

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 27 October 2004 at 7.00 p.m.

Present: Provost Alistair Macdonald and Councillors Denis Agnew, George Black, Jim Bolland, Margaret Bootland, Dennis Brogan, Geoff Calvert, Tony Devine, Jack Duffy, James Flynn, Douglas McAllister, Margaret McGregor, Craig McLaughlin, Marie McNair, Connie O'Sullivan, Martin Rooney and Andy White.

Attending: Tim Huntingford, Chief Executive; Gerry McInerney, Director of Corporate Services; Dan Henderson, Director of Development and Environmental Services; Bob Cook, Director of Education and Cultural Services; David McMillan, Director of Housing and Technical Services; Alexis Jay, Director of Social Work Services; Lynn Bradley, Head of Finance; Cy Neil, Head of Housing Services; John Stevenson, Section Head (Quality Assurance); Stephen Brown, Head of Legal and Administrative Services, and George Hawthorn, Senior Administrative Officer.

Also Attending Chief Superintendent Mitch Rogers and Sergeant Alistair Armour (Liaison Officer), Strathclyde Police and Martin McKendrick, Team Leader (ASSIST), Housing and Technical Services.

Apologies: Apologies for absence were intimated on behalf of Depute Provost McColl and Councillors Gail Casey, Jackie Maceira, James McCallum and Duncan McDonald.

Provost Macdonald in the Chair

PROVOST'S REMARKS

3975 Provost Macdonald welcomed Chief Superintendent Rogers, Sergeant Armour and Mr McKendrick to the meeting.

**RESULTS OF BY-ELECTION
WARD 11 (BOWLING/MILTON/OLD KILPATRICK)**

- 3976 A report was submitted by the Returning Officer informing the Council of the results of the Local Government By-election for Ward 11 – Bowling/Milton/Old Kilpatrick, which was held on 14 October 2004.
- 3977 After hearing Provost Macdonald, the Council agreed to note that George Black (Independent) had been elected to serve in Ward 11 – Bowling/Milton/Old Kilpatrick.

ANTI-SOCIAL BEHAVIOUR

(a) Presentation

- 3978 Sergeant Armour, Liaison Officer, Strathclyde Police and Mr McKendrick, Team Leader (Assist Team) gave a joint presentation on the implications of Sections 1 - 4 and 6 of the Anti-Social Behaviour (Scotland) Act 2004, which would come into effect on 28 October 2004.
- 3979 Having heard Chief Superintendent Rogers and the Chief Executive in answer to Members' questions, the Provost on behalf of the Council, thanked Sergeant Armour and Mr McKendrick for their very informative and interesting presentation.

(b) Anti-Social Behaviour (Scotland) Act 2004

- 3980 A report was submitted by the Director of Housing and Technical Services providing an update on legislative changes introduced under the Anti-Social Behaviour (Scotland) Act 2004.
- 3981 Having heard Mr McKendrick in answer to Members' questions, the Council agreed to note the report. Thereafter Mr McKendrick left the meeting.

OPEN FORUM

**Donald McDonald, 36 North Elgin Street, Whitecrook
New Community Schools – Braidfield High School**

- 3982 In 1998, West Dunbartonshire Council was awarded considerable funding by the Scottish Executive to implement their vision of New Community Schools. In their wisdom, the Council chose Braidfield High School as the flagship for this venture. The lion's share of available funding was channelled into Braidfield, while other schools in the region were virtually neglected by comparison.

3983 However, over the next 6 years, while the less privileged schools continued to flourish, Braidfield High School was not transformed into a magnet school for the area; nor was the attainment level of pupils dramatically improved. Indeed, at the time of writing this question, it would seem that the flagship is about to be scuttled.

3984 Does the Council have a rational explanation for this unmitigated disaster?

Councillor Rooney responded in the following terms:-

3985 Thank you Provost, in the absence of Councillor McCallum I will respond to Mr McDonald's question.

3986 Firstly, I would like to thank Mr McDonald for submitting his question.

3987 The Scottish Executive's New Community School initiative was launched in 1999 to address social exclusion and raise attainment. Phase 1 of the initiative provided each Council in Scotland with £200,000 per annum for 3 years to establish one New Community School Pilot Project.

3988 Braidfield was selected as West Dunbartonshire's Phase 1 pilot as it most closely met the criteria. The pilot projects were selected on the basis of deprivation indicators, attainment levels, local needs and local circumstances.

3989 Taking account of socio-economic, demographic and other factors which impact on attainment and social exclusion, West Dunbartonshire Council envisages that it would take from 10 years to a generation before the goals of Integrated Community Schools would be realised. This is a factor which has been endorsed in the Scottish Executive's National Evaluation of the Phase 1 Pilot Programme, and in the recent HMIE review of the eight Integrated Community School clusters.

3990 HMIE inspections of West Dunbartonshire Council, Braidfield and other schools and the recent inspection of Community Learning and Development in South Clydebank provided evidence of the effectiveness of the Council's achievements. Schools, partner agencies and the Council can be justifiably proud of the progress to date.

3991 Scottish Executive funding is no longer linked to individual projects and the Scottish Executive requires all schools in Scotland to embrace the principles of integrated community schools by 2006/2007. The structures and strategies for achieving this are already well-established in West Dunbartonshire.

3992 West Dunbartonshire Council was one of the first Authorities in Scotland to roll out the model across all its schools and school clusters from 2000/2001. We are committed to the principles that underpin New Community Schools, and to ensuring that all schools and school clusters would benefit from the additional funding.

- 3993 This ambitious long-term goal is reflected in West Dunbartonshire Council's vision as a Community Authority. Again I repeat schools, partner agencies and the Council can be justifiably proud of the progress to date.

Mr McDonald asked the following supplementary question:-

- 3994 Councillor Rooney made no mention of the unmitigated disaster in his response. Since the Braidfield High School pilot has been a resounding failure and, best practice suggests that community schools with educational learning centres etc, are therefore not the best way to ensure improved educational achievement and standards, will West Dunbartonshire Council admit that the community school strategy has been disastrous and therefore its future plans to decimate our schools and create super schools with community centres could also result in disaster? Also, if after the consultation with parents on the proposed closure of schools, will the Council consider a number of proposals, and I mean proposals in plural, not a single proposal, when deciding on their future?

At the request of Councillor Rooney, the Director of Education and Cultural Services responded as follows:-

- 3995 The questioner appears to be referring to two separate areas in talking of "the decimation of our schools" and the alleged "disaster" of new Community Schools initiative.
- 3996 The new community schools initiative, of which the Council is justly proud, was piloted in Braidfield High School and subsequently rolled out across the authority.
- 3997 The questioner, in mentioning school closures, seems to be referring to the schools' regeneration programme, that is, the bid which resulted in this Council being awarded the sum of £100m. The £100m funding represents more than £1000 for every pupil in West Dunbartonshire, by far the highest sum per capita awarded to any Scottish Council.
- 3998 In relation to the description of Braidfield High School as an unmitigated disaster, this would hardly accord with the views expressed at the public consultation meetings on the closure of Braidfield High School, when those present spoke with pride about the school. The reason the closure of the school was proposed had nothing to do with the school being "a disaster" and was related totally to the fact that the pupil roll had fallen to the point at which it becomes educationally disadvantageous to keep the school open. Far from the school being an unmitigated disaster we have been at pains to stress that no blame attaches to pupils, parents, teachers or the school community. Quite simply, the roll has fallen to the point where it makes more sense to close the school.

Mr Lockhart H. Cameron, 13f Howcraigs Court, Clydebank
Policy on Council employees campaigning during normal working hours

3999 What is West Dunbartonshire Council's policy in relation to council employees campaigning during normal working hours on behalf of a political party candidate?

Councillor Bootland responded in the following terms:-

4000 The Council's policy on Politically Restricted Posts applies to our employees campaigning at Elections. Within the terms of this Policy it is possible for employees to campaign during normal working hours if they hold a post which is not politically restricted and are using their own time (such as authorised annual leave).

Mr Cameron asked the following supplementary question:-

4001 Can West Dunbartonshire Council confirm that no employee was paid by the Council when campaigning on behalf of a political party during the recent by-election.

At the request of Councillor Bootland, the Director of Corporate Services responded as follows:-

4002 It is possible that an employee, who campaigned on behalf of a political party in his/her own time i.e. on authorised leave, could be paid by the Council.

MINUTES OF PREVIOUS MEETING

4003 The Minutes of Meeting of West Dunbartonshire Council held on 29 September 2004 were submitted for approval.

4004 Provost Macdonald, seconded by Councillor Rooney, moved that the Minutes be approved as a correct record.

4005 As an amendment, Councillor McLaughlin, seconded by Councillor Bollan, moved that the last sentence of paragraph 3841 (Page 1135 refers) be amended to read as follows: "There is nothing to investigate, therefore I will not investigate".

4006 On a vote being taken, 4 Members voted for the amendment and 10 for the motion which was accordingly declared carried.

MINUTES OF COMMUNITY PARTICIPATION COMMITTEE

4007 The Minutes of Meeting of the Community Participation Committee held on 15 September 2004 were submitted for information and all decisions contained therein were approved.

- 4008 With reference to the item headed "Public Toilets" (Page 1067, paragraph 3541 refers), the Director of Housing and Technical Services confirmed that there had been delays in the procurement of the public toilets for Balloch to comply with the European Procurement Regulations and that he was not able to confirm at this time when the toilets would be installed but he would keep Councillor Bollan, who had raised the issue, informed of any progress on this matter.

JOINT CONSULTATIVE FORUM

- 4009 The Minutes of Meeting of the Joint Consultative Forum (JCF) held on 16 September 2004 were submitted for information and all decisions contained therein were approved.
- 4010 With reference to the item headed "Tobacco Use Policy" (Page 1074, paragraph 3568 refers), it was agreed that a report on the situation relating to staff smoking rooms be submitted to the next meeting of Council for consideration.
- 4011 With reference to the item headed "Catering at Playdrome and Meadow Centre" (Page 1076, paragraph 3586 refers), Councillor Black requested that the Council receive an update on the situation relating to the outsourcing of catering to a private contractor. The Director of Housing and Technical Services informed the Council that he was not able to give an update at this time but gave an assurance that the information would be provided at a future meeting of the JCF.

AUDIT & PERFORMANCE REVIEW COMMITTEE

- 4012 The Minutes of Meeting of the Audit & Performance Review Committee held on 29 September 2004 were submitted for information and all decisions contained therein were approved.

REMIT FROM THE PLANNING COMMITTEE – USE OF PLANNING CONDITION TO REMOVE PERMITTED DEVELOPMENT RIGHTS

- 4013 In terms of the remit from the Meeting of the Planning Committee held on 6 October 2004 (Page 1151, paragraph 3884 refers), the relevant excerpt minute and report were submitted by the Director of Development and Environmental Services informing of the use of a planning condition attached to residential developments in Clydebank in the past and considering its effectiveness in control of development.

4014 Having heard Councillor Duffy, the Council agreed:-

- (1) that the restrictive condition no longer be applied and that permitted development rights be restored to houseowners where previously removed;
- (2) that no enforcement action be taken against those who have breached the condition in the past; and
- (3) that the situation be monitored over the next 6 months and thereafter a report be submitted to Members' for consideration.

REMITTS FROM THE COMMUNITY SAFETY AND ENVIRONMENTAL SERVICES COMMITTEE

(a) Maintaining Houses – Preserving Homes Consultation

4015 In terms of the remit from the Meeting of the Community Safety and Environmental Services Committee held on 6 October 2004 (Page 1161, paragraph 3903 refers), the relevant excerpt minute and report were submitted by the Director of Corporate Services providing a proposed response to the consultation document issued by the Scottish Executive entitled "Maintaining Houses – Preserving Homes".

4016 Councillor O'Sullivan, seconded by Councillor Flynn, moved:-

4017 That the recommendations of the report be approved as follows:-

4018 The Council agrees to approve the response to the Consultation Paper as shown in the answers to questions set by the Scottish Executive within the Consultation, as set out in the Appendix to the report.

4019 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved as follows:-

4020 That the response be approved subject to the following amendments:-

Page 70, Question 8

4021 The response should be amended to include an option whereby people on benefits, for example the elderly, would be able to access grant assistance to help them meet these costs.

Page 72, Question 21

4022 The answer should be amended to read 'No'.

- 4023 The Director of Development and Environmental Services was heard in clarification of the availability of home improvement grants to people who are eligible to receive social security benefits.
- 4024 On a vote being taken, 5 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

(2) Paying for Water Services 2006-2010

- 4025 In terms of the remit from the Meeting of the Community Safety and Environmental Services Committee held on 6 October 2004 (Page 1162, paragraph 3905 refers), the relevant excerpt minute and report were submitted by the Director of Corporate Services recommending the Council's formal response to the Scottish Executive's consultation paper on the principles of charging for water services entitled "Paying for Water Services 2006-2010".
- 4026 Councillor O'Sullivan, seconded by Councillor Flynn, moved:-
- 4027 This Council welcomes the report and accepts the recommendation contained in paragraph 4.1 on Page 80 of the agenda with the following amendments:-
- Consultation Point 2
- 4028 Delete "Not applicable" and insert:-
- 4029 This Council takes the view that any charging scheme should be based on a broad definition of Social Justice. The Scottish Executive should look at a division between domestic consumption, and other public good usages, and industrial or commercial consumption. Treating water as a commodity may be appropriate in the commercial and industrial field, but the market mechanism unfairly burdens the poorest in our society by making the charge for water take a significant proportion of their income. It would therefore, be appropriate to include an option of general taxation funding for the non-commercial sector.
- Consultation Point 4
- 4030 After "Homes" on the second line delete all and insert:-
- 4031 The Council is concerned that the proposed withdrawal of discounts to single adult households may adversely affect both lone parent and single pensioner households. The Council will support any scheme of assistance that is based on the ability to pay as exists with the current Council Tax Benefit System. Whatever the scheme proposes, it should take into account the relative difference between lower and higher income households which would deliver a fairer, more efficient scheme of assistance to low income households.

4032 As an amendment, Councillor Black, seconded by Councillor Bollan, moved:-

4033 That, in addition to the amendments contained in the above motion, the following wording be added to the end of bullet point one (Consultation Point 1):-

4034 “providing all profits are reinvested in the public water system”.

4035 On a vote being taken, 5 Members voted for the amendment and 12 for the motion, which was accordingly declared carried.

DECLARATIONS OF INTEREST

4036 Councillors Rooney, Flynn and O’Sullivan declared an interest in the following item of business and took no part in the deliberation thereon.

REMIT FROM THE CORPORATE SERVICES COMMITTEE – CHRISTMAS PAYMENTS TO ELDERLY PEOPLE’S ORGANISATIONS

4037 In terms of the remit from the Meeting of the Corporate Services Committee held on 22 September 2004 (Page 1090, paragraph 3657 refers), the relevant excerpt minute and report were submitted by the Director of Corporate Services seeking approval to make Christmas payments to elderly people’s organisations.

4038 In connection with the above, a report was submitted by the Director of Corporate Services providing an update on the outcome of the consultation with elderly people’s organisations on the options for calculating their grant awards and making recommendations thereon.

4039 Having heard Councillor Devine in further explanation, the Council agreed that the payment method detailed in Option 1 of the report be implemented this Christmas but that the payment method detailed in Option 2 of the report be phased in over the following three years.

POLICY STATEMENT ON FREEDOM OF INFORMATION

4040 With reference to the Minutes of Meeting of Council held on 28 January 2004 (Page 511, paragraph 1703 refers), a report was submitted by the Director of Corporate Services seeking approval of this Council’s proposed Policy Statement on Freedom of Information.

4041 Councillor Bootland, seconded by Councillor Calvert, moved:-

4042 That the Policy Statement on Freedom of Information, as stated in the Appendix to the report, be approved.

4043 As an amendment, Councillor Black, seconded by Councillor Bollan, moved:-

4044 That the wording of Section 11 of the Policy, under the heading "Charging", should be amended to the effect that all freedom of information requests should be free of charge.

4045 On a vote being taken 5 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

SCHEME FOR PAYMENT OF ALLOWANCES TO ELECTED MEMBERS

4046 A report was submitted by the Director of Corporate Services seeking the Council's approval of an amendment to its formal Scheme for Payment of Allowances to elected members.

4047 Councillor Flynn, seconded by Councillor Duffy, moved:-

4048 That the Council approves the amended formal Scheme for Payment of Allowances to Elected Members as appended to the report.

4049 As an amendment, Councillor Bollan, seconded by Councillor Black, moved:-

4050 That the position of Chairman of the Licensing Board should not be given a responsibility allowance as there are sufficient numbers of responsibility payments being made to members of the Administration at present. Furthermore, there is sufficient scope within the existing scheme for someone, who currently receives a responsibility allowance but does not chair another committee, to chair the Board.

4051 On a vote being taken, 2 Members voted for the amendment and 14 for the motion which was accordingly declared carried.

INTERIM REPORT FROM THE WORKING GROUP ON THE LOCAL GOVERNMENT BOUNDARY REVIEW

4052 A report was submitted by the Chief Executive providing information on the initial discussions of the Working Group on the Local Government Boundary Review and the outcome of the recent meeting which was held with the Local Government Boundary Commission for Scotland.

4053 Having heard Councillors White and McLaughlin, the Council agreed:-

- (1) to note the progress being made by the Working Group;
- (2) that the requisite statutory response be submitted to the Boundary Commission in terms of the foregoing report; and

- (3) that the Opposition be permitted to send a substitute to meetings of the Working Group, in the absence of Councillor McLaughlin.

WEST DUNBARTONSHIRE COMMUNITY PLANNING PARTNERSHIP

- 4054 A report was submitted by the Chief Executive proposing options for the continued development of the Community Planning Partnership in West Dunbartonshire.
- 4055 Councillor O'Sullivan, seconded by Councillor White, moved:-
- 4056 This Council notes the report and instructs the Chief Executive to proceed with Option 2 (Paragraph 4.4, page 131) and take the necessary steps to set up a new Community Planning Group.
- 4057 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved:-
- 4058 That the Council approves Option 1 in the report (Paragraph 4.1, page 130) subject to the remainder of the text in that paragraph after the word "community" (at the top of page of 131) being deleted.
- 4059 On a vote being taken, 5 members voted for the amendment and 12 for the motion which was accordingly declared carried.

SUPPORTING PEOPLE

- 4060 A report was submitted by the Chief Executive providing information on the current position concerning Supporting People Funding for West Dunbartonshire.
- 4061 Having heard Councillor White in further explanation, the Council agreed:-
- (1) to await a further report when the future funding position is finalised and
 - (2) otherwise to note the contents of the report.

**REVIEW OF ASSUMPTIONS UNDERPINNING JUNE 2002
DECISIONS ON ACCIDENT AND EMERGENCY SERVICES IN
GREATER GLASGOW**

4062 A report was submitted by the Director of Social Work Services outlining a response to be sent by the Chief Executive to NHS Greater Glasgow's consultation about the assumptions behind the Board's proposals for Accident and Emergency Services submitted to the Minister for Health and Community Care.

4063 Having heard Councillor Rooney in answer to Members' questions, the Council agreed:-

- (1) to approve the draft response by the Chief Executive before being sent to Greater Glasgow NHS Board; and
- (2) that the issue be tabled at the Health Improvement and Social Justice Partnership to examine how both NHS Boards would address the linkages between the acute strategies to achieve the best health service outcomes for West Dunbartonshire.

**COMMUNITIES SCOTLAND INSPECTION REPORT:
IMPROVEMENT PLAN**

4064 A report was submitted by the Director of Housing and Technical Services requesting Council to note the Communities Scotland inspection report for its landlord and homelessness services and seeking approval of an improvement plan, prior to its submission to Communities Scotland.

4065 Councillor Flynn, seconded by Councillor Calvert, moved:-

4066 That the Council approves the recommendations of the report as follows:-

- (1) to note Communities Scotland's inspection report for West Dunbartonshire Council;
- (2) to approve the improvement plan for submission to Communities Scotland and subsequent implementation; and
- (3) to monitor the progress of the improvement plan through the Social Justice Committee.

4067 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved:-

- (1) That the Improvement Plan be approved subject to the following amendments:-

Page 183 (23)

4068 The first paragraph in the column headed "What will we do" be amended to read as follows:-

4069 "The Rosshead Lettings Initiative was suspended pending a review by the Social Justice Committee in September 2004."

Page 192 (46)

4070 The paragraph in the column headed "What will we do" could lead to one Councillor being disadvantaged over another and therefore clarification is required prior to implementation.

(2) That, in relation to paragraphs 4 and 5 of the report, the financial and personnel implications of the Improvement Plan, should be reported back to Council and not the Social Justice Committee.

(3) That the Council should make the Minister for Communities aware of its concerns over the appeals mechanism for dealing with appeals against Communities Scotland's assessments (paragraph 2.4 and 2.5 of the report refer), as the second stage appeal was to the Regulation Board of Communities Scotland and is therefore not an independent body (in effect creating a Kangaroo Court).

4071 On a vote being taken, 5 Members voted for the amendment and 12 for the motion, which was accordingly declared carried.

ENVIRONMENTAL TRUST BOARD

4072 Correspondence was submitted from the West Dunbartonshire Environment Trust seeking a nomination of an elected member to serve on the Board, following the resignation of Councillor O'Sullivan on 15 September 2004.

4073 The Council agreed that Councillor Margaret McGregor be nominated to serve on the Board of the West Dunbartonshire Environment Trust.

DECLARATION OF INTEREST

4074 Councillor Flynn declared a financial interest in the following item of business and left the meeting.

NOTICE OF MOTION

- 4075 In accordance with Standing Order 8, the Council considered the undernoted motion submitted by Councillor Bollan:-
- 4076 In view of the widespread concern at recent events, this Council agrees it is wholly incompatible to be a sitting Councillor and to seek to secure commercial contracts with WDC.
- 4077 This Council therefore introduces a policy whereby any sitting Councillor is barred from seeking to secure commercial contracts from WDC until a two year period has elapsed from the end of the term of their office.
- 4078 Having heard Councillor Bollan in further explanation and the Head of Legal and Administrative Services confirm that the motion could not be legally enforced, Councillor Black seconded the above motion.
- 4079 As an amendment, Councillor Agnew, seconded by Councillor Duffy, moved that the motion be noted and no action taken.
- 4080 On an vote being taken, 11 Members voted for the amendment and 4 for the motion. The Amendment was accordingly declared carried.

The meeting closed at 9.20 p.m.