

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 27 April 2016 at 5.00 p.m.

Present: Provost Douglas McAllister and Councillors Denis Agnew, George Black, Jim Bolland, Jim Brown, Jim Finn, William Hendrie, David McBride, Jonathan McColl, Patrick McGlinchey, Marie McNair, John Millar, John Mooney, Ian Murray, Lawrence O'Neill, Tommy Rainey, Gail Robertson, Martin Rooney, Kath Ryall and Hazel Sorrell.

Attending: Joyce White, Chief Executive; Angela Wilson, Strategic Director – Transformation and Public Service Reform; Richard Cairns, Strategic Director – Regeneration, Environment & Growth; Laura Mason, Chief Education Officer; Peter Hissett, Strategic Lead – Regulatory; Ronnie Dinnie, Strategic Lead – Environment and Neighbourhood; Jim McAloon, Strategic Lead - Regeneration; Malcolm Bennie, Strategic Lead – Communications, Culture and Communities; Stephen West, Strategic Lead - Resources; Graham Pollock, Manager of Regulatory Services; Soumen Sengupta, Head of Strategy, Planning and Health Improvement, WD H&SCP; and Craig Stewart, Committee Officer.

Also Attending: Graham Houston, Board Member, Scottish Police Authority; Superintendent Grant Manders, Divisional Commander and Chief Inspector Donald Leitch, Police Scotland; and Karen Cotterell, Senior Auditor, Audit Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey and Michelle McGinty

Provost Douglas McAllister in the Chair

CHAIR'S REMARKS

Provost McAllister, Chair, welcomed everyone to the April Council meeting. Provost McAllister then advised that he had received an Emergency Notice of Motion from Councillor Lawrence O'Neill, and asked the mover of the Motion, Councillor O'Neill to state its terms. Having heard Councillor O'Neill inform the Council of the nature of the Emergency Motion, it was determined in light of the urgency of the matter that it would be dealt with at an appropriate point later in the meeting.

DECLARATIONS OF INTEREST

Councillor Bollan declared a non-financial interest in Item 11. Dalmonach C.E. Centre Options Appraisal, and advised that he would take part in the decision in respect of this matter.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 24 February 2016 were submitted and approved as a correct record.

MINUTES OF AUDIT & PERFORMANCE REVIEW COMMITTEE

The Minutes of Meeting of the Audit & Performance Review Committee held on 9 March 2016 were submitted for information and, where necessary, ratification.

OPEN FORUM

Provost McAllister advised that an open forum question had been received from Mrs Rose Harvie. Mrs Harvie came forward, from the public gallery, and read out her question concerning access to toilets at Overtoun House:-

Context: During the past few months several visitors to Overtoun Estate have asked me whether it is possible for the public to use the toilets in Overtoun House. There are increasing numbers of visitors to the estate now that the Lang Craigs Community Woodland has been established, and there are no toilet facilities anywhere in the vicinity of the estate. I made a general enquiry in January this year about access to the toilets, through a WDC Councillor, who received a reply to my query from Stuart Gibson on 18th February, which he copied to me.

This reply stated that Ian Dewar, the WDC estates surveyor, had visited the house, and the tenant of Overtoun House *'would only wish customers of the tearoom within the house to use the toilet situated across the corridor. He did say that if someone was in need then they would not be turned away while the tearoom was open, but not at any other times.'*

Mr Gibson then stated that on re-reading the Lease for Overtoun House, he realised that this is not, in fact the case. The Lease - page 63, Part IV, Schedule, Permitted Use, final paragraph - states that *'access to all other ground floor rooms shall be available for access by the general public at times when they are not otherwise used. Any such access shall be available to the general public at no cost without prior notification to the Tenant by any member of the general public.'*

I have a copy of the Lease, as I represented Silverton and Overtoun Community Council which was party to the variation of the Lease involving a

reduction in the length of the Lease, in Dumbarton Sheriff Court in 2007 [a copy of the excerpt of the Lease was circulated at the meeting].

The rooms for permitted use not accessible to the public are listed in the Lease as: permanent living accommodation; residential care for single expectant mother; residential care for women in crisis; youth sports and life training; training centre and retreat centre, and tea room. Therefore '*all other rooms on the ground floor*' must include the ground floor toilet.

Mr Dewar replied to a further query from me on 6th April, stating that he had again visited and phoned the tenant, and still awaited a response, as well as awaiting the outcome of an application by WDC Licensing Committee for a licence for multiple occupancy, to enable the tenant to commence one or more of his permitted uses.

Question: what steps will WDC take to ensure that the tenant of Overtoun House complies with the agreed terms and conditions of the Lease, and makes the ground floor toilet available, at reasonable times, and at no cost, to the general public?

Councillor McGlinchey responded in the following terms:-

There is an outstanding license application for a House in Multiple Occupation (HMO). Work is outstanding to satisfy the Council's Environmental Health Section and The Scottish Fire and Rescue Service. If granted there may be an impact on access to some or all ground floor areas given that restrictions may be imposed due to the occupation of vulnerable women within the property. This could impact on the application of the lease conditions.

The leaseholders are currently in the United States seeking continued funding, for the project and are due to return on 27 May 2016. They are keen to have an on-site meeting, with Council officers as soon as possible after their return, to discuss this issue to reach a beneficial resolution.

Asset Management will meet in early course with the tenant on their return to the country and seek to clarify what a reasonable resolution to access to the ground floor would be during the week. They will also establish what impact the HMO will have on the operation of the property and establish whether this will result in a change to the lease conditions.

A supplementary question was then asked by Mrs Harvie:-

If agreement can't be reached and, as the Lease says – "In the event a sufficient level of such access is not provided to the general public, which level shall be determined at the Landlord's sole discretion, the Landlord shall be entitled to take any action it deems necessary to require such access is provided". While sincerely hoping it is, can you give an indication of what the arrangements for doing this might be?

Councillor McGlinchey responded in the following terms:-

Firstly, can I thank Mrs Harvie for drawing this matter to our attention.

Mrs Harvie is correct: the lease, signed in 2001, does have a clause which, if enforced, will require that the tenant of Overtoun House provide members of the public with reasonable access to facilities on the ground floor, free of charge.

I can confirm that the Council, as the landlord, has the right to enforce this clause. It is also up to Council, as Landlord, to determine the level of access we deem to be reasonable.

The Council are keen to use this clause to make sure the public do have access to facilities and have contacted the tenants to take things forward. The tenants have agreed to meet with our officers and hope to come to an agreement over hours of public access, which is a positive development.

The tenants are currently out the country and not due to return until later next month but I can confirm that Council will pursue this meeting at the earliest opportunity; certainly I would hope no later than June.

I'm confident that we can come to an agreement which gives public access to toilet facilities on the ground floor; however I would add one note of caution:

There is an application for an HMO licence currently under consideration for Overtoun House. It's common that, when HMO's are granted, they come with restrictions on how the property can be used – particularly properties which plan to house vulnerable people. Estates officers tell me that any restrictions imposed by an HMO must be the whole property – in this case, that would include the ground floor.

Now, any eventual restrictions that the HMO imposes will have to be agreed upon by professionals within Environmental Health, Scottish Fire and Rescue and our Housing and Social Work teams.

It may be that the HMO won't pose a barrier to public access but, I want to be clear: if Overtoun House is going to be occupied under an HMO then the safety of those people who live there will always be put first.

So, we will peruse public access to these facilities with that one stipulation: residents safety above all else.

VARIATION OF ORDER OF BUSINESS

After hearing Provost McAllister, Chair, Council agreed to vary the order of business as hereinafter minuted.

DALMONACH C.E. CENTRE OPTIONS APPRAISAL

A report was submitted by the Strategic Lead – Environment and Neighbourhood providing Council with the options available to replace Dalmonach Community Education Centre.

Councillor Rooney, seconded by Councillor Millar, moved that Council agrees:-

- (1) to approve option 4.1.3 subject to the finalisation and approval of the Early Years Strategy;
- (2) that the Council's capital plan be updated to add this project to the plan at an indicative additional cost of £1,150,000; and
- (3) to note that a report would be submitted to a future IRED Committee with specific details following consultation with key stakeholders, community groups and the finalisation of the Early Years Strategy.

As an amendment, Councillor Bollan moved:-

Council agrees with the officer's three recommendations contained in 2.1 of the report confirming a new build Dalmonach Centre which will include space for an additional 60 nursery places.

Council also agrees, as an interim measure, to retain the election porta cabin on site for use as a temporary base for user groups particularly the elderly and disabled groups that have been relocated to other Centres.

Many elderly and disabled groups have seen their membership dwindle to dangerously low levels given clubs have been relocated well away from the Dalmonach area. The cost of taxis, for some groups, to and from the allocated accommodation is unsustainable for many elderly and disabled users and is causing social exclusion amongst these client groups.

Bonhill & Dalmonach Community Council support the request to retain the porta cabin as an interim measure.

Any additional costs to retain the porta cabin, until the new centre is built, can be met from reserves given these emergency circumstances were unforeseen.

¹Councillor Robertson asked Councillor Bollan if he was willing to accept the following addendum to his amendment:-

Should the user groups find the portacabin option unsuitable then an alternative temporary facility adjacent to the current Centre should be provided.

¹ As corrected by West Dunbartonshire Council at its meeting on 29 June 2016

Councillor Bollan confirmed his acceptance to this and his amended was then seconded by Councillor Agnew.

During consideration of this matter, the Strategic Lead – Environment and Neighbourhood and the Chief Executive were heard in further explanation and in answer to Members' questions.

Following debate and at the request of Councillor Bollan, the Council agreed to proceed by way of a roll call vote.

On a vote being taken 10 Members, namely Councillors Agnew, Black, Bollan, Brown, Finn, Hendrie, McColl, McNair, Murray and Robertson voted for the amendment and 10 Members, namely Provost McAllister and Councillors McBride, McGlinchey, Millar, Mooney, O'Neill, Rainey, Rooney, Ryall and Sorrell voted for the motion. On the casting vote of the Chair, the motion was accordingly declared carried.

EMERGENCY MOTION BY COUNCILLOR LAWRENCE O'NEILL – REQUESTS BY VARIOUS GROUPS FOR FINANCIAL ASSISTANCE

Council notes that West Dunbartonshire Community Volunteer Services (WDCVS) administers and distributes the Council grant budget.

During 2015/16 they have successfully secured additional external funding for local groups and as a result have unused funds at the end of March 2016 of £35,545 which is normally returned to the Council.

Over recent weeks the Administration has received a number of specific requests seeking assistance.

West Dunbartonshire Community Foodshare: The West Dunbartonshire Community Foodshare has a funding gap while they await confirmation of their application to the Big Lottery for a multi-year funding package. Without an immediate commitment to emergency funding from the Council they would struggle to provide the same level of service required by vulnerable families and children. In addition they will be required to initiate redundancy proceedings in relation to the development worker who is vital to the organisations continued success.

Save our Services: The Vale of Leven Hospital Save Our Services Group is a non-party political community group has requested a funding contribution towards their community campaign in support of the retention of services at the Vale of Leven Hospital.

Music Therapy Service: The Council provides a Music Therapy Service for children with Additional Support Needs. The new arrangements mean parents make a contribution towards the service costs. Parents believe that over time this could potentially reduce the number of service users and threaten the sustainability of the service.

Elderly Organisations: The Council area has a number of elderly groups who tackle social isolation by organizing events and activities for their members and former members who are housebound. The Administration is keen to provide additional funding support for these groups to support their ongoing activities.

Dalmonach Community Groups: Council also notes that the Strategic Director of Regeneration, Environment and Growth is recommending that £1.15m be invested in a new Dalmonach Community Centre. Clearly, this will take time to deliver and will mean a temporary relocation and disruption for existing groups over an extended period while the new centre is constructed.

Therefore the Council agrees that:

- **£31,545** of the 2015/16 unused WDCVS funds are returned to the Council to be used as follows:
 - a. **£11,000** to be provided to West Dunbartonshire Foodshare to provide three months operational funding;
 - b. **£545** to be provided to Vale of Leven Hospital Save Our Services Group to support their on-going campaigns;
 - c. **£10,000** to be transferred to the Health and Social Care Partnership to reinstate the Music Therapy Service at nil cost to parents and that future budgets reinstate the appropriate funding to retain this service; and
 - d. **£10,000** this will be distributed to established elderly groups in West Dunbartonshire pro rata to the funding distributed to these groups under the Older Peoples Winter Payments process in 2015/16.
- The remaining **£4,000** of the 2015/16 unused WDCVS funds is retained by WDCVS and is earmarked for use by existing Dalmonach Community groups to cover reasonable additional expenses incurred as a result of the temporary relocation, such as travel costs. The Community Groups would be expected to submit a funding application as normal to WDCVS to access the earmarked funds.

The Council agreed to approve the above motion.

PRESENTATION – POLICE SCOTLAND ANNUAL UPDATE

A presentation was made by Chief Superintendent Grant Manders and Chief Inspector Donald Leitch, Police Scotland to Council on Police Scotland Annual Update.

In noting the content of the Divisional Commander's comprehensive and wide-ranging presentation, Members also took the opportunity to ask questions on a variety of current

and anticipated issues in relation to policing and the community of West Dunbartonshire.

Following the presentation and the question and answer session, Provost McAllister, on behalf of Council, thanked Chief Superintendent Manders and Chief Inspector Leitch for their full response to questions and for their comprehensive presentation.

Note: Councillors Finn and Robertson left the meeting during consideration of the above item with Councillor Murray leaving following its conclusion.

ADJOURNMENT

Having heard Provost McAllister the Council agreed to adjourn at 7.30 p.m. for a short period.

The meeting reconvened at 7.50 p.m. with all those Members shown on the sederunt in attendance, with the exception of Councillors Finn, Murray and Robertson.

GLASGOW CITY REGION: CITY DEAL – UPDATE

A report was submitted by the Strategic Lead - Regeneration providing an update on progress with the implementation of the Glasgow City Region – City Deal.

Councillor McGlinchey provided the Council with an update from the City Deal Cabinet meeting that he had attended, and the Strategic Lead – Regeneration, Chief Executive and relevant officers were then heard in further explanation and in answer to Members' questions.

After discussion, the Council agreed:-

- (1) to note the progress with the implementation of the Clyde Valley City Deal;
and
- (2) to note that a further report on progress will be provided to the June 2016 Council.

LOCAL SCRUTINY PLAN 2016-17

A report was submitted by the Strategic Lead – Resources providing information on the Local Scrutiny Plan for 2016/17 which has recently been published by Audit Scotland.

Councillor Rooney, moved:-

This Council notes the Local Scrutiny Plan 2016-2017.

The Council thanks the Chief Executive and all our staff for their hard work which is reflected in the fact that yet again there is no specific scrutiny required for West Dunbartonshire Council.

The local scrutiny plan (LSP) sets out the planned scrutiny activity with the Council during 2016/17. The LSP is based on a shared risk assessment undertaken by a local area network (LAN), comprising representatives of all the scrutiny bodies who engage with the Council.

The shared risk assessment process draws on a range of evidence with the aim of determining any scrutiny activity required and focusing this in the most proportionate way.

The LAN is of the view that **the Council continues to demonstrate a strong commitment to best value and has strong leadership, a clear vision and a focus on continuous improvement.**

The LAN noted that the Council are in the process of implementing a new leadership structure and considers that the Council should monitor the impact of these changes to ensure it continues to deliver the anticipated strategic leadership and service delivery improvements.

The **LAN did not identify any areas from the risk assessment where specific scrutiny was required**, other than scrutiny that was nationally directed or part of a planned programme of work.

However, four areas have been identified by the LAN where ongoing oversight and monitoring is required, i.e.:

- Housing & Homelessness (same as 2015/16);
- Employee Absence (same as 2015/16);
- Efficiency (same as 2015/16); and
- Delivery of Education (new for 2016/17 due to deletion of Director's post).

Strategic Leads have already identified through the service planning process actions to deliver on the four areas discussed above where ongoing oversight and monitoring is required and the strategic / high level elements of these have been brought together in a scorecard report for 2016/17 which will be subject to regular scrutiny within the Audit Action Plans Report submitted to each A&PRC.

From paragraph 10 onwards of the LAN report and at Appendix 1, there is mention of a range of risk-based and nationally driven scrutiny activity during 2016/17, together with routine, scheduled audit and inspection work through the annual audit process and the ongoing inspection of school and care services.

Audit Scotland will also carry out performance audit work on early learning and childcare, a follow-up on audit of self-directed support and audit work on equal pay. In addition, there will be a new approach to best value to be rolled out from October 2016.

Otherwise, the Council also agreed to note the Council actions which were attached as Appendix 2 of the report.

GENERAL SERVICES BUDGETARY CONTROL REPORT

A report was submitted by the Strategic Lead – Resources advising Council on the progress of both the General Services revenue budget 2015/16 and the approved capital programme for the period to 29 February 2016.

After discussion and having heard the relevant officers in further explanation and in answer to a Member's questions, the Council agreed:-

- (1) to note that the revenue account currently shows a projected annual favourable variance of £1.563m (0.72% of the total budget); and
- (2) to note that the capital account shows a projected annual favourable variance of £25.264m (33.52% of the budget) and a projected project life adverse variance of £6.260m (2.21% of project life budget)

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO 29 FEBRUARY 2016 (PERIOD 11)

A report was submitted by the Strategic Lead – Housing and Employability providing an update on the financial performance to 29 February 2016 (Period 11) of the HRA revenue and capital budgets.

The Council agreed:-

- (1) to note the projected favourable revenue variance of £0.446m (1.04% of the total budget); and
- (2) to note the position advised in relation to the capital budget which is currently projecting an in-year favourable variance of £8.429m (28.84%), of which £5.452m (18.66%) relates to project re-phasing and an in-year underspend of £2.976m (10.18%).

Note: Councillors Black and Bollan left the meeting at this point in the proceedings.

NOTICES OF MOTION

(a) Motion by Councillor Gail Casey – Keeping CalMac Public

Council notes that the £1billion 2016-24 Clyde and Hebrides ferry services (CHFS) contract will be awarded at the end of May and that the two bidders are public sector operator Cal Mac and private multinational Serco.

Council welcomes the Scottish Government's investment in ferry Infrastructure and services, including six new vessels for the CHFS network by 2025.

Council notes ferry expert Jeanette Findlay of Glasgow University's report for the RMT union, "*Economic benefits of public sector provision on lifeline Clyde and Hebrides ferry services*" which found that CalMac is an efficient operator that spreads benefits across the Scottish economy whilst Serco's profit-seeking model restricts performance to contractual minimums and would increase risk to workers, communities, passengers and the taxpayer.

The Council will write to the First Minister and the Transport Minister of the Scottish Government in support of awarding the next CHFS contract to CalMac and retaining public sector operation of lifeline ferry services to the benefit of the Scottish economy and society.

Councillor Rooney was heard in support of the motion by Councillor Casey which was seconded by Councillor McGlinchey.

As an amendment, Councillor McColl, seconded by Councillor Hendrie, moved:-

Council notes that the £1 billion 2016-24 Clyde and Hebrides ferry services (CHFS) contract will be awarded at the end of May and that the two bidders are public sector operator CalMac and private multinational Serco.

Council welcomes the Scottish Government's investment in ferry Infrastructure and services, including six new vessels for the CHFS network by 2025.

Council notes ferry expert Jeanette Findlay of Glasgow University's report for the RMT union, "*Economic benefits of public sector provision on lifeline Clyde and Hebrides ferry services*" which found that CalMac is an efficient operator that spreads benefits across the Scottish economy whilst Serco's profit-seeking model restricts performance to contractual minimums and would increase risk to workers, communities, passengers and the taxpayer.

The Council will write to the European Commission asking to amend the rules governing this contract.

Council further notes that the process followed by the Scottish Government is the same process used by the previous Labour/Liberal executive, which itself was curtailed by the rules laid down by the European Commission.

On a vote being taken, 5 Members voted for the amendment and 10 for the motion, which was declared carried.

(b) Motion by Councillor Patrick McGlinchey – Tackling Structural Inequality in Scotland

²The Council noted that Councillor McGlinchey's motion had been withdrawn.

(c) Motion by Councillor John Mooney – Progressive Tax

This Council is committed to fair taxation to support and sustain public service provision in Scotland.

The Council notes that, in 2013, the Conservative-led UK Government reduced the tax paid by the wealthiest citizens from 50p in every pound over £150,000 to 45p in every pound over £150,000.

Therefore the Council calls upon the next Scottish Parliament to use its new tax-raising-powers to reverse this Tory tax-cut for the wealthiest and to instead reintroduce a 50p tax-rate for tax payers earning over £150,000.

Councillor Mooney was heard in support of his motion which was seconded by Councillor McGlinchey.

As an amendment, Councillor McColl, seconded by Councillor Hendrie, moved:-

This Council is committed to fair taxation to support and sustain public service provision in Scotland.

Council agrees that the tax cut for the rich put forward by the Tory government is unacceptable.

Council notes that while there may be broad support to reintroduce a 50p tax rate, while the Scottish Government does not control the rules on income tax avoidance, there is a risk that no additional revenue is generated or that revenue is lost as a result.

Scottish Government analysis shows that if 6% of top rate tax payers chose to relocate their income out of Scotland, there would be no extra revenue from an increase to 50p in the top rate. And if 7% were to relocate their income out of Scotland we would lose £30 million in income tax revenue.

Therefore Council calls upon the next Scottish Parliament to use new tax raising powers responsibly and welcomes the commitment given by the SNP to “ask the Council of Economic Advisers to consider how and to what extent this risk can be mitigated and if we are sufficiently assured that it can be, we will consider raising the additional rate from 45p to 50p from 2018/19 onwards.”

² As corrected by West Dunbartonshire Council at its meeting on 29 June 2016

On a vote being taken, 5 Members voted for the amendment and 10 for the motion, which was declared carried.

The meeting closed at 9.50 p.m.