

THE INVERCLYDE COUNCIL – 16 FEBRUARY 2023

The Inverclyde Council

Thursday 16 February 2023 at 4pm

Present: Provost McKenzie, Councillors, Brennan, Brooks, Cassidy, Clocherty, Crowther, Curley, Daisley, Jackson, Law, McCabe, McCluskey, McCormick, McGuire, McVey, Moran, Quinn, Reynolds, Robertson and Wilson.

Chair: Provost McKenzie presided.

In attendance:

Louise Long	Chief Executive
Ruth Binks	Corporate Director Education, Communities & Organisational Development
Alan Puckrin	Interim Director Finance & Corporate Governance
Stuart Jamieson	Director Environment & Regeneration
Iain Strachan	Head of Legal & Democratic Services
Steven McNab	Head of Organisational Development, Policy & Communications
Diane Sweeney	Senior Committee Officer
Lindsay Carrick	Senior Committee Officer
Karen MacVey	Members' & Committee Services Team Leader
George Barbour	Service Manager Communications, Tourism and Health & Safety.

The meeting was held at the Municipal Buildings, Greenock with Councillors Cassidy, Daisley, Law, McCabe and Quinn attending by video-conference.

87 Apologies and Declarations of Interest

87

Apologies for absence were intimated on behalf of Councillors Armstrong and Nelson.

No declarations of interest were intimated, but certain connections were intimated for the purposes of transparency as follows:

Agenda Item 7 (Inverclyde Out of Hours Services – Notice of Motion by Councillor McGuire) – Councillor McCluskey.

Agenda Item 8 (The Strikes (Minimum Service Levels) Bill – Notice of Motion by Councillor Jackson) – All Councillors who are members of trades unions, details of which memberships could be found on their registers of interest, accessible through the Council's website: <https://www.inverclyde.gov.uk/meetings/councillors>

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

88 Appointment Panel – Head of Children, Families & Criminal Justice (Chief Social Work Officer) - 3 November 2022

88

Approved on the motion of Councillor Moran.

89 Environment & Regeneration Committee (Special) – 30 November 2022

89

Approved on the motion of Councillor McCormick.

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90	Inverclyde Council – 1 December 2022	90
	Approved on the motion of Provost McKenzie.	
91	Inverclyde Council (Special) – 1 December 2022	91
	Approved on the motion of Provost McKenzie.	
92	Appointment Panel – Head of Children, Families & Criminal Justice (Chief Social Work Officer) – 5 December 2022	92
	Approved on the motion of Councillor Moran.	
93	Local Review Body – 7 December 2022	93
	Approved on the motion of Councillor McVey.	
94	Inverclyde Council (Special) – 15 December 2022	94
	Approved on the motion of Provost McKenzie.	
95	Appointment Panel – Director of Environment & Regeneration – 20 December 2022	95
	Approved on the motion of Councillor McCabe.	
96	Social Work & Social Care Scrutiny Panel – 5 January 2023	96
	Approved on the motion of Councillor Jackson.	
97	Appointment Panel – Director of Environment & Regeneration – 10 January 2023	97
	Approved on the motion of Councillor McCabe.	
98	Audit Committee – 10 January 2023	98
	Approved on the motion of Councillor Wilson.	
99	General Purposes Board – 11 January 2023	99
	Approved on the motion of Councillor Moran.	
100	Local Review Body – 12 January 2023	100
	Approved on the motion of Councillor McVey.	
101	Environment & Regeneration Committee – 12 January 2023	101
	Approved on the motion of Councillor Clocherty.	
102	Education & Communities Committee – 24 January 2023	102

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Approved on the motion of Councillor Clocherty.

103 Policy & Resources Committee – 31 January 2023 103

Approved on the motion of Councillor McCabe.

104 Local Review Body – 1 February 2023 104

Approved on the motion of Councillor McVey.

105 Local Police & Fire Scrutiny Panel – 2 February 2023 105

Approved on the motion of Councillor Wilson.

106 General Purposes Board – 8 February 2023 106

Approved on the motion of Councillor Moran.

107 Participation in the Edinburgh Process and Declaration – Remit from Environment & Regeneration Committee 107

There was submitted a report by the Head of Legal & Democratic Services on a remit from the Environment & Regeneration Committee of 12 January 2023 relative to participation in the Edinburgh Process and Declaration.

Decided: that the Council's participation in the Edinburgh Process and Declaration be endorsed.

108 Proposed Redetermination Order – The Inverclyde Council, Mirren's Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022 108

There was submitted a report by the Head of Legal & Democratic Services on a remit from the Environment & Regeneration Committee of 12 January 2023 (1) requesting confirmation of the proposed Redetermination Order – The Inverclyde Council, Mirren's Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022, and (2) seeking approval for an amendment to the Scheme of Delegation (Officers) with regard to maintained objections to any proposed Redetermination Orders.

Decided:

(1) that approval be given to confirm The Inverclyde Council, Mirren's Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022 and that it be remitted to the Shared Head of Roads & Environmental Services and Head of Legal & Democratic Services to take all necessary action to implement the same; and

(2) that it be remitted to the Head of Legal & Democratic Services to amend the Scheme of Delegation (Officers) to the effect that where there are no maintained objections to any proposed Redetermination Order the Head of Legal & Democratic Services will be authorised to confirm such a Redetermination Order on behalf of the Council, as detailed at paragraphs 3.4 and 4.2 of the report.

109 Service Concession Flexibility – Accounting Change Proposal – Remit from Policy & Resources Committee 109

There was submitted a report by the Head of Legal & Democratic Services on a remit from the Policy & Resources Committee of 31 January 2023 relative to a proposed change to the accounting treatment of the Council's Schools PPP (Service Concession) contract following the issuing of revised accounting guidance from the Scottish Government.

Decided: that the decision of the Policy & Resources Committee on 31 January 2023 in respect of the implementation of a change to the accounting treatment of the Council's Schools PPP (Service Concession) contract, as detailed in Section 4 of the said report to the Policy & Resources Committee, be endorsed.

110 Inverclyde Task Force Update

110

There was submitted a report by the Director Environment & Regeneration providing an update in respect of the Inverclyde Task Force outwith the normal reporting period, this being due to the recently announced potential closure of the Amazon Fulfilment Centre in Gourock.

Decided: that the Council notes the activity of the Inverclyde Task Force and continues to support its purpose.

111 Inverclyde Out of Hours Services – Notice of Motion by Councillor McGuire

111

There was submitted a report by the Head of Legal and Democratic Services advising of the receipt of a Notice of Motion received from Councillor McGuire, countersigned by Councillor Clocherty, in the following terms:

"Inverclyde Out of Hours Services

Council notes that prior to February 2020, Inverclyde was served by a GP Out of Hours Service seven days a week. This service was reduced in February 2020 when the GP Out of Hours service for the Greater Glasgow and Clyde area entered business continuity arrangements.

In March 2020, Councillors McCabe and Moran wrote to the Chair of the Health Board, Professor John Brown, expressing the Council's disappointment at this decision. At the time, the arrangement was intended to be a temporary measure.

Almost three years on, the GP Out of Hours Service remains in business continuity arrangements. In December, the Greenock Telegraph reported that there were no plans to return a full Out of Hours Service to Inverclyde, meaning that many patients would have to travel to Paisley and Glasgow.

Continuing without a full out of hours service in Inverclyde would represent a further downgrading of NHS services in our area and would have a particular effect on the poorest and most vulnerable.

This proposal has created significant concern in the Inverclyde community with over 6000 people signing a petition against changes to out of hours and calling for a full service to be reinstated.

No consultation has been undertaken on plans to permanently reduce the service in Inverclyde. Council believes that any consultation should consider these changes as a major service change and be open to a full public consultation. Council further believes that for the purposes of consultation, any proposals for change should be measured against the service prior to February 2020 and not after.

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Council is asked to express its opposition to Health Board plans not to return a full Out of Hours service to Inverclyde; requests that the Leader of the Council write to the Chair and Chief Executive of the Health Board expressing the Council's opposition and enclosing a copy of this motion; requests that the Leader of the Council writes to Healthcare Improvement Scotland – Community Engagement expressing Council's view that any proposed changes constitute a major service change and should be subject to a full public consultation."

Councillor McCluskey declared a connection as a Board Member of NHS Greater Glasgow & Clyde Health Board. He also formed the view that the nature of his connection and of the item of business did not preclude his continued presence in the meeting or his participation in the decision-making process and was declaring for transparency. Councillor McCluskey advised that he had taken advice on his taking part in this item from the NHS Greater Glasgow & Clyde Health Board and the Standards Commission for Scotland.

Following discussion, as an amendment Councillor Reynolds seconded by Councillor Daisley moved that Councillor McGuire's motion as set out above be approved with the amendment that the final paragraph of the motion be removed and replaced with:

"Council is asked to express its concern regarding the current GP Out of Hours service to Inverclyde; requests that the Leader of the Council write to the Chair and Chief Executive of the Health Board expressing the Council's concern, enclosing a copy of this motion and requesting an immediate introduction of full weekend and bank holiday cover; request that the Leader of the Council write to Healthcare Improvement Scotland – Community Engagement expressing Council's view that any permanent changes constitute a major service change and should be subject to a full public consultation."

Following a roll call vote, 6 Members, Councillors Crowther, Curley, Daisley, Law, Reynolds and Robertson voted for the amendment, and 14 Members, Provost McKenzie, Councillors Brennan, Brooks, Cassidy, Clocherty, Jackson, McCabe, McCluskey, McCormick, McGuire, McVey, Moran, Quinn and Wilson voted for the motion which was declared carried.

Decided:

- (1) that the Notice of Motion by Councillor McGuire as set out above be agreed;
- (2) that it be agreed that the Leader of the Council write to (a) the Chair and Chief Executive of the Health Board expressing the Council's opposition to Health Board plans not to return a full Out of Hours GP service to Inverclyde and enclosing a copy of Councillor McGuire's motion, and (b) Healthcare Improvement Scotland – Community Engagement expressing the Council's view that any proposed changes constitute a major service change and should be subject to full public consultation.

112 The Strikes (Minimum Service Levels) Bill – Notice of Motion by Councillor Jackson 112

There was submitted a report by the Head of Legal and Democratic Services advising of the receipt of a Notice of Motion received from Councillor Jackson, countersigned by Councillor Clocherty, in the following terms:

"Preamble: The Strikes (Minimum Service Levels) Bill, should it become law in its current form, will give employers in vital sectors the power to sack frontline staff, giving the UK government legislative authority to deny workers what is universally regarded as a fundamental human right, the right to withdraw their labour.

Employers will have the unilateral right to issue a "work notice" identifying individual workers required to work to maintain minimum service. The Bill provides statutory provision enabling certain employers with the authority of the State to requisition workers. A worker who refuses to comply will lose automatic unfair dismissal protection if

they are dismissed.

The UK government is therefore seeking to change the law to authorise certain employers to do what no court in this country can do. Under the Trade Union and Labour Relations (Consolidation) Act 1992, section 236, no court can “compel an employee to do any work or attend at any place for the doing of any work”.

Having notified the union of the identity of the workers to be compelled to work, the Bill would then deny workers their automatic protection from unfair dismissal if the union fails to take reasonable steps to ensure all members identified in the work notice “comply”.

The purpose of this new legislation is to weaken the power of workers and increase the power of employers. In the absence of an effective right to strike, pay and terms and conditions are set by employers without the input of workers.

The UK government are trying to justify the Bill by claiming that minimum service levels are authorised by the International Labour Organisation.

The UK’s international legal obligations include Article 11 of the European Convention on Human Rights; Article 3 of Convention 87 of the International Labour Organisation; Article 8 of the International Covenant on Economic, Social and Cultural Rights; and Article 6(4) of the European Social Charter 1961. The UK government reaffirmed its commitment to several such treaties in the EU-UK Trade and Cooperation Agreement 2021.

Motion

1. That Inverclyde Council as an employer will, in accordance with the law, continue to respect the human rights of all workers to take strike action and support their right to do so.

2. That Inverclyde Council strongly objects to the Strikes (Minimum Service Levels) Bill, which seeks to undermine the rights of workers and trade unions and agrees that the Chief Executive write to the Prime Minister and the Secretary of State for Business, Energy and Industrial Strategy calling on them to withdraw the Bill.”

In response to the matter being raised by Councillor McGuire, the Head of Legal & Democratic Services noted that a number of Councillors were members of trades unions but given that the Motion did not relate to any specific trade union and the nature of their connection and of the item of business such membership did not preclude their continued presence in the meeting or their participation in the decision-making process in respect of this agenda item, but advised that the minute would record for the purposes of transparency that some Councillors are members of trades unions, details of which memberships could be found on their registers of interest, accessible through the Council’s website.

Following discussion, as an amendment Councillor Daisley seconded by Councillor Crowther moved that Councillor Jackson’s motion as set out above be approved with the amendment that a third point be added to the motion, that being “(3) Inverclyde Council recognises the position of the Scottish Trades Unions Congress that Scottish worker’s rights would be more effectively protected if employment and trade union laws were devolved to the Scottish Parliament”.

As a further amendment Councillor Brooks seconded by Councillor Wilson moved that no action be taken on this matter.

On a roll call vote between the two amendments, 2 Members, Councillors Brooks and Wilson, voted for their amendment, and 8 Members, Provost McKenzie, Councillors Crowther, Curley, Daisley, Law, Quinn, Reynolds and Robertson, voted for the amendment by Councillor Daisley seconded by Councillor Crowther. The amendment by Councillor Brooks, having received fewer votes, then fell. Councillors Brennan, Cassidy, Clocherty, Jackson, McCabe, McCluskey, McCormick, McGuire, McVey and Moran abstained from voting.

On a roll call vote between the motion and the amendment by Councillor Daisley

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seconded by Councillor Crowther, 6 Members, Councillors Crowther, Curley, Daisley, Law, Reynolds and Robertson, voted for the amendment and 12 Members, Provost McKenzie, Councillors Brennan, Cassidy, Clocherty, Jackson, McCabe, McCluskey, McCormick, McGuire, McVey, Moran and Quinn, voted for the motion which was declared carried. Councillors Brooks and Wilson abstained from voting.

Decided:

- (1) that the Notice of Motion by Councillor Jackson as set out above be agreed; and
- (2) that it be remitted to the Chief Executive to write to the Prime Minister and the Secretary of State for Business, Energy and Industrial Strategy calling on them to withdraw the Bill.

Appendices to Minutes

113	Appointment Panel – Head of Children, Families & Criminal Justice (Chief Social Work Officer) - 3 November 2022	113
	Approved on the motion of Councillor Moran.	
114	Appointment Panel – Head of Children, Families & Criminal Justice (Chief Social Work Officer) – 5 December 2022	114
	Approved on the motion of Councillor Moran.	
115	Appointment Panel – Director of Environment & Regeneration – 20 December 2022	115
	Approved on the motion of Councillor McCabe.	
116	Appointment Panel – Director of Environment & Regeneration – 10 January 2023	116
	Approved on the motion of Councillor McCabe.	
117	General Purposes Board – 11 January 2023	117
	Approved on the motion of Councillor Moran.	
118	Environment & Regeneration Committee – 12 January 2023	118
	Approved on the motion of Councillor Clocherty.	
119	General Purposes Board – 8 February 2023	119
	Approved on the motion of Councillor Moran.	