

## WEST DUNBARTONSHIRE COUNCIL

At the reconvened Requisitioned Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 17 January 2007 at 11.00 a.m.

**Present:** Provost Alistair Macdonald, Councillors Denis Agnew, George Black, Jim Bolland, Margaret Bootland, Dennis Brogan, Geoff Calvert, Gail Casey, Tony Devine, James Flynn, Jackie Maceira\*, James McCallum, Duncan McDonald, Margaret McGregor, Craig McLaughlin, Marie McNair, Iain Robertson and Martin Rooney.

\*Arrived later in the meeting.

**Attending:** David McMillan, Chief Executive; Ronnie Dinnie, Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services); Irving Hodgson, Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services); Liz McGinlay, Director of Education and Cultural Services; Bill Clark, Director of Social Work Services; David Connell, Head of Finance; Stephen West, Manager of Resources, Social Work; Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Douglas McAllister, Linda McColl, Connie O'Sullivan and Andy White.

### Provost Alistair Macdonald in the Chair

#### NOTICES OF MOTION

11142 Councillor McLaughlin informed the Council that those motions shown as 2 (c), (f) and (g) on the Agenda had been withdrawn.

11143 Thereafter, the Council considered the undernoted notices of motion:-

**(a) Motion by Councillor George Black  
Bullying**

11144 Given the gravity of the statements contained in the Best Value report concerning the culture of bullying within the Council and the comments expressed by the Unions:-

- 11145 The Council agrees to instruct the monitoring officer to seek to establish an external independent inquiry to investigate the allegations of bullying made during the Audit, in particular within the HR&ES department.
- 11146 The independent inquiry should have no affiliations with any political party or union. The Council will extend all necessary resources to the person and ask that all staff and members co-operate fully with the investigation.
- 11147 The inquiry should also be permitted to take private and public evidence from all quarters of the Council and the public when conducting their investigation.
- 11148 Councillor Black was heard in support of his motion which was seconded by Councillor Robertson.

Note: Councillor Maceira entered the meeting at this point.

- 11149 As amendment, Councillor Rooney, seconded by Councillor Maceira, moved:-
- 11150 West Dunbartonshire Council is committed to providing a working environment which is free from harassment, bullying or intimidation of any nature. We take our responsibilities in this area seriously however we recognise that bullying is a complex issue and needs to be handled sensitively.
- 11151 We need to ensure that individuals and managers can clearly distinguish between reasonable management control, and bullying and harassment, and that everyone at all levels within the organisation understands their own role and responsibilities in ensuring a culture of dignity and respect exists within the workforce.
- 11152 Building and maintaining this culture will be the focus of a planned review of our Dignity at Work Policy which will include establishing robust reporting and monitoring mechanisms, strengthening mediation and dispute resolution capability, as well as awareness training so that people are clear on what is expected in terms of behaviours and actions.
- 11153 Expert advice and support will be sought in carrying out the review and developing training programmes in relation to awareness raising and mediation. It is believed that this approach and direction will act as a positive force in moving the organisation forward.
- 11154 On a vote being taken, 12 Members voted for the amendment and 6 for the motion. Accordingly, the amendment was declared carried.

11155 Having heard Provost Macdonald, the Council agreed to suspend Standing Order No 16 in order to allow consideration of the undernoted motion.

**(b) Motion by Councillor Craig McLaughlin  
Financial Expenditure**

11156 Members agree that breaches of Council policy cannot be tolerated or allowed to go unchallenged. Any decisions of the Council must adhere to policy laid down by the Council or its committees.

11157 The Council agrees that in light of this weakness identified by the Auditor that it agrees to consider lowering the delegated financial threshold to officers to £25,000 and further agrees to revise the extent of officer's delegated authority.

11158 In addition tender documents should no longer be opened by the departments involved and all sealed bids should be submitted directly to the legal department.

11159 Councillor McLaughlin was heard in support of his motion which was seconded by Councillor Robertson.

11160 As an amendment, Councillor Devine, seconded by Councillor Maceira, moved:-

11161 Auditors have not recommended lowering of the threshold for the awarding of contracts.

11162 Although Directors can let contracts with an estimated expenditure of less than £60,000, Standing Orders provide that wherever practicable, contracts between £30,000 and £60,000 should still be put out to tender.

11163 The current tendering of £60,000 was increased from the £50,000 which was in existence under the standard Standing Orders approved by the previous SNP/Independent administration.

11164 Standing Orders provide that all tenders require to be submitted in a plain envelope bearing the word TENDER and addressed to the Head of Legal and Administrative Services.

11165 On a vote being taken, 12 Members voted for the amendment and 6 for the motion. Accordingly, the amendment was declared carried.

**(c) Motion by Councillor Jim Bollan  
Community Planning Partnership**

- 11166 The Council expresses deep concern over the Best Value audit reports determination that there are shortfalls in the community planning partnership process.
- 11167 Furthermore the Council recognises that as a leading partner in the CPP that we must accept a major share of the responsibility for its failures.
- 11168 Therefore this Council agrees to instruct the monitoring officer to seek an independent review of the CPP by an external accountancy/scrutiny organisation.
- 11169 Councillor Bollan was heard in support of his motion which was seconded by Councillor McLaughlin.
- 11170 As amendment, Councillor Casey, seconded by Councillor Agnew, moved:-
- 11171 The findings of the Accounts Commission noted that, while there was some conflicting evidence on Community Planning, “the position in West Dunbartonshire appeared to be at no great variance from that of several other councils in Scotland” – and the audit generally acknowledged a number of positive examples of joint working in the area.
- 11172 The Community Planning Partnership in West Dunbartonshire can demonstrate a number of achievements – not least the extent of community involvement at all levels of its structure – which makes it unique in Scotland.
- 11173 The CPP has established effective working relationships with – and between – a wide range of groups and agencies in the local community. Some key examples include support for young people, health improvement groups and minority groups. The CPP has also been involved in regeneration activity and the development of services which are delivering on the targets which the Scottish Executive has set for tackling worklessness in the area.
- 11174 The CPP is currently preparing a new Community Plan, which will set out its objectives for the next 10 years. This includes a range of opportunities for local people and local agencies to feed into the priorities. The second phase of consultation meetings is taking place this week and there will also be opportunities for members to contribute.

- 11175 The CPP has the support of all participants, and is well placed to deliver for the people of West Dunbartonshire over the coming months and years.
- 11176 On a vote being taken, 12 Members voted for the amendment and 6 for the motion. Accordingly, the amendment was declared carried.

### ADJOURNMENT

- 11177 After hearing Provost Macdonald, the Council agreed to adjourn for a short period.
- 11178 The meeting reconvened at 12.45 p.m. with all Members shown on the Sederunt in attendance with the exception of Councillor Brogan.

#### **(d) Motion by Councillor Iain Robertson Decision Making Processes**

- 11179 In recent years it has become evident that the current Labour administration and its leadership have made decisions that do not always stand up to public scrutiny.
- 11180 It is clear that there are some Councillors who are of the impression that it is their responsibility to run the department and to micro manage staff.
- 11181 In light of concerns from the Auditor this Council instructs the monitoring officer to draft a Councillors and Convenors responsibilities protocol and that all members undertake compulsory training on the protocol.
- 11182 Furthermore this Council agrees to develop stronger reporting mechanisms for officers who feel pressurised by Councillors and Senior Management.
- 11183 The Council also instructs the Monitoring Officer to scrutinise all Committee reports and to ensure a professional officer recommendation is contained within each report.
- 11184 Councillor Robertson was heard in support of his motion which was seconded by Councillor McLaughlin.
- 11185 As amendment, Councillor Rooney, seconded by Councillor Maceira, moved:-
- 11186 The Council sets policy, and management is responsible for implementing this through the departments which they run.

- 11187 Council has already agreed an Officer/Member Protocol and the Councillors' Code of Conduct also includes a protocol dealing with the relations between Councillors and employees in Scottish Councils. These protocols clarify the exact role of Councillors and Officers when discharging the legal responsibilities of the Council.
- 11188 The Council has approved policies such as Dignity at Work Procedures, the confidential reporting policy and grievance procedures which allow employees to raise matters with the support of the Trade Unions as necessary. Regular reports are submitted to the JCC, JCF and Audit and Performance Review Committee.
- 11189 All committee reports are checked by a legal officer, and the Chief Executive has issued instructions to the effect that all committee reports must contain a fully reasoned recommendation.
- 11190 On a vote being taken, 12 Members voted for the amendment and 5 for the motion. Accordingly, the amendment was declared carried.

**(e) Motion by Councillor Iain Robertson  
Culture**

- 11191 This Council expresses deep concern over the issues raised concerning the working culture and continuous improvement agenda.
- 11192 Therefore the Council agrees that to address these deficiencies by establishing a short term working group – involving the unions, members, community reps and external culture management advisors.
- 11193 The working group should report back with recommendations to the Council no later than 3 months from its inception on how to improve the culture and working environment of this Council.
- 11194 Councillor Robertson was heard in support of his motion which was seconded by Councillor McLaughlin.
- 11195 As amendment, Councillor Maceira, seconded by Councillor Rooney, moved:-
- 11196 This Council recognises that a positive organisational culture and an engaged motivated and empowered workforce go hand-in-hand. This is critical to enhancing organisational performance, ensuring continuous improvement and achieving sustainable positive change.
- 11197 As outlined in the Best Value Improvement Plan, our commitment to achieving this will be set out in our human resources strategy which will be developed in consultation with key stakeholders.

11198 This, alongside the staff survey and its associated action plan and a proposed leadership and management development programme, will underpin our resolve to create the kind of working environment and culture where positive behaviors are actively encouraged and reflect and reinforce our organisational values.

11199 On a vote being taken, 12 Members voted for the amendment and 5 for the motion. Accordingly, the amendment was declared carried.

**(f) Motion by Councillor Craig McLaughlin  
Potential Misuse of Resources**

11200 Large organisations are by their very nature open to potential fraudulent activities and misuse of resources.

11201 All Councillors agree that we must all stand united and expose any such improprieties. Furthermore all Councillors must ensure effective scrutiny of procedures.

11202 The Best Value Audit report highlighted weaknesses and potential misuse of resources as well as concerns over the procurement of contracts and goods.

11203 Therefore to restore public confidence in the Council we instruct the monitoring officer to request that Internal Audit, Audit Scotland and Strathclyde Police are invited into the Council to provide advice and to investigate any alleged breaches of the financial regulations.

11204 The agencies should also be requested to investigate all committee decisions, in particular the recruitment panel, the community planning partnership and the Children's Services Committee decisions on school closures.

11205 Councillor McLaughlin was heard in support of his motion which was seconded by Councillor Robertson.

11206 As amendment, Councillor Flynn, seconded by Councillor Calvert, moved:-

11207 This Council has in place a robust set of policies and procedures designed to safeguard its resources. This includes the financial regulations and the Financial Management Code of Practice.

11208 Both Internal and External Audit have in place an Audit plan which aims to review the high risk areas of the Council's business on a cyclical basis. These reviews cover all the major systems, both financial & non-financial, computer audit, contract audit and irregularity work.

11209 The Council has in place an Anti-Fraud & Corruption Strategy which is reviewed regularly and ensures that the risk of misuse of resources is minimised. This is achieved by:-

- i) Regular reviews of major risk areas by Internal & External Audit.
- ii) Providing details of how potential irregularities will be dealt with, these are also included in the Business Irregularity Procedures.
- iii) Giving a variety of means through which concerns can be raised by staff and the public including the Whistle Blowing Hotline.

11210 Irregularity investigation is always taken seriously and this Council always seeks to recover losses and passes all relevant reports to the Police for action. There is a protocol for passing irregularity information to the Police, and Internal Audit take the lead in liaising with investigating officers.

11211 On a vote being taken, 12 Members voted for the amendment and 5 for the motion. Accordingly, the amendment was declared carried.

**(g) Motion by Councillor Iain Robertson  
Praise to the staff**

11212 This Council agrees that the Best Value Audit report has been a painful and public exercise for the Council and its workforce.

11213 It is clear that while the report painted a dark picture of the operation of West Dunbartonshire Council, it did however highlight and praise the efforts of our workforce for their joint working and initiatives, despite the inadequacies of Leadership and senior management.

11214 The Council agrees that the Monitoring Officer relay to ALL staff the Council's thanks for their dedication to this Council. The letter should also state that Councillors take the findings of the report seriously and are committed to improving the Council, for the betterment of its staff and residents.

11215 Councillor Robertson was heard in support of his motion which was seconded by Councillor McLaughlin.

11216 As amendment, Councillor Calvert, seconded by Councillor Agnew, moved:-

11217 This Council agrees that the Best Value Audit report has been a painful and public exercise for the Council and its workforce.

11218 It is clear that while the report painted a negative picture of the operation of West Dunbartonshire Council, it also highlighted some of the areas of effective service such as Social Work and Education and praised the efforts of our workforce for their joint working and initiatives.

11219 Council agrees that the Chief Executive relay to ALL staff the Council's thanks for their dedication to this Council. The letter should also state that Councillors take the findings of the report seriously and are committed to improving the Council, for the betterment of its staff and residents.

11220 On a vote being taken, 12 Members voted for the amendment and 5 for the motion. Accordingly, the amendment was declared carried.

The meeting closed at 13.40 p.m.