

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 29 August 2018 at 6.00 p.m.

Present: Provost William Hendrie, Bailie Denis Agnew and Councillors Jim Bolla, Jim Brown, Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Caroline McAllister, Douglas McAllister*, David McBride, Jonathan McColl, Iain McLaren, Marie McNair, John Millar, Lawrence O'Neill, Sally Page, Martin Rooney and Brian Walker.

* arrived later in the meeting

Attending: Joyce White, Chief Executive; Angela Wilson, Strategic Director - Transformation & Public Service Reform; Beth Culshaw, Chief Officer, West Dunbartonshire Health & Social Care Partnership; Peter Hissett, Strategic Lead – Regulatory (Legal Officer); Stephen West, Strategic Lead – Resources; Laura Mason, Chief Education Officer; Malcolm Bennie, Strategic Lead – Communications, Culture & Communities; Victoria Rogers, Strategic Lead – People & Technology; Jim McAloon, Strategic Lead – Regeneration; Ronnie Dinnie, Strategic Lead – Environment & Neighbourhood; Peter Barry, Strategic Lead – Housing & Employability; Carron O'Byrne, Interim Chief Social Work Officer, Julie Lusk, Head of Mental Health, Learning Disabilities and Addictions and Christine McCaffary, Senior Democratic Services Officer.

Also Attending: Fiona Mitchell-Knight, Assistant Director and Carol Hislop, Senior Auditor, Audit Scotland

Apologies: An apology for absence was intimated on behalf of Councillor John Mooney.

Provost William Hendrie in the Chair

PROVOST REMARKS

Provost Hendrie welcomed Fiona Mitchell-Knight and Carol Hislop of Audit Scotland to the meeting, advising that they were present to contribute to the discussion on Item 10 – West Dunbartonshire Council Best Value Assurance Report 2017/18.

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

Following discussion, the minutes of meeting of West Dunbartonshire Council held on 27 June 2018 were submitted and approved as a correct record.

Note:- Councillor Douglas McAllister arrived during discussion of the above item.

MINUTES OF SUB-COMMITTEE ON SCHEME OF DELEGATION

The minutes of meeting of the Sub-Committee on the Scheme of Delegation held on 11 June 2018 were submitted and approved as a correct record.

OPEN FORUM

The Provost advised that an Open Forum question had been received from Mr Andrew Muir in connection with abortions in West Dunbartonshire.

The Provost invited Mr Muir forward and he read out his question:-

Q. Currently abortion procedures are carried out using the services of a person's GP. However abortion leads to the death of a baby.

The reasons for abortion very rarely justify the ending of a life. Some of the reasons are that the baby was unplanned or that there are money concerns or loss of freedom in looking after it. In addition abortion is associated with a wide range of adverse physical and psychological outcomes for women.

Will you please stop all abortion practices in the area covered by the Council and instead advise mothers that they should carry the baby to full term. If after birth, the baby is still not wanted at that point then it can be handed over for adoption.

Councillor McColl provided the following response:-

This is not a matter which falls within the remit of the Council. Colleagues across the Council will have a wide variety of views, and it would not be appropriate for me to give an answer on behalf of the Council on what is a moral and very personal question.

As a supplementary question Mr Muir asked:-

About 3 weeks after conception a baby's heart starts to beat. Would you stop abortion practices on a baby if this heartbeat shows up on a foetal scan of the mother?

Councillor McColl repeated his response to Mr Muir's initial question, and advised that a written copy of the response would be provided to Mr Muir within the required period.

GLASGOW CITY REGION CITY DEAL – UPDATE

A report was submitted by the Strategic Lead – Regeneration updating on the progress with the implementation of the Glasgow City Region, City Deal and the Council's City Deal Project.

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

- (1) to note the progress of the Glasgow City Region (GCR) City Deal, and
- (2) to note progress with the Council's project for the Exxon site.

SUSPENSION OF STANDING ORDERS

Having heard the Legal Officer, the Council agreed to suspend Standing Orders to allow the following item of business to be considered.

PROPOSALS TO AMEND THE SCHEME OF DELEGATION TO OFFICERS

A report was submitted by the Strategic Lead – Regulatory asking Council to consider the recommendations from the Sub-Committee on the Scheme of Delegation in respect of amendments to the Scheme of Delegation to Officers.

Councillor McColl, seconded by Bailie Agnew moved:-

That Council approve the amendments to the Scheme of Delegation to Officers as detailed in the appendix to the report and that the Monitoring Officer be authorised to make those amendments and amend the Council's Standing Orders as required.

As an amendment, Councillor Bolla, seconded by Councillor O'Neill moved:-

That Council approve the changes with the exception of the following amendments:-

Paragraph 2.1(iv) - change 'Chief Executive' to 'the Sub-Committee on the Scheme of Delegation'.

Paragraph 2.3.3 – add the following wording ‘A special meeting may be called for this purpose at the discretion of the Convener’.

Paragraph 4 (A) (18) – change the wording ‘in conjunction with affected employees and trades unions’ to ‘with agreement of the trades unions’.

That the Monitoring Officer be authorised to make the amendments and to update the Council’s Standing Orders as required.

On a vote being taken, 8 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

GENERAL SERVICES BUDGETARY CONTROL REPORT – PERIOD 4

A report was submitted by the Strategic Lead – Resources on the progress of the General Services revenue budget and the approved capital programme for the period to 31 July 2018 (Period 4).

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

- (1) to note that the revenue account currently shows a projected annual adverse variance of £0.323m (0.15% of the total budget);
- (2) to note that the capital account shows that planned expenditure and resource for 2018/19 is lower than previously anticipated by £22.652m (27.45% of the budget), made up of £22.733m relating to project slippage, partially offset by £0.080m relating to an in year overspend;
- (3) to approve the capital virements detailed in appendix 9 of the report with the condition that the virement from the Kilmaronock Cemetery Extension to the Vale Cemetery be excluded until further investigations are concluded and reported to the relevant committee (Infrastructure, Regeneration & Economic Development); and
- (4) to approve the addition of a further £0.050m to the capital plan as detailed in 4.10 of the report.

HOUSING REVENUE ACCOUNT BUDGETARY CONTROL REPORT – PERIOD 4

A report was submitted by the Strategic Lead – Housing & Employability providing an update on the financial performance of the HRA revenue and capital budgets for the period to 31 July 2018 (Period 4).

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

- (1) to note the contents of the report which shows a projected favourable revenue variance of £0.103m (0.2%); and

- (2) to note the net projected annual position in relation to relevant capital projects which is highlighting a variance of £9.654m (28.9%) due to projected slippage of £9.596m (28.7%) and an underspend of 0.058m(0.25%).

WEST DUNBARTONSHIRE COUNCIL BEST VALUE ASSURANCE REPORT (BVAR) 2017/18

A report was submitted by the Chief Executive presenting the findings and recommendations of the Accounts Commission following the recent Best Value Assurance process of West Dunbartonshire Council.

Provost Hendrie introduced Fiona Mitchell-Knight, Assistant Director – Audit Scotland and invited Ms Mitchell-Knight to speak to the report.

Having heard Councillor McColl and Ms Mitchell-Knight acknowledge the positivity of the report and the considerable improvements that the Council had made over the 10 year period, the Council agreed:-

- (1) to note the Best Value Assurance Report (BVAR) for West Dunbartonshire Council published by Accounts Commission on 27 June 2018; and
- (2) to approve the Council's Improvement Plan developed in response to the recommendations contained in the BVAR.

Note:- Ms Mitchell-Knight and Ms Hislop left the meeting at this point.

INTERIM CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2017/18

A report was submitted by the Interim Chief Social Work Officer presenting the West Dunbartonshire Chief Social Work Officer's Annual Report for the period 1 April 2017 to 31 March 2018.

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

- (1) to note the contents of the report and associated appendices; and
- (2) to note that the Interim Chief Social Work Officer will make this report widely available within the Health & Social Care Partnership, Council and externally as appropriate to the Scottish Government.

REDUCTION IN COUNCIL USE OF SINGLE USE PLASTICS (SUPs) - PROGRESS UPDATE

A report was submitted by the Strategic Lead – Resources on progress to reduce the use of Single Use Plastics (SUPs) across the Council.

Following discussion, the Council agreed:-

- (1) to note the progress being made to identify, eliminate and reduce the purchase of SUPs;
- (2) to support the move towards eliminating the following SUPs:
 - individual milk drinking cartons and replacing with Tetra Pak™ milk cartons;
 - straws in milk Tetra Pak™ cartons;
 - bottles from all Council vending machines;
 - water bottles purchased by the Council and encouraging the use of refillable water bottles;
 - drinking cups and replacing with glasses and mugs;
 - stirrers (coffee / tea) and replacing with wood stirrers or metal teaspoons;
 - swabs and cotton buds and replacing with paper or wood stem swabs and cotton buds; and
 - individual milk pots
- (3) to support the establishment of an auditing map of SUPs to reduce SUPs across the Council;
- (4) to support the delivery of an awareness campaign to staff, pupils and gym members;
- (5) to approach COSLA and ask it to look at the SUP issue; and
- (6) to note:-
 - (i) the difficulties in recycling black plastic food trays due to the colour; and
 - (ii) that this issue will be raised with the Scottish Government.

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

A report was submitted by the Strategic Lead – Regulatory advising the Council of the requirement to conduct a review of polling districts and polling places within its area.

Having heard the Strategic Lead - Regulatory in answer to Member's question, the Council agreed:-

- (1) to note the statutory requirement to conduct a review of polling districts and places within its area;
- (2) to approve the Notice of Review and timetable as shown in appendix 1 to the report;

- (3) that the continued suitability of West Dumbarton Activity Centre (Polling District DU17D) be checked, and if necessary alternative polling places be identified that meet the access needs of all voters; and
- (4) to note that a report containing the final proposals and representations will be submitted for approval to the meeting of Council in December 2018.

VACANCIES ON COMMITTEES AND OTHER BODIES

A report was submitted by the Strategic Lead – Regulatory requesting Council to consider the filling of the remaining vacancies on committees, joint boards/committees and outside bodies.

Councillor Caroline McAllister, seconded by Bailie Agnew moved:-

Council thanks those members who have taken up positions on Committees and Outside Bodies, representing this Council and our constituents in the democratic process.

Council is concerned there remains a number of vacancies on committees and would urge those elected to represent their constituents and communities who have not as yet taken up their positions on committees, to do so in order to participate in the scrutiny and decision making process on behalf of the people of West Dunbartonshire.

Council agrees to continue to keep the vacancies open for any opposition Councillor to consider taking up and would urge those political parties not represented to accept their seat.

Councillor McBride asked Councillor McAllister if she would be willing to accept the following as an addendum to her motion, to be inserted after paragraph 2:-

The Labour Group filled their allocation of Committee places following the Statutory Council Meeting.

Since then we have taken additional vacancies originally allocated for Tory / Community Party members.

The Labour Group will now leave these parties to take on their vacant places meantime.

Having heard Councillor McAllister advise that she could not accept the addendum Councillor McBride, seconded by Councillor Rooney moved the following:-

Council thanks those members who have taken up positions on Committees and Outside Bodies, representing this Council and our constituents in the democratic process.

Council is concerned there remains a number of vacancies on committees and would urge those elected to represent their constituents and communities who have not as yet taken up their positions on committees, to do so in order to participate in the scrutiny and decision making process on behalf of the people of West Dunbartonshire.

The Labour Group filled their allocation of Committee places following the Statutory Council Meeting.

Since then we have taken additional vacancies originally allocated for Tory / Community Party members.

The Labour Group will now leave these parties to take on their vacant places meantime.

Council agrees to continue to keep the vacancies open for any opposition Councillor to consider taking up and would urge those political parties not represented to accept their seat.

On a vote being taken 7 Members voted for the amendment and 13 for the motion, which was accordingly declared carried.

NOTICES OF MOTION

Motion by Councillor Jim Bollan – Social Media Policy for Employees

Councillor Bollan, seconded by Councillor O'Neill moved:-

Council agrees to review the Social Media policy for employees which is too restrictive and infringes on an employee's rights under Article 10 (Freedom of Expression) of the European Convention on Human Rights which states:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The review should be carried out in conjunction with the Council's Joint Trade Unions with an agreed position being reported back to the November 2018 Council meeting.

As an amendment Councillor Dickson, seconded by Bailie Agnew moved:-

Council notes that its Social Media Policy for employees was last formally looked at under the previous Administration in 2016 and agrees that a new review should take place.

The review will be carried out in conjunction with the Council's Joint Trade Unions who should feed staff views back to officers. A report will come to the Corporate Services Committee upon completion of the review.

On a vote being taken 13 Members voted for the amendment and 8 for the motion. The amendment was accordingly declared carried.

Motion by Councillor David McBride – Greenlight Environmental

Councillor McBride moved:-

This Council is disappointed to learn that Greenlight Environmental has applied for voluntary administration following its failure to honour its payments to HMRC.

Council notes that Greenlight Environmental employs 109 staff and provides a range of services to West Dunbartonshire residents.

The services provided to our citizens are valued at £1.4m per year and include our care of garden scheme and a variety of recycling and environmental maintenance and improvements.

This Council calls on the Chief Executive in consultation with the other Councils to work towards a solution that protects jobs and services across Greenlight Environmental area of operation.

Ideally the aim should be to ensure that Greenlight Environmental continues to trade in some form but in the event that this is not feasible, then the Council should explore the option of taking the services and jobs in house within the Council.

Councillor McLaren moved the following as an amendment:-

Council thanks Councillor McBride for bringing this motion to us and notes that all the actions being asked for in the motion were already planned or underway from the day the Council learned that Greenlight were seeking voluntary administration. Council thanks officers for their immediate quick response.

West Dunbartonshire Council is the largest user of this company's services and officers are working with the other local authorities and the appointed Administrators to ensure continuity of services for our residents.

At Political and officer level we are also in discussions with all of the aforementioned stakeholders and GMB Trade Union, and are working to find a solution that protects the future employment of the Greenlight staff who are stuck in the middle of this situation through no fault of their own.

Our aim is that Greenlight Environmental continues to trade in some form, but in the event that this is not feasible Council will explore all options available, and these will be included in any options appraisal presented to members for decision at a future date.

Council agrees that an update will be provided to elected members as the situation develops.

Having heard Councillor McBride, Councillor McLaren agreed that his proposed amendment become an addendum to Councillor McBride's motion.

The motion with addendum was then seconded by Bailie Agnew.

Councillor Bollan, having failed to find a seconder for a proposed amendment, requested that his dissent be recorded in respect of this item.

Accordingly, the motion with addendum was agreed by Council.

The meeting closed at 8.55 p.m.