

**WEST DUNBARTONSHIRE COUNCIL**

**Council Offices, Garshake Road, Dumbarton G82 3PU**

20 February 2009

**MEETING: WEST DUNBARTONSHIRE COUNCIL**

**WEDNESDAY 25 FEBRUARY 2009  
COUNCIL CHAMBERS  
CLYDEBANK TOWN HALL  
DUMBARTON ROAD  
CLYDEBANK**

Dear Member,

Please attend a Meeting of **West Dunbartonshire Council** to be held in the **Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 25 February 2009 at 6.00 p.m.**

The business is as shown on the attached agenda.

Yours faithfully

**DAVID MCMILLAN**

Chief Executive

Distribution:-

All Members of West Dunbartonshire Council.

Chief Executive

Executive Director of Corporate Services

Executive Director of Educational Services

Executive Director of Social Work and Health

Executive Director of Housing, Environmental & Economic Development

For information on the following agenda please contact George Hawthorn, Legal, Administrative and Regulatory Services, Council Offices, Garshake Road, Dumbarton, G82 3PU on Tel: (01389) 737204 or e-mail: [george.hawthorn@west-dunbarton.gov.uk](mailto:george.hawthorn@west-dunbarton.gov.uk)

**WEST DUNBARTONSHIRE COUNCIL**

**WEDNESDAY, 25 FEBRUARY 2009**

**AGENDA**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in any of items of business appearing on this agenda.

**3. MINUTES OF PREVIOUS MEETINGS**

Submit for approval as a correct record:-

- (a) Minutes of the Meeting of West Dunbartonshire Council held on 28 January 2009; and **(Pages 1 -17)**
- (b) Minutes of the Special Meeting of West Dunbartonshire Council held on 12 February 2009. **(Pages 19 – 83)**

**4. OPEN FORUM**

The Council is asked to note that no open forum questions have been received from members of the public.

**5. MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 14 JANUARY 2009 **(Pages 85 - 86)****

Submit for information, and where necessary ratification, the Minutes of Meeting of the Audit & Performance Review Committee held on 14 January 2009.

**6. MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE ON 21 JANUARY 2009 **(Pages 87 - 93)****

Submit for information, and where necessary ratification, the Minutes of Meeting of the Community Participation Committee held on 21 January 2009.

**7. REMIT FROM TENDERING COMMITTEE - EXTENSION OF CONTRACT TO SUPPLY, ERECT AND DISMANTLE SCAFFOLD ACCESS EQUIPMENT FOR THE REPAIR AND MAINTENANCE OF WEST DUNBARTONSHIRE COUNCIL PROPERTY (Pages 95 - 99)**

With reference to the Minutes of Meeting of the Tendering Committee held on 18 February 2009, submit the relevant excerpt from the Minutes together with a report by the Executive Director of Housing, Environmental and Economic Development seeking approval to enter into negotiations with the Council's current service provider to extend the existing contract for the supply, erection and dismantling of scaffold access equipment to allow the continuation of the repair and planned maintenance of West Dunbartonshire Council's property.

**8. STRATEGIC LEADERSHIP AND ORGANISATIONAL CULTURE (Pages 101 – 112)**

Submit report by the Chief Executive presenting the outcomes of the elected member seminar held in January 2009 on Strategic Leadership and seeking agreement to take forward a series of recommendations to improve the involvement of all Members in the strategic decision making processes.

**9. BEST VALUE AUDIT - ARRANGEMENTS FOR FOLLOW UP – MARCH 2009 (Pages 113 - 115)**

Submit report by the Chief Executive informing the Council of the arrangements for the follow up review of best value and Community Planning in West Dunbartonshire.

**10. NEW POLITICAL DEMOGRAPHIC OF WEST DUNBARTONSHIRE COUNCIL (Pages 117 - 121)**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 17 December 2008, submit report by the Executive Director of Corporate Services detailing political changes which have occurred and the impact of these changes on the political balance of committees.

**11./**

**11. REPLACEMENT OF MEMBERS OF COMMITTEES OR WORKING GROUPS (Pages 123 - 126)**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 28 January 2009 submit report by the Executive Director of Corporate Services presenting options for the replacement of political and independent nominations on committees.

**12. THE EMPLOYEE SURVEY 2009 (Pages 127 - 132)**

Submit report by the Chief Executive outlining the timeline and scope of the 2009 follow-up Employee Survey.

**13. "WE CAN AND MUST DO BETTER": INFORMATION FOR ELECTED MEMBERS ON LOOKED AFTER CHILDREN AND YOUNG PEOPLE IN WEST DUNBARTONSHIRE (Pages 133 - 142)**

With reference to the Minutes of Meeting of West Dunbartonshire Council on 26 March 2008 submit report by the Chief Executive informing the Council of the current position regarding 'Looked After Children and Young People in West Dunbartonshire'.

**14. GENERAL SERVICES REVENUE 2008/2009 BUDGETARY CONTROL REPORT (PERIOD 9) (Pages 143 - 157)**

Submit report by the Executive Director of Corporate Services informing the Council of the performance of the General Services Revenue Budget for the period to 15 January 2009.

**15. GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT: PERIOD 9 (2008/2009) (Pages 159 - 164)**

Submit report by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan for 2008/2009.

**16./**

**16. PRUDENTIAL INDICATORS 2008/09 TO 2011/12 AND TREASURY MANAGEMENT STRATEGY 2009/10 TO 2011/12 (Pages 165 - 175)**

Submit report by the Executive Director of Corporate Services advising Members of the proposed:-

- (a) Prudential Indicators for 2008/2009 to 2011/12; and
- (b) Treasury Management Strategy for 2009/10 to 2011/12.

**17. HRA 2008/2009 BUDGETARY CONTROL STATEMENT TO 15 JANUARY 2009 (PERIOD 9) (Pages 177 - 182)**

Submit report by the Executive Director of Housing, Environment and Economic Development providing the Council with an update on the financial performance of the Housing Revenue Account (HRA) to the period ended 15 January 2009.

**18. HRA CAPITAL PROGRAMME 2008/2009 BUDGETARY CONTROL REPORT TO 15 JANUARY 2009 (PERIOD 9) (Pages 183 - 189)**

Submit report by the Executive Director of Housing, Environment and Economic Development providing the Council with an update on the progress of the HRA Capital Programme as at 15 November 2008.

**19. HRA CAPITAL PROGRAMME 2009/10 (Pages 191 – 204)**

Submit report by the Executive Director of Housing, Environment and Economic Development seeking approval for the 2009/10 HRA Capital programme which is primarily aimed at meeting obligations towards the Scottish Housing Quality Standard by 2015 for proposed retained stock.

**20. HOUSING REGENERATION MASTER PLANS (Pages 205 - 217)**

Submit report by the Executive Director of Housing, Environment and Economic Development:-

- (a) informing the Council of the outcome of meetings held by the Housing Regeneration Working Group; and
- (b) seeking approval to progress master planning and feasibility studies and to establish Regeneration Groups.

**21. SCOTTISH GOVERNMENT CONSULTATION ON THE CREATION OF A CHIEF RETURNING OFFICER FOR SCOTLAND (Pages 219 - 224)**

Submit report by the Chief Executive advising of the Scottish Government's consultation document on the creation of a post of Chief Returning Officer for Scotland and seeking the Council's views on a proposed response.

**Note: Members are asked to note that a copy of the above Consultation Paper is enclosed separately with this agenda for Members' information only.**

**22. NOTICES OF MOTION**

**(a) Motion by Councillor Geoff Calvert – Kippen Dairy Site**

This Council recalls that during the debate on the agenda item concerning the Kippen Dairy site at the Council meeting of 28 January 2009, Councillor Craig McLaughlin, in questioning a Council officer, Mr William Gibson, asked, "Are you aware that Dunbritton Housing Association has been instructed by SGHID to dispose of the site they own adjacent to the Kippen Dairy site to Cordale at nil value?"

In response to this assertion by Councillor Craig McLaughlin, SGHID has stated, "We have not instructed Dunbritton to transfer its site to Cordale, neither would we do so, as any rationalisation of land/territories between RSLs in West Dunbartonshire should be by agreement, and in the spirit of partnership working, to take maximum advantage of the opportunities that the regeneration programme will bring. This position was made clear to the directors of both associations, and I am as surprised as you are that any member would claim otherwise.

This Council is appalled that it has been clearly misled, for whatever motive, by Councillor Craig McLaughlin and calls on him to apologise to this Council and make a full retraction of his statement. In addition, it is expected by this Council that Councillor McLaughlin will wish to provide a written apology to Mr Gibson for the embarrassment he has suffered as a consequence of Councillor McLaughlin's misleading statement.

**(b) Motion by Councillor Jonathan McColl – Amnesty International**

Council recognises and continues to support the work of the local branch of Amnesty International, and in particular their efforts to secure the release of Ma Khin Khin Leh, who sadly still resides in a Burmese Prison.

While/

While Amnesty continue their work to free Ma Khin Khin Leh Council understands that they are now also working to secure the release of Saed Yassin, a 34 year old Palestinian human rights defender from the occupied West Bank who has been held in 'administrative detention' in Israel since October 2006.

West Dunbartonshire Council pledges the support of all elected members, the Chief Executive and the Leader of the Council for Amnesty's campaign, and agrees to work with the local branch to facilitate events to encourage staff and the wider community to get behind their just cause.

**(c) Motion by Councillor Martin Rooney – Council Meeting on 12 February 2009**

This Council notes that during the debate on setting the Council's budget at the meeting of 12<sup>th</sup> February 2009, the Chief Executive stated that the additional £1million set aside by the SNP Administration to be used in settling potential claims against the Council arising out of the Single Status decision was not required for this purpose and could be utilised by the Council. Furthermore, the Chief Executive stated that he had made this clear to the Administration in August 2008.

The Finance Convenor, Councillor Craig McLaughlin, disputed the statement by the Chief Executive and claimed that he had not known that this £1million was not required for Single Status "until now". The Chief Executive disagreed and firmly held to his version of events and said that Councillor Craig McLaughlin was misleading the Council.

During Councillor McLaughlin's summing up, Councillor McLaughlin stated that the money was needed for Single Status and that, "Anyone who thought otherwise was a fool."

This outrageous attack on the word and integrity of the Chief Executive is not only in clear breach of the Code of Conduct for Councillors and the Member/Officer Protocol, but fatally undermines the relationship between the Chief Executive and the Administration and therefore cannot lie unchallenged. Should this SNP Administration believe that the current Chief Executive, Mr David McMillan, is 'a fool', then it must take steps to ensure that this Council is led by someone else, since it cannot allow 'a fool' to hold the position and responsibilities of a Chief Executive.

This Council has every confidence in the integrity of its Chief Executive and believes, without exception, his version of events over that of Councillor McLaughlin.

Therefore/



Therefore, this Council expects Councillor McLaughlin to make a full, public and, for the record, written apology to Mr McMillan for his unacceptable remark. Furthermore, this apology should include Councillor McLaughlin's acceptance of Mr McMillan's statement that both he and the SNP Administration have known since August 2008 that the £1million set aside for Single Status was not, and is not, required for that purpose and is available to be allocated elsewhere.

Should Councillor Craig McLaughlin decline to apologise within the terms of the Motion, then Council accepts that the Chief Executive will have no option other than to refer Councillor McLaughlin's unacceptable conduct to the Standards Commission for determination.