

WEST DUNBARTONSHIRE COUNCIL

At a meeting of West Dunbartonshire Council held within the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday 26 April 2000 at 7.00 p.m.

Present: Provost Alistair Macdonald (LAB) and Councillors James McElhill (SNP), Mary Campbell (LAB), Daniel McCafferty (LAB), Andrew White (LAB), Anthony Devine (LAB), Mary Collins (LAB), Duncan McDonald (LAB), John McCutcheon (SNP), Linda McColl (LAB), Iain Robertson (SNP), Geoffrey Calvert (LAB & CO-OP), James McCallum (LAB & CO-OP), John Trainer (LAB), James Bolland (SSP), Craig McLaughlin (SNP), Ronald McColl (SNP), Margaret McGregor (SNP), James Flynn (LAB) and Connie O'Sullivan (LAB).

Attending: Eric Walker, Director of Corporate Services; Ian McMurdo, Director of Education and Cultural Services; Dan Henderson, Director of Economic, Planning and Environmental Services; Alexis Jay, Director of Social Work and Housing; David McMillan, Director of Commercial and Technical Services; Mary Cullen, Head of Corporate Policy and Public Relations; Stephen Brown, Head of Legal and Administrative Services and Gerry McInerney, Head of Personnel.

Apologies: Apologies for absence were intimated on behalf of Councillors John Syme (LAB) and Ian McDonald (SNP).

Provost Alistair Macdonald in the Chair

COUNCILLOR COLLINS

Provost Macdonald advised that Councillor Mary Collins was attending her first meeting of Council since her illness and, on behalf of the Council, he welcomed her to the meeting and welcomed also her return to full health.

Provost Macdonald advised that Councillor Collins had asked him to thank the Council for its decision to grant her extended leave of absence from meetings of the Council owing to her illness but advised that as Councillor Collins had been present at the meeting of Council on 28 October 1999 the extension granted had not been necessary. Provost Macdonald added that Councillor Collins wished to express her appreciation to the Council for its consideration.

URGENT ITEM OF BUSINESS

Provost Macdonald, in terms of Section 50A(4) of Local Government (Scotland) Act 1973 as inserted by the Local Government (Access to Information Act) 1985 ruled that an item of business relating to an invitation to the Leader of the Council and the Convener of the Planning and Economic Development Committee to visit Brussels on 22/23 May 2000 under the COSLA European Members Network be considered as a matter of urgency.

ORDER OF BUSINESS

In terms of Standing Order 6, Provost Macdonald determined that the urgent item of business and the Notice of Motion by Councillor James Bollan be taken towards the end of the meeting after the item entitled 'Conference - Tourism 2000 and Beyond'.

MINUTES OF PREVIOUS MEETING

The minutes of meeting of West Dunbartonshire Council held on 29 March 2000 were submitted and approved on the motion of Provost Macdonald, seconded by Councillor Trainer.

MINUTES OF MEETINGS OF COMMITTEES

Tendering Committee - 22 March 2000

The minutes of meeting of the Tendering Committee held on 22 March 2000 were submitted and approved on the motion of Provost Macdonald, seconded by Councillor Ronald McColl.

Roads and Technical Services Committee - 22 March 2000

The minutes of meeting of the Roads and Technical Services Committee held on 22 March 2000 were submitted and approved on the motion of Councillor Duncan McDonald, seconded by Councillor Linda McColl.

Environmental Protection and Leisure Services Committee - 22 March 2000

The minutes of meeting of the Environmental Protection and Leisure Services Committee held on 22 March 2000 were submitted and approved on the motion of Councillor Campbell, seconded by Councillor Ronald McColl.

Contract Services Policy Board - 5 April 2000

The minutes of meeting of the Contract Services Policy Board held on 5 April 2000 were submitted and approved on the motion of Councillor Duncan McDonald, seconded by Councillor Linda McColl.

Education Committee - 5 April 2000

The minutes of meeting of the Education Committee held on 5 April 2000 were submitted and approved on the motion of Councillor McCafferty, seconded by Councillor Trainer.

Planning and Economic Development Committee - 5 April 2000

The minutes of meeting of the Planning and Economic Development Committee held on 5 April 2000 were submitted and approved on the motion of Councillor O'Sullivan, seconded by Councillor Linda McColl.

Millennium Events Committee - 17 April 2000

The minutes of meeting of the Millennium Events Committee held on 17 April 2000 were submitted and approved on the motion of Provost Macdonald, seconded by Councillor Devine.

It was also noted that in relation to the item entitled "Loch Lomond Folk Festival" (**Volume page 5734 refers**) the original application had requested not only the use of Moss o' Balloch for the Loch Lomond Folk Festival but also a request for financial assistance and, accordingly, it was agreed that the grant aspect of the application be referred to the next meeting of the Member/Officer Working Group on Grants to Voluntary Organisations for consideration.

Declarations Of Non-Pecuniary Interest

Councillors Robertson and Trainer declared a non-pecuniary interest in the undernoted item of business and took no part in consideration of the application.

APPLICATION FOR PLANNING PERMISSION

WP99/249 - Application for Demolition of Industrial and Office Buildings, Infilling of Tidal Basin and Erection of Class 1 Retail Units (6,500 Square Metres) with Associated Roads, Car-Parking and Landscaping Works at Land to the North and South of Castle Street, Dumbarton by Allied Distillers Ltd., per Smith Design Associates.

In terms of remit from the meeting of the Planning and Economic Development Committee held on 5 April 2000 (**Volume page 5721 refers**) there was submitted report by the Director of Economic, Planning and Environmental Services providing an update on certain aspects of the original report on the application by Allied Distillers Ltd for outline planning consent. A copy of that original report was attached.

Councillor Calvert, seconded by Councillor McGregor, moved:-

That the application for planning permission be refused as the proposal is an unjustified departure from the provisions of the Dumbarton District, District Wide Local Plan in that it is a retail proposal in an area allocated for existing industrial and business use which would have an adverse impact on Dumbarton Town Centre.

That this Council will initiate a process of consultation along the lines laid down in paragraph 7.8, page 84 of the above Local Plan, namely "in support of policy R20, it is recommended that Councils, retailers, and other public and private sector interests support joint efforts to enhance the attractiveness of shopping centres, along the lines mentioned in PAN35".

As an amendment, Councillor O'Sullivan, seconded by Councillor McCallum, moved that outline planning permission be granted subject to the conditions contained in the earlier report with the exception that condition 17 shall read "for the avoidance of doubt this outline consent approves 6,503 square metres of gross retail floor space (exclusive of garden centre)

in a multi-unit development, the largest unit of which shall not exceed 3,700 square metres gross floor space and the smallest of which shall not be less than 465 square metres, unless agreed otherwise in writing by the Planning Authority.”

On a vote being taken, 8 members voted for the amendment and 9 for the motion which was accordingly declared carried.

**McINTOSH COMMISSION - SECOND REPORT OF MEMBER/OFFICER
WORKING GROUP - DEVELOPMENT OF AN EXECUTIVE/SCRUTINY MODEL
OF DECISION MAKING**

There was submitted report by the Chief Executive providing an update on the progress made by the Member/Officer Working Group on the McIntosh Report and proposing the development of an Executive/Scrutiny decision making structure.

Councillor White, seconded by Councillor Trainer, moved that the Council congratulate the officers involved in the preparation of the report for the work done thereon and that the Council agree:-

- (a) to note that the Member/Officer Working Group on the McIntosh Report had produced initial proposals in line with its original remit as shown in Appendices 1, 2 and 3 to the aforesaid report;
- (b) to authorise the Working Group to consult Councillors, the community, partner agencies, staff and Trades Unions as part of the initial consultation process on the new system to take place during May and June 2000, as shown in paragraph 11 of Appendix 1 to the report, and that further consultation take place once the new system was operational;
- (c) that a special meeting of Council be convened, at a time to be agreed, to consider the results of the consultation and final proposals for the introduction of a new system; and
- (d) that the Leaders of the Labour and SNP Groups hold further discussions on the most effective way forward.

As an amendment, Councillor Ronald McColl, seconded by Councillor McLaughlin, moved:-

That the SNP believe that the principles of McIntosh are worthy of support and consideration.

The SNP also recognises this council paper as a framework document for consultation subject to the changes listed.(shown as Appendix I to these minutes) (**Volume pages 5745/5748 refer**) We also believe that the political parties within the council have a duty to lay out their respective intentions in relation to political group meetings and whipping.

Officers too, also have a view that requires to be expressed in order that the mistakes of the past are not repeated.

To achieve both these objectives the SNP group feels that separate views must be sought and published from each political group and from chief officers.

To this end the council agrees to request that each political party and the Chief Executive, (on behalf of the management team), prepares separate reports on the procedures that their respective groups and offices will adopt, for the implementation and running of the Executive/Scrutiny model within the Council.

Furthermore these reports should address all of the following questions and comments. (Shown as Appendix I to these minutes)

ADJOURNMENT

The Council unanimously agreed to adjourn at this point and resumed consideration of this item a short time thereafter, those present being as shown in the sederunt.

On a vote being taken, 7 members voted for the amendment, and 13 for the motion which was accordingly declared carried.

STANDING ORDERS, REMIT OF AND DELEGATION TO COMMITTEES AND OFFICERS

With reference to the minutes of meeting of Council held on 27 October 1999 (**Volume page 5169 refers**) there was submitted report by the Director of Corporate Services proposing that the existing Standing Orders, Remit and Delegation to Committees and Officers remain in force until the end of September 2000. A proposed timetable of meetings for the months of August and September was also attached.

Provost Macdonald, seconded by Councillor Ronald McColl, moved that the Council agree that the current Standing Orders and Remit of and Delegation to Committees and Officers remain in force until the end of September 2000 and that the proposed timetable of meetings be approved as shown in Appendix II to these minutes.

As an amendment, Councillor Bollan, seconded by Councillor McCutcheon, moved that the existing Standing Orders be amended to incorporate a right to allow an elected member, who is not a member of a Service Committee, to attend such a Committee and address that Committee on any issue which has an effect on his constituents and that officers report thereon to the next meeting of Council.

On a vote being taken, 5 members voted for the amendment and 14 for the motion which was accordingly declared carried.

CONSULTATION PAPER - APPOINTMENTS TO PUBLIC BODIES IN SCOTLAND MODERNISING THE SYSTEM

There was submitted report by the Chief Executive summarising the main recommendations of the consultation paper “Appointments to Public Bodies in Scotland - Modernising the System” and suggesting a response which the Council might wish to make to the Scottish Executive. A copy of the draft response was attached.

Councillor Trainer, seconded by Councillor White, moved that the Council agree:-

- (a) to note the contents of the consultation paper; and
- (b) to approve the suggested response for submission to the Scottish Executive by 28 April 2000.

As an amendment, Councillor Bollan, seconded by Councillor Ronald McColl, moved that the Council note the contents of the consultation paper but that representation be made to the Scottish Executive that, in view of previous commitments given by the Government, membership of public bodies should be on an elected and not an appointed basis.

On a vote being taken, 7 members voted for the amendment and 13 for the motion which was accordingly declared carried.

CONTROLLER OF AUDIT - OVERVIEW REPORT ON THE 1998/99 AUDITS OF LOCAL AUTHORITIES/ ACCOUNTS COMMISSION RESPONSE

There was submitted report by the Director of Corporate Services referring to the Overview Report by the Controller of Audit on the 1998/1999 Audits of Local Authorities and the response to that report by the Accounts Commission.

The Council, on the motion of Councillor Devine, seconded by Councillor Trainer, noted the report by the Controller of Audit and the response by the Accounts Commission thereon.

CARMAN CENTRE, 175 MAIN STREET, RENTON

With reference to the minutes of meeting of Council held on 26 January 2000 (**Volume page 5446 refers**) there was submitted report by the Director of Economic, Planning and Environmental Services providing supplementary information on progress made concerning the future use of the Carman Centre, Renton.

On the motion of Councillor O’Sullivan, seconded by Councillor Bollan, the Council agreed:-

- (a) that the business plan submitted to the Council by the Carman Social Inclusion Partnership be endorsed as meeting the requirements established by the Council in its resolution passed at the meeting on 29 September 1999;
- (b) that the Carman Social Inclusion Committee be advised that they are requested to submit a revised constitution or Memorandum and Articles of Association in line with the proposals set out in the business plan with power being delegated to the Director

of Economic, Planning and Environmental Services in consultation with the Head of Legal and Administrative Services to approve this document;

- (c) that on approval of the revised constitution or Memorandum and Articles of Association set out in (b) above, the Carman Social Inclusion Committee be offered a one year lease of the premises at 175 Main Street, Renton at a peppercorn rent;
- (d) that further consultation in respect of the suggested transfer of facilities at 171 Main Street into the Carman Centre take place with the Director of Social Work and Housing; and
- (e) that progress in respect of the establishment of the Centre be monitored over the first year with a view to resolving the long-term future of the property following a further report to the Council at the appropriate time.

EDUCATION APPEALS COMMITTEE

It was reported that in the light of some operational difficulties, it would be advisable for the Council to consider nominating 3 additional elected members to form a panel from which members could be selected to consider certain educational appeals.

On the motion of Councillor McCafferty, seconded by Councillor Ronald McColl, the Council agreed that 2 Labour Group members and 1 SNP Group member be nominated to the aforesaid panel.

CONFERENCE - TOURISM 2000 AND BEYOND

There was submitted invitation for the Council to participate in the Tourism 2000 and Beyond National Conference and Dinner to take place in Greenock on Tuesday 23 May 2000.

The Council agreed that Provost Macdonald (or substitute) be authorised to represent the Council at this occasion.

COSLA EUROPEAN MEMBERS NETWORK VISIT TO BRUSSELS, 22/23 MAY 2000

As an urgent item, there was submitted report by the Director of Corporate Services advising that the Leader of the Council and the Convener of the Planning and Economic Development Committee had been invited to take part in the COSLA European Members Network visit to Brussels on 22/23 May 2000.

Provost Macdonald, seconded by Councillor Calvert, moved that the Council agree to authorise Councillors White and O'Sullivan to take part in the visit.

As an amendment, Councillor Ronald McColl, seconded by Councillor McLaughlin, moved that 1 officer be authorised to attend and that a report of the conference be submitted to a future meeting of Council.

On a vote being taken, 6 members voted for the amendment and 13 for the motion which was accordingly declared carried.

NOTICE OF MOTION

There was submitted motion received from Councillor Bollan in the following terms:-

“This Council supports the local broad based campaign set up to reverse the cuts in services being proposed at the Vale of Leven Hospital.

We also support the May Day March & Rally being organised by the “Save the Vale” campaign, to be held on Saturday, 6 May 2000 assembling at 11 a.m. in Tontine Park, Renton and marching to Christie Park, Alexandria, where invited speakers will address the Rally.

This Council urges everybody who can attend to participate in the March & Rally to help demonstrate to the Government our total opposition to the cuts in services and jobs at our local Hospital.”

Councillor Bollan moved and was heard in support of his motion which was seconded by Councillor McLaughlin.

As an amendment, Councillor Calvert, seconded by Councillor White, moved:-

This Council reaffirms its support for our MSPs and MPs in their efforts to ensure that this community enjoys the benefits of enhanced services at the Vale of Leven Hospital.

Furthermore, this Council confirms its commitment to meet with the Trade Unions at the Vale of Leven Hospital, in order to determine a joint approach on the way forward.

This Council notes the May Day March and Rally to be held on Saturday, 6 May assembling at 11.00 a.m. in Tontine Park, Renton and marching to Christie Park, Alexandria, where invited speakers will address the Rally.

The Council agreed to proceed by way of a roll call vote.

On a vote being taken, 12 members voted for the amendment (namely Provost Macdonald and Councillors Campbell, McCafferty, White, Devine, Duncan McDonald, Linda McColl, Calvert, McCallum, Trainer, Flynn and O’Sullivan) and 7 members voted for the motion (namely Councillors McElhill, McCutcheon, Robertson, Bollan, McLaughlin, Ronald McColl, and McGregor). The amendment was accordingly declared carried.

EXCLUSION OF PRESS AND PUBLIC

The Council unanimously passed the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A to the Act.”

COUNCIL’S ADVERTISING CONTRACT

With reference to the minutes of meeting of Council held on 29 March 2000 (**Volume page 5683 refers**) there was submitted report by the Head of Corporate Policy and Public Relations on the bids received for the Council advertising contract 2000/2001.

The Council agreed:-

- (a) that the contract should be for a discounted rate of advertising based on a minimum of half a page per week, with an additional minimum of 20 pages throughout the year; and
- (b) that the advertising contract be awarded to the Lennox Herald and the Clydebank Post from week ending 19 May 2000.

The meeting closed at 10.00 pm.

**McINTOSH COMMISSION - SECOND REPORT OF MEMBER/OFFICER
WORKING GROUP - DEVELOPMENT OF AN EXECUTIVE/SCRUTINY MODEL
OF DECISION MAKING**

SNP Amendment

The SNP believe that the principles of McIntosh are worthy of support and consideration.

The SNP also recognises this council paper as a framework document for consultation subject to the changes listed in pages 3 & 4. We also believe that the political parties within the council have a duty to lay out their respective intentions in relation to political group meetings and whipping.

Officers too, also have a view that requires to be expressed in order that the mistakes of the past are not repeated.

To achieve both these objectives the SNP group feels that separate views must be sought and published from each political group and from chief officers.

To this end the council agrees to request that each political party and the Chief Executive, (on behalf of the management team), prepares separate reports on the procedures that their respective groups and offices will adopt, for the implementation and running of the Executive/Scrutiny model within the Council.

Furthermore these reports should address all of the following questions.

1. What will be the full extent of delegated authority that is to be given to officers?
2. Which body will retain the right to extend, revoke and amend these delegated powers?
3. Will an extension to the ceiling of £15,000 for spending by officers, without Council approval be extended?
4. Who will decide the contents of agendas for the Executive and Scrutiny Committees?
5. Will standing orders contain a detailed explanation of the process of who controls agenda items?
6. What protocols will be in place for officers with regards to who advises which Committee. For example the legal advisor to the Executive may be the superior of the officer who advises the Scrutiny Committee?
7. Will these protocols for item 6 be ingrained in Standing Orders?
8. In instances of the Scrutiny Committee investigating the Executive, the report states that correspondence between the Executive and officers will be made available to the

Scrutiny Committee, unless the correspondence is private or confidential. Who will decide what correspondence is confidential and what is not?

9. If a disagreement arises between the executive and the scrutiny committee which body will deal with the matter?
10. If that body is to be the Council how will group whipping be used in such an event?
11. Will all correspondence between the Executive Members and officers be minutes?
12. Given that both the Executive and Scrutiny will be committees, will the same rules regarding issuing of agendas to all Councillors, timing and advertising of meetings apply?
13. In order for the Executive/Scrutiny style of local government to work it requires all political parties to commit not to whip it's members, will each group give that commitment?
14. What protocols and procedures will each group put in place to ensure that members of the Scrutiny/Executive do not attend the same political group meetings?
15. Will members of the Executive/Scrutiny Committees be whipped on matters of a party's national policy issues?
16. Will members who do not serve on either the Scrutiny or Executive be able to place items on to respective agendas?
17. If they can will they be allowed to attend the meeting as well as address the item?
18. If members will not be allowed to submit items to an agenda what role are they to play in the Council?
19. What input will community groups and delegations from the public have to the Executive?
20. If the membership of the Executive/Scrutiny Committees is to be decided each year, will membership be decided at a political party meeting and the rest present grouped to that decision?
21. The system of collective responsibility is mentioned throughout the document but little substance is given to how it will operate. In the absence of group whipping how can collected responsibility be enforced?
22. Given that the Executive will have considerable responsibility, what level of special responsibility allowance is envisaged for its members?
23. As COSLA guidelines state that SRA's apply to chairs of committees and not department conveners, how can SRA's be considered for all members of the Executive?

24. Given that the Executive is likely to have control over the hiring and issuing of redundancies to staff and the control over the structure of the Council, what will union input be to the Executive?
25. Given that the Chief Executive has the responsibility to the Council as a whole and not to any individual committee, what role will the Chief Executive play in the new structure? (Given that he cannot be part of either the Executive or Scrutiny committees?)
26. Given that the Education Executive will still have Church and Union representation will the opposition be represented?
27. Further to the above, how will the Education Appeals Committee function under the new structure, with particular regard to opposition representation?

Furthermore in connection with the paragraphs of the report referred to as undernoted:

3.4 Arrangement for Meetings

3.4.1 It is suggested that council meetings should take place every month.

3.4.2 Last Paragraph

If West Dunbartonshire decides to make use of delegated powers to the Executive and regulatory committees, this will allow Council to spend much of its time ratifying decision and allow it to concentrate on the more strategic functions. This will be done at a gradual pace taking into account the wishes of members from all sides of the political divide.

4.2 Composition and Membership of Executive

4.2.1 Size of an Executive

It is suggested that an Executive in West Dunbartonshire should have 9 members: 6 administration, 3 opposition. This mirrors the political balance within West Dunbartonshire Council and accords with both McIntosh and COSLA's recommendations. It also reflects legislation, which requires this. The opposition will have at least 1 portfolio which they are responsible for.

4.4.6 Paragraph 3

It is suggested that decisions taken by the Executive should be subject to delay prior to implementation until the scrutiny committee have had time to study proposals.

10.4 How Will An Executive System Link to Structures Such as the Community Initiatives Committee

- 10.4.1 The Community Initiatives Committee should be changed to 4 area committees, (2 Clydebank, 1 Dumbarton and 1 Vale of Leven), with all Councillors from these areas who are not on the Executive being involved. Each of these area committees will also have local community members. The remit of these area committees will be to be involved in the early stages of policy development. They may also wish to call members of the executive to account for decisions.
- 10.4.2 Delete the community initiatives committee, substitute the area committees.
- 10.4.3 Delete and substitute as above.
- 10.4.4 Delete and substitute as above.
- Page 50 Delete and substitute as above.

Appendix 2 Standing Orders

35 *Decisions taken under delegated powers:*

- Bii Delete.
Ci Delete.

APPENDIX II

**TIMETABLE OF MEETINGS FOR THE MONTHS OF
AUGUST AND SEPTEMBER 2000**

GROUP	WEDNESDAY	COUNCIL	OTHERS	COMMENTS
A	2 Aug		Special Planning	
B	16 Aug			
C	30 Aug	Council	Planning and Econ. Dev	
D	13 Sept			D Group includes Perf. Review Committee
	27 Sept	Council		