

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday 26 September 2007 at 7.00 p.m.

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

Attending: David McMillan, Chief Executive; Liz McGinlay, Executive Director of Educational Services; Bill Clark, Executive Director of Social Work and Health; Ronnie Dinnie, Acting Executive Director of Housing, Environment and Economic Development (Land and Environment); Irving Hodgson, Acting Executive Director of Housing, Environment and Economic Development (Housing & Regeneration Services); David Connell, Head of Finance; Terry Lanagan, Head of Service, Educational Services; Jim Pow, Manager of Resources (Housing, Environment and Economic Development); Liz Cochrane, Principal Policy Officer; David Webster, Section Head, Performance Management; Valerie McIlhatton, Policy Officer; Stephen Brown, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

Apology: An apology for absence was submitted on behalf Councillor Jim McElhill.

Provost Denis Agnew in the Chair

OPEN FORUM

The Council noted that no open forum questions had been received from members of the public.

URGENT ITEM OF BUSINESS

CONSULTATION PHASES ONE, TWO AND THREE OF THE ACQUIRED BRAIN INJURY SERVICES

In terms of Standing Order No 7, Provost Agnew informed the Council that he had decided that the above item, which had been remitted to the Council by the Social Work and Health Improvement Committee on 19 September 2007, would be considered at this meeting as a matter of urgency.

The relevant excerpt from the Minutes of Meeting of the Social Work and Health Improvement Committee held on 19 September 2007, together with a report by the Executive Director of Social Work and Health on Phases One, Two and Three of the Consultation Programme with Acquired Brain Injury Service Providers and Users were submitted for information.

It was noted that Ms Pamela Irwin and members of her family were in attendance for this item.

At this point Councillor J. McColl read out a letter which he had received from Ms Pamela Irwin, who had suffered a brain injury as a result of a serious road accident. The letter highlighted the lack of provision of psychological support for brain injured individuals in the West Dunbartonshire area and asked the Council to raise this issue with the Greater Glasgow and Clyde NHS Board. Councillor J. McColl informed the Council that these concerns were discussed at the Social Work and Health Improvement Committee and that the Executive Director of Social Work and Health had been asked to produce ideas for long and short term strategies to deal with the issues.

The Executive Director of Social Work and Health informed the Council that he was very concerned by the issues highlighted at the meeting and had discussed this with the Senior Team of the local Community Health Partnership (CHP) who manage the service. He explained that 4 attempts had been made to recruit staff but no candidates had become available. The most significant reasons for this were:-

- The recent NHS pay modernisation process (Agenda for Change) has downgraded the psychologists' pay levels. Existing consultant psychologists have protected salaries and will not move to posts where salaries have been reviewed.
- The dissolution of NHS Argyll and Clyde meant that all mental health and related services across West Dunbartonshire CHP had to become attached to Glasgow based clinical networks. This has been achieved but the Glasgow based services have been unable to respond to additional demand from the Clyde area without new staffing in place. Psychologists may have been unwilling to take on the West Dunbartonshire post with the prospect of a considerable backlog of demand and unmet need.

The Executive Director further advised that the local CHP Management Team was sharply aware of these issues and had determined to pursue a rate of pay for the West Dunbartonshire job that would resolve the recruitment dilemma.

In the short term the joint NHS/Social Work Learning Disability Team's Psychologist would be consulted regarding the professional direction of the Social Work post and that the department would move speedily to recruit the post. It was noted that without the benefit of the clinical supervision the Social Work Assistant Psychologist could not offer safe treatment and practice. In the longer term the Phase 4 of the Acquired Injury Brain Service consultation would examine the links between our local services and the specialist acute services based in Glasgow. This work would include planning for appropriate psychological services.

Following discussion, the Council agreed:-

- (1) that the Leader of the Council, Councillor Iain Robertson, should write to the Greater Glasgow and Clyde NHS Board expressing this Council's concerns on this issue and asking the Board to ensure that measures are put in place to rectify the situation as a matter of urgency; and
- (2) that a report providing an update on the situation should be submitted to a future meeting of the Council.

Provost Agnew thanked Ms Irwin for bringing this matter to the attention of the Council and thereafter Ms Irwin and her family left the meeting.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 29 August 2007 were submitted and approved as a correct record.

In response to a question from Councillor Calvert, the Chief Executive informed the Council that the information requested on the levels of staffing employed by the Community Planning Partnership would be presented to the Partnership, at its meeting on 8 October 2007.

MINUTES OF THE RECRUITMENT COMMITTEE

The Minutes of Meeting of the Recruitment Committee held on 13 August 2007 were submitted for information and noted.

MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE

The Minutes of Meeting of the Community Participation Committee held on 22 August 2007 were submitted and all decisions contained therein were approved.

MINUTES OF THE JOINT CONSULTATIVE FORUM

The Minutes of Meeting of the Joint Consultative Forum held on 6 September 2007 were submitted and all decisions contained therein were approved.

AFFILIATIONS

With reference to the Minutes of Meeting of the Council held on 29 August 2007 (Page 246 refers), the Council noted that further information had been requested from the relevant organisations but that to date only two responses had been received and therefore a report would be submitted to the Council as soon as all the information was available.

REVIEW OF AUDIT AND PERFORMANCE REVIEW COMMITTEE

With reference to the Minutes of Meeting of Council on 29 August 2007 (Page 247 refers), a report was submitted by the Chief Executive informing the Council about the conclusions of the review of scrutiny and the role of the Audit and Performance Review Committee and proposing a revised role and remit for the Committee.

Having heard the Head of Legal, Administrative and Regulatory Services, the Council agreed to suspend Standing Order No 16 in order to consider the undernoted item of business, as a period of 6 months had not passed since a decision had been made in respect of the quorum of the Audit and Performance Review Committee.

Following discussion, the Council agreed to continue consideration of this item until the Audit and Performance Review Committee had considered a report on the proposal to have layperson membership on the Committee.

CORPORATE PLAN 2008-2012

With reference to the Minutes of Meeting of Council on 29 August 2007 (Page 248 refers), a report was submitted by the Chief Executive seeking the Council's approval of the final draft of the Council's new Corporate Plan 2008 – 2012.

Following discussion and having heard the Principal Policy Officer and Section Head, Performance Management in answer to Members' questions, the Council agreed:-

- (1) to note that a meeting would be held with Senior Management and key elected members in mid October to discuss the finalisation of the Corporate Plan and that the Chief Executive had requested feedback from Members by 18 October 2007; and
- (2) to note that the final version of the Corporate Plan would be submitted to the Council for approval at its meeting in October.

THE IMPACT OF REDUCING WEEKEND OPENING HOURS AT THE PLAY DROME, CLYDEBANK

With reference to the Minutes of Meeting of the Council on 29 August 2007 (Page 257 refers), a report was submitted by the Executive Director of Housing, Environment and Economic Development (Land & Environment) advising of the impact that reducing weekend opening hours at the Play Drome has had on the service, staff and customers.

Having heard the Acting Executive Director of Housing, Environment and Economic Development (Land and Environment) in answer to Members' questions, the Council agreed:-

- (1) to note the contents of this report; and
- (2) to maintain the current early closing of the Play Drome at weekends.

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

A report was submitted by the Chief Executive advising of the requirement to conduct a review of polling districts and places within its area and outlining the timetable and processes for carrying out this review.

Following discussion and having heard the Head of Legal, Administrative and Regulatory Services invite Members to meet with and/or submit their comments on the review in writing to the Manager of Administrative Services, the Council agreed to adopt the representations submitted by the Returning Officer as its preferred polling scheme and noted that a final decision would be taken thereon at the next meeting in the light of any representations received within the consultation period.

INTERIM MANAGEMENT REPORT 2006/2007

A report was submitted by the Chief Executive presenting to the Council the KPMG LLP's findings in relation to their interim audit fieldwork for 2006/2007.

Having heard the Chief Executive and the Manager of Resources (Housing, Environment and Economic Development) in answer to Members' questions, the Council agreed:-

- (1) to note that the Chief Executive would provide Councillor Black with the information that he had requested in relation to IT user access, outwith the meeting;
- (2) to note that a further report on the issue of rent harmonisation would be submitted to the Corporate and Efficient Governance Committee for consideration; and
- (3) otherwise to note the contents of the report.

POST OFFICE NETWORK CHANGE PROGRAMME

A report was submitted by the Chief Executive informing the Council of the proposed programme of post office closures in West Dunbartonshire.

Provost Agnew informed the Council that the Parkhall Post Office referred to in the report was no longer in existence and therefore the actual number of post offices in West Dunbartonshire was 18 and not 19 as stated in the report.

Following discussion and having heard the Policy Officer in further explanation, the Council unanimously agreed to oppose the closure of any post office within West Dunbartonshire, to campaign in support of this and seek the support of the local MP, John McFall.

LIVE AT LOCH LOMOND FESTIVAL 2007

A report was submitted by the Acting Executive Director of Housing, Environment and Economic Development (Land and Environment) providing the Council with information on the outcome of the Live at Loch Lomond Festival which was staged at Balloch Castle Country Park on Saturday 4th and Sunday 5th August 2007.

Following discussion and having heard the Acting Executive Director of Housing, Environment and Economic Development (Land and Environment) in answer to Members' questions, the Council agreed:-

- (1) to note the success of the 2007 Live at Loch Lomond Event and to thank all staff involved for their excellent work before, during and after the event;
- (2) to acknowledge the request from the promoter to stage this event in 2008, 2009 and 2010;
- (3) to delegate authority to the Acting Executive Director of Housing, Environment and Economic Development (Land and Environment) in consultation with the Service Spokesperson to undertake discussions with the promoter with a view to staging this event in 2008 and report to a future meeting of the Housing, Environment and Economic Development Committee; and
- (4) that prior to decisions being taken on hosting an event in 2009 and 2010, a consultation should take place with the local residents and businesses before making any decision on further events.

Note: Councillor Millar left the meeting at this point.

ALTERNATIVE FUNDING STRUCTURES FOR MAJOR CAPITAL PROJECTS

A report was submitted by the Executive Director of Educational Services providing the Council with an overview of the financing structures available for major capital projects such as the rebuilding of schools.

Councillor Calvert, seconded by Councillor Rooney, moved:-

This Council notes that this report brings forward no new information.

The funding options outlined have been in place for a number of years and are well known by Members and Officers alike.

In the unlikely event that any further options are developed, a report and briefing for Members will be brought forward.

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

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

- (1) to request that a further report be prepared following publication of the details of the Scottish Futures Trust; and
- (2) to request that, following receipt of the above report, a Members' briefing be arranged to provide further details on all the options available.

As a second amendment, Councillor Black, seconded by Councillor Bollan, moved:-

To agree the recommendations of the report from the Director contained in (1) and (2) of the report (see above).

Council also agrees that no financial closure is reached or contract signed until details of the SNP Government's "Scottish Futures Trust" are published, reported to and discussed by this Council.

The Head of Service (Educational Services) and the Head of Finance were heard in response to Members' questions.

On a vote being taken between the first and second amendment, 2 Members voted for the second amendment and 9 for the first amendment.

On a further vote being taken between the first amendment and the motion, 9 Members voted for the amendment and 9 for the motion. There being an equality of votes, Provost Agnew used his casting vote in favour of the amendment which was accordingly declared carried.

ADJOURNMENT

Having heard Provost Agnew, the Council agreed to adjourn the meeting for a short period.

The meeting reconvened at 9.15 p.m. with all those Members shown on the Sederunt in attendance with the exception of Councillor Millar.

QUESTIONS

The undernoted questions were submitted in terms of Standing Order No 9 (b):-

Provost Agnew intimated to Council that the written questions did not need to be read out at the meeting.

(a) Question by Councillor David McBride to Councillor Iain Robertson, Leader of the Council - Council Tax

This Council agreed in June to seek an urgent meeting with John Swinney, MSP, to discuss concerns that the Executive may set a zero percent increase in the Council Tax without a compensatory increase in grant funding. Can the Leader of the Council inform me when the Council will meet with his SNP ministerial colleague?

Response by Councillor Robertson

A meeting has been arranged on Monday 1 October 2007 at 9.00 a.m.

(b) Question by Councillor Patrick McGlinchey to Councillor Iain Robertson, Leader of the Council – Schools PPP Regeneration Project

Given the recent conflicting articles and letters in the press regarding the SNP's confusion over its stance on the schools PPP regeneration project, what assurance will the Leader of the Council give to the public, that his administration will deliver the Council's current policy on schools regeneration?

Response by Councillor Robertson

The SNP Administration is committed to the regeneration of the schools' estate, providing 21st Century education to the children of West Dunbartonshire.

(c) Question by Councillor Patrick McGlinchey to Councillor Jim McElhill, Depute Leader of the Council – Schools PPP Regeneration Project

Given the recent conflicting articles and letters in the press regarding the SNP's confusion over its stance on the schools PPP regeneration project, what assurance will the Depute Leader of the Council give to his constituents in Clydebank, that the SNP administration will deliver the Council's current policy on schools regeneration?

It was noted that Councillor McElhill was absent.

NOTICES OF MOTION

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

(a) Councillor Jim Bollan - Families United Support Group

This Council agrees to provide a grant of £1,500 to Families United Support Group who are based in St Augustine's Church, Dumbarton to enable the group to commission a business plan required by WDC addiction services before the group can apply for match funding of £23,000 which has been secured from the Robertson Trust to employ a full time dedicated drugs worker for the project.

Families United Support Group is run by volunteers who are predominately parents of a child or other family member who is misusing drugs.

The service provided by this group is different from but complements the work being undertaken by Alternatives.

The employment of this worker would also enable the much needed drop in service which closed recently to be re-opened for self and agency referral.

Councillor Bollan was heard in support of his motion which was seconded by Provost Agnew.

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

That this Council notes the request and refers the matter to the Council for Voluntary Services (CVS) for consideration and assistance with the preparation of the Business Plan and instruct officers to provide the Group with assistance in any way they can.

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

(b) Councillor Jonathan McColl – Amnesty International

West Dunbartonshire Council reaffirms its support for the local branch of Amnesty International.

Amnesty International's "Protect the Human" week runs from 13th to 19th October this year and it is appropriate at this time that the Council supports the local branch in their efforts to secure the release of Ma Khin Khin Leh.

Since December 2003, Ma Khin Khin Leh has been the adopted prisoner of conscience of West Dunbartonshire Council and it is disappointing that efforts to secure her release have not succeeded to date.

Council instructs the Leader of the Council to write to the local branch of Amnesty International, pledging our support and offering assistance.

The Council unanimously approved the above motion.

(c) Councillor Martin Rooney – Visit to Argenteuil

This Council recognises the importance of maintaining cultural links with our twin town of Argenteuil in France.

At the previous Council meeting it was agreed that Provost Agnew along with another elected member will represent West Dunbartonshire Council at the next visit to Argenteuil.

Council notes that for the first time ever a total of twenty senior citizens from West Dunbartonshire are involved in the visit and will be acting as ambassadors for our area. (Ten pensioner ambassadors from Clydebank; four pensioner ambassadors from Dumbarton; and six pensioner ambassadors from the Vale of Leven).

However due to the late booking of flights the cost of the trip for the pensioners has increased significantly from £2,251.40 to £4,031.40. This means that each pensioner ambassador will need to find an extra £89 each to cover for the increased cost of the flights.

Council therefore agrees to pay the additional £1,780 cost of the trip from an appropriate budget to remove the financial burden from our pensioner ambassadors.

Councillor Rooney was heard in support of his motion.

Having heard Councillor C. McLaughlin and following discussion, the Council agreed to underwrite the additional £1780 cost of the trip subject to the deduction of any further monies which the group obtained in grant assistance from the Alexander Cross Cameron Fund and other sources.

(d) Councillor Jim Bollan – Housing Benefit

This Council currently “diverts” housing benefit, which should legitimately be paid to lodgers to pay for their housing costs, to enable the amount to be deducted from the lodgers’ landlords’ council tax/poll tax arrears.

This has the effect of instantly putting an innocent party, the lodger, into rent arrears and in danger of being made homeless.

This is an immoral practice which intentionally puts innocent third party lodgers into debt which is completely unacceptable.

This Council agrees that this unjustifiable practice should be stopped immediately.

This Council also agrees that any monies gathered previously in this manner should be returned to the lodger who has a right in law to receive this benefit to enable them to pay their housing costs.

Councillor Bollan was heard in support of his motion which was seconded by Councillor Black.

At this point the Head of Legal, Administrative and Regulatory Services addressed the Council and commented on what he considered to be certain factual inaccuracies within the motion. In particular, he advised that money was only paid to the landlord under direction from the tenant; such payment did not have the effect of putting the lodger/tenant into debt or rent arrears and if the landlord continues to demand payment then this could amount to extortion and the matter should be reported to the police.

He further advised that, in his opinion, the proposal contained within the motion to pay monies to lodgers when this was not lawfully due would be unlawful and if the motion was passed by Council then he would require to reserve his position in law.

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

This Council notes that officers have not acted illegally or otherwise over the administration of the Housing Benefit system.

This Council has an obligation to all the people on the poverty line who pay council tax to collect council tax.

This Council notes with concern that a commercial landlord who has failed to pay their debts to the authority is acting illegally and immorally in threatening any tenant with homelessness in this manner.

Furthermore the Council accepts any commercial landlord who falls into the 'can pay won't pay' criteria should not be protected or exempted from paying their council tax when others struggle to do so.

Having heard the Head of Legal, Administrative and Regulatory Services, the Council proceeded by way of a roll call vote.

On a vote being taken, 18 Members voted for the amendment (namely Provost Agnew and Councillors Bootland, Brown, Calvert, Casey, Finn, Hendrie, McAllister, McBride, J. McColl, R. McColl, McGlinchey, C. McLaughlin, W. McLaughlin, McNair, Robertson, Rooney and Smillie) and 2 for the motion (namely Councillors Black and Bollan). The amendment was accordingly declared carried.

(e) Councillor Geoff Calvert - Code of Practice for Ministerial Appointments to Public Bodies in Scotland

This Council notes with concern the fact that the Minister for Environment was reported to the Scottish Parliament for failing to comply with the requirements of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

The Code was set out in order to ensure that ministerial appointments are made fairly and openly. Ten of the ministerial appointments to LL&TNPA are by statutory nomination and these include the two nominations from West Dunbartonshire Council. The Code specifies a particular procedure in respect of statutory nominations. Part of that procedure includes that each position is to have at least two nominations for each position from their respective local authority.

Council is deeply disappointed that there has been a complete lack of independent scrutiny, openness and transparency which means that the recent appointments are not regarded as the result of a fair and open process. The Commissioner herself describes the lack of scrutiny, openness and transparency as 'themselves sufficient to qualify this breach of the Code's principles as material.'

Given the Council's Commitment to scrutiny, openness and transparency, this Council agrees that all future statutory nominations will fully comply with the Code of Practice for Ministerial Appointments and Public Bodies etc. (Scotland) Act 2003.

Councillor Calvert was heard in support of his motion which was seconded by Councillor McBride. During discussion of the motion, a comment was made by Councillor Calvert regarding nomination by the Council of Provost Agnew to be a member of the Loch Lomond and Trossachs National Park Authority. At this point, the Head of Legal, Administrative and Regulatory Services reminded Councillor Calvert of the contents of the Councillors Code of Conduct and in particular the provisions of the Code regarding conduct in the Council Chamber. In response, Councillor Calvert indicated that he was not prepared to withdraw the comments which he had made regarding Provost Agnew's nomination to the Park Authority.

The Head of Legal, Administrative and Regulatory Services was also heard in connection with the terms of the relevant Designation Order whereby West Dunbartonshire Council was required to make two nominations to the Park Authority. Unfortunately, the terms of the relevant legislation can be read as conflicting with the terms of the Code of Practice but West Dunbartonshire Council is required to comply with the legislation as enshrined in the Designation Order.

As an amendment, Councillor McLaughlin, seconded by Councillor Iain Robertson, moved:-

The Council notes that local government is a democratically accountable body, as are its representatives.

Scottish Ministers have acted in accordance with advice received and have not been in breach of any ministerial code.

It is important that Council notes that the process adopted for the appointments made have not changed and were used by the last Labour minister, who OCPAS also reported to Parliament.

Note: Councillors McAlister and McNair left the meeting.

Thereafter, the Council agreed to proceed by way of a roll call vote.

On a vote being taken, 9 Members voted for the amendment (namely Provost Agnew and Councillors Brown, Finn, Hendrie, J. McColl, R. McColl, C. McLaughlin, Robertson and Smillie) and 7 for the motion (namely Councillors Bootland, Calvert, Casey, McBride, McGlinchey, W. McLaughlin and Rooney). Councillors Black and Bollan abstained. The amendment was accordingly declared carried.

URGENT ITEM OF BUSINESS

40th ANNIVERSARY OF HMS QUEEN ELIZABETH II (QE2)

In terms of Standing Order No 7, Provost Denis Agnew agreed that the undernoted motion be discussed as a matter of urgency.

Motion by Councillor Iain Robertson – QE2

This Council recognises the significant role the QE2 has played as a flagship for ship building and engineering on the Clyde for the past 40 years. It also recognises the achievement of those who built her here in Clydebank.

Further, given the public expressions of pride and admiration shown on her final visit to the Clyde, it is appropriate for this Council to mark the 40th Anniversary of her launch by naming an appropriate public place here in Clydebank as a permanent reminder of her part in the proud history of Clydebank.

The Council agreed to approve the above motion subject to appropriate consultation taking place on which public place should be named after the QE2.

The meeting closed at 10.15 p.m.