
387	Policy & Resources Committee – 10 August 2021	387
	Approved on the motion of Councillor McCabe.	
388	Health & Social Care Committee – 19 August 2021	388
	Approved on the motion of Councillor Moran.	
389	Environment & Regeneration Committee – 26 August 2021	389
	Approved on the motion of Councillor McCormick.	
390	Education & Communities Committee – 31 August 2021	390
	Approved on the motion of Councillor Clocherty.	
391	Planning Board – 1 September 2021	391

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Approved on the motion of Councillor Wilson.

392 Local Review Body – 1 September 2021 392

Approved on the motion of Councillor Wilson.

393 General Purposes Board – 8 September 2021 393

Approved on the motion of Councillor Quinn.

394 Policy & Resources Committee – 14 September 2021 394

Approved on the motion of Councillor McCabe.

395 Local Police & Fire Scrutiny Committee – 16 September 2021 395

Approved on the motion of Councillor McVey.

396 Scheme of Administration – Political Balance 396

There was submitted a report by the Interim Head of Legal Services advising of the necessary requirements to ensure political balance on Committees, Sub-Committees, Boards and Outside Bodies, where appropriate, following the resignation from the Scottish National Party (SNP) of Councillor J McEleny who has joined the Alba Party and intends to represent the Alba Party in Ward 3.

The Interim Head of Legal Services advised the Committee of a typographical error in Appendix 2 of the report and, accordingly, the reference to '4' SNP members of the Policy & Resources Executive Sub-Committee should read '2' SNP members.

Decided:

- (1) that the terms of the report be noted;
- (2) that approval be given to the re-balancing of Committees as detailed in Appendix 1 of the report; and
- (3) that the membership of the Committees, Sub-Committees, Boards and Outside Bodies will be adjusted as follows:

Policy & Resources Committee –

Councillor Crowther (SNP) off – Councillor J McEleny (Alba Party) on
Environment & Regeneration Committee –

No change

Health & Social Care Committee –

Councillor J McEleny will remain on the Committee and will represent the Alba Party

Audit Committee –

Councillor J McEleny will remain on the Committee and will represent the Alba Party

Education & Communities Committee –

No change

General Purpose Board –

Councillor J McEleny will remain on the Board and will represent the Alba Party

Councillor C McEleny (Alba Party) off – Councillor Crowther (SNP) on

Planning Board –

Councillor J McEleny will remain on the Board and will represent the Alba Party

Local Police & Fire Scrutiny Committee –

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Councillor J McEleny will remain on the Committee and will represent the Alba Party
 Councillor C McEleny (Alba Party) off – Councillor Nelson (SNP) on
 Policy & Resources Sub-Executive Committee –
 Councillor Curley (SNP) off – Councillor J McEleny (Alba Party) on
 Inverclyde Leisure –
 Councillor J McEleny (Alba Party) off – Councillor Curley (SNP) on

397 Future Delivery of Council/Committee Meetings

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There was submitted a report by the Interim Service Director Corporate Services & Organisational Recovery providing an update on the initial hybrid Committee meetings and seeking decisions on the future delivery of Council/Committee meetings.

Following discussion, Councillor McCabe, seconded by Councillor Clocherty, moved that (a) the recommendations contained in the report be agreed; (b) approval be given to Option 2 (record meetings using current equipment and place on Council website) as detailed in paragraph 6.4 of the report; and (c) it be remitted to officers to undertake a review of the operation of Council/Committee Meetings and to submit a further report on the findings of the review in 12 months time.

As an amendment, Councillor J McEleny, seconded by Councillor C McEleny, moved that (a) the recommendations contained in the report be agreed; and (b) approval be given to Option 3 (record meetings using enhanced technology and place on Council website) as detailed in paragraph 6.4 of the report.

Following a roll call vote, 2 Members, Councillors C McEleny and Councillor J McEleny voted in favour of the amendment, and 19 Members, Provost Brennan, Councillors Ahlfeld, Brooks, Clocherty, Crowther, Curley, Jackson, MacLeod, McCabe, McCormick, McKenzie, McVey, Moran, Murphy, Nelson, Quinn, Rebecchi, Robertson and Wilson voted in favour of the motion which was declared carried.

Decided:

- (1) that the successful implementation of hybrid Committee meetings be noted;
- (2) that approval be given to holding all meetings of the Council, Committees, Sub-Committees and Boards on a hybrid basis except when (a) the Chair/Vice-Chair or Convenor/Vice-Convenor is unable to attend the meeting in person; or (b) holding a hybrid meeting would be contrary to the legislation/regulations/guidance of the Scottish Government relating to the Covid-19 pandemic with regard to public health and the requirement for social distancing measures;
- (3) that approval be given to Option 2 (record meetings using current equipment and place on Council website) as detailed in paragraph 6.4 of the report;
- (4) that approval be given to (a) the Revised Remote Meeting Procedure and Protocols for fully remote meetings as detailed in Appendix 2 of the report; and (b) the new Protocol for Hybrid Meetings as detailed in Appendix 1 of the report;
- (5) that it be noted that Officers will continue to investigate how the ventilation and operation of hybrid meetings with the Council Chambers can be improved; and
- (6) that it be remitted to officers to undertake a review of the operation of Council/Committee Meeting and to submit a further report on the findings of the review in 12 months time.

398 COP26 Update

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There was submitted a report by the Interim Service Director Environment & Economic Recovery providing an update on the arrangements for the United Nations Climate Change Conference of Parties 26 (COP26) and how these are likely to affect

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Inverclyde.

Decided: that the content of the report be noted.

399 Councillor Brooks – Resignation from River Clyde Homes Board 399

There was submitted a report by the Interim Head of Legal Services (1) advising of the resignation of Councillor Brooks from the Board of River Clyde Homes and (2) requesting that the Council appoint a Member to serve on that body in his place. (Councillor Rebecchi left the meeting during consideration of this item of business).

Decided: that Councillor C McEleny be appointed to serve on the Board of River Clyde Homes in place of Councillor Brooks

400 Review of Bank and Post Office Closures – Notice of Motion by Councillor MacLeod 400

There was submitted a report by the Interim Head of Legal Services advising of the receipt of a Notice of Motion by Councillor MacLeod, countersigned by Councillor Curley, submitted in terms of Standing Order 22, in the following terms, as amended at the meeting:

“Council notes with great concern the bank branch and post office closures across Port Glasgow over the past few years.

Inverclyde now only has one RBS branch. In Port Glasgow the RBS, Clydesdale and TSB have all closed their branches.

These closures have a very real impact on vulnerable members of our community who need access to banking and postal services.

We understand that banks are entitled to make commercial decisions which result in branch closures, however this is often detrimental to people's ability to access cash.

Recent research conducted by Which found that almost 10 million people in the UK were not ready to stop using cash while over half of those aged 65 plus still do not use internet banking.

Access to cash is vital to local economic recovery especially post-pandemic.

Therefore Council believes that the UK Government should introduce legislation which acknowledges that banks have a responsibility to ensure the local community and businesses can access cash and banking services. This legislation could also protect our vital post offices by mandating that banks provide their banking services via the already established and regulated post office network.

This motion:

Requests that Inverclyde Council reviews bank and post office closures across Inverclyde over the past 5 years.

Requests that the Chief Executive writes to the relevant minister stating the concern of the Council with respect to the above in relation to the impact on the local economy, on the well-being of the local community and requesting nationwide legislation to mandate that banks provide banking services via the post office network when local branches close and in order to ensure free access to cash.”

Decided: that the notice of motion by Councillor MacLeod, as amended at the meeting and set out above, be agreed.

401 Women Against State Pension Inequality Campaign – Notice of Motion by Councillor McCabe 401

There was submitted a report by the Interim Head of Legal Services advising of the

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receipt of a Notice of Motion by Councillor McCabe, countersigned by Councillor Clocherty, submitted in terms of Standing Order 22, in the following terms:

“Council welcomes the findings of stage one of the Parliamentary and Health Service Ombudsman’s investigation into the way the Department for Work and Pensions (DWP) communicated changes to women’s State Pension age, and related issues.

The Ombudsman found that in 2005 DWP failed to make a reasonable decision about targeting information to the women affected by these changes and that constituted maladministration. The Ombudsman also found that in 2006 DWP proposed writing to women individually to tell them about changes to State Pension age but it failed to act promptly and that was also maladministration.

Council notes that stage two of the Ombudsman’s investigations will consider whether the failings identified led to an injustice for the complainants and, if so, stage three will consider potential remedies for this injustice, including financial compensation.

Council reaffirms our support for the WASPI (Women Against State Pension Inequality) Campaign and commends the WASPI Inverclyde Supporter Group and similar groups across the UK for continuing to campaign for justice for women adversely affected by changes to state pension legislation.”

Decided: that the notice of motion by Councillor McCabe be agreed.

402 Community Group Lease and Transfer Arrangements – Request by Councillor Ahlfeld 402

There was submitted a report by the Interim Head of Legal Services advising of a request received from Councillor Ahlfeld in the following terms:

“To request a full report from relevant Officers on the problems being encountered, and the time parameters involved, in finalising community leases and asset transfers.”

Following discussion, 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 to allow Council to discuss matters relating to community group lease and transfer arrangements on the grounds that this involved the likely disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 7(A) of the Act.

Following consideration of and discussion on these matters, the meeting returned to public session.

Decided: that it be remitted to officers to provide a report to a future meeting of the Policy & Resources Committee addressing the terms of Councillor Ahlfeld’s request.

403 Ferguson Marine – Notice of Motion by Councillor Jackson 403

There was submitted a report by the Interim Head of Legal Services advising of the receipt of a Notice of Motion by Councillor Jackson, countersigned by Councillor Clocherty, submitted in terms of Standing Order 22, in the following terms as amended at the meeting:

“Ferguson Marine have failed in the Pre-Qualification Questionnaire stage in their bid to build two lifeline ferries, failing to even make the shortlist.

Despite nationalisation and the Scottish Government taking full control of Ferguson Marine in Port Glasgow, the contract for the two new vessels to serve the islands of Islay and Jura will instead go abroad.

The Scottish Government controlled Caledonian Maritime Assets Limited (CMAL),

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which owns Scotland's ferry fleet, have invited four overseas firms to bid for the contract.

As Inverclyde tries to recover from years of industrial decline and Scotland trying to recover from the economic crisis brought on by the pandemic, this decision will see many much needed jobs and investment leave Inverclyde and move abroad.

1. Without the legal constraints of being part of the European Union, and having the power to do so this motion calls for Scottish Government ministers to immediately halt the tender process.

2. To secure the future of the yard, that the Scottish Government directly award the building of these two ferries and all future CalMac Ferry orders to Ferguson's shipyard in Port Glasgow.

3. The Council believes that a Direct Award policy of all future CMAL ferry orders would provide a steady pipeline of guaranteed work to the yard which would be a strong foundation for future growth, protecting the jobs currently at the yard as well as creating many more jobs in the future.

Accordingly, the Council instructs the Chief Executive of the Council to write to the First Minister to inform the Scottish Government of the Council's position; request the Scottish Government makes a long overdue determination on its policy position in regards to Direct Award; and requests an urgent update on the Scottish Government's long term plans for the yard after the two current CMAL vessels in the yard to be operated by Calmac have been completed."

As an amendment, Councillor Curley, seconded by Councillor MacLeod, moved that:
"Inverclyde Council notes that:

1. The Scottish Government is committed to the long term future of Ferguson Marine.
2. There are currently 400+ workers employed in Ferguson Marine to complete the MV Glen Sannox and Hull 802 but that to ensure its long term future that yard must secure further orders.

3. Ferguson Marine have unfortunately not been successful in the Pre-Qualification Questionnaire stage in their bid to build two ferries Caledonian Maritime Assets Limited (CMAL) for use by Caledonian MacBrayne to serve the islands of Islay and Jura.

4. Two shipyards in the European Union and two shipyards in Turkey have been invited to bid for the contract.

5. Since leaving the European Union that many aspects of public procurement within the UK falls under the World Trade Organisations (WTOs) Government Procurement Agreement (GPA) and the UK-EU Trade and Co-operation Agreement and that these agreements place an obligation not to discriminate by favouring national suppliers.

Correspondingly, Inverclyde Council resolves to:

1. Work with the Scottish Government to ensure the long term future of the Ferguson Marine to consolidate and grow the shipbuilding and marine related industries in Inverclyde.

2. Request that CMAL continues to work closely with Ferguson Marine to secure new work and provide a forward work load for the yard, to secure its future and consolidate its expertise

3. Seek clarification from the Scottish Government on the legal implications if the tender process for the two ferries to serve the islands of Islay and Jura was halted, the impact that this would have on both the Island communities that they would serve and Ferguson Marine.

4. Ask the Scottish Government to support the direct award of contracts in the strictly limited circumstances allowed within the boundaries of procurement law and subsidy control rules."

Following a roll call vote, 5 Members, Councillors Crowther, Curley, MacLeod, Nelson and Robertson voted in favour of the amendment, and 12 Members, Provost Brennan,

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Councillors Clocherty, Jackson, McCabe, McCormick, C McEleny, J McEleny, McKenzie, McVey, Moran, Murphy, and Quinn voted in favour of the motion which was declared carried. 2 Members, Councillors Brooks and Wilson, abstained from voting. (Councillor Ahlfeld left the meeting during consideration of this item of business).

Decided: that the notice of motion be Councillor Jackson, as amended at the meeting and set out above, be agreed.

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 (Business in the Appendix) on the grounds that the business 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 relevant minute.

Appendices to Minutes

404	Appointment Panel – Chief Executive – 24 May 2021	404
	Approved on the motion of Councillor McCabe.	
405	General Purposes Board – 9 June 2021	405
	Approved on the motion of Councillor Quinn.	
406	Appointment Panel – Chief Executive – 11 June 2021	406
	Approved on the motion of Councillor McCabe.	
407	Appointment Panel – Chief Executive – 16 June 2021	407
	Approved on the motion of Councillor McCabe.	
408	Environment & Regeneration Committee (Special) – 23 June 2021	408
	Approved on the motion of Councillor McCormick.	
409	General Purposes Board (Special) – 13 July 2021	409
	Approved on the motion of Councillor Quinn.	
410	General Purposes Board (Special) – 4 August 2021	410
	Approved on the motion of Councillor Quinn.	
411	Health & Social Care Committee – 19 August 2021	411
	Approved on the motion of Councillor Moran.	
412	Environment & Regeneration Committee – 26 August 2021	412

Approved on the motion of Councillor McCormick.

413 **General Purposes Board – 8 September 2021**

413

Approved on the motion of Councillor Quinn.