

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 21 December 2016 at 5.00 p.m.

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

Attending: Richard Cairns, Strategic Director – Regeneration, Environment & Growth; Peter Hessel, Strategic Lead – Regulatory; Peter Barry, Strategic Lead – Housing & Employability; Stephen West, Strategic Lead – Resources; and Christine McCaffary, Senior Democratic Services Officer.

Also Attending: Chief Superintendent Grant Manders, Divisional Commander and Chief Inspector Donald Leitch, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Brown and Michelle McGinty.

Provost Douglas McAllister in the Chair

ANTI-CUTS CAMPAIGN – REQUEST FOR DEPUTATION

Provost McAllister informed the Council that he had accepted a late request to hear a deputation from the Joint Trade Unions due to its relevance to agenda Item 12 – General Services Budget Preparation 2017/18 to 2019/20 – Budget Update. Having heard the Council agree to hear the deputation, the Provost advised that the deputation would be heard early in the meeting.

VARIATION IN THE ORDER OF BUSINESS

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

MINUTE OF SILENCE

The Council observed a minute's silence as a mark of respect for the loss of 3 crew members of the Flying Phantom tug boat which sank in the River Clyde on 19 December 2007; for the loss of 3 family members from Dumbarton in the Glasgow bin lorry accident on 22 December 2014 and also for those killed in the recent terror attack on a Christmas Market in Berlin.

URGENT ITEM OF BUSINESS

Provost McAllister informed the Council that he had received an Emergency Notice of Motion and asked the mover of the Motion, Councillor McColl, to state its terms. Having heard Councillor McColl advise that the motion concerned the financial difficulties of Food for Thought, the Provost agreed that the matter would be dealt with at an appropriate point later in the meeting.

ANTI-CUTS CAMPAIGN – DEPUTATION

Provost McAllister invited the Joint Trade Union delegation forward to speak to the meeting. Val Jennings, Unison and Jim Halfpenny, EIS were then heard in support of the anti-austerity campaign and urged political support from the members present, as well as from Westminster and Holyrood.

The Provost thanked Ms Jennings and Mr Halfpenny for their contribution, stating that the Council would take note of what had been said.

DECLARATIONS OF INTEREST

Councillor Rainey declared a non-financial interest in Item 8 – Standards Commission for Scotland: Decision of the Hearing Panel, stating that he would remain in the meeting during discussion and would only take part if he had the need to do so.

MINUTES OF PREVIOUS MEETING

The Minutes of the Special Meeting of Council held on 23 November 2016 were submitted and approved as a correct record.

MINUTES OF SPECIAL MEETING OF AUDIT & PERFORMANCE REVIEW MEETING – 1 NOVEMBER 2016

The Minutes of Special Meeting of the Audit & Performance Review Committee held on 1 November 2016 were submitted and all decisions contained therein approved.

PRESENTATION BY POLICE SCOTLAND – POLICING 2026

A presentation entitled 'Policing 2026' was made by Chief Superintendent Grant Manders and Chief Inspector Donald Leitch, Police Scotland, outlining why the current police model required to change to meet modern demands.

Both officers spoke in relation to community policing and youth engagement and encouraged Elected Members to take part in a formal consultation in January 2017.

In noting the content of the presentation, Members took the opportunity to ask questions on a variety of issues in relation to policing and the community of West Dunbartonshire.

Following the presentation, Provost McAllister, on behalf of Council, thanked Chief Superintendent Manders and Chief Inspector Leitch for attending and presenting to Council. Both officers then left the meeting.

OPEN FORUM

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

GENERAL SERVICES BUDGET PREPARATION 2017/18 TO 2019/20 – BUDGET UPDATE

A report was submitted by the Strategic Lead – Resources providing information on further efficiency options development by management following the Council meeting on 26 October 2016, together with an update on the planned consultation process.

Councillor Rooney moved:-

Council thanks officers for the report and for all the work they have undertaken in preparation of the 2017/18 budget setting.

The report shows that the Scottish Government has cut our current level of spend on services by £6.2m. However, a number of checks are still required and a revision to the Councils allocation has already increased the reduction to £6.3m.

The Council had assumed a cut of 3% but the Scottish Government has cut the current spending by a greater amount and have masked the cut by assuming a 3% increase in Council Tax and other adjustments such as extra funding going directly to schools.

This Council notes the recommendations in the report as follows:

- (a) Note the update provided at 4.6 of the report regarding the settlement and the risk identified should the offer not be accepted;
- (b) Note the updated projections to 2019/20 after implementing the changes to the draft budget book identified in Appendix 1; and further management adjustments, per Appendix 2, which generate anticipated revenue funding gaps within General Services of £2.196m for 2017/18; £5.298m for 2018/19; and £8.965m for 2019/20;
- (c) Note that the budget changes and management adjustments also produce an improved projection 2016/17 (the current year) of £0.493m;
- (d) Note the further savings options detailed in Appendix 3, which have been generated by the Corporate Management Team for Members' consideration in closing the projected gap along those provided previously to October 2016 Council (Appendix 4);
- (e) Note the updated plans to engage with the public during December 2016 and January 2017; and
- (f) Note that this projected position is subject to amendment as assumptions continue to be clarified and revised between now and Council in February 2017.

However, this Council notes as a result of prudent financial management and taking early decisions in October and again today, the Council has reduced the budget gap and, based on this report and the budgetary control report, is expected to generate significant free reserves by the end of the financial year.

Council notes the position that was reported to the WDC IJB in November 2016 will have changed as a result of the settlement as described in the report. This means that the expected funding gap for the IJB (after using the available £2m funding it has in 2017/18) will reduce to around £428,000.

The Administration fully expects that the 2016/17 budgetary control position will continue to improve and as a result, it is the intention of this Labour Administration that it will close the budget gap, including the remaining gap within the IJB, by using our free reserves.

The use of reserves means that we will not need to support any of the savings options presented by officers. Therefore, there is no requirement for a public consultation on these.

In addition, this Council agrees to provide, from the reserves, £10,000 to Food For Thought and a further £10,000 to West Dunbartonshire Foodshare to support them in the great work that they do in helping vulnerable citizens of West Dunbartonshire.

The Council also gives a commitment to continue to provide £50,000 per year for the next ten years to the Antonine Sports Centre in Duntocher. This commitment will allow the organisation to continue to benefit from the support

already provided but also gives them the certainty they need to plan and develop their services over a longer period.
The formal budget setting will take place in February as planned and elected members will have the opportunity to support the Labour Administration's budget or to set out their own specific proposals.

ADJOURNMENT

Following a request from Councillor McColl, Council agreed to a recess to allow consideration of Councillor Rooney's motion.

The meeting resumed at 6.14 p.m. with all those Members noted in the sederunt present.

As an amendment Councillor McColl moved:-

Council agrees that we will not close the budget gap by making cuts to services and therefore rules out the acceptance of ANY of the officers' savings options. To be clear, this means that any budget presented in February that accepts officers' savings options would require a suspension of standing orders.

Council further calls on officers to bring a detailed report to the February budget meeting to allow elected members to approve or reject each of the management adjustments, some of which would be damaging for local services were they accepted.

Council authorises the Leader of the Council to respond to the letter from the Finance Secretary, accepting the draft settlement offer.

Council notes that the current settlement offer is a draft document, and given the political makeup of the Scottish Parliament, the Scottish Government is not in a position to set its own budget and requires the agreement of other Party groups.

Therefore, Council resolves to write to all Scottish Party Leaders, asking that they work together in a constructive manner to set a Scottish Budget that meets the needs of the people of Scotland.

Councillor McGlinchey asked if Councillor Rooney would accept the following sentence as an addendum to the motion:-

To be clear, this means that any budget presented in February that accepts officers' savings options would require a suspension of standing orders.

Councillor Rooney confirmed his acceptance to the addendum, and his motion was then seconded by Councillor McGlinchey.

Councillor Agnew then seconded Councillor McColl's amendment.

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

In welcoming, in principle, the Labour Administration's commitment to a standstill budget including no cuts in pay or conditions for staff, Council agrees that the management adjustments noted in Appendices 2 and 3 for 2017/2018 be not implemented as part of the budget proposals. Any cuts/management adjustments already taken for 2017/2018 will be reversed. We further commit as a Council to resist further Austerity detriment inflicted upon us by the Tory Government.

On a vote being taken between the second amendment (Councillor Bollan) and the first amendment (Councillor McColl), 3 Members voted for the second amendment and 6 for the first amendment.

On a further vote being taken between the first amendment (Councillor McColl) and the motion (Councillor Rooney), 7 Members voted for the first amendment and 11 for the motion. Councillor Rooney's motion was accordingly declared carried.

STANDARDS COMMISSION FOR SCOTLAND: DECISION OF THE HEARING PANEL OF THE COMMISSION

A report was submitted by the Strategic Lead – Regulatory inviting Council to consider the decision of the Standards Commission for Scotland in respect of Councillor Rainey.

Councillor McBride, seconded by Councillor Sorrell moved:-

This Council does not accept the decision of the Standards Commission and ruling regarding Cllr Tommy Rainey. This Council has full support in the integrity and honesty in all the actions and duties of Cllr Tommy Rainey as a West Dunbartonshire Councillor. Cllr Rainey sought and followed legal advice during the Planning Committee and behaved with transparency throughout. In showing our full support we agree with the content of the statement by Cllr Rainey below and note religious observance does not require to be notified in Councillors Register of Interest.

Statement on Standards Commission Ruling

I do not consider that the discharging of my religious obligations at St Patrick's Church, Dumbarton amounted to a non-financial interest which I should have declared at the Planning Committee meeting, an opinion that was supported by our legal officer on the day. I am therefore extremely disappointed that the Standards Commission reached this conclusion. I do not agree with the decision.

The purpose of declaring an interest is to promote openness in the role of a councillor and all councillors are given guidance of what they should declare; i.e. their public declaration of interests. This does not include religious affiliations.

I am pleased to note that the report to the Standards Commission stated that my actions, together with my request for legal advice from an appropriate officer, demonstrated transparency and an absence of any intention to conceal my link with St Patrick's Church.

The Standards Commission also accepted that I made no personal gain nor had any involvement whatsoever in the pre-planning negotiations between the church and the council, or in any organisation or committee which deals with the affairs of St Patrick's Church. I am simply a parishioner who happens to be a member of the church choir.

My decision at the Planning Committee to support the planning application to create a new park and ride facility at Strathleven Place was based solely on the merits of the application and the considered recommendations made by the professional council officer contained within the report to the committee. From the evidence presented to the Planning Committee I formed a view that additional parking in the vicinity of Dumbarton town centre and Dumbarton Central railway station is needed. My attendance at St Patrick's Church had no bearing whatsoever on my reasons to approve the planning application.

It is disappointing to note that the Standards Commission should take such an all-encompassing view of an association with a body. I am proud to be a member of the community of St Patrick's Church and a life-long member of the community of Dumbarton. It is a concern to me that the implications of the Standards Commission decision leave councillors with no clear guidance on where to draw the line.

I am also grateful for the many expressions of support I have received since the Standards Commission decision was announced.

Cllr Tommy Rainey.

As an amendment Councillor Black moved:-

This Council does accept the decision of the Standards Commission.

Councillor McColl asked if Councillor Black would accept the following sentence as an addendum at the start of his amendment:-

Council notes that Councillor Rainey chose not to appeal the decision of the Standards Commission.

Councillor Black confirmed his acceptance to the addendum and his amendment was seconded by Councillor McColl.

On a vote being taken, 6 members voted for the amendment and 10 for the motion, which was accordingly declared carried.

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 the Strategic Director - Regeneration, Environment & Growth in answer to Members' questions, the Committee noted the progress with the implementation of the Glasgow City Region City Deal.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO 31 OCTOBER 2016 (PERIOD 7)

A report was submitted by the Strategic Lead – Resources advising on the progress of the General Service revenue budget 2016/17 and the approved capital programme for the period to 31 October 2016.

After discussion and having heard the Strategic Lead – Resources and Strategic Lead – Housing & Employability in answer to Members' questions, the Committee agreed:-

- (1) to note that the revenue account currently shows a projected annual favourable variance of £1.091m (0.51% of the total budget);
- (2) to note that the capital account shows a projected annual favourable variance of £21.569m (20.18% of the budget) and a projected project life adverse variance of £3.055m (0.97% of project life budget); and
- (3) to approve the virements noted at paragraph 4.10 and detailed in appendix 9 of the report.

HOUSING REVENUE ACCOUNT (HRA) – BCR PERIOD 7

A report was submitted by the Strategic Director – Regeneration, Environment & Growth providing an update on the financial performance of the HRA revenue and capital budgets for the period to 31 October 2016.

The Council agreed:-

- (1) to note the projected favourable revenue variance of £0.621m (1.5%); and
- (2) to note the position advised in relation to the capital budget which is currently projecting an in-year favourable variance of £8.874m (31.22%), of which £7.974m relates to project re-phasing and an in-year underspend of £0.900m.

REVIEW OF FINANCIAL REGULATIONS: DEBT WRITE-OFF

A report was submitted by the Strategic Lead – Resources seeking approval of a change to the Financial Regulations in relation to the delegation of powers of debt write-off.

Councillor Ryall moved:-

That Council agree to approve a change to the Financial Regulations in relation to the delegation of powers of debt write-off, namely that the approved level of delegation for write-off to the Strategic Lead – Resources be changed to £5000.

At this point Councillor McBride moved the suspension of Standing Order 6(c) to allow the remaining business on the agenda to be considered beyond 8.30 p.m. The Council agreed accordingly.

Councillor McColl asked if Councillor Ryall would be willing to accept as an addendum that approval from the Leader of the Council and the Leader of the Opposition be obtained for write-offs of £5000.

Having heard Councillor Ryall advise that she was unwilling to accept the addendum, Councillor McColl stated that he was prepared to withdraw the addendum if Councillor Ryall's motion included that an annual update report on this matter would be submitted to the Corporate Services Committee for information.

Councillor Ryall confirmed her agreement to the second addendum and her motion was then seconded by Councillor McColl.

As an amendment Councillor Black, seconded by Councillor Bollan moved:-

The status quo - the sum remains at £1000.

On a vote being taken, 2 members voted for the amendment and 18 for the motion.

NOTICE OF MOTION

Motion by Councillor Jonathan McColl – Tie Campaign

Councillor McColl moved:-

Council affirms that all young people in West Dunbartonshire and across Scotland have the right to study in a learning environment which is fully inclusive, tolerant and accepting of LGBTI+ identities, and which is free of homophobic and transphobic bullying.

Council notes the invaluable contribution of the Time for Inclusive Education (TIE) campaign in raising awareness around homophobia and transphobia,

and further notes that this year's Pride Glasgow event was themed around the campaign and inclusive education more generally.

West Dunbartonshire Council resolves to work with the Tie campaign and other external stakeholders, including equalities organisations and the Scottish Government, to ensure that homophobic and transphobic bullying in all of our schools is effectively tackled and that West Dunbartonshire's classrooms actively promote equality and inclusivity for ALL young people.

A report will be brought to the Educational Services Committee to ensure that Teacher, Church and Parent representatives have the opportunity to discuss the issues raised in this motion and have final approval of its implementation.

As an amendment Councillor McGlinchey moved the motion, with the exception of the last paragraph which he replaced by the following:-

A report will be submitted to the Educational Services Committee for information to ensure that Teacher, Church and Parent representatives have the opportunity to discuss the issues raised in this motion.

At this point, Councillor McColl withdrew his motion and seconded Councillor McGlinchey's amendment, which was then agreed by the Council.

URGENT ITEM OF BUSINESS

Emergency Motion by Councillor Jonathan McColl – Food for Thought

Councillor McColl moved:-

Council agrees to allocate up to £10,000 from free reserves to Food for Thought to allow them to continue operating their services in West Dunbartonshire.

Having heard the Strategic Lead – Regulatory clarify that this sum was not in addition to the £10,000 already agreed at Item 12 – General Services Budget Preparation 2017/18 to 2019/20 – Budget Update, the Council approved the motion.

COMPLIMENTS OF THE SEASON

Provost McAllister extended compliments of the season to all and wished everyone a happy and healthy new year.

The meeting closed at 8.45 p.m.