

**WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Town Hall, Dumbarton Road, Clydebank, on Wednesday 30 January 2008 at 7.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, William Hendrie, 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:** David McMillan, Chief Executive; Bill Clark, Executive Director of Social Work and Health; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; David Connell, Head of Finance; Liz Cochrane, Principal Policy Officer; Jeff Stobo, Manager of Strategy (Housing, Environmental and Economic Development); Stephen Brown, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Also**

**Attending:** Chief Superintendent Mitch Roger and Sergeant Gavin Paterson, Police Liaison Officer, Strathclyde Police.

**Apology:** An apology for absence was submitted on behalf of Councillor Douglas McAllister.

**Provost Denis Agnew in the Chair****PROVOST'S REMARKS**

Provost Agnew welcomed Joyce White, Executive Director of Corporate Services and Elaine Melrose, Executive Director of Housing, Environmental and Economic Development to the meeting. He also took the opportunity to remind all elected members of the need to conduct themselves in accordance with the guidance within the Councillors' Code of Conduct.

## **POLICING IN WEST DUNBARTONSHIRE – PRESENTATION BY CHIEF SUPERINTENDENT MITCH ROGER**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 31 October 2007 (Page 544 refers), Chief Superintendent Mitch Roger gave a presentation on policing in West Dunbartonshire. In particular he responded to concerns expressed about the low levels of police officers within West Dunbartonshire, call handling by the centralised police call centre and on working together with other agencies to address anti-social behaviour and the incidence of violence.

A copy of the Strathclyde Police Force Performance Report 2007-08 (Quarter 2) July – September was circulated for information.

Having heard Chief Superintendent Roger and Sergeant Paterson in answer to Members' questions, the Council agreed to note that any Member wishing to visit the new call centre or view the new mobile CCTV vehicle should contact Sergeant Paterson.

Thereafter, Provost Agnew thanked Chief Superintendent Roger and Sergeant Paterson for the presentation and thereafter they left the meeting.

### **OPEN FORUM**

The following questions were submitted to the Council for consideration:-

**(a) Future of Denny Civic Theatre, Mr R. Black, on behalf of Dumbarton People's Theatre**

The Members of Dumbarton People's Theatre have noted the proposed regeneration of Dumbarton Town Centre and while this is welcome in general we have serious concerns that the new Plans appear to indicate that the Denny Civic Theatre is to be demolished.

The Denny Civic Theatre is one of Dumbarton's prime assets and there is no similar facility within West Dunbartonshire. Dumbarton People's Theatre together with several other local groups make regular use of the Theatre and the annual Pantomime (which has attracted a regular audience in the region of 2,500 each year for 30 years) is one of the largest regular community events in the area.

DPT has around 450 Members, and along with the other local groups and dance schools who make regular use of this splendid facility, covers a wide range of the local population. Without a theatre these activities could not continue and there is nowhere else locally which could be used as an alternative.

Dumbarton is very fortunate to possess a proper theatre and the removal of such a splendid focal point for the community would be a major loss for West Dunbartonshire.

We ask therefore if the Council can give an assurance that the Denny Civic Theatre will be maintained at its present standard for at least the next ten years.

**Councillor Hendrie responded in the following terms:-**

In order to guide a new development and to encourage the regeneration of Dumbarton Town Centre, a draft masterplan has been prepared. This masterplan has been approved in draft form by the relevant Council Committee as a basis for consultation with the Community.

It is the case that the draft plan shows the redevelopment of the Denny Civic Theatre site for retail purposes. The purpose of this is to encourage a more successful commercial core in the Town Centre focused on the Artizan Centre and High Street. The masterplanning exercise is viewed as a positive means for considering such changes in a comprehensive way.

The masterplan also shows the potential for the development of community facilities on the site to the rear of the Old Academy Building elevation. In this way, it may be possible to facilitate the relocation of theatre facilities to this site.

As stated above, this plan is in draft form. A consultation exercise with Community Groups and stakeholders will take place shortly. An event to present the plan to the public will take place on 8 and 9 February within Dumbarton Town Centre. The Dumbarton People's Theatre will be invited to attend this event. In addition, their views can be submitted for consideration.

While the views of the Dumbarton People's Theatre are noted at this stage, it is considered that all responses in respect of the masterplan should be received before decisions are taken. Nevertheless, the Council is very aware of the important contribution which the Dumbarton People's Theatre makes to the local area and will consider any comments received from the group very seriously.

**Mr Black asked the following supplementary question:-**

As the assurance we sought cannot be given, will you ensure that the theatre will continue to function in its present form for the remainder of this administration's period of office, that is, until 2011?

**Councillor Hendrie responded in the following terms:-**

I am unable to answer that question at the moment but will write to you with a response.

Note: The following response was sent to Mr Black:-

Although we cannot guarantee that the theatre will continue on the existing site, we do agree that Dumbarton should continue to have a theatre.

Given that the Council is undertaking a master planning exercise for the Dumbarton Town Centre it is possible that the current site of the theatre will be required as part of the re-development.

However we believe this gives us an excellent opportunity to explore options to provide a new theatre as part of this process.

**(b) Overtoun Estate – Mrs R. Harvie, on behalf of Silverton and Overtoun Community Council**

Overtoun Estate forms part of Dumbarton Common Good, and as such, West Dunbartonshire Council has an obligation to maintain the estate in good order. Overtoun Estate lies within our community council ward, and several of our members, as well as many other local people, and visitors to the area, walk through it.

It is a fact that almost no routine or emergency maintenance work has been done in the Estate for many years. (An occasional dangerous tree or diseased tree has been removed). In particular, the pedestrian path leading up from Campbell Avenue through the woods to the house is noted to be in a very poor state of repair. The paths are slippery and eroded, wooden steps are rotten and broken, bridges have horizontal and vertical slats missing, and there have been at least two small landslips (and there has been further damage within the last few days due to bad weather). Fencing to prevent access to the most dangerous areas has been removed, and there are no notices at the bottom of the path to warn people.

Will West Dunbartonshire Council take urgent steps to address the poor state of the woodland path through Overtoun Estate to the house, by repairing the path, steps and bridges?

**Councillor Hendrie responded in the following terms:-**

I note everything that you say and your concerns about the estate.

Following an inspection visit by Mrs Harvie and an officer from the Grounds Maintenance Section and a subsequent site visit by myself and two Council officers, a number of minor repairs which require to be addressed to ensure safe access for the many visitors who use the estate have been identified.

Officers have prepared a list of necessary repairs and are currently seeking quotes for the remedial works which include repairs to damaged steps, repairs to footboards on the bridge and repairs to handrails.

In addition there is a section of the path which has been closed off and re-routed for some time following a landslip. The fencing which was used to close off the area of the landslip has been the subject of vandalism and is no longer effective. Arrangements will be made to install more robust fencing to close the damaged section of the path and to install additional signage to guide visitors through the diverted route.

Work will be prioritised and will be completed within the coming 6-8 weeks.

**Mrs Harvie responded in the following terms:-**

My question related to general repairs and not emergency actions referred to in your response.

There are several organisations that are willing to carry out the work and several organisations to whom application for funding can be made. What would the Council's opinion be on the Silverton and Overtoun Community Council applying for a grant (as it is entitled to do under its constitution) to carry out this work and, if successful, invite an outside organisation, such as the British Trust for Conservation Volunteers to carry out a comprehensive programme of repairs?

**Councillor Robertson responded in the following terms:-**

I am more than happy to look at the proposals and take them forward.

**(c) Hardgate Cross Roundabout – Ms Karen Bacchetti, Clydebank Resident**

I am extremely concerned with regards to the volume of traffic at Hardgate cross roundabout, coming from the west A82 onto the A810 Dumbarton Road, and from the east A810 from Milngavie/Bearsden, and from Faifley Road.

At peak times, you can have up to three lanes of traffic trying to merge and compete for a place onto the A8014 Kilbowie Road, from this roundabout.

Due to the Erskine Bridge toll being abolished, the construction of new Housing Developments within the area and the pending introduction of the Quality Bus Corridor, the volume of traffic has/will certainly increase.

Are there any proposals for a road traffic management system for this area?

**Councillor Hendrie responded in the following terms:**

Since the tolls were removed from the Erskine Bridge there has been an undoubted increase in traffic through Hardgate Cross and Kilbowie Roundabout.

At present, the City of Glasgow Council is monitoring the effect on traffic use of all crossings over the Clyde, predominantly the Clyde Tunnel, Kingston Bridge and Erskine Bridge.

There are no significant new developments within West Dunbartonshire which will impact on this area.

The quality bus corridor has evolved over the past few years in conjunction with the City of Glasgow Council. The proposed measures in Hardgate and through Clydebank have been developed (and reduced) in recognition of the growing traffic. It is proposed to introduce some limited bus priority measures (short bus lanes, etc.) but these will not reduce significantly the road space available for cars. Rather, better use of the existing road space will be used.

The Regional Transport Strategy has identified improvements to Kilbowie junction and its approaches as a key intervention to improve a major bottleneck on the regionally (and nationally) strategic transport route. Hardgate Roundabout would be an integral part of such a scheme.

It is also a key action in our new Local Transport Strategy. Funding for a study into options to resolve the problem was sought from SPT in 2007/8 but was unsuccessful. We will continue to seek opportunities to take this forward.

**Ms Bacchetti asked the following supplementary question:-**

Are there any proposals to form some sort of delineation by way of road markings/signage advising motorists that the traffic merging off the Hardgate roundabout down Kilbowie Road becomes a single lane?

**Councillor Hendrie responded in the following terms:-**

I will ask an officer from the Roads Section to respond to your question in writing.

Note: The undernoted response was sent to Ms Bacchetti:-

The proposals for the Quality Bus Corridor in this vicinity includes signage prior to the exit from Hardgate Roundabout to Kilbowie Road to indicate the presence of a peak hour bus lane on Kilbowie Road. Roadmarkings will also be marked for the bus lane on Kilbowie Road itself. It should be noted that at times other than peak periods Monday to Friday it is appropriate for vehicles to use both lanes southbound on Kilbowie Road.

**(d) Sporting Facilities – Mr William Gibbons, Clydebank Community Sports Trust**

With almost 15% of the local community participating in organised sport, what are the Council's plans for the future development and enhancement of its sporting facilities?

**Councillor Hendrie responded in the following terms:-**

The Council is currently in the final stages of developing a comprehensive strategy to enhance its sports facilities. This strategy will involve the allocation of significant funds to improve the quality of sports facilities throughout the Council area.

This review is now nearing completion and the strategy will be published in the near future.

I am happy to assure you that the Council remains committed to the development of high quality sports facilities for the benefit of the people of West Dunbartonshire.

**Mr Gibbons asked the following supplementary question:-**

Would the review take into account the PMP study, if completed? If so, why have I not been able to get a copy of the results? Is the Council holding back the results of the study?

**Councillor Hendrie responded in the following terms:-**

I will ask an officer to provide a response.

Following clarification, the Chief Executive informed Mr Gibbons that it was likely that the findings of study would be used in the preparation of the Council's Sports Strategy which would be presented to the Council in the near future. The Chief Executive gave an assurance that if the study was available then he would provide Mr Gibbons with a copy of it.

**(e) Resurfacing of Woodyard Road – Sheila Urquhart, Dumbarton East & Central Community Council**

It is understood that Woodyard Road is to be resurfaced in the near future.

On 8 April, 1997 Planning Consent was granted for extensive infill and upfill Works at Sandpoint Marina under Ref WP06/116. Two of the conditions imposed were:

- (1) that the total number of heavy vehicles depositing material to this site shall be limited to 60 per day, and
- (2) a joint inspection by the applicant and an official of the Roads Dept of Woodyard Road, from its junction at Westbridgend, shall be undertaken and filmed and the road condition noted and agreed. An agreed schedule of rates will be available to enable the Council to carry out any remedial works it considers necessary.

Subsequent to that, planning consents were granted for extension to the upfill area, formation of pitched slope, reclamation of foreshore, formation of armour slope, reclamation of more foreshore and upfill work, and formation of recycling works. (Ref: WP97/189, WP98/289, WP99/069 and DC05-103).

While this road, wholly or in part, is also used by persons going to Marinecraft gymnasium and to the park, and by the very few residents of Woodyard Road, it has, for the past 10 years, been predominantly used by 60 heavy lorries per day, 6 days a week, carrying deposits to Sandpoint Marina.

What part of the cost of this resurfacing work will be borne by the owner of Sandpoint Marina?

If the answer to the question is that NO part of the resurfacing cost is being borne by Sandpoint marina, can the Council explain why not? What remedial work, if any, has been carried out on this road in the past 10 years, as a result of damage caused by the heavy lorries visiting Sandpoint Marina, and at what cost to the owner and what cost to the tax-payer? If the condition mentioned at (2) above has been cancelled or changed, can the Council explain when and why?

**Councillor Hendrie responded in the following terms:-**

The resurfacing of Woodyard Road is on this year's capital programme for road maintenance, having been approved by the Community Safety and Environmental Services Committee on 4 April 2007.

As a public road, Woodyard Road is of equal status to all other public roads irrespective of amount and type of use. As such, it is not normal practice to seek contributions from adjacent landowners for the maintenance of the road.

Condition is monitored through routine inspection, and interventions ordered as and when considered necessary to keep the road in a serviceable condition. It is estimated that in the past 10 years there have been 6 such maintenance visits – most commonly relating to the inadequate surface water drainage. The total estimated cost of this is in the order of £5,000 over that period.

In 1997 at the time of the planning application for the landfill operation, a condition was included requiring that a joint inspection be carried out prior to the landfill operations commencing, and that a schedule of rates for possible future remedial work be developed.

The inspection was undertaken. The Council's Roads DLO already had a rate schedule for items of this type of work. This Schedule is updated regularly and is currently the basis of most of the road maintenance work undertaken by the Council.

There are no outstanding planning conditions associated with the 1997 consent.

Given the highly successful Pipe Band Championships in Levensgrove Park and the potential for further use of this excellent asset, the quality of the road network and parking facilities in this area have been prioritised for early action, and are being delivered.

**Ms Urquhart asked the following supplementary question:-**

So, effectively what you are saying is that 60 lorries a day have had no effect on the condition of the road?

**Councillor Hendrie responded as follows:-**

No, the road has been inspected and repairs works are planned as part of this year's road maintenance programme.

**MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 19 December 2007 were submitted for approval.

After hearing Councillor C. McLaughlin and the Executive Director of Social Work and Health in response to questions by Councillor Rooney, the minutes were approved as a correct record, subject to the undernoted corrections:-

- (a) With reference to the item under the heading '(b) Motion by Councillor Bolla – Kippen Dairy Farm' (Page 685 refers), the word 'Farm' should be replaced with the word 'Site'.
- (b) With reference to the item under the heading 'Motion by Councillor Bootland – Single Status & Equal Pay' (Page 687 refers), the Council agreed that the sentence 'In the absence of Councillor Bootland, it was agreed that this motion should not be considered.' should be replaced with 'As all the points raised within the motion had been addressed in a report which had been considered earlier in the meeting, the motion was withdrawn.'

**URGENT ITEM OF BUSINESS**

Councillor Black requested that he be allowed to move an emergency motion concerning Single Status and in particular the content of documents which had been circulated to senior managers and the current industrial action being taken by employees of Argyll and Bute Council.

## **ADJOURNMENT**

Having heard Provost Agnew, the Council agreed to adjourn for a short period to allow him to consult with the Legal Officer on the competence of the proposed motion by Councillor Black.

The meeting reconvened at 8.30 p.m. with all those Members shown on the Sederunt in attendance.

## **URGENT ITEM OF BUSINESS**

Provost Agnew informed the Council that he had consulted with the Legal Officer and, in accordance with the terms of Standing Order No 7, he was persuaded to allow the urgent item of business because it raised immediate items of concern to the Council. The Provost decided to allow Councillor Black to proceed with his proposed motion concerning single status.

## **MOTION BY COUNCILLOR BLACK – SINGLE STATUS**

Councillor Black, seconded by Councillor Bollan, moved:-

In view of the single status management briefing of January 2008 and the current industrial action in Argyll and Bute which is affecting services at the present time.

This Council agrees that a meeting with all political groups and the trades unions be held as a matter of urgency.

At this point, the Head of Legal, Administrative and Regulatory Services informed the Council that if the proposed meeting were to take place, any Member involved in the discussions could not negotiate on behalf of Council or give any commitment to the trades unions on the single status agreement. If they did this they may not be able to participate in any further decision to be taken by the Council in respect of the matter or sit on any subsequent panel established to review employees' grievances/appeals.

The Head of Legal, Administrative and Regulatory Services also reminded the Council of the content of the letter which he had issued to all Members concerning the differences between financial and non-financial interest and advised that all Members with a financial interest in the outcome of single status agreement should leave the Chambers while those with a non-financial interest could, depending on their particular circumstance, stay in the Chambers if they considered it to be appropriate to do so.

## DECLARATIONS OF INTEREST

Councillors J. McColl, R. McColl and Millar declared a financial interest in this item of business and left the meeting.

Councillors Rooney, Hendrie and Black declared a non-financial interest in this item of business but remained in the Chambers and took part in the deliberations thereon.

## ADJOURNMENT

Following discussion, on the request of Councillor Rooney, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 8.57 p.m. with all Members shown on the sederunt in attendance, with the exception of Councillors J. McColl, R. McColl, Hendrie and Millar.

As an amendment, Councillor Rooney, seconded by Councillor McGlinchey, moved:-

I am happy to meet with the trades unions at any time but I am not willing to meet in these circumstances as it could undermine the legality of the process.

During the debate, the Head of Legal, Administrative and Regulatory Services asked Councillor Bollan to withdraw remarks he had made concerning the use of the words 'blackmail' and 'bullying'. Despite having been warned about the possible consequences, Councillor Bollan refused to withdraw the comments that he made.

Having heard Councillor Robertson, Councillor Rooney agreed to accept the undernoted wording as an addendum to his motion:-

If the Trade Unions collectively request an urgent meeting with the Council Leader, he will be happy to agree to the meeting with full legal representation and senior management in attendance.

On a vote being taken, 16 Members voted for the amendment and 2 for the motion. The amendment was accordingly declared carried.

Note: Councillors J. McColl, R. McColl and Millar returned to the meeting.

## MINUTES OF THE JOINT CONSULTATIVE FORUM ON 29 NOVEMBER 2007

The Minutes of Meeting of the Joint Consultative Forum held on 29 November 2007 were submitted and all decisions contained therein were approved.

**MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE ON  
12 DECEMBER 2007**

The Minutes of Meeting of the Community Participation Committee held on 12 December 2007 were submitted and all decisions contained therein were approved.

**MINUTES OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE ON  
12 DECEMBER 2007**

The Minutes of Meeting of the Audit and Performance Review Committee held on 12 December 2007 were submitted and all decisions contained therein were approved with the exception the item headed 'Lay Membership of the Audit & Performance Review Committee' (Page 648 refers) which was considered later in the meeting.

**REMIT FROM THE AUDIT AND PERFORMANCE REVIEW COMMITTEE**

With reference to the Minutes of Meeting of the Council held on 29 August 2007 (Page 247 refers), a report was submitted by the Chief Executive providing an update on the review of the remit of the Audit & Performance Review Committee (A&PRC), and requesting Council's agreement of the revised remit.

Councillor Calvert, seconded by Councillor Millar, moved:-

This Council approves the role and remit of the A&PRC as set out in Appendix 1 to the report.

Given the complexities concerning the issue of lay membership, and given that there have been only two meetings of this Committee since the May elections, Council agrees that it would be premature to impose a lay membership at this time.

As the Council is progressing with its Improvement Plan, which needs time to bed in and be properly evaluated, the matter of lay membership is to be kept under review. A further report, with recommendations based upon experience, is to be brought back to Council after the summer break for re-consideration.

As an amendment, Councillor Mclaughlin, seconded by Councillor McElhill, moved:-

- (1) that four lay members be appointed to the Audit & Performance Review Committee representing the business community, voluntary sector, community councils and tenants and residents groups from West Dunbartonshire, with the appointment of one member from each being made by their respective parent bodies; and
- (2) that lay members should not be members of any political party.

On a vote being taken, 12 Members voted for the amendment and 9 for the motion. The amendment was accordingly declared carried.

### **FORMATION OF CORPORATE CULTURAL SUB-COMMITTEE**

With reference to the Minutes of Meeting of the Council held on 19 December 2007 (Page 670 refers), a report was submitted by the Chief Executive asking the Council to approve the membership, remit, delegated powers and arrangements for meetings for the Corporate Cultural Sub-Committee.

The Council approved the membership, remit, delegated powers and arrangements for meetings of the Corporate Cultural Sub-Committee as detailed in the Appendix to this Report.

Following discussion, it was noted:-

- (a) that the membership of the Sub-Committee would be as follows:-

Provost Denis Agnew (Chair);  
Councillor Iain Robertson;  
Councillor Ronnie McColl;  
Councillor Marie McNair;  
Councillor Douglas McAllister;  
Councillor George Black; and

- (b) that the quorum of the Sub-Committee could be reviewed at some point in the future.

### **FIRM FOUNDATIONS – THE FUTURE OF HOUSING IN SCOTLAND WEST DUNBARTONSHIRE COUNCIL’S RESPONSE – REMIT FROM THE HOUSING, ENVIRONMENT AND ECONOMIC DEVELOPMENT COMMITTEE**

With reference to the Minutes of Meeting of the Housing, Environment and Economic Development Committee held on 9 January 2008 (Page 722 refers), the relevant excerpt from the Minutes were submitted together with a report by the Acting Executive Director of Housing, Environmental and Economic Development (Housing and Regeneration Services) informing the Council of the recently published Discussion Document, Firm Foundations: The Future of Housing in Scotland, and seeking approval to submit a response to the Scottish Government.

Following discussion, the Council agreed:-

- (1) that the response to the Discussion Document “Firm Foundations”, as detailed in Appendix 1 to the report, together with the views expressed by tenant and resident associations, as detailed in Appendix 2 to the report, be submitted to the Scottish Government as this Council’s response; and

- (2) that the views expressed by Councillor Black and Councillor Casey be added to the submission to be sent to the Scottish Government.

### **FINANCIAL CLOSE OF SCHOOLS' PPP PROJECT**

With reference to the Minutes of the Special Meeting of the Council on 11 December 2007 (Pages 641 - 644 refers), a report was submitted by the Chief Executive informing Council of the details of the Financial Close of West Dunbartonshire Council's Schools' PPP project.

Councillor Robertson, seconded by Councillor Smillie, moved:-

That the Council notes the contents of the report.

As an amendment, Councillor McGlinchey, seconded by Councillor Rooney, moved:-

This Council notes with some satisfaction that officers have signed the deal on financial close which is very favourable to West Dunbartonshire Council being 18 basis points below the lowest swap rate reported to Council in December 2007. The swap rate at which the deal was concluded was 4.71%.

This means that there will be no "Affordability Gap". In other words, the project will be funded entirely from the revenue support grant of 7.15 million pounds per annum and from capital receipts and revenue savings generated by the project along with the insurance receipt from the Vale of Leven Academy fire.

Council is also pleased to note that work has begun as planned and the new secondary schools will be delivered in 2009, with the new St. Eunan's Primary School and Early Education and Childcare Centre to follow in 2010.

This Council congratulates the Executive Director of Educational Services and his PPP Project Team for the successful conclusion of the Council's flagship policy for the regeneration of the secondary Schools' Estate.

On a vote being taken, 9 Members voted for amendment and 11 for the motion which was accordingly declared carried.

### **REGENERATION OF THE WEST DUNBARTONSHIRE SCHOOLS' ESTATE – PHASE 2**

With reference to the Minutes of Meeting of the Council held on 28 November 2007 (Pages 611/612 refer), a report was submitted by the Executive Director of Educational Services:-

- (a) presenting options for "Phase 2" of the regeneration of the schools' estate;

- (b) seeking the Council's approval for the adoption of a strategic approach to "Phase 2" of the regeneration of the schools' estate;
- (c) seeking approval for the development of an action plan which would allow officers to progress the regeneration strategy; and
- (d) seeking approval for officers to embark on a process of statutory consultation on the school closures, amalgamations, co-locations and relocations which would be required to deliver the regeneration strategy.

Councillor Smillie, seconded by Councillor Iain Robertson, moved:-

This Council does not agree with the Officer's recommendations in the report.

This Council notes that years of indecision by successive Labour administrations have led to a school estate which is crumbling and not fit for purpose.

Council also notes that the report only looks at buildings and pupil numbers.

The SNP believe that schools should be at the very heart of the community. We also believe that parents, pupils and teachers should be consulted before any decisions are taken about how we regenerate our schools and make the service fit for the 21<sup>st</sup> Century.

To that end Council agrees that a short term member/officer and community working group be formed comprising 4 Administration, 3 Opposition (Labour), and 1 Opposition (Other), all relevant officers, 1 union rep, 1 school board rep and another school representation when applicable and as agreed by the working group.

The working group will start with a blank sheet looking at all options to include size, sites and services to be provided.

The working group will also consult with parents, teachers and pupils and will report back to Council before any decisions are taken.

Council further instructs officers as a priority to consult with staff and parents about a new Dumbarton Academy honouring the commitment given by Council in December to build a new Dumbarton Academy as soon as possible.

Officers will also approach the Scottish Government regarding funding options for both projects and will report back to a future Council meeting.

Having heard Councillor Bolla, Councillor Smillie agreed to accept the undernoted wording as an addendum to her motion:-

After the word applicable (in paragraph 5 of the motion) insert..."which would include at least one public meeting, chaired by the Convener of Education, in every school or establishment affected".

As an amendment, Councillor McGlinchey, seconded by Councillor Rooney, moved:-

This Council thanks the Executive Director of Educational Services and his officers for his comprehensive report that provides a starting point to the development of our Strategic Schools Regeneration Plan.

This Council recognises that there is much work to be done before it will be able to recommend a final position for submission to the Scottish Government as part of the Schools Estate Management Plan (SEMP).

However, in order to begin the process of sourcing funding options at this stage, this Council agrees paragraphs iv – vii of the report. In addition, Council reaffirms its agreed policy that provision of a new-build Dumbarton Academy remains the highest priority for completion as part of the Schools Regeneration Plan and is to be undertaken before work begins on the Primary School estate.

Before coming to a decision on paragraphs i and ii of the report, and thus being able to authorise Statutory Consultations to take place, Council instructs the Convener of Educational Services and relevant officers to informally consult widely with all stakeholders in order to seek their views so that they can inform and assist the Council in making its final decision on when, and on what basis, to initiate the Statutory Consultation process.

This Council requests the Director of Educational Services to bring forward a further report to the Council to report on the outcomes of the approaches to the Scottish Government regarding funding and the outcomes of the Convener's informal consultations as soon as is practicable.

In response to a question from Councillor C. McLaughlin, Councillor McGlinchey confirmed that the reference to 'paragraphs' in his amendment should have read 'recommendations'.

Note: Councillor McNair left the meeting during the debate on this item.

On a vote being taken, 8 Members voted for the amendment and 12 for the motion (as amended to include the addendum) which was accordingly declared carried.

### **POST OFFICE NETWORK CHANGE AREA PLAN DECISION**

A report was submitted by the Chief Executive informing members of the Final Decision of the Post Office Network Change programme for this area.

Councillor R. McColl, seconded by Councillor Robertson, moved:-

Council reaffirms its decision to oppose all Post Office closures in West Dunbartonshire and instructs the Chief Executive to write to Post Offices Ltd to make this Council's view clear and protest in the strongest terms.

Council notes that Post Office closures throughout the United Kingdom have been caused by decisions taken by the Labour Government, including but not limited to the decision to have pensions paid into bank accounts rather than over the counter.

Council notes that, on every occasion John McFall MP attended debates in Westminster, he voted with his Labour Government to remove profit making capacity from the Post Office.

Further to this, Council notes that John McFall MP also voted with his Labour Government to approve the Post Office Network Change Programme to close 12,500 local Post Office branches.

Council finds this to be an unacceptable dereliction of duty by West Dunbartonshire's Labour MP.

Council is also concerned with the hypocrisy exhibited by John McFall MP by appearing to campaign to save the very services he voted to remove.

Council instructs the Leader of the Council, to write to John McFall MP to demand an explanation, in writing, to be circulated to elected members before the February Council meeting.

As an amendment, Councillor W. McLaughlin, seconded by Councillor Casey, moved:-

That this Council will do everything within its power to provide support to any person who experiences difficulties as a result of the post office closures.

On a vote being taken, 8 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

## **GRANTS VIREMENT**

A report was submitted by the Chief Executive updating Council on the voluntary grants budget position and request virement to supplement the 2007/08 grants budget.

The Council agreed:-

- (1) to note the ongoing work and remit of the Grants Working Group with a view to bring long term sustainability to the Council's grants budget; and

- (2) to approve a budget virement of £75,000 to the grants budget and note that full details of the budget lines comprising the transfer would be presented to the Corporate and Efficient Governance Committee on 26 March 2008.

### **SINGLE OUTCOME AGREEMENTS**

A report was submitted by the Chief Executive summarising the current status of the new Single Outcome Agreements (SOA) and noting the next steps required to implement them.

The Council agreed:-

- (1) to approve the general approach to development as outlined in paragraph 7.3 of the report; and
- (2) otherwise to note the content of the report.

### **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period.

The meeting reconvened at 11.47 p.m. with all those Members shown on the Sederunt in attendance.

Following a vote, the Council agreed to continue the meeting until 12.30 a.m. and then, if necessary to adjourn to another time and date.

### **QUESTIONS**

#### **(a) Question to Councillor May Smillie from Councillor John Millar**

In 2005 the then Labour Administration agreed to a £1m capital spend to improve sports facilities throughout West Dunbartonshire.

In 2006 it was agreed that this additional investment should be spent as part of the Council's Sports Strategy.

Despite a request for a progress report in June 2007, no reports have been presented to elected members.

Given that Labour's flagship PPP project has achieved a satisfactory conclusion with the support of SNP colleagues; in the interest of openness and transparency, what assurances can Councillor Smillie give to ensure that a progress report is presented to elected members early in the New Year?

**Councillor May Smillie responded in the following terms:-**

I hope that you can accept that this question was answered in response to a question asked in the Open Forum earlier in the meeting. However, I can give an assurance that the Administration is committed to providing high quality sporting facilities in West Dunbartonshire.

**(b) Question to Councillor Martin Rooney from Councillor Ronnie McColl**

Does the Leader of the Opposition agree with Wendy Alexander MSP that Councils cannot be trusted with services unless ring-fencing is maintained or does he agree with his Labour colleagues at North Ayrshire, Dundee, North & South Lanarkshire Councils and COSLA's Labour President, Councillor Pat Watters that the removal of ring-fencing is welcomed by Local Government and allows local elected members to be fully accountable for locally funded services?

**Councillor Martin Rooney responded in the following terms:-**

I would like to thank Depute Provost Ronnie McColl for giving me this opportunity to comment on the issue of ring fencing.

Labour Councillors on West Dunbartonshire Council have long argued for the removal of ring fencing and short term funding. However I believe that it is legitimate for a government to use some ring fencing in order to ensure that vital resources can be targeted at priority programme or policy areas, particularly where that government uses its power to protect the poor; the marginalised; the dispossessed; and the vulnerable members of our society. The Labour Scottish Executive's support for 'Violence Against Women' projects is a good example of this positive intervention using ring fenced monies.

I also accept the Scottish Government's decision to retain ring fencing for fire and rescue funding in Scotland. This is a sensible move. However, I am not convinced that ring fencing £210 million of public funding in order to bring about a Council tax freeze is necessarily the best use of public funds. I believe that this money could be better spent on providing services to local people.

In short, ring fencing is not the problem. It's funding. Unfortunately, West Dunbartonshire Council has received the lowest settlement in Scotland.

This means that the Scottish Government has not fully funded the services that we provide. If the Scottish Government does not fully fund services then the only way to maintain them is to increase Council Tax. However, if we increase Council Tax West Dunbartonshire will lose out on its share of the £210 million.

In effect, the Scottish Government is forcing service cuts in West Dunbartonshire as a result of Council Tax Freeze Policy. The poor; the dispossessed; the vulnerable and the marginalised will benefit least from this policy.

### NOTICES OF MOTION

The Council considered the undernoted motions which had been submitted in accordance with Standing Order No 8:-

**(a) Motion by Councillor Patrick McGlinchey – Education Savings Options**

This Council notes with concern that West Dunbartonshire Council will receive a lower than the Scottish average grant increase from the Scottish Government over the next three years.

Due to this insufficient grant we are concerned the effect this will have on the services delivered, particularly in relation to the Education savings options published last year.

Therefore we agree to safeguard the following services within the 2008/09 budget:-

All Nurseries  
All Primary Schools  
Early Intervention  
Special Needs

We further agree that any changes to these services must be a result of a Best Value or other service review and be supported by a robust Options Appraisal.

Councillor McGlinchey was heard in support of his motion which was seconded by Councillor McBride.

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

This Council notes with concern that the Labour Group have not met with Unions to discuss their proposals for the 2008/09 budget.

Council also notes that throughout this process the SNP have been up front with Unions and the public, keeping them informed through meetings and press releases.

Council notes that the SNP have already made public that they would not be taking Nurseries, Primary Schools, the Early Intervention Programme or Special Needs Services as budget saving options.

Indeed the SNP, as far back as October, gave its commitment to the Early Intervention Programme and Nursery Schools.

Council welcomes the decision, however late, of the Labour Group to follow the lead of SNP and announce that they will not take these options.

With this announcement, Council agrees that Nursery Schools, Primary Schools, the Early Intervention Programme and Special Needs Services will not be taken as savings options in the budget.

Further to this, Council agrees that any changes to these services must be as a result of a Best Value or other service reviews which must

Council agrees that it is vitally important that we treat our staff with dignity and respect. With this in mind, Council advises the Labour Group to follow the lead of other members and meet with Unions to rule out further options from the officers' budget savings list.

On a vote being taken, 10 Members voted for the amendment and 8 for the motion. The amendment was accordingly declared carried.

**(b) Motion by Councillor Calvert – Time of Council Meeting**

This Council agrees that the present timing of meetings of the full Council is incompatible with effective decision making and places an unsustainable and unacceptable strain on Members and officers alike. The finish time of 1.30 a.m. following the December Council meeting is proof of the unacceptability of the present arrangements.

In order to safeguard the democratic rights and duties of elected Members to question and scrutinise, Council believes that a predetermined finish time being imposed upon Council meetings without regard to the business before the Council is not an acceptable solution.

Therefore, this Council agrees that Council meetings will normally commence at 2.00 p.m. or as decided by the Council from time to time.

Councillor Calvert was heard in support of his motion which was seconded by Councillor Bootland.

As an amendment, Councillor Robertson, seconded by Councillor Black, moved:-

The Council retains the status quo and agrees to consider the time of meetings as part of the review of the Council's Standing Orders in February.

On a vote being taken, 12 Members voted for the amendment and 8 for the motion. The amendment was accordingly declared carried.

**(c) Motion by Councillor Black – Community Facility, Milton**

Since the decision to close the primary school in Milton, the local community has been without any central community facility for local groups.

Despite numerous attempts to look at other public buildings and multiple funding sources to build a new facility the problem remains unresolved.

Council accepts the importance of a community facility to ensuring the sustainability of local groups and the village as a whole.

The Council recognises that the possibility may exist for a potential private developer to design and build a new community hall for the village as part of a wider planning development.

Therefore the Council accepts, that given the unique nature of the Village of Milton's lack of facilities, that officers examine the potential of land disposal in the local area with a view to any potential developer building a new community facility as part of any potential acquisition. The Council instructs officers to open up dialogue with any potential partners interested in developing in the Milton area with a view to securing a new community facility.

Officers should report back to the first available Council meeting on any proposals that may arise from such partnership discussions for final decision by the Council.

The Council approved the above motion.

**(d) Motion by Councillor Ronnie McColl – Councillor Martin Rooney**

This Council is appalled at the blatant disregard for Community Councillors' non-political status by the Labour Party.

To use a photograph featuring two long standing Community Councillors without their permission or knowledge is at best an affront to these individuals and at worst a cynical use of members of the community for narrow political ends.

This Council instructs Cllr Martin Rooney to make a formal apology to both Community Councillors and the Balloch & Haldane Community Council.

Further to this, Council advises Jackie Baillie MSP and John McFall MP to formally apologise and to ensure that this never happens again.

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

A copy of letter by Mr Jim Biddulph, Secretary of the Balloch and Haldane Community Council, was circulated to all Members.

As an amendment, Councillor Rooney, seconded by Councillor McGlinchey, moved:-

That the Council takes no action.

On a vote being taken, 8 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

**(e) Motion by Councillor Ronnie McColl – December Council Meeting**

This Council notes with concern the aggressive verbal assault made by Councillor David McBride on Council Leader Iain Robertson at the Council meeting on 19 December 2007 as witnessed by other Councillors.

This Council has strong anti-bullying policies and is concerned that Councillor McBride acted in this aggressive manner.

This Council instructs Councillor McBride to apologise in writing to the Leader of the Council.

Council also suggests that all Members read and become aware of the Council literature on bullying in the workplace and take heed of the standards required to be an elected member.

Councillor McColl was heard in support of his motion which was seconded by Councillor McElhill.

As an amendment, Councillor Rooney, seconded by Councillor McGlinchey, moved:-

That the Council takes no action.

On a vote being taken, 6 Members voted for the amendment and 9 for the motion. The motion was accordingly declared carried.

**(f) Motion by Councillor William Hendrie – Memorial Plaque**

This Council agrees to the placing of a plaque near the site of the tragic accident involving the tug "The Flying Phantom" on the evening of the 19 December 2007.

This tragedy claimed the lives of three crew members and it is a fitting tribute to them that such a memorial should be placed by this Council, should the bereaved families of the crew men be in agreement.

Council instructs the Depute Leader of the Council and Depute Leader of the Opposition as Clydebank members to liaise with the Chief Executive and make arrangements in this regard.

The Council agreed to approve the above motion.

It was noted that officers had already met with officials from Clydebank Rebuilt to discuss the feasibility of the proposal.

**(g) Motion by Councillor George Black – Lennox Herald**

This Council is resolved to review the policy of excluding the Lennox Herald from publishing adverts and public notices on behalf of West Dunbartonshire Council.

As it is generally accepted that this newspaper has the largest circulation of any of the local papers it is felt that it is not in the public interest to continue the practice of not using this publication for disseminating public information.

We therefore instruct officers to report back to Council on how we can best utilise the local media as a means of information for the people of West Dunbartonshire.

The Council agreed to approve the above motion, subject to the insertion of the word 'all' after 'utilise' in the third paragraph.

**(h) Motion by Councillor Margaret Bootland – Fuel Poverty and Central Heating Programme**

This Council notes with increasing concern the recent dramatic rise in gas and electricity costs. Council is concerned about the detrimental impact that increasing energy costs will have on Scottish pensioners and other vulnerable people.

Council is also concerned by the inaction of the Communities Minister Stewart Maxwell MSP who has failed to meet energy companies to hold discussions on the negative impact of the increasing costs of energy, particularly on prepayment customers.

The Minister's inaction has left Scottish pensioners out in the cold. Council therefore calls on the Communities Minister to meet with the energy companies as a matter of urgency.

Council further notes that under the SNP the central heating waiting lists are soaring, reaching their highest level ever. This means that vulnerable Scottish pensioners will now have to wait up to a year for a new central heating system. This situation is totally unacceptable to West Dunbartonshire Council.

It is clear that the SNP Government is failing thousands of Scotland's pensioners who will be without central heating this winter. Council therefore calls on the Scottish Government to put pressure on Scottish Gas to speed up the central heating installation programme.

Councillor Bootland was heard in support of his motion which was seconded by Councillor Calvert.

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

This Council notes with increasing concern the recent dramatic rise in gas and electricity costs. Council is concerned about the detrimental impact that increasing energy costs will have on Scottish pensioners and other vulnerable people.

Council notes that Communities Minister, Stewart Maxwell MSP, has written to Hilary Benn MP and John Hutton MP in November calling for urgent action.

Council also notes that Stewart Maxwell MSP met with Scottish Power and the energy regulator Ofgem on the 17 December 2007 and has similar meetings arranged with the Energy Retail Association, Scottish Gas and Scottish & Southern Energy to discuss his concerns.

Council notes that fuel taxes are a Westminster reserved matter and thanks the Communities Minister Stewart Maxwell MSP for his continuing efforts to press UK Ministers and the energy companies to ensure that they do all that can be done to protect those most vulnerable to high fuel prices.

It is clear to this Council that while the SNP Scottish Government is doing all that it can with the limited powers they have, the Labour Westminster Government is doing little or nothing even though they are the ones with the powers. If they are unwilling to deal with this issue to protect vulnerable people, then it is this Council's view that they should pass the powers to the Scottish Parliament so that the SNP Government can get on with the job.

Council acknowledges large numbers of applications continue to be made to the Central Heating Programme and that funding has been provided by the SNP Government to install an additional 3,000 systems this year bringing the target number of central heating systems to be installed to around 15,000. If the Managing Agent achieves this number of installations it will be the highest number of heating systems installed in the private sector in any year since the Programme began in 2001.

Council notes that the Labour Party intended to install 12,000 systems compared with the SNP Governments funding for 15,000.

Council further notes that waiting lists have been a feature of the Programme since it began in 2001. The average waiting time is currently 5-6 months and at no time since the programme began has it been shorter than 5 months.

Indeed, the longest average waits have occurred under the previous Lib/Lab Executive when in 02/03 and 03/04 people had to wait on average 8 months.

Council instructs the Chief Executive to write to John McFall MP asking him what his Government plans to do about increasing energy costs.

On a vote being taken, 10 Members voted for the amendment and 8 for the motion. The amendment was accordingly declared carried.

**(i) Motion by Councillor Patrick McGlinchey – Financial Closure Secured**

This Council notes with some satisfaction that officers have signed the deal on financial close which is very favourable to West Dunbartonshire Council being 8 basis points below the lowest swap rate reported to Council in December 2007. The swap rate at which the deal was concluded was 4.71%.

This means that there will be no “Affordability Gap”. In other words, the project will be funded entirely from the revenue support grant of 7.15 million pounds per annum and from capital receipts and revenue savings generated by the project along with the insurance receipt from the Vale of Leven Academy fire.

Council is also pleased to note that work has begun as planned and the new Secondary schools will be delivered in 2009, with the new St. Eunan’s Primary School and Early Education and Childcare Centre to follow in 2010.

This Council congratulates the Executive Director of Educational Services and his PPP Project Team for the successful conclusion of the Council’s flagship policy for the regeneration of the secondary Schools’ Estate.

Councillor McGlinchey withdrew the above motion as it had been moved earlier in the meeting.

The meeting closed at 12.25 a.m.