

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chamber, Council Offices, Garshake Road, Dumbarton on Wednesday, 26 October 2016 at 5.07 p.m.

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

Attending: Joyce White, Chief Executive; Angela Wilson, Strategic Director – Transformation and Public Service Reform; Keith Redpath, Chief Officer of the Health & Social Care Partnership; Richard Cairns, Strategic Director – Regeneration, Environment & Growth; Peter Hissett, Strategic Lead – Regulatory; Malcolm Bennie, Strategic Lead – Communications, Culture & Communities; Jim McAloon, Strategic Lead – Regeneration; Peter Barry, Strategic Lead – Housing & Employability; Laura Mason, Chief Education Officer; Ronnie Dinnie, Strategic Lead – Environment & Neighbourhood; Vicki Rogers, Strategic Lead – People & Technology; Stephen West, Strategic Lead – Resources; Gillian McNeilly, Finance Manager; Michael McGuinness, Economic Development Manager; and Craig Stewart, Committee Officer.

Also Attending: Ms Carol Hislop, Senior Audit Manager and Ms Karen Cotterell, Senior Auditor, Audit Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Brown, Jim Finn, Marie McNair and Gail Robertson.

Provost Douglas McAllister in the Chair

CHAIR'S REMARKS

In relation to a point raised by Councillor Black and following discussion on the format of the agenda and supplementary agenda that had been issued for the meeting, Council agreed that, in future, reports that were marked as 'to follow' and not available for the first issue, would instead be grouped as the last items of business on the agenda (excluding motions), in order to make the order of the agenda easier to follow.

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 MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on 31 August 2016 (Ordinary Meeting) and 5 October 2016 (Special Meeting) were submitted and approved as correct records, subject to the following correction with regard to Minutes of Meeting of 31 August 2016:-

That in relation to the item under the heading 'Registered Charitable Trusts' and, in particular, the Dr AK Glen Fund, the words "for Annual Outing for Old Age Pensioners" were incorrect and should be replaced with "for the benefit of the people of Dumbarton, to assist and relieve those in need by reason of age".

MINUTES OF AUDIT & PERFORMANCE REVIEW COMMITTEE

The Minutes of Meeting of the Audit & Performance Review Committee held on 28 September 2016 were submitted for information, and where necessary, ratification.

OPEN FORUM

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

GLASGOW CITY REGION CITY DEAL – UPDATE

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

After discussion and having heard Councillor McGlinchey provide an update on the current position, and the Strategic Lead – Regeneration in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the progress with the implementation of the Glasgow City Region City Deal;
- (2) to note that the pre-screening Strategic Environmental Assessment had commenced and will complete before site acquisition terms have been agreed with the site owner; and
- (3) to note that the Outline Business Case (OBC) would be presented to Council for approval.

AUDITED ANNUAL ACCOUNTS 2015/16 – ANNUAL AUDIT REPORT TO MEMBERS AND CONTROLLER OF AUDIT

A report was submitted by the Strategic Lead – Resources on, amongst other things:-

- (a) the audited Financial Statements for 2015/2016 and highlighting matters of interest; and
- (b) the audited 2015/16 Financial Statements of the Charities administered by the Council and highlighting matters of interest.

After discussion and having heard the Strategic Lead – Resources in answer to a Member's question, the Council agreed:-

- (1) to note the contents of the report;
- (2) to note that the Audit and Performance Review Committee on 28 September 2016 had approved the audited Annual Accounts 2015/16 of both the Council and the Charities, as delegated by Council on 29 June 2016; and
- (3) to note the findings of the audits as detailed in Audit Scotland's reports dated September 2016, which had also been presented to the Audit and Performance Review Committee on 28 September 2016.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO 30 SEPTEMBER 2016 (PERIOD 6)

A report was submitted by the Strategic Lead – Resources advising on the progress of both the General Services revenue budget 2016/17 and the approved capital programme for the period to 30 September 2016.

The Council agreed:-

- (1) to note that the revenue account currently shows a projected annual favourable variance of £1.077m (0.50% of the total budget);

- (2) to note that the capital account shows a projected annual favourable variance of £16.600m (15.44% of the budget) and a projected project life adverse variance of £2.397m (0.76% of project life budget); and
- (3) to approve virement requests detailed within Appendix 9 and highlighted at paragraph 4.10 of the report.

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT

A report was submitted by the Strategic Lead – Resources providing an update on the financial performance to 30 September 2016 (Period 6) of the HRA revenue and capital budgets.

It was noted that paragraph 3.2 of the report, under the heading ‘Capital’, contained a typographical error and that the date of the meeting of Council should read “24 February 2016”.

After discussion, the Council agreed:-

- (1) to note the projected favourable revenue variance of £0.543m (1.4%); and
- (2) to note the position advised in relation to the capital budget which was currently projecting an in-year favourable variance of £6.187m (21.3%, of which £5.643m relates to project re-phasing) and an in-year underspend of £0.544m.

TREASURY MANAGEMENT MID YEAR REPORT 2016/17

A report was submitted by the Strategic Lead – Resources providing an update on treasury management and prudential indicators during 2016/17.

The Council agreed:-

- (1) to note the treasury management and prudential stewardship information within the report;
- (2) to approve the 2016/17 revised estimates of treasury and prudential indicators as advised within the report (Tables A, B, C, D, E, F, H, M and N); and
- (3) that a copy of the report be passed to Members of the Audit and Performance Review Committee to ensure further scrutiny takes place.

LONG TERM FINANCIAL STRATEGY REFRESH AND GENERAL SERVICES AND HOUSING REVENUE ACCOUNT REVENUE ESTIMATES UPDATE 2017/18 TO 2019/20

A report was submitted by the Strategic Lead – Resources:-

- (1) seeking approval of the Council's refreshed Long Term Financial Strategy; and
- (2) providing Council with an update of the projected financial position following the completion of the draft revenue estimates for the next three financial years from 2017/18 to 2019/20.

The Legal Officer advised of 2 typographical errors, the first one was contained in paragraph 4.39 of the report, under the heading 'Other Issues', and it was noted that the date in the last sentence of the first paragraph should read "25 November 2016". The second was contained in paragraph 4.41 of the report, where the date in the second line should read "February 2016".

Councillor Rooney, seconded by Councillor McGlinchey moved:-

Council thanks officers for all the work in producing this report.

This Council notes the high degree of uncertainty relating to the budget process in that we will not know the detail of the UK revenue and capital allocations until 23 November 2016; therefore we will not know the detail of the Scottish Government resource allocation to Local Government and Health until 15 December 2016.

There are other uncertainties resulting from the fact that we have a minority government in the Scottish Parliament and all political opposition parties have expressed their opposition to the Scottish Government plans to use additional locally generated revenue to fund central government policy, which would see Council Tax payers in Band E, F, G, and H pay up to 22.5% more in Council Tax next year.

Council notes that 546 of these taxpayers will be in social rented housing, including 61 in new build properties. Opposition parties such as the Scottish Labour Party are opposed to the reduction of funding to Local Government Public Services and have publicly stated their opposition to planned cuts in funding.

Given the above the Council agrees to:-

- a) Note the level of uncertainty regarding the budget setting process and agree to re-schedule the 2017/18 budget-setting Council meeting to 22nd February 2017;
- b) Note the refreshed strategy has developed estimates of the Council's funding position to 2019/20 and identifies cumulative anticipated revenue funding gaps within General Services of **£3.691m** for 2017/18; **£7.110m** for 2018/19; and **£10.969m** for 2019/20 – after adjusting for the impact of management adjustments of **£1.267m**;

- c) Note the position regarding the HRA projections to 2019/20;
- d) Approve the long term financial strategy, noting its assumptions in relation to Council Tax and approving the inflationary assumptions described at 4.12 and 4.13 of the report;
- e) Note the projected position for 2016/17 which shows a projected surplus of **£1.077m** after adjusting for the in-year impact of the management adjustments; and
- f) Note the projected year-end position regarding reserves and provisions; the position regarding the capital plan; and that the projected provision is subject to amendment as assumptions continue to be clarified and revised between now and Council in February 2017.

Council notes the Corporate Management Team savings options presented for members' consideration and, due to the uncertainty around the settlement position and the variables highlighted in the strategy document, calls on the CMT to explore additional options for consideration by elected members to close the budget gap. The Council will progress with consultation in line with the report.

This administration has been consistent in its approach to invest in public infrastructure to improve the quality of public service provision, to improve our local environment and reduce energy consumption and waste, to improve our communities and help to grow our economy.

In line with this approach, the Administration will make the following investments to improve our public infrastructure:

- To continue to support local communities, the Council will explore options to replace the Community Centre at Westbridgend in Dumbarton.
- To improve our parks and open spaces, a further **£250k** of capital investment will be allocated for community improvements in Inler Park in Haldane, in Balloch. The Community Capital Fund has already earmarked **£70k** for this and this additional funding means that the Council investment would be **£320k**. The improvements would be led by the Environmental Trust and the expectation is that they would seek external match-funding to maximise the benefits to the local community.
- The Environmental Trust is on site delivering a **£230k** environmental improvement project in Dalmuir on behalf of the Council. However, the current project does not extend to the flats in the area of Dalmuir Square. To address this, the Council agrees to transfer the **£150k** unallocated

funding in the Councils Environmental Fund towards this boosting the investment total to **£380k** for Dalmuir.

- The Your Community initiative has been very successful in engaging with communities and the process of developing of the Community Led Action Plans for the 17 Community Council areas has started. This was boosted with a **£1m** capital investment this year to deliver the community action plans priorities and contribute to the Scottish Government target of involving communities in participative budget setting. As a result of feedback from officers involved in the process, Council agrees to commit **£60K** of revenue towards the Your Community initiative for 2016/17 from reserves; and the Administration will commit to providing a recurring revenue budget of £60k from 2017/18 when setting the Administration's budget for 2017/18 in February 2017.

The Chief Executive is therefore requested to update the ten-year capital plan to reflect the additional investments identified above.

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

Council notes that officers have failed to provide elected members with sufficient savings options in today's report, that could be included in the public consultation to balance the general services revenue budget.

Even if Councillors were to accept all revenue savings options and use the £1.7m of one off free reserves to balance our books, West Dunbartonshire Council would not have enough money to set a legal budget; falling short by approximately £300k.

Council does not find this acceptable.

While agreeing the recommendations at 2.1 of the report, Council further instructs officers to publish, in time for the public consultation, a fuller range of on-going revenue savings options that would allow elected members to balance the general services revenue budget.

As a second amendment, Councillor Bollan, seconded by Councillor Agnew, moved:-

That the Council continue consideration of the report to the Council Meeting on 22 February 2017.

On a vote being taken between the first amendment (Councillor McColl) and the second amendment (Councillor Bollan), 3 Members voted for the second amendment and 3 voted for the first amendment. There being an equality of voting, Provost McAllister, Chair, exercised his casting vote in favour of the second amendment.

On a further vote being taken between the second amendment (Councillor Bollan) and the motion (Councillor Rooney), 3 Members voted for the amendment and 12 Members voted for the motion which was accordingly declared carried.

INTERIM REVIEW OF POLLING PLACES AND POLLING DISTRICTS

A report was submitted by the Strategic Lead – Regulatory asking Council to consider changes to the polling places for the Leven and Dumbarton Wards and its polling districts.

The Legal Officer advised that 2 late representations had been received; one from Jackie Baillie MSP and the other from Bonhill & Dalmonach Community Council, and it was agreed that these be circulated for Members' consideration.

After discussion and having heard the Legal Officer in answer to a Member's question, the Council agreed the following, subject to instructing and delegating authority to officers to create a new polling district, encompassing all electors in proposed polling district LE13D who previously resided in the Dumbarton Ward, to allow them to vote in Braehead Primary School:-

- (1) that two mobile polling places located on Second Avenue, Bonhill, be used in Dalmonach (LE9D) for the 2017 local government elections and thereafter the new community centre, once built, will be the designated polling place subject to a satisfactory inspection by the election team;
- (2) that as there are no suitable alternatives, the new Bellsmyre School Campus should be the designated polling place for voters in Bellsmyre/High Overtoun area (LE12D) and that this situation be kept under review subject to other accommodation becoming available;
- (3) that in respect of Westbridgend, a mobile polling place be used as the designated polling place for voters in that area (DU14D); and
- (4) to approve the revised polling districts as detailed in Appendix 2 to the report, which includes an additional polling district, to be known as DU24C, in the Dumbarton Ward due to changes to the Ward boundary following the recent review of electoral arrangements by the Local Government Boundary Commission for Scotland.

REPRESENTATION ON COSLA – BUSINESS GATEWAY GOVERNANCE BOARD

A report was submitted by the Strategic Director – Transformation & Public Service Reform seeking approval to nominate an Elected Member to serve on the COSLA – Business Gateway Governance Board.

After discussion, the Council agreed that Councillor McGlinchey be nominated to serve on the COSLA – Business Gateway Governance Board, subject to appointment by COSLA.

FUNDING TO COMMUNITY ORGANISATIONS FOR BUSINESS STREAM WATER CHARGES

With reference to the Minutes of the Special Meeting of Council held on 5 October 2016, a report was submitted by the Strategic Lead – Housing & Employability with information in relation to the impact of Scottish Water charges on community organisations, tenants associations and community halls.

After discussion, the Council agreed:-

- (1) to establish a fund of £10,000 from reserves to support affected groups with Scottish Water Business Stream charges;
- (2) to support affected groups to pursue registered charity status to ensure future exemption from charges; and
- (3) that the Strategic Lead – Resources be authorised to write to the appropriate Scottish Government Minister on this issue, highlighting the risk to community organisations.

NOTICES OF MOTION

(a) Motion by Councillor Jim Bolla – Frank's Law

Council notes that, currently, legislation enables personal care to be provided free for people in Scotland aged over 65, provided they are assessed as needing it.

Of the 85,807 dementia sufferers in Scotland 3,201 are under the age of 65 and therefore not entitled to the help.

Council commends the campaign by Mrs Amanda Kopel - "Frank's Law" - to request that the Scottish Government extends free personal care to anyone under the age of 65 who requires such care for their dementia, motor neurone disease, Parkinson's, multiple sclerosis, cancer, progressive supranuclear palsy (or any other degenerative brain disease).

Council therefore instructs the Chief Executive to write to the First Minister requesting her to consider the introduction of a "Frank's Law" so that free personal care is extended to under 65s as set out above.

The Council agreed to approve the above motion.

(b) Motion by Councillor Jim Bollan – Sheffield Hillsborough Disaster and the Sun Newspaper

Councillor Bollan, seconded by Councillor McColl moved:-

On the 15th April 1989 a disaster at Hillsborough Stadium in Sheffield led, ultimately, to the deaths of 96 innocent football fans who had left home that morning to watch a football match. Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years old, had the life crushed out of them. Contrary to the facts, the Sun Newspaper published a front page story with the banner headline "The Truth" which contained blatant lies. Here are just a couple of the lies. "Drunken Liverpool fans viciously attacked workers as they tried to rescue victims and police officers, firemen and ambulance crews were punched, kicked and urinated upon". This was printed in a British National Newspaper! For this reason and as a show of Solidarity with the people of Liverpool, Council invites all retailers and vendors of Newspapers in West Dunbartonshire to stop selling the Sun. The suffering of the victims' families was exacerbated due to the untruths told by the Sun. Council agrees to invite retailers and vendors, through the use of social media, to stop selling the Sun Newspaper.

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

This Council notes that on the 15th April 1989 a disaster at Hillsborough Stadium in Sheffield which ultimately led to the deaths of 96 innocent football fans who had left home that morning to watch a football match. Due to crowd control mismanagement those fans, whose ages ranged from 10 to 67 years old, had the life crushed out of them.

Contrary to the facts, the Sun Newspaper published a notorious front page story with the banner headline "The Truth" which contained blatant lies. Here are just a couple of the lies. "Drunken Liverpool fans viciously attacked workers as they tried to rescue victims and police officers, firemen and ambulance crews were punched, kicked and urinated upon". This was printed in a British National Newspaper and now has thankfully been proven to be wholly untrue and forced apologies from all parties involved.

This Council wholeheartedly condemns The Sun's false coverage of the events.

The jury at the second inquest concluded the 96 people who died at the Hillsborough football stadium disaster in 1989 were unlawfully killed and a catalogue of failings by police and the ambulance services contributed to their deaths. They rejected those police claims reported by The Sun, ruling unanimously that the fans did not contribute to the dangerous situation at Hillsborough that day.

Council however, commends the families of the victims who have fought for "Justice for the 96" to expose the truth for 27 years and prove their loved ones were in no way to blame for any aspects for the tragedy that occurred that

day. The families' determination and tenacity of the Hillsborough Families Support Group and all campaigners should be applauded by all.

Council agrees to write to the Hillsborough Families Support Group, Liverpool Council & Liverpool FC to welcome the Inquiry verdict and to demonstrate our support for the campaign for justice for the 96 who lost their lives and those survivors and families affected by that day.

This Council also agrees to invite the newspaper reading public to consider the involvement of The Sun newspaper in the reporting of the Hillsborough Tragedy, when buying their newspapers.

On a vote being taken, 14 Members voted for the amendment and 4 for the motion. The amendment was accordingly declared carried.

The meeting closed at 7.47 p.m.