

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Main Hall, Abbotsford Church, Abbotsford Road, Clydebank on Wednesday, 28 March 2012 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Brown, Gail Casey, Jim Finn, William Hendrie, Douglas McAllister; David McBride, Jonathan McColl, Ronnie McColl, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Lawrence O'Neill, Iain Robertson, Martin Rooney and May Smillie.

**Attending:** Joyce White, Chief Executive; Angela Wilson, Executive Director of Corporate Services; Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environmental & Economic Development; Keith Redpath, Director of West Dunbartonshire Community Health & Care Partnership; Andrew Fraser, Head of Legal, Democratic & Regulatory Services; Helen Turley, Head of Housing and Community Safety; Stephen West, Head of Finance & Resources; Gillian McNeilly, Finance Manager; and Craig Stewart, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jim Bollan and Jim McElhill.

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

#### **CHAIR'S REMARKS**

Provost Agnew, Chair, advised Council that he had received an urgent request for deputation from Mr John Buchanan in relation to the issue of the condition of the road at Milton Loan, Alexandria. Council agreed to receive the deputation after the Open Forum and Councillor Rooney confirmed his agreement to his motion on Milton Loan being heard thereafter.

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

#### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 29 February 2012 were submitted and approved as a correct record.

In relation to a point raised by Councillor Black concerning the item under Notices of Motion and particularly "Motion by Councillor George Black – Playing Fields at St Peter the Apostle High School, Clydebank, the Executive Director of Educational Services was heard in response. Thereafter, the Council noted the Executive Director's response and the terms of the Members' Briefing Note which had already been issued in relation to this matter.

### **MINUTES OF AUDIT & PERFORMANCE REVIEW COMMITTEE**

The Minutes of Meeting of the Audit & Performance Review Committee held on 15 February 2012 were submitted and approved as a correct record.

After hearing the Head of Legal, Democratic and Regulatory Services advise that there was only very limited business for the meeting of the Audit & Performance Committee scheduled for 11 April 2012 and it was not possible to reschedule the meeting given its proximity to the local government elections, the Council agreed that in these circumstances the meeting be cancelled.

### **MINUTES OF COMMUNITY PARTICIPATION COMMITTEE**

The Minutes of Meeting of the Community Participation Committee held on 22 February 2012 were submitted and approved as a correct record.

### **OPEN FORUM**

The following question was submitted to the Council for consideration:-

#### **John McDonald – Stair Lift**

I had a straight up and down chair lift for 5 years maintained by the Council. It broke down beyond repair. The Occupational Therapist said they would install a new chair. The chair that was picked was a curved type chair, unsuitable amongst many things and we had a lack of space – front door blocked. When we spoke to them about this we were ignored when the chair was delivered against our wishes. To operate the chair when it was at the bottom of the stairs blocked the front door and to operate you had to bring down the hydraulic bar and we lost 1ft 10 inches in width. When the chair was stationary it was at top of the stairs not in a suitable position for our needs. I informed the fire department's Mr Hamish Miller, who condemned it as a fire hazard. The Council health and safety were not happy with it. When chair was tested my wife got her knees jammed against the wall and the engineer brought the chair down manually. In the event of our complaint the chair was taken out and we were given a commode. We purchased a straight up and down chair like we had before – simple to operate – out of our own life savings. No help was offered. We were told that we had a back door if a fire started, which was also condemned by the fire department as a fire could start in the kitchen.

My question is – I want help with the maintenance of the chair or reimbursement of outlay of £2000. Full maintenance cover £295 per year.

**Councillor R. McColl responded in the following terms:-**

An Occupational Therapist visited Mr and Mrs McDonald on 16<sup>th</sup> August 2011 following confirmation that the existing stair lift was irreparable. This stair lift had been moved to Mr McDonald's current home from his old home.

The old stair lift was removed and an additional banister was installed and Mrs McDonald was provided with equipment for downstairs use on an interim temporary basis.

On 1<sup>st</sup> September 2011, a home visit was arranged to assess Mr and Mrs McDonald's ability on stairs and if a stair lift was required to meet both Mr and Mrs McDonald's needs.

A joint visit by an OT and a technician from the stair lift provider was arranged for 20<sup>th</sup> September to assess for the stair lift provision however Mr McDonald stated that he wanted a straight stair lift like the broken one.

The technician considered the option of adapting the large step at the foot of the stairs to accommodate the straight stair lift but concluded that there would be insufficient room.

Mr and Mrs McDonald were invited to visit the stair lift provider showroom to view a curved stair lift, but declined.

The reasons for not recommending the request for a straight stair lift were explained to Mr and Mrs McDonald as follows:

- The one large platform step at the foot of the staircase would pose a tripping hazard
- Stair lifts are provided with the goal of transferring the person from ground level to an upper floor level, eliminating the need for use of stairs
- The straight stair lift would not provide this facility and would therefore pose a significant hazard

The technician explained to Mr and Mrs McDonald that a drop down hinged rail would be required for the stair lift to finish on the ground floor. This would temporarily block the front door only when the stair lift was in operation although there would be access through the kitchen in an emergency.

On the 21<sup>st</sup> September, following Mr McDonald's concerns around the drop down hinge rail, he was again given the opportunity to visit the showroom to see the curved rail stair lift which he again declined.

Mr McDonald agreed to the curved stair lift being progressed on 23<sup>rd</sup> September.

The stair lift was ordered on 4<sup>th</sup> October and both the technician and the Occupational Therapist visited on 6<sup>th</sup> October to demonstrate how the drop down hinged rail operated.

The Council's Health and Safety Department officer visited Mr and Mrs McDonald following the receipt of a telephone call from Mr McDonald voicing some concerns that he had.

The officer advised the OT service that most of Mr McDonald's concerns related to ease of use rather than Health and Safety issues and that his main concern related to the fact that the front door was blocked when the stair lift was in the down position.

Mr McDonald advised the officer that he had asked the fire authority to carry out a home fire safety visit.

A local crew commander from Strathclyde Fire and Rescue e-mailed the Occupational Therapist on 17<sup>th</sup> November and highlighted the issues he had found:

- When the extension piece of the stair lift was in the "down" position the front door was effectively blocked, meaning that it would not be ideal for a primary means of escape
- It may also present difficulties in accessing the property for fire crews should an incident occur
- The process of repositioning the chair and the extension piece free of the door was observed and it was noted that this took over a minute
- The Crew Commander recommended good housekeeping to prevent a fire in the kitchen.

The Crew Commander noted that the extension piece could be manually pushed up to create unhindered access and egress but that Mr McDonald had claimed that he was not physically capable of doing this due to being partially disabled.

It should be noted that in the assessment for the new stair lift the OT had taken account of the needs and capabilities of both Mr and Mrs McDonald.

The Senior Occupational Therapist and the Occupational Therapist visited Mr and Mrs McDonald and again explained the reasons why it would not be a safe option to install a straight stair lift.

Mr McDonald did not agree and asked that if he installed the stair lift himself would the Council pay for the maintenance. The Senior Occupational Therapist explained that the Council could not support this request as we did not recommend the adaptation that he was proposing to install and if he did so, he did at his own risk.

The Senior Occupational Therapist wrote to Mr McDonald on 22<sup>nd</sup> November setting out why she believed that a straight stair lift would not meet Mrs McDonald's need and in fact would be dangerous for her to use, and that the Council would not provide equipment in these circumstances.

As a result Mr McDonald confirmed in writing that he wished removal of the stair lift.

Subsequently Mr McDonald entered into a private contract with a stair lift provider which included installation and a five year maintenance programme and grab rail.

In these circumstances, while the Council will continue to provide support and advice to Mrs McDonald in terms of her physical mobility, it would be inappropriate to pay for equipment that Council staff have assessed as not only not meeting her needs but which would be potentially placing her at additional risk.

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

This particular chairlift has been in operation since the beginning of December 2011 without mishap and is safe, quiet and efficient. It gives an extra 1 ft 10 inches in the down position, which is why we dipped into our life savings to avoid my wife having to crawl upstairs to get to the toilet or using a commode, which was the case when we had the previous chairlift.

**Councillor R. McColl responded in the following terms:-**

While the Council will continue to provide Mr and Mrs McDonald with appropriate guidance and advice as necessary, the Council is not in a position to offer financial assistance for the personal purchase of this stair lift, for the reasons given in the earlier response.

**VARIATION IN ORDER OF BUSINESS**

After hearing Provost Agnew, the Council agreed to vary the order of business as hereinafter recorded in these minutes.

**RESIDENTS OF MILTON LOAN, ALEXANDRIA – REQUEST FOR DEPUTATION**

In accordance with the terms of Standing Order No. 17, the Council agreed to hear a request for deputation on behalf of the residents of Milton Loan, Alexandria on the issue of the condition of the road at this location. Mr John Buchanan, spokesperson for the residents, was heard in support of the residents' ongoing campaign to highlight and raise awareness of the road's condition, through various measures including raising a petition containing 121 signatures and publicity through the local newspaper.

In concluding, Mr Buchanan asked the Council to do anything they could to bring the condition of the road at Milton Loan, Alexandria to an acceptable standard given the health and safety risks that he alluded to in his presentation.

Provost Agnew thanked Mr Buchanan for his presentation and confirmed that the Council would now consider the terms of the motion on the same subject by Councillor Rooney. Mr Buchanan then returned to the public gallery.

### **Motion by Councillor Martin Rooney – Milton Loan, Alexandria**

This Council notes that Milton Loan is one of the worst conditioned roads in West Dunbartonshire.

Council also agrees that this is a potential health and safety risk to residents and others and agrees that action is required, as a matter of priority to return the road to a safe condition.

Given the above, this Council calls on the Chief Executive to ensure that Milton Loan is included in the 2012 Capital Programme and that this road is brought up to the appropriate condition at the earliest opportunity.

Councillor Rooney spoke in support of his motion.

The Legal Officer and the Executive Director of Housing, Environmental and Economic Development were heard in clarification of certain matters and in answer to Members' questions.

After hearing Councillors R. McColl and Black, Councillor Rooney agreed to accept the deletion of the third paragraph of his printed motion on the agenda, and the substitution instead of a revised wording in relation to paragraph 2, and the incorporation of an addendum (addition of paragraphs 3 and 4), the revised motion to read as follows:-

This Council notes that Milton Loan is one of the worst conditioned roads in West Dunbartonshire.

Council also agrees that this is a potential health and safety risk to residents and others and agrees that action is required, as a matter of priority to return the road to a safe condition and make it fit for purpose to support use by HGV vehicles.

Council also notes that the road, although maintained by the Estates section, is not part of the adopted public road network and is one of more than 100 roads in West Dunbartonshire in the same situation.

Council instructs officers to inspect these roads and bring a report to the next meeting of the Housing, Environmental and Economic Development Committee on the Council's ongoing obligation with regards to health and safety and access issues.

Thereafter, the Council agreed to approve the above motion, as amended.

## **PRUDENTIAL INDICATORS 2011/12 TO 2014/15 AND TREASURY MANAGEMENT STRATEGY 2012/13 TO 2014/15**

A report was submitted by the Executive Director of Corporate Services seeking approval of the Prudential Indicators 2011/12 to 2014/15 and the Treasury Management Strategy 2012/13 to 2014/15.

After discussion and having heard the Finance Manager in answer to a Member's question, the Council agreed:-

- (1) the revised Treasury Management Policy Statement and Clauses as set out within Appendices 1 and 2 of the report;
- (2) the Prudential Indicators and Limits set out within Appendix 4 of the report, Including -
  - Capital Expenditure and Capital Financing Requirements (Tables A and B);
  - Actual and estimates of the ratio of financing costs to Net Revenue Stream (Table C);
  - Incremental impact of capital investment decisions on the Band D Council Tax (Table D); and
  - Incremental impact of capital investment decisions Housing Rent levels (Table E);
- (3) to approve the Treasury Management Strategy for 2012/13 to 2014/15 (including the Investment Strategy) contained within Appendix 5;
- (4) the Treasury Prudential Indicators and Limits set out in Appendix 5 -
  - Operational Boundaries (Table G);
  - Authorised Limits (Table H);
  - Counterparty Limits (Table L); and
  - Treasury Management Limits on Activity (Table N);
- (5) to approve the statement by the Section 95 Officer regarding the net external debt level in comparison to the Capital Financing Requirement (Appendix 5 - Point 2.2); and
- (6) that the report be referred to the Audit and Performance Review Committee for further consideration, to ensure further scrutiny takes place.

## **HOUSING CAPITAL PROGRAMME 2012/15 FINANCIAL YEAR 2012/13**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development on the Housing Capital Programme 2012/15.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to a Member's question, the Council agreed:-

- (1) to note the proposed 2012/13 HRA Capital Programme; and
- (2) to approve the resources budget as indicated in the report.

### **STATUTORY MEETING OF WEST DUNBARTONSHIRE COUNCIL**

Following discussion, the Council agreed to delegate the matter of convening the Statutory Meeting of West Dunbartonshire Council, which required to be held within 21 days of the local government elections on 3 May 2012, to the Chief Executive.

### **GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT: PERIOD 11 (2011/12)**

A report was submitted by the Executive Director of Corporate Services providing an update on the General Services Revenue budget for the period to 29 February 2012.

After discussion, the Council agreed to note the contents of the report.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT: PERIOD 11 (2011/12)**

A report was submitted by the Executive Director of Corporate Services providing an update on the General Services Capital plan for 2011/12.

The Council agreed to note the contents of the report.

### **GENERAL SERVICES CAPITAL PLAN 2012/13**

A report was submitted by the Executive Director of Corporate Services providing an update on the draft capital plan for 2012/13.

After discussion, the Council agreed:-

- (1) to approve the following projects:
  - All projects identified as slippage within the report submitted to Council on 25 January 2012 (totalling £7.751m);
  - Projects that are regarded as committed either due to receipt of external funding (£0.105m) or Council policy (£3.989m); and
  - Uncommitted projects detailed in section 2.6 that require urgently to commence totalling £0.200m; and
- (2) to note that a further report on the capital plan for 2012/13 to 2014/15 would be provided to Council in June 2012.

## **HOUSING REVENUE ACCOUNT 2011/12 BUDGETARY CONTROL STATEMENT TO 29 FEBRUARY 2012 (PERIOD 11)**

A report was submitted by the Executive Director of Housing, Environmental & Economic Development providing an update on the financial performance of the HRA to the period ended 29 February 2012.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to a Member's question, the Council agreed to note the contents of the report.

## **HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2011/12 BUDGETARY CONTROL REPORT TO 29 FEBRUARY 2012 (PERIOD 11)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising on the progress of the HRA Capital Programme 2011/12.

The Council agreed to note the contents of the report.

### **QUESTION FROM COUNCILLOR DOUGLAS McALLISTER – REVIEW OF COMMUNITY FACILITIES**

This Council agreed on 8th December 2010, to a consultation exercise with the relevant communities on the rationalisation of specific under-utilised centres and halls, to consult with the groups affected, to ascertain views on community transfer.

Thereafter, a further report to the Housing, Environmental & Economic Development Committee, confirmed that every organisation and user group within Duntocher had come together to form the Community Management Group known as Duntocher Village Hall.

As agreed by Council, all such proposals were to be submitted to Council by the end of November 2011.

I understand that thanks to the invaluable assistance of our Leisure and Finance staff, the CVS and various Duntocher community groups, a formal proposal, fully constituted was submitted on behalf of the Duntocher Village Hall group in November 2011 as required.

This group is now dismayed with the delay and inactivity of the SNP Administration, in bringing forward their proposal to Committee for agreement.

Whilst I appreciate the SNP Administration's reluctance to close halls and centres, prior to the elections and their desire to postpone any decision on rationalisation until after the elections, I cannot understand why the Duntocher Village Hall proposal cannot progress now.

Can the Convener confirm that the Duntocher Village Hall proposal will now be considered without any further delay?

**Councillor Willie Hendrie replied as follows:-**

Despite scaremongering from opposition parties regarding the future of Community Facilities, the Council's review is designed to ensure that every community in West Dunbartonshire has access to a place where groups can meet and run activities.

The delay in proposals coming forward from officers is the result of the Council allowing extra time for groups to feed into the consultation. This is despite opposition from the Labour Party as demonstrated tonight with this question. This extra time was given at the request of community groups and the SNP are happy to have helped.

The Duntocher Village hall proposal is currently being progressed now that groups have indicated they have had enough time to be consulted and we expect that a report will be brought to the next Housing, Environmental and Economic Development (HEED) Committee.

## **NOTICES OF MOTION**

### **Motion by Councillor Craig McLaughlin – New walk to commemorate John Muir, Father of National Parks**

This Council agrees that the creation of a new walk to commemorate the father of National Parks, John Muir's centenary is a fantastic opportunity for West Dunbartonshire and Scotland as a whole.

The walk is planned to start at his birthplace Dunbar, East Lothian and ending in the Loch Lomond & The Trossachs National Park.

The walk could protect and create up to 1100 jobs through the areas that form part of it.

The John Muir Trail is being heralded as the next big walking route in Scotland, after the West Highland Way and the Southern Uplands Way, with hikers due to first tread the 100-mile path in 2014.

This Council agrees to support the creation of the walk where possible and to actively campaign for the walk to finish at Balloch Country Park, the gateway to Scotland's first National Park.

This Council instructs the Chief Executive and Leader of the Council to write to Stuart Brooks, Chief Executive of the John Muir Trust and to Ian Jardine, Chief Executive of Scottish Natural Heritage to urge that the walk finishes in Balloch Country Park.

The Council agreed unanimously to approve the above motion.

The meeting closed at 7.10 p.m.