

## **WEST DUNBARTONSHIRE COUNCIL**

At the Requisitioned Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday 10 September 2008 at 2.00 p.m.

**Present:** Provost Denis Agnew and Councillors James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

**Attending:** Bill Clark, Acting Chief Executive; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; Paul McGowan, Pay Modernisation Manager; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Apology:** An apology for absence was submitted on behalf of Councillor George Black.

### **Provost Denis Agnew in the Chair**

#### **MOTION - SPECIAL MEETING OF WEST DUNBARTONSHIRE COUNCIL ON 19 AUGUST 2008**

The Council was asked to consider the undernoted motion which was moved by Councillor Rooney and seconded by Councillor C. McLaughlin:-

This Council notes from the supporting documentation and from statements made by the Provost to YOUR Radio that there is doubt surrounding the reason for the date of the Special Council meeting being chosen by the Provost as being 19 August 08.

This Council does not believe that these doubts can be allowed to remain unresolved. By not acting to resolve these doubts, the integrity of both the Provost and the Executive Director of Social Work and Health would be the subject of suspicion and speculation and such a situation is unacceptable to this Council.

This Council must also consider the possibility that if doubts regarding the calling of the meeting remain in question, it may be arguable that the decisions of that meeting are also under question. In this case, Council must also consider the risks of legal challenge to its decision.

Therefore, this Council requests the Chief Executive to act swiftly to investigate the apparent conflicts between the differing claims concerning the decision to call the meeting on 19 August and to bring forward a report with recommendations to the next Council meeting.

In bringing forward this report, the Chief Executive is requested to consult with the Council's External Auditors, KPMG, and the Head of Legal Services, and to make comment on all Risks to the Council concerning its implementation of the decision on 19 August in the light of his investigative findings.

Councillor Rooney was heard in support of the above motion.

As an amendment, Councillor Bollan, seconded by Councillor J. McColl, moved:-

That the first three paragraphs of the above motion be approved and that the following wording should replace the last two paragraphs of the motion:-

Therefore this Council agrees to delegate to the legal manager in consultation with the Leader of the Opposition the power to swiftly appoint an external organisation to investigate the apparent conflicts between the differing claims concerning the decision to call the meeting on 19 August 2008. This report to be tabled at the next Council meeting.

In bringing forward this report the external organisation is requested to consult with the Council's external auditors KPMG and the Head of Legal Services and to make comments on all risks to the Council concerning its implementation of the decision on 19 August 2008 in light of its investigative findings.

Councillor Bollan was heard in support of his amendment and clarified that the reference to "legal manager" above, should have read "Head of Legal, Administrative and Regulatory Services".

On a vote being taken, 20 Members voted for amendment which was accordingly declared carried.

The meeting closed at 2.35 p.m.