
Report To:	The Inverclyde Council	Date: 12 April 2012
Report By:	Corporate Director Regeneration & Environment	Report No: FJ/LA/839/12
Contact Officer:	Fraser Jarvie	Contact No: 01475 712121
Subject:	Use of Emergency Powers - Appointment of Members to the Visiting Committee of the New Prison at Low Moss	

1.0 PURPOSE

1.1 The purpose of this report is to advise the Council of the use of emergency powers to approve the appointment of two members of the public to the Prison Visiting Committee (PVC) of the new prison HMP Low Moss which opened on 19 March 2012.

2.0 SUMMARY

2.1 The new prison has been built to replace the old prison near Bishopbriggs.

2.2 The new prison requires a Visiting Committee (VC). This is a statutory requirement for Councils of the prison's catchment area as detailed in the Prisons (Scotland) Act 1989. Six local authorities, including Inverclyde Council, are required to provide representation, based upon the likely prisoner demographic and subsequent percentage of the population of each Council. Inverclyde Council is obliged to provide three members. Councillor McCallum has already been appointed as the elected member.

2.3 In accordance with the guidance of the Association of Visiting Committees for Scottish Penal Establishments (the AVC) the two other posts were advertised in the local press and following an interview, two members were selected. The interview panel comprised the Depute Chair of Greenock PVC, Sandy McPherson, Councillor Keith Brooks as a representative of the local authority, who is also a member of the Greenock PVC and Fraser Jarvie, Clerk to Greenock PVC. The standard of applications was high notwithstanding the threat to the future of the PVCs arising from the decision by the Justice Minister that they should be disbanded. It has been confirmed that there will be a statutory requirement for these Committees to continue for at least another year.

2.4 Due to the recent uncertainty regarding the future of PVC in Scotland it has not been possible to submit a report previously to the full Council. However, it has now been confirmed that the PVCs will be required for at least another year and as stated above the prison was opened on 19 March 2012. Accordingly the use of emergency powers was required to ensure that the new members could take advantage of the training which was being offered and take up their appointments in time for the opening of the new prison. Authority for these appointments was granted by the Provost, Councillors Wilson and MacLeod and the Chief Executive.

3.0 RECOMMENDATION

- 3.1 It is recommended that the use of emergency powers to approve the appointment of Mr Freebairn and Mr McGloin be noted.

Fraser Jarvie
Legal & Democratic Services

4.0 BACKGROUND

- 4.1 It is a statutory requirement in terms of the Prisons (Scotland) Act 1989 for every prison to have a Visiting Committee (VC). The Councils of the prison's catchment area have the duty to appoint appropriate members to the PVC. The role of the PVC has however been subject of a review by the Scottish Government and while members of the Association of Visiting Committees (the AVC) had been consulted in this respect there was general surprise when the Justice Secretary announced his intention to discontinue these Committees across Scotland and replace them with an independent Prisoner Advocacy Service. This decision came just at the point that posts were advertised locally for the new Visiting Committee at HMP Low Moss. There was a delay while clarification was sought on the need to fill these appointments and as a result a report could not be submitted to the full Council. It was subsequently confirmed that it was the Justice Minister's decision to proceed with his proposals however there would still be a need for PVCs for at least a year while the new provisions were put in place. Accordingly interviews commenced to select appropriate members. A summary of the background of the two applicants selected as the most suitable candidates by the Recruitment Committee and approved through the use of emergency powers, Mr Freebairn a retired police officer and Mr McGloin a retired FE lecturer and manager both of whom live in Inverclyde, is attached at appendix 1.

5.0 CONSULTATIONS

- 5.1 The Chief Financial Officer has not been consulted as there are no financial implications arising from the report.

6.0 EQUALITY

- 6.1 Given that the posts have been widely advertised to ensure as wide a range of potential applicants as possible, this will have a positive benefit to the Council's equality agenda.