

WEST DUNBARTONSHIRE COUNCIL

At a Hybrid Meeting of West Dunbartonshire Council held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 27 March 2024 at 4.05 p.m.

Present: Provost Douglas McAllister and Councillors Jim Bollan, Ian Dickson, Gurpreet Singh Johal, Daniel Lennie, David McBride, Jonathan McColl, Michelle McGinty, June McKay, John Millar, Karen Murray Conaghan, Lawrence O'Neill, Lauren Oxley, Chris Pollock, Martin Rooney, Gordon Scanlan, Hazel Sorrell, Clare Steel and Sophie Traynor.

Attending: Peter Hessest, Chief Executive; Michael McDougall, Manager of Legal (Legal Officer); Laurence Slavin, Chief Officer – Resources, and Section 95 Officer; Peter Barry, Chief Officer – Housing and Employability; Amanda Graham, Chief Officer – Citizen, Culture and Facilities; Gail Macfarlane, Chief Officer – Roads and Neighbourhood; Laura Mason, Chief Officer – Education; Beth Culshaw, Chief Officer – Health & Social Care Partnership; Victoria Rogers – Chief Officer, People and Technology; Michelle Lynn, Assets Co-ordinator; Gillian McNamara, Economic Development Manager; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Carol Alderson, Finance Manager; George Hawthorn, Manager of Democratic and Registration Services; and Carol-Ann Burns, Senior Democratic Services Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Diane Docherty and James McElhill.

Provost Douglas McAllister in the Chair

STATEMENT BY CHAIR

Provost McAllister advised that the meeting was being audio streamed and broadcast live to the internet and would be available for playback.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Council agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

URGENT ITEM OF BUSINESS EMERGENCY MOTION BY COUNCILLOR DAVID MCBRIDE – HEALTH & SOCIAL CARE PARTNERSHIP

The Provost advised that he had accepted a request from Councillor McBride for an emergency motion concerning the challenging financial situation faced by all Health & Social Care Partnerships. The Provost advised that this item would be considered immediately.

Councillor McBride moved:-

This Council recognises the challenging financial situation faced by all Health & Social Care Partnerships across Scotland and notes that the West Dunbartonshire Health & Social Care Partnership (HSCP) will set its revenue budget on Thursday 28th March with both Health savings and Social Care savings required in order to set a balanced budget.

Council also notes that since 2019, the Scottish Government settlement for Social Care has been flat cash with no inflationary uplift applied, which means a real terms cut in funding. For the first time in the history of the HSCP, the Scottish Government has applied a flat cash settlement to the Health element which means no inflationary uplift. This is a double hit for the HSCP and the services used by our most vulnerable.

The Chief Officer of the HSCP and her staff have gone to extraordinary lengths to minimise the impact and level of savings. In February this year, the starting point in the HSCP budget gap for Health was £2.639m and £7.035m for Social Care. Therefore additional measures need to be taken to ensure a balanced budget can be set for 2024/25.

Social Care Services provided by community organisations like Ben View will continue to be funded to ensure eligible social care clients receive the services they need including Day Care /Lunch Service and Bathing Service.

If there is any shortfall for other non-care related groups within Ben View, they are encouraged to apply to the Cost of Living Working Group for funding to help them manage any reductions in funding.

In addition we encourage the Ben View manager to submit an application for recurring revenue support to the Dumbarton Common Good Fund to help with their ongoing running costs; and ask that Council Officers engage with any affected groups and signpost them to the new funds established in the March Budget.

Councillor Dickson asked if Councillor McBride would accept the following addendum to the motion:-

Add "Council recommends" before "Social Care Services provided by community organisations like Ben View will continue to be funded to ensure eligible social care clients receive the services they need including DayCare/Lunch Service and Bathing Service".

Councillor McBride confirmed his acceptance of the addendum.

Councillor Bollan, was advised by the Manager of Legal Services that proposed amendment was not competent, and therefore could not be considered by Council.

As an amendment, Councillor Murray Conaghan moved:-

That this motion be brought back to Council at the next meeting which is a few short weeks away and at that point we can obviously have a view of the decision which has been taken at HSCP. We can also be furnished with information from the Cost of Living Working Group, given the sum taken out of that during the budget process and fully appraised of the situation with the Dumbarton Common Good Fund.

Councillor McColl seconded the amendment and Councillor Singh Johal seconded the motion, as amended by adding the addendum.

Note: Councillor O'Neill left the meeting at this point due to technical difficulties.

Having heard the Manager of Legal Services in clarification of certain matters, a roll call vote was taken.

Seven Members voted for the amendment, namely Councillors Dickson, Docherty, McColl, Murray Conaghan, Pollock, Scanlan and Traynor and 10 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel. Councillor Bollan abstained from voting. The motion, with addendum, was accordingly declared carried.

REQUEST FOR DEPUTATION – EQUAL PAY CLAIMS

The Provost advised that a late request had been received to hear a deputation from Kirsten Muat in relation to the item 'Motion by Councillor Bollan – Equal Pay Claims'. The Council agreed to suspend Standing Order 18 (b) in order to allow the deputation to be heard.

The Provost invited Ms Muat forward to join the meeting and she was heard in relation to her concerns regarding equal pay claims. The Provost thanked Ms Muat for her contribution and invited her to remain in the meeting for its duration if she so wished. Ms Muat then returned to the public gallery.

VARIATION IN ORDER OF BUSINESS

Having heard Provost McAllister, the Council agreed to vary the order of business as hereinafter minuted.

NOTICE OF MOTION

(a) Motion by Councillor Jim Bollan – Equal Pay Claims

The Manager of Legal Services advised:-

Alan Douglas, Chief Officer – Regulatory and Regeneration and Monitoring Officer, has asked that I express his concerns to the meeting regarding the Motion. Whilst the Motion is not *de facto* illegal in the sense of creating a criminal or civil offence two elements of the Motion are so problematic that he has indicated that if it were passed unamended, he would be obliged in terms of Section 5(2) of the Local Government and Housing Act 1989 to prepare a Monitoring Officer Report to a future meeting and in the interim the implementation of the committee decision would be put on Hold.

Mr Douglas has written to both Administration and Opposition Groups and also to the Provost, Cllr Bollan and Cllr Docherty setting out his concerns in detail. These relate to the invitation to Councillors to accept that there is in fact inequality without that fact having been established and also the proposed application of the facts and circumstances of the “Fife Case” (as referenced in the Motion) to West Dunbartonshire without the applicability being tested. Further, as appeal is being considered in the Fife case, he is keen to point out it should not be considered settled law.

In all the circumstances, Mr Douglas believes that passing the motion in its present unamended condition would be contrary to the Council’s overriding duty in terms of Section 1 of Local Government in Scotland Act 2003 - the [Local authorities' duty to secure best value](#).

As a further consideration, it is a requirement of the Standing Orders that the mover states the source of any funds required to implement any such decision and in order to comply with this requirement Cllr Bollan should advise the source of funds required to address the proposed levelling up.

After discussion and having heard the Chief Officer – People & Technology and relevant officers in further explanation, Councillor Bollan moved:-

Council recognises the steps taken by West Dunbartonshire Council in the past to settle equal pay claims, but that pay discrimination remains an ongoing issue in local authorities across Scotland; believes that all Scottish local authorities must learn the lessons of the past and that it is incumbent on all Councillors – especially Council Leaders – to demonstrate and exercise political leadership in ending pay discrimination and securing equal pay for equal value work.

Council believes that West Dunbartonshire Council and West Dunbartonshire Leisure Trust have an equal pay issue due to a disparity in the levels of pay received by those in male-dominated roles i.e. craft roles, compared to those in female-dominated roles; notes that these roles are carried out by workers – predominantly women – in the heart of communities on the frontline of our public services; and notes the invitation from GMB Scotland to the council's workforce to lodge equal pay claims.

Council notes that West Dunbartonshire Council has carried out a job evaluation for certain female-dominated roles, but believes the job evaluation scheme may have increased the value of those roles in contradiction to the precedent set by the Employment Tribunal against Fife Council¹.

Council believes that equal value work must result in equal pay and equal terms and condition; that roles currently being underpaid must be brought up with no detriment to those currently in receipt of higher pay; and notes the consultative ballot carried out by GMB Scotland which demonstrated 100% support for industrial action by craft workers if pay inequality is not addressed by bringing everyone up.

Council resolves to set an example for other local authorities in delivering equal pay by working with trade unions to negotiate compensation for lost wages for those workers who have been the victim of pay discrimination, and carrying out a fair job evaluation which takes full account of the Employment Tribunal ruling against Fife Council.

<https://www.gov.uk/employment-tribunal-decisions/mrs-y-allan-and-others-v-fife-council-4102824-slash-2016-and-others>

The Provost advised that, in accordance with advice given by the Manager of Legal Services, Councillor Bollan would require to state the source of any funds for settlement of equal pay claims. Councillor Bollan confirmed that these would be taken from reserves.

Councillor McColl declared an interest in relation to this Item, namely that his mother works within the Home Care Service and advised he would withdraw from consideration of this item and not take part in any debate. Accordingly, Councillor McColl left the meeting at this point.

Councillor Rooney made a transparency statement in relation to this item, and advised that as there was no direct connection to this matter. Thereafter moved the following amendment:-

This Council notes that although the motion has been deemed to be legally competent, if it was accepted, it would present a legal impediment for the Council.

Council notes that the first element of the motion is not recognised by the Council and is not evidenced by our most recent equal pay audit (reported to JCF in December 2023).

Additionally, Council notes that the matter of 'equal value' has not been raised with the Council.

All roles have been subject to job evaluation, many to re-evaluation as the roles change materially and permanently, using an agreed process that includes our trade union (and other) colleagues as trained analysts.

The motion also asks the Council to accept that we have done something wrong when there is no prior evidence. The wording includes an acceptance of default which is unfounded.

The main focus of the amendment is to get all parties around the table without preconditions to discuss how any issues can be identified and resolutions found.

The discussions should also look to investigate and resolve all suggested equality issues including the suggested issue with the quasi-craft group.

Given the above, the Council calls on the trades unions to initiate discussions, with the Chief Officer of People & technology and her team, without pre-judging the application of the Fife Case or indeed the assumptions in the motion which asserts that there is a *"disparity in the levels of pay received by those in male-dominated roles"*

In addition, Council calls on the Joint Trades Unions to actively engage with all care at home staff with a view to correcting the misinformation relating to the outcome of their recent job evaluation.

Note: Background information to this amendment is shown in Appendix 1 to these Minutes.

Note: Councillor O'Neill re-joined the meeting at this point.

The Manager of Legal Services advised that Councillors Singh Johal and Sorrell wished to make transparency statements to which they did along with Councillors Lennie and McBride. The aforementioned Councillors remained in the meeting room.

As a second amendment, Councillor Murray Conaghan, moved:-

Council recognises the fundamental right to equal pay for work of equal value. Council further recognises that the road to achieving this and righting the wrongs of mostly gender based pay discrimination, has been far from straight forward and has at times caused further inequality in early attempts to address it.

This Council recognises that although many Councils will have similar approaches and have adopted similar job evaluation schemes, each case where inequality is found to exist must be looked at on its own merits and with evidence based data. If this were not the case, we might stray into creating unintended negative consequences.

To this end, this Council directs the Chief Officer for People and Technology, other senior officers and our Joint Trade Unions to get round the table to look at cases where inequality may be ongoing, with a view to addressing these issues as speedily as possible and reaching a fair resolution for our valued workers.

A report on the actions taken and the progress made should be brought to June Council at the latest.

Councillor Dickson seconded Councillor Bollan's motion, Councillor Scanlan seconded Councillor Murray Conaghan's second amendment and Councillor McGinty seconded Councillor Rooney's first amendment.

On a roll call vote being taken between the first amendment (Councillor Rooney) and the second amendment (Councillor Murray Conaghan), 7 Members voted for the second amendment, namely Councillors Bollan, Dickson, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor and 11 Members voted for the first amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, O'Neill, Rooney, Sorrell and Steel. The first amendment from Councillor Rooney was accordingly declared carried.

On a further roll call vote being taken between the amendment (Councillor Rooney) and the motion (Councillor Bollan), 11 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, O'Neill, Rooney, Sorrell and Steel, and 7 Members voted for the motion, namely Councillors Bollan, Dickson, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

Note: Councillor McColl rejoined the meeting at this point.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on 20 December 2023 (Ordinary) and 6 March 2024 (Budget) were submitted and approved as correct records, subject to the following amendments being made to the Minutes of the Budget meeting;

- In relation to the item under the heading 'General Services Budget Setting 2024/25 and 2025/26 to 2028/29 Budget Estimates', replace the word 'request' with 'requests' in the sentence, 'The Provost declined the requests'.
- In relation to the item under the heading 'Deputation – Joint Trades Union', include transparency statement declared from Councillor McColl.

ADJOURNMENT

The Provost adjourned the meeting at this point due to technical difficulties with the hybrid meeting system. After having heard the Manager of Democratic and Registration Services in further explanation the Council agreed to note that the meeting would need to continue with those present in the Civic Space.

The meeting resumed at 6.05 p.m. with all Members listed in the sederunt present, with the exception of Councillor O'Neill who had been attending via Zoom.

CLYDEBANK: LONG-TERM PLAN FOR TOWN FUNDS

The Chief Officer – Regeneration and Regulatory advised that at the meeting of the Infrastructure, Regeneration and Economic Development Committee held on the 7 February 2024, Committee had considered a report entitled 'Clydebank: Long - Term Plan for Towns Fund' and agreed:-

- (v) to invite the meeting of Council on 27th March 2024 to nominate two elected members to the Clydebank Town Board;

Councillor McBride moved that Councillors O'Neill and Steel be nominated to serve on the Town Board.

As an amendment, Councillor Murray Conaghan moved that one Labour member and Councillor Oxley be nominated.

Councillor McColl then seconded the amendment and Councillor Sorrell seconded the motion.

On a roll call vote being taken, 8 Members voted for the amendment, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor and 10 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel. The motion was accordingly declared carried.

MINUTES MEETING OF AUDIT COMMITTEE

The Minutes of Meeting of the Audit Committee held on 13 December 2023 were submitted and all decisions contained therein were approved.

OPEN FORUM

The Council noted that no open forum questions had been submitted by members of the public.

DC23/149/FUL: ERECTION OF 128 RESIDENTIAL HOMES, ASSOCIATED ROADS, INFRASTRUCTURE AND OPEN SPACE ON EXISTING BROWNFIELD SITE, RESIDENTIAL DEVELOPMENT SITE, ABBOTSFORD ROAD, CLYDEBANK BY MILLER HOMES.

A report was submitted by the Chief Officer – Regeneration and Regulatory seeking planning permission approval, subject to the conditions set out in the report.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, Councillor Singh Johal, moved:-

That Council approves planning permission subject to the conditions set out in Section 9 of Appendix 1 to the report and the additional condition detailed in Section 4.5 of this report (as detailed in full in Appendix 2 to these Minutes).

As an amendment, Councillor Murray Conaghan moved:-

We reject this item on the grounds that the parking is insufficient, and we go back and meet with the developer to discuss how we might increase the parking at this area. I would say it seems to go against some of the ambitions that we do have and looking at pavement parking for those with a view to helping those mobility issues and to be able to safely walk and get about places in a manner that doesn't rely on private car and our intention here may lead us to disadvantage people in this way. I move at this point we reject it.

Councillor Traynor then seconded the amendment and Councillor Steel seconded the motion.

Councillor Dickson asked if Councillor Singh Johal would accept the following addendum to his motion:-

We grant with one additional condition, that in a year we have a survey of the parking as we have done in our social housing, and as the caveat we can add additional parking later.

Councillor Singh Johal advised this addendum had been considered and rejected by the Planning Committee and declined to accept the addendum.

As a second amendment, Councillor Bolla moved:-

This is a key town centre site owned by the Council, we have got a responsibility I believe at any opportunity that we get to try get more socially rented houses built anywhere we can and if we own the land it gives us a bit of leverage, my amendment is we continue the matter and open discussion with Miller homes to try and achieve 10% of these properties, should be built for social rent.

Councillor McColl seconded the second amendment.

Councillor Dickson asked if Councillor Bollan would accept the following addendum to his motion:-

We grant with one additional condition, that in a year we have a survey of the parking as we have done in our social housing, and as the caveat we can add additional parking later.

Councillor Bollan confirmed his acceptance of the addendum. The Planning, Building Standards and the Environmental Health Manager was heard in answers to Members' questions.

On a roll call vote being taken between the first amendment (Councillor Murray Conaghan) and the second amendment (Councillor Bollan), with addendum, 3 Members voted for the first amendment, namely Councillors Dickson, Murray Conaghan and Traynor and 5 Members voted for the second amendment with addendum, namely Councillors Bollan, McColl, Oxley, Pollock and Scanlan. Provost McAllister, Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel abstained from voting. The second amendment from Councillor Bollan, with addendum, was accordingly declared carried.

On a further roll call vote being taken between the amendment (Councillor Bollan), with addendum, and the motion (Councillor Singh Johal), 7 Members voted for the amendment, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Scanlan and Traynor and 11 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Pollock, Rooney, Sorrell and Steel. The motion from Councillor Singh Johal was accordingly declared carried.

GLASGOW CITY REGION CITY DEAL – UPDATE

A report was submitted by the Chief Officer – Regulatory and Regeneration advising of the progress with the implementation of the Exxon Infrastructure Project, and providing an update on the Glasgow City Region City Deal Programme.

After discussion and having heard the Economic Development Manager in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the progress of the Glasgow City Region programme; and
- (2) to note the update on the Exxon Infrastructure Project.

TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY

A report was submitted by the Chief Officer – Resources seeking approval of the proposed Treasury Management Strategy Statement and Annual Investment Strategy.

After discussion and having heard the Finance Manager in further explanation and in answer to Members' questions, Councillor Lennie moved:-

That Council agrees:-

- (1) to approve the proposed Treasury Management Strategy Statement and Annual Investment Strategy and the indicators contained within;
- (2) to approve the continued use of the asset life method (using either annuity or equal instalment) for the repayment of loan fund advances with the exception of spend to save schemes where the funding/income profile method could be used;
- (3) to approve the ability to continue to use countries with a sovereign rating of AA or above; and
- (4) to note the report would be referred to Audit Committee for further scrutiny.

As an amendment, Councillor Dickson moved:-

Council agrees the recommendations at 2.1 of the report and adds the recommendation that the short-term debt profile be capped at 30%. Council recognises that transitioning from current short-term levels to longer-term will take some time and invites the S95 officer to manage the timeline of this change. This should be reported on at the next review of the Treasury management strategy.

Council also seeks to strike off lender option borrower option (LOBO's) as an approved source of long or short term borrowing from our borrowing and debt strategy.

Following discussion, Councillor Lennie indicated that he would be willing to accept the wording of Councillor Dickson's amendment as an addendum to his motion. Councillor Dickson agreed and the motion with addendum was agreed by the Council.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO 31 JANUARY 2024 (PERIOD 10)

A report was submitted by the Chief Officer – Resources providing an update on the General Services revenue budget and the approved capital programme to 31 January 2024.

After discussion and having heard officers in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note a current projected annual adverse variance on the revenue account of £0.433m (0.2% of total budget); and

- (2) to note that projected expenditure on the capital account was lower than the 2023/24 budget by £59.397m (64.42% of budget), made up of £59.786m (64.84% of budget) of project re-profiling, and an in-year overspend of £0.388m (0.42% of budget).

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO 31 JANUARY 2024 (PERIOD 10)

A report was submitted by the Chief Officer – Resources providing an update on the financial performance to 31 January 2024 (Period 10) for the HRA revenue budget and the HRA capital budget.

After discussion and having heard the Chief Officer – Resources in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the HRA revenue account was forecasting an adverse variance of £3.863m which would be offset by removing the £1.729m budgeted contribution from revenue to capital (CFCR) and using £2.134m of the HRA reserves;
- (2) to note that the use of HRA reserves to address the projected adverse variance would lead to a closing HRA reserves balance of £0.500m which was below the prudential target;
- (3) to note that work would continue to identify efficiencies across all areas of the housing budget to allow HRA reserves to be replenished and maintained in line with the prudential target, while ensuring that services were still delivered and that there was not a corresponding reduction in service provision; and
- (4) to note the HRA capital budget was forecasting an in-year underspend of £69.166m which comprises £4.912m for projects that would be re-profiled into 2024/25 and projects with a net underspend of £64.253m this year, as detailed in Appendix 4 to the report.

REPRESENTATION ON OUTSIDE BODIES

A report was submitted by the Chief Officer – Regeneration and Regulatory requesting that consideration be given to making a nomination to the Blindcraft Trust.

Councillor McKay moved that Councillor O'Neill be nominated to represent the Council on the Blindcraft Trust. The Council agreed the nomination.

CLYDEPLAN AND REGIONAL SPATIAL STRATEGY GOVERNANCE ARRANGEMENTS

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking permission to formally withdraw from the Clydeplan Joint Committee and agree to transfer the responsibility for the development of a Regional Spatial Strategy to the Glasgow City Region Cabinet.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the recommendation of the Clydeplan Joint Committee to transfer responsibility for the development of a Regional Spatial Strategy to the Glasgow City Region Cabinet;
- (2) to note Glasgow City Region Cabinet's approval of the establishment of a new Regional Spatial Planning Sub-Committee to oversee the development of a Regional Spatial Strategy;
- (3) to note that approval of participation in any future Regional Spatial Strategy would be a future decision for West Dunbartonshire Council;
- (4) to formally withdraw from the Clydeplan Joint Committee and transfer requisition funding to Glasgow City Council as lead authority for the Glasgow City Region;
- (5) to the participation in the Regional Spatial Planning Sub-Committee;
- (6) to confirm elected members, Councillor Lawrence O'Neill and Councillor Gurpreet Singh Johal, and their respective successors as Convenor and Vice Convenor of the Council's Planning Committee, as representatives on the new Regional Spatial Planning Sub-Committee; and
- (7) to request an update be brought to Planning Committee on progress of the Regional Spatial Strategy within 12 months of the date of this report.

NOTICE OF MOTIONS

(a) Motion by Councillor Jim Bolla – Equal Pay Claims

It was noted that consideration had been given to this item of business earlier in the meeting.

(b) Motion by Councillor Jonathan McColl – Transfer / Lease of Community Facilities

Councillor McColl, seconded by Councillor Traynor, moved:-

Council notes that despite the best efforts of officers, timing and resource issues have made the process for transferring/leasing Council facilities as a result of budget decisions difficult. This has led to concerns being raised by Councillors in recent Committee meetings.

To assist Elected Members to better understand the differences in process and consider how we could enable officers to better meet the needs of our communities, Council asks that a report be brought to a future Council or IRED Committee for the purpose of:

- Outlining the current process being followed for leasing/community asset transfer of Council owned facilities.
- Proposing changes to the process to facilitate proper discussions with current users of facilities prior to bringing reports to committee for agreement.
- Proposing any further changes that can make the process more transparent and ensure officers are able to provide Councillors with all the information we require to make informed decisions, including proposed rent levels and any non-standard conditions of the lease/transfer.

It may be useful to have an Elected Members' seminar on this topic in advance of a report being brought to committee.

As an amendment, Councillor McBride, seconded by Councillor McGinty, moved:-

Council notes that the process for transfer and lease of community facilities has not changed since Councillor McColl was Leader of the Council.

The process is fairly straightforward and is in line with West Dunbartonshire Council's Community Asset Transfer Procedures and Policy which was approved at the Infrastructure, Regeneration and Economic Development Committee on 15 March 2017.

A note of interest is received which will indicate a preference of

- Leasing Process
- Disposal
- Community Ownership

This is then assessed and confirmation to proceed to full application or not depending on a strategic requirement for the site or property. Consultation is then carried out with service areas within the Council and service users of site or property if applicable.

Where properties are assessed as surplus to service delivery requirements these do not follow this process as the strategic requirement has already been carried out as part of the disposal decision.

Council agrees that the asset disposal, asset leases and Community Ownership process is included in training for Elected Members.

Following the seminar(s) the Asset Manager in consultation with the Chief Officer will review the processes and make any appropriate changes.

On a roll call vote being taken, 10 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel, and 8 Members voted for the motion, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

(c) Motion by Councillor Jim Bollan – Unison Charter

Councillor Bollan moved:-

Council agrees to adopt, support and implement the Unison Charter as follows:

“To qualify for the UNISON Violence At Work Charter mark, employers must meet the following standards:

1. The employer has a written violence and aggression at work policy, which is* available to all staff. The policy should also cover lone working.
2. Responsibility for implementing these policies lies with a senior manager.
3. Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum.
4. Staff are encouraged to report all violent incidents and they are told how to do this.
5. The employer collects and monitors data on violent incidents on a regular and ongoing basis.
6. Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace.

7. Thorough risk assessments are conducted for staff placed in vulnerable situations.
8. The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support.
9. Training to ensure staff are aware of the appropriate way to deal with threatening situations.
10. Where appropriate, independent counselling services are available to staff who are the victims of violence at work"

As an amendment, Councillor Lennie, seconded by Councillor McGinty, moved:-

Council notes that the "End Violence at Work Charter" launched by UNISON across various sectors including third sector, voluntary sector, community, and local government.

The first stage of the process is for the local branch to submit proposals to the employer and thereafter to start discussions. This has not yet happened with the local UNISON Convenor confirming to the Chief Officer People and Technology that they were still working on this. Meantime, WDLT has agreed a joint awareness campaign with all SJC signatory unions.

In terms of signing up to the charter, as with other commitments made to our union colleagues, it would be preferable that this was a joint approach with ALL unions rather than just one.

Looking at each standard in turn:

1. "The employer has a written violence and aggression at work policy, which is available to all staff. The policy should also cover lone working." **The Council already has a number of policies and processes in place for this:**

- **An 'Accident and Violence at Work' document which also links to other policies that cover different forms of violence and/or abuse, such as:**
- **Safety Management Standards: Code 01 – Investigating, Recording and Reporting of Incidents.**
- **Safety Management Standards: Code 13 - Violence at Work;**
- **Supporting Employee Wellbeing Policy;**
- **Dealing with aggression and Threatening situations in Educational establishments;**
- **Home Carers' Handbook;**
- **Domestic Violence and Abuse Policy;**
- **Respect at Work Policy;**
- **Gender based Violence Policy.**

2. "Responsibility for implementing these policies lies with a senior manager". **This is already in place and responsibility for implementing, applying and supporting these lies with all managers and expectations extend to employees.**
3. "Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum". Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum, are already in place.
4. "Staff are encouraged to report all violent incidents and they are told how to do this. **Staff are encouraged to report all violent incidents and they are told how to do this so this is already in place.**
5. "The employer collects and monitors data on violent incidents on a regular and ongoing basis". **The employer collects and monitors data on violent incidents on a regular and ongoing basis so this is already in place.**
6. "Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace". **Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace, therefore they are already in place.**
7. "Thorough risk assessments are conducted for staff placed in vulnerable situations". **Thorough risk assessments are conducted for staff placed in vulnerable situations. This is already in place, and they are reported to H&S Committees.**
8. "The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support". **The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support. These arrangements are already in place, reported to H&S Committees and TU safety reps attend.**
9. "Training to ensure staff are aware of the appropriate way to deal with threatening situations". **Training to ensure staff are aware of the appropriate way to deal with threatening situations. This is already in place and the range of supportive policies is referred to at serial 1.**
10. "Where appropriate, independent counselling services are available to staff who are the victims of violence at work". **Council offers routes to counselling which may also require reversion to GP.**

While it seems that the charter would be relatively straightforward to sign up to, the actual local UNISON proposals are not yet known. Additionally, it is important that we seek the views of the other

recognised trades unions, so that they can be understood and considered for inclusion.

Given the above, the Council agrees that appropriate officers engage with West Dunbartonshire UNISON Branch to understand their proposals, assess any gaps, and identify any potential costs that may arise from adoption of the charter.

Councillor Murray Conaghan then seconded Councillor Bollan's motion.

On a roll call vote being taken, 10 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel, and 8 Members voted for the motion, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

(d) Motion by Councillor Michelle McGinty – Immediate Resignation of Convicted Criminal Councillor Craig Edward

Having heard Provost McAllister, Council noted that consideration was no longer required to be given this motion.

(e) Motion by Councillor Karen Murray Conaghan – Equalities Act

It was noted that the suspension of Standing Order 20 (d) would be required in order to consider the undernoted motion, using the procedure provided in Standing Order 28. The Council agreed to suspend the Standing Order.

Councillor Murray Conaghan then moved:-

Council notes its responsibilities under the Equality Act, to make reasonable adjustments to facilitate the participation of disabled people in the democratic processes of Council.

In the case of Council meetings, the interpretation of this duty falls to the Provost. To ensure that there is no misinterpretation, Council agrees that Standing Orders will be updated by the Monitoring Officer to include a provision as follows:

That the Provost be required to call a minimum of a 15-minute recess where,

1. A motion to set the General Services budget in full or part is moved and,
2. Any Elected Member has requested such a recess.

As an amendment, Councillor Rooney moved:-

Council notes that the Standing Orders are largely the same that were in force under the previous SNP Administration.

The Standing Orders were agreed at the Council meeting on 22nd October 2022.

Following the Council meeting on 6th March, Provost McAllister had raised the issue of making changes to Standing Orders with the Chief Officer Regulatory & Regeneration along the similar lines to those in the motion.

Given the above the Council agrees to the following changes to Standing Orders:

Standing Order 17

Renumber current Standing Order "17(d)" as "17(e)" and insert a new 17(d):

"Without prejudice to the Provost's rights in terms of Standing Order 17(a) where a motion to set the General Services annual Estimates of Capital and Revenue Expenditure in full or part is moved, which shall include circumstances narrated in Standing Order 19(b)(i) and an elected member has requested an adjournment of the meeting during consideration of the item on which the motion is moved, the Provost will be required to call an adjournment of no less than 15 minutes. It will be for the Provost to determine the actual length of such adjournment."

Councillor Rooney asked if Councillor Murray Conaghan would accept the following addendum to the motion:-

Given the above the Council agrees to the following changes to Standing Orders:

Standing Order 17

Renumber current Standing Order "17(d)" as "17(e)" and insert a new 17(d):

"Without prejudice to the Provost's rights in terms of Standing Order 17(a) where a motion to set the General Services annual Estimates of Capital and Revenue Expenditure in full or part is moved, which shall include circumstances narrated in Standing Order 19(b)(i) and an elected member has requested an adjournment of the meeting during consideration of the item on which the motion is moved, the Provost will be required to call an adjournment of no less than 15 minutes. It will be for the Provost to determine the actual length of such adjournment."

Councillor Murray Conaghan confirmed her acceptance of the addendum.

The Council agreed the motion with addendum.

The meeting closed at 8.25 p.m.

DRAFT

BACKGROUND INFORMATION

The Council has been attempting to engage the local Convenors, to further its' equalities obligations since 2017 specifically looking at terms and conditions. All have consistently refused to engage with the employer on the basis that they saw no potential inequalities.

The Council undertook another equalities review of the terms and conditions in 2022, reporting the findings to Council in December of that year. This report included the difference in public holiday offering to those employed in quasi-craft roles pre-2015.

In January 2023, six meetings were scheduled to begin discussions with the Convenors with various regional officials in attendance. After the third meeting, which was two months into discussions, the Convenors unilaterally withdrew from the process citing lack of time for this topic and reiterating their disagreement that there were any inequalities. Further attempts by Council officers to engage were unsuccessful.

In June 2023, six months after the report to Council and approximately a year since discussions on the audit had begun, a Joint Trade Union (JTU) legal response was received. This document unequivocally refuted the existence of inequalities albeit was somewhat lacking in any legal argument(s).

On 11 July 2023, GMB specifically requested a copy of the terms and conditions of the quasi-craft group, which they negotiated and agreed. These were duly provided on 13 July 2023.

On 18 July 2023 at the regular scheduled Convenor meeting, there was a further discussion about the equalities audit and a repeated request from all Conveners for a response on each point. At this meeting, the JTU legal opinion and Council response were discussed. The Council response was issued to all parties on 19 July. Later on that day, GMB withdrew as a signatory to this opinion confirming that their own legal advice would now be sought. Unite later confirmed that they had not taken their own legal advice and so could not say whether they remained in agreement with that submitted as JTU opinion.

One year on from the 2022 Council report, the employer wrote once again to the unions requesting a formal response on the issues raised, most recently at the meeting of 18 July 2023. Finally, in December 2023, GMB and UNITE confirmed that their legal advice did in fact acknowledge the public holiday inequality (the retention of which was negotiated by the same unions), and GMB indicated a desire to 'level up' or equal pay claims would be lodged.

The employer's response explained that the total number of recipients of the 12 Public Holidays was 199 (97% male). The GMB suggestion would result in 5666 employees having 4 days deducted from their annual leave, would create unfunded additional cost to maintain service delivery where this was necessary, and at a time when the Council has an estimated funding gap of £20million for 24/25, increasing year on year. This was unaffordable and disproportionate and, crucially, would be an unwelcome change to those employees who appreciate the flexibility that is provided

by the annual leave / public holiday arrangements currently enjoyed by the majority of the workforce.

GMB's approach, and limited ballot, entirely disregards most workers, focusing entirely on the male craft group who benefit from the additional public holidays, and given the lack of engagement with the Council despite its readiness to discuss such inequalities, it also omits to consider the service needs of the communities we serve, many of which must continue during holiday periods.

In respect of the care at home job evaluation, consideration and/or application of another employer's assessments/scores or outputs, is not permitted in this agreed scheme. The agreed national and local job evaluation appeals processes both explicitly state:

- **National:** *"Appeals on the grounds of comparability with other jobs (either within the individual Council, other Councils or nationally), or appeals seeking to restore previous grading or pay differentials will be inadmissible."*
- **WDC:** *"Appeals on the grounds of comparability with other jobs (either within the individual Council, other Councils or nationally) or appeals seeking to restore previous grading or pay differentials will be inadmissible."*

In terms of the motion's suggestion that "full account of the Employment Tribunal ruling against Fife Council" should be taken (that is Allan and others vs Fife Council), the Tribunal's own note at paragraph 9 of the aforementioned judgment (link above) confirms that they are *"not trained job analysts"*. Furthermore, precedent has not been set by this judgment being as it is subject to application to appeal and, that particular aspect, cannot be caught by legal precedent.

In light of this, the motion insisting that the Council should consider the evaluation outcome of another local authority employer (or indeed untrained analysts) in respect of the care worker role which the union knows is not permitted and is in conflict with the local and national job evaluation schemes and guidance, agreed by the Scottish Joint Council (SJC) unions, is misdirected.

The Council has an agreed process for job evaluation and this process was initiated when Care at Home workers submitted their request for re-evaluation of their role.

Care at Home workers have recently completed the process of job re-evaluation and as a result both their grade and rate of pay increased from Grade3 to Grade4 and backdated pay was made in February as planned.

In line with our policy and the national scheme, the request was considered by the Job Evaluation Panel which includes our trade union colleagues at the evaluation and consistency checking stages. As a result of identified changes to the role since the previous evaluation, particularly an increase in the level of responsibility, the overall scoring for the position was increased. This resulted in an increase in grade and corresponding pay.

The appeal, submitted in connection with the above evaluation outcome, failed to meet the criteria as set out in the agreed [Job Evaluation Policy & Procedure](#) (see

section 6, in particular 6.1 and 6.8) and did not provide sufficient evidence relevant to the factor(s) being appealed. Again, all three SJC unions are signatories to both national and local policies/guidance, just recently re-affirming their agreement to the SJC JES v3 amended.

The Council have written again to GMB specifically to return to the table to discuss their concerns, with a view to resolution and without industrial dispute.

Excerpt of Email from the Monitoring Officer:

I write with regard to the motion “Equal Pay Claims” which appears on the agenda of next week’s Council calling on the Council to accept that the Council and the Leisure Trust have an equal pay issue with regard to alleged disparity between roles performed predominantly by male staff and roles performed predominantly by female staff. I would ask that you bring the terms of this email to the notice of your group. I have written to both Groups and to Councillors Bollan and Docherty in these terms. I have also written separately to the Provost.

The motion, which is similar to correspondence the Council has very recently received from the GMB union, effectively calls on the Council to accept there is wrongdoing and to settle on a “levelling up” basis (i.e. with no detriment to those currently in receipt of higher pay) with individuals allegedly suffering gender based pay inequality.

While the Motion required to be admitted onto the agenda as it was not *de facto* illegal, it does present a challenge to me in that I believe that an admission of culpability (as is implied from the suggestion that the Fife Case be applied) without establishing facts, or indeed properly considering the applicable law, would be contrary to the a number of legal duties regarding protecting the public pound, not least of all is the overriding duty in terms of Section 1 of Local Government in Scotland Act 2003 - the [Local authorities' duty to secure best value](#). It also does not state the cost of the proposal nor the source of any funds required to meet cost. In part this may be because the sum is unquantifiable and therefore represents a high degree of risk to the Council.

As I will not be at the meeting on 27th I will request the Legal Officer to enquire these details from the mover of the motion in order that it complies with Standing Order requirements for such a statement.

I think it important to point out that my aim is not to prevent the Council from engaging with any party wishing to discuss potential inequality. We are obliged to address such inequalities where they are shown to exist, however the proposed “lift and shift” approach of taking the rationale of a case in another authority and assuming it applies to our own circumstances, does not, I believe, comply with the requirements of the duty within Section 1 of Local Government in Scotland Act 2003. I should add the Council involved in the case quoted (Fife Council) are likely to appeal as they believe there are good grounds to do so in terms of the Tribunal’s determination. This motion may therefore tie us to a course of action which is contrary to the final outcome of the case on appeal.

It is also fundamentally a risk to the Council to accept without evidence, the statement that there is *de facto* inequality on the basis alleged. Whether or not this is subsequently shown not to be the case, an admission by elected members that there was, in circumstances like this, would be unduly persuasive to any tribunal and it would be difficult for the Council to present a fair statement of its understanding of the facts and law following such an admission.

For the reasons above I would advise that if the motion were to pass, I would be obliged as Monitoring Officer, to prepare a report to Council in terms of Section 5(2) of the Local Government and Housing Act 1989 into a possible breach of law or maladministration given the duty to protect public funds. As you are doubtless aware, this so called Monitoring Officer report is an extremely serious step, is one which is rare in local government and particularly within West Dunbartonshire.

In the interim, no steps could be taken to further implement the motion and the report would be brought back to a future meeting of the Council.

Given the seriousness of the situation I would be happy to discuss the matter on either Monday or Tuesday to allow you to discuss with your group and revert to me with your thoughts.

Yours sincerely

Alan
Alan Douglas
Chief Officer: Regulatory and Regeneration

DC23/149/FUL: Erection of 128 residential homes, associated roads, infrastructure and open space on existing brownfield site, (former Playdrome site) Residential Development Site, Abbotsford Road, Clydebank by Miller Homes.

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, all facing bricks to be used shall be good quality clay bricks. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to Condition 1 above, prior to the approved brickwork associated with any house being constructed on site, a sample panel of the brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. Prior to the commencement of development on site, full details of the timescale/phasing for the build-out of the development shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative timescale is first agreed in writing by the Planning Authority.
4. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be proceed in accordance with the approved details.
5. Prior to commencement of development on site, a 'Play Equipment Strategy' for the site shall be submitted to and approved in writing by the Planning Authority. This shall include (but not be limited to) the following:
 - Details and specifications of forms of play equipment and structures to be provided within the site.
 - Provide full details regarding the maintenance arrangements for all play equipment and associated features within the site.
 - Provide timescales for implementation of the play equipment.

Thereafter, the approved play equipment strategy and all associated features and specifications shall be installed within the development in accordance with the strategy unless otherwise first agreed in writing by the Planning Authority

and maintained in accordance with the approved details for the lifetime of the development.

6. Notwithstanding the approved plans, all recommendations within the Ecological Constraints Survey dated 23th August 2022 shall be followed. This shall include all required further survey work identified as being required for otters. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented as approved.
7. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, the recommendations in paragraph 4.2.12 of the Ecological Constraints Survey dated 23th August 2022, in respect of reestablishing the ecological baseline shall be followed and the approach to this submitted to and approved in writing by the Planning Authority.
8. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline including any adjustments to the approved landscaping proposals together with the implementation details on site shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.
9. Prior to commencement of development on site, a full planting schedule shall be submitted for the further written approval of the Planning Authority. Thereafter, the approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
10. Any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
11. Prior to commencement of development on site, a site management scheme for construction traffic, shall be submitted to, and approved in writing by the Planning Authority and thereafter shall be implemented in accordance with the approved scheme. For the avoidance of doubt, construction access shall only be taken via Abbotsford Road and at no time will any vehicular access be taken to or from Argyll Road, unless otherwise agreed in writing with the Planning Authority.
12. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
13. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.

14. Prior to the occupation of any house, the on-street parking provision associated to that house shall be completed and be available for use by residents of the associated house. The on-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.
15. The additional parking provided on Abbotsford Road, as identified on drawing ARC/SITE001 Rev Q – Site Layout shall be constructed and made available for use prior to the removal of the existing parking area.
16. That prior to the commencement of development on site, full details of the proposed drainage regime inclusive of calculations and overland flow details shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
17. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site. The measures shall be implemented and maintained as approved.
18. The approved car charging points/units/ducting and associated infrastructure shall be installed in accordance with the approved details in a timescale agreed by the Planning Authority and maintained at all times thereafter.
19. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
20. Prior to the commencement of development on site, details of any street furniture inclusive of grit bins and telecommunications cabinets as well as lighting and bins adjacent to the canal, shall be submitted to and approved in writing by the Planning Authority and within a timescale agreed with the Planning Authority.
21. The Residential Travel Plan as approved as part of this application shall be provided on occupation of each dwelling to new residents.
22. No development (other than investigative works) shall commence on site until such time as a revised report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
 - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates

on the site).

b) An assessment of the potential risks (where applicable) to:

- human health
- property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
- groundwater and surface waters
- ecological systems
- archaeological sites and ancient monuments

b) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.

23. No development (other than works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
24. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
25. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
26. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any

actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

27. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and/or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

28. Prior to commencement of development on site, an updated noise assessment shall be submitted to, and approved in writing by the Planning Authority, to determine the impact of noise on the proposed development. The noise impact assessment and any recommendations in respect of mitigation measures shall be implemented as agreed prior to the development being brought into use and where appropriate shall be retained in accordance with approved details. The noise assessment shall include an assessment of aircraft noise taking into account the structure of the roof design as a possible pathway for noise transmission.
29. Prior to occupation of any house, the applicant shall have a third party independent verifier submit a verification report which shall provide verification of the installed noise mitigation measures demonstrating that the projections as detailed within the approved noise impact assessment are reliable and meet with the relevant conditions.
30. Prior to the commencement of development on site, a noise control method statement for the construction period shall be submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
31. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise first agreed in writing by the Planning Authority:

- Mondays to Fridays: 0800 – 1800
- Saturdays: 0800 – 1300
- Sundays and public holidays: No Working

32. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800, unless otherwise first agreed in writing by the Planning Authority.
33. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
34. Prior to the commencement of development on site a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise first agreed by the Planning Authority.
35. Prior to the commencement of development on site, an air quality impact assessment shall be submitted to and approved by the Planning Authority. The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication "Local Air Quality Management Technical Guidance LAQM.TG (09)", and "Delivering Cleaner Air for Scotland - Guidance from Environmental Protection Scotland and the Royal Town Planning Institute Scotland, January 2017". The recommendations of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.
36. Prior to the commencement of development on site, details (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours) of the lights /floodlights have been submitted to and approved in writing by the Planning Authority. The floodlights shall then be implemented in accordance with the approved details and shall be maintained in this condition. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.

The applicant should also take cognisance of the nearby commercial premises and

any associated floodlights. The potential for obtrusive light affecting the properties must be assessed and appropriate mitigation measures put in place to negate any nuisance from any lights on the commercial premises.

37. Prior to the commencement of development on site, details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.
38. That at all times, during the construction of the development, vehicular and pedestrian access shall remain available via Abbotsford Road, or any other equivalent access road, to all existing properties which were, at the time of granting planning permission, accessed via Abbotsford Road.