

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 24 February 2010 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, Jim Bollan, 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; Joyce White, Executive Director of Corporate Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Stephen West and Anne Ritchie, Interim Executive Directors of Social Work and Health; Terry Lanagan, Executive Director of Educational Services; David Clarke, Head of Service (Resources), Educational Services; David Connell, Head of Finance and ICT; John McKerracher, Head of Property and Technical Services; Liz Cochrane, Head of Service, Policy & Performance; Lorraine Coyne, Manager of Audit; Andrew Fraser, Head of Legal, Administrative and Regulatory Services; Anne Laird, Manager of Administrative Services; and George Hawthorn, Senior Administrative Officer.

Also

Attending: Mr Andrew Robertson, Chair, Mr Robert Calderwood, Chief Executive and Catriona Renfrew, Director of Planning and Community Care, Greater Glasgow and Clyde NHS Board.

Apologies: Apologies for absence were intimated on behalf of Councillors Margaret Bootland and Jim McElhill.

Provost Denis Agnew in the Chair

ANNE MELVIN

Councillor Black informed the Council of the recent death of Anne Melvin and that the funeral service would be held in Alexandria Parish Church at 10.30 a.m. Councillor Black was heard on the valuable contribution to the community which Mrs Melvin made as an active member of the Silvertown and Overtown Community Council and Dumbarton District Housing Federation.

After hearing Provost Agnew the Council agreed that its sincere condolences be extended to Mrs Melvin's family.

DECLARATIONS OF INTEREST

Councillor Marie McNair declared a financial interest in the additional item on the agenda under the sub-heading “Motion by Councillor Casey – St Margaret of Scotland Hospice” as she is employed by the Hospice.

Councillor Iain Robertson declared a non-financial interest in the item under the heading of “Integration of NHS and Local Authority Services” as he is a member of the Greater Glasgow and Clyde NHS Board.

MINUTES OF PREVIOUS MEETINGS

- (a) Ordinary Meeting held on 27 January 2010

The Minutes of the Ordinary Meeting of West Dunbartonshire Council held on 27 January 2010 were submitted and approved as a correct record.

- (b) Special Meeting held on 28 January 2010

The Minutes of the Special Meeting of West Dunbartonshire Council held on 28 January 2010 were submitted and approved as a correct record.

OPEN FORUM

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

Rose Harvie on behalf of the Silverton and Overtoun Community Council – Funding for Overtoun House

Following a report by the Executive Director of Housing, Environmental and Economic Development to the Housing Environment and Economic Development (HEED) Committee on 2 September 2009, Silverton and Overtoun Community Council submitted a Freedom of Information request to West Dunbartonshire Council concerning funding applications by the tenant of Overtoun House. In a reply from Mr Jeff Stobo on 16 December 2009, we were informed that two grants had been made by WDC, but our request for evidence of spend was refused on the grounds that a) ‘It is possible that the information was destroyed under the Council’s document Retention Scheme, and b) ‘the person who would have overseen the use of the grant at the time has since left the Council.’ This is unacceptable, and we would suggest it may be against the Council’s presumed policy of monitoring grants.

A request for information on any other grants applied for was refused on grounds of Confidentiality - Section 36 (2) of the Freedom of Information Act. We accept that the Council feels bound by this legislation on the matter of confidentiality.

However, while Mr Stobo states that 'there is no requirement on the part of any tenant to inform the Council of applications for grants' we consider that the Council's stewardship of Overtoun House includes a constant monitoring of the terms and conditions of the agreed Lease, and this ought to empower the Council to seek information on the tenant's attempts to obtain funding in order to carry out the programme of works agreed under the Lease.

We do not feel that the Council is accepting its responsibility as the trustee of a publicly-owned Grade A listed building, gifted to the people of Dumbarton, lived in rent-free by the tenant and his family and bound by the terms of the Lease to carry out certain works. We refer to the report to the HEED Committee which stated that 'the Centre (the tenant) has been unable to provide a definitive date for the completion of all renovation works involved in fulfilling the expected outcomes as listed.....and there is no estimate of completion of any further works.'

It is completely unacceptable that this situation be allowed to continue.

Will the Council now accept its responsibility as trustees of Overtoun House, and make every effort to determine what funding has been applied for, and with what success, by the tenant to complete the works required under the terms of the Lease?

Councillor Hendrie responded in the following terms:-

In response to the Community Council's question I would firstly like to confirm that Overtoun House is not held in trust by the Council. It is part of the Common Good and therefore it has to be managed for the benefit of Dumbarton and its residents.

There is no obligation placed on the Council to ascertain the level of grants that are being applied for, however, as with other council properties, there is a duty to soundly manage its assets.

The Housing, Environment and Economic Development Committee agreed in September 2009 to extend the lease held by the Centre until 31 December 2012. This was agreed in order to target a reasonable completion date for works required to provide a long term facility for the benefit of West Dunbartonshire.

At this time a draft programme of works to meet this objective has been provided but requires to be enhanced to fully meet the requirements agreed by the Council in September 2009. The Executive Director of Housing, Environmental and Economic Development has been in contact with Pastor Hill informing him that this programme urgently requires to be finalised and at the same time has asked for information regarding grants received to date.

A further report will be submitted to the May 2010 meeting of the Housing, Environment and Economic Development Committee advising of progress. I will however be happy to advise the Community Council of the response from Pastor Hill as soon as it is received.

Ms Harvie asked the following supplementary question:-

On 2 September 2009 the HEED Committee agreed an extension of 3 years to allow the tenant to complete the agreed works.

We refer to pages 34 and 35 of the lease agreed between the Council and the tenant of Overtoun House. This states that if the tenant is unable to comply with the timescale of works agreed, and is 60 days behind schedule, the Council reserves the right to serve an Enforcement Notice requiring compliance. If the works are not completed within 28 days of the Enforcement Notice, the Landlord may serve another notice, and I quote: 'requiring the works to be completed within 60 days, failing which the lease shall be terminated with immediate effect. Any failure by the Landlord to serve an enforcement notice or any other formal notice on the tenant shall under no circumstances be seen as approval or acceptance of the tenant's failure to comply with the said proposed timescales'.

Prior to the agreement on 2 September, did the Council, as a responsible landlord, at any time serve an Enforcement Notice on the tenant to require compliance from the tenant, and if not, why not?

Councillor Hendrie responded in the following terms:-

I will contact the Council's Legal Section about this matter and send a copy of the response to you.

URGENT ITEM OF BUSINESS

At this point in the meeting, Provost Agnew informed the Council that an additional item of business, arising from a Special Meeting of the Social Work and Health Improvement Committee held on 22 February 2010 in connection with a motion by Councillor Casey on St Margaret of Scotland Hospice, had been circulated to all Members of the Council.

He explained that as the issue of funding for St Margaret of Scotland Hospice was due to be debated within the Scotland Parliament, it was important that the Council had to opportunity to express its view prior to the debate taking place. Therefore, in these special circumstances, he had agreed that the motion by Councillor Casey be considered by the Council as a matter of urgency.

The Provost informed the Council that the motion would be taken at the end of the agenda and if the meeting was not concluded by 10.00 p.m., the motion would be considered, with the remainder of the business, the following morning at 10.00 a.m.

INTEGRATION OF NHS AND LOCAL AUTHORITY SERVICES

Reference was made to the Minutes of the Meeting of West Dunbartonshire Council held on 28 October 2009 (Pages 2274/5 refer), when it was agreed that the Chief Executive would meet with the Chief Executive of Greater Glasgow and Clyde NHS (GG&C NHS) Board to consider proposals for integration, and that the Chair of the Board be invited to meet with senior elected members to consider these proposals and provide regular reports on progress to Council.

In this connection, a report was submitted by the Chief Executive detailing the work undertaken since October 2009 to consider proposals for greater integration between NHS services provided by Greater Glasgow and Clyde NHS Board through its Community Health Partnership and Local Authority Social Work Services and seeking authority to further develop proposals for integration of services and structure.

The Provost welcomed Mr Andrew Robertson, Chair of the Greater Glasgow and Clyde NHS Board to meeting and invited him to address the Council on the above issue. It was noted that Mr Robert Calderwood, Chief Executive and Ms Catriona Renfrew, Director of Planning and Community Care (GG&C NHS) were also present for this item only.

Mr Robertson spoke in support of the proposed integration of NHS and local authority services between West Dunbartonshire Council and the GG&C NHS Board and stated that he agreed with the view expressed within the Chief Executive's report that the goal of greater integration would be to achieve better coordination of services to ensure that the service user receives a seamless service and that moves from NHS to Council responsibility and vice versa should be unnoticeable. He also referred to his own personal experiences of existing joint working between the Council and the NHS Board and although there were many issues to be resolved before the Partnership could be established, he was confident that the two organisations could work together to deliver better services to the service users.

Mr Robertson, Mr Calderwood and Ms Renfrew were heard in answer to Members' questions on the statement made by Mr Robertson.

The Head of Legal, Administrative and Regulatory Services, the Chief Executive and the Interim Directors of Social Work and Health Improvement were heard in answer to Members' questions on the report.

Thereafter Councillor J. McColl moved the undernoted motion:-

Council agrees the recommendations (as detailed in the report) subject to the following changes:-

Recommendation (i), add a bullet to read:

The new Community Health and Care Partnership will have equal membership of Council and NHS delegates and will be chaired by the Council Spokesperson for Social Work and Health.

Recommendation (v), change to read:

Until further work has been done to guarantee the continued success of the Argyll, Bute & Dunbartonshires' Criminal Justice Partnership Joint Committee, Criminal Justice should not move towards full integration and the current governance arrangements must remain in place.

Recommendation (vii), change the first sentence to read:

A Recruitment Panel comprising the NHS GG&C Chair, NHS GG&C Chief Executive, West Dunbartonshire CHP Chair, Leader of the Council, Leader of the Opposition and Spokesperson for Social Work and Health will be formed. This panel will be given the authority to appoint a joint Director, through an open recruitment process, to take on the roles of Director of the Community Health Partnership and Executive Director of Social Work and Health.

The above are subject to any necessary changes to Standing Orders at a future date.

After hearing Councillor J. McColl, the Chief Executive and the Head of Legal, Administrative and Regulatory Services in answer to Members' questions, Councillor Rooney seconded the above motion.

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

That this Council continues to have open informal discussions with the NHS and other partners on shared services on the delivery of joint services with a view to increasing services to local users.

Therefore this Council takes no action in respect of the recommendations contained within the Chief Executive's report dated 15 February 2010.

On a vote being taken, 4 Members voted for the amendment and 16 for the motion which was accordingly declared carried.

For ease of reference, a copy of the revised recommendations is shown as Appendix I to these minutes.

ADJOURNMENT

After hearing Provost Agnew, the Council agreed to adjourn for a period of 10 minutes.

The meeting reconvened at 7.46 p.m. with all those Members shown on the sederunt in attendance with the exception of Councillors McBride, McGlinchey, J. McColl, Miller, Smillie and Casey.

CLYDE VALLEY SHARED SERVICES INITIATIVE (ARBUTHNOTT REPORT)

With reference to the Minutes of the Meeting of West Dunbartonshire Council held on 27 January 2010 (Pages 2505/06 refers), a report was submitted by the Chief Executive:-

- (a) providing the Council with information on the Clyde Valley Community Planning Partnership (CVCPP) Review of Joint Working and Shared Opportunities (Arbuthnott Report); and
- (b) providing the Council with details of the proposed priorities and actions for West Dunbartonshire Council and requesting Council approval thereon.

Councillor R. McColl moved as follows:-

Council agrees the recommendations (as detailed in paragraphs 8.1 to 8.5 of the report) with the following changes:-

At 3.4 of the report,

- Entry 'II' should reflect the importance of discussing other options as outlined on p88 of the consultation response.
- Entry 'V' should express Council's support for groups of authorities bidding jointly for trunk road maintenance contracts.
- With regard to entry 'IX', Council does not support this work stream, but will instead prioritise work with local voluntary groups to maximise both benefit uptake and delivery of services.

With regard to 8.4 of the report, Council agrees to change the consultation response as follows (to aid members, a copy of edited pages of the response has been circulated with this motion with amended entries highlighted (shown as Appendix II to these minutes)):

On p90, on the last line, delete from "As could a move" to the end.

On p93, add a comment expressing Council's support for groups of authorities bidding jointly for trunk road maintenance contracts.

On p96 under considerations, delete the final bullet and change bullet 2 to read,

"How we protect staff during any transition."

On p98, amend the comments to express Council's opposition to a common charging framework. Instead, West Dunbartonshire Council believes that local need and circumstances must be the driver for any charging policy in local authorities.

On p101, the priorities table should be changed, with 'A Common Charging Framework' being listed for no further progression.

Furthermore, Council agrees the following further recommendations:

- 8.6 Council reaffirms its position regarding distribution of papers for meetings, however, if timescales do not permit Council as a body to consider papers in advance of meetings of the CVCPP, these papers will still be sent to Members in good time, prior to the CVCPP meetings. Discussion and decision on CVCPP items will take place at the next available Council meeting.
- 8.7 No commitment or decision will be given at the CVCPP without prior Council approval.
- 8.8.1 Council does not see shared services with our neighbouring authorities as a panacea for all the funding difficulties ahead and instructs officers to explore joint and shared working with local partners across all workstreams to allow decisions to be made that reflect local need both in staffing and frontline service delivery.

Councillors J. McColl, Smillie, McBride, Miller, McGlinchey and Casey entered the meeting while Councillor R. McColl was speaking in support of his motion.

After hearing Councillor G. Black, Councillor R. McColl agreed to accept the undernoted addendum to his motion:-

Where appropriate, all reports on proposed shared services will be sent to the Joint Consultative Forum for consultation with trades union representatives.

Councillor Bollan, having failed to obtain a seconder for his proposed amendment, requested that his dissent be recorded in these minutes.

There being no amendment the Council agreed to approve the above motion by Councillor R. McColl and thanked officers for all their exceptional work in bringing this report to Council.

**REMIT FROM THE MEMBER/OFFICER WORKING GROUP ON THE
REGENERATION OF THE SCHOOLS' ESTATE (PHASE 2) – THE RESULTS OF
THE FORMAL CONSULTATION ON THE PROPOSALS IN RESPECT OF THE
CO-LOCATION OF PRIMARY SCHOOLS IN THE FAIFLEY AREA**

With reference to the Meeting of the Member/Officer Working Group on the Regeneration of the Schools' Estate held on 3 February 2010, a report was submitted by the Executive Director of Educational Services reporting on the outcomes of the formal consultation for the proposed co-location of a newly built Edinbarnet Primary School and St Joseph's Primary School, together with an Integrated Early Years and Family Support Centre.

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

Council thanks officers for the report and agrees the recommendations (as follows):-

- (1) the Council agrees that the following proposals should be adopted for future Statutory Consultation to be carried out when appropriate capital funding is available to commence the project:-
 - (a) that primary education in the Faifley area should be provided through co-located primary schools;
 - (b) that the Lennox and Auchnacraig Early Education and Childcare Centres should amalgamate to become an Integrated Early Years and Family Support Centre, also co-located on the same site as the proposed primary schools; and
 - (c) that the preferred site of the new co-located school should also be subject to consultation.

Council further agrees that any proposed major development of schools, outlined in the strategic plan, will be the subject of further consultation before any final decisions are made.

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

This Council notes the strong representations made by the parents of pupils from St Joseph's Primary School and Edinbarnet Primary School that any new schools built as a result of Phase 2 of the regeneration of the schools' estate should be done so on the existing sites.

Council should continue to lobby the Scottish Government to provide the necessary funding to allow the Council to continue with the regeneration of the schools' estate.

On a vote being taken, 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 motion which was accordingly declared carried.

In response to a Member's question, the Head of Legal, Administrative and Regulatory Services made reference to the relevant case law and confirmed that although the Provost had chosen not to use his deliberative vote, he could still use his casting vote.

**REMIT FROM THE MEMBER/OFFICER WORKING GROUP ON THE
REGENERATION OF THE SCHOOLS' ESTATE (PHASE 2) – STATUTORY
CONSULTATION ON THE PROPOSED CLOSURE OF ST. MARTIN'S PRIMARY
SCHOOL**

With reference to the Meeting of the Member/Officer Working Group on the Regeneration of the Schools' Estate held on 3 February 2010, a report was submitted by the Executive Director of Educational Services explaining why statutory consultation on the closure of St. Martin's Primary school has not proceeded as instructed by Council at its meeting on 16 December 2009.

After hearing Provost Agnew, the Council agreed to suspend Standing Order 19 (a) in order to consider the above matter as a period of six months had not passed since a decision had been taken to proceed with the statutory consultation.

It was clarified that if Councillor Calvert chose to move the motion on St Martin's Primary School, which appeared later in the agenda, this would also require the suspension of Standing Order No 19 (a). Councillor Calvert confirmed his intention to move the motion and the Council agreed to suspend Standing Order No 19 (a).

Councillor Smillie, seconded by Councillor Jonathan McColl, moved the undernoted motion:-

Council thanks officers for the report and notes that the statutory consultation has not begun.

Further to new information made available during the budget process, it is clear that all three budgets offered a lifeline to St Martin's Primary School.

Council therefore agrees to rescind its previous decision to go to statutory consultation with regards to St Martin's Primary School.

Furthermore, Council instructs officers that St Martin's Primary School will no longer be accepted as a savings option.

This allows the school stability and an opportunity to increase the School role.

The Executive Director of Educational Services, Chief Executive, Head of Legal, Administrative and Regulatory Services were heard in answer to Members' questions.

The above motion was seconded by Councillor J. McColl.

As an amendment, Councillor Calvert, seconded by Councillor McBride, moved:-

This Council notes that at the meeting of West Dunbartonshire Council on 16 December 2009, in response to the SNP's Motion to instigate immediate statutory consultation to close St Martin's Primary School, the Labour Group opposed with the following amendment:

This Council agrees: (1) that the Renton and Early Education Childcare Centre is to relocate to St Martin's Primary School and be amalgamated with the Vale of Leven Early Education & Childcare Centre in accordance with the wishes of the community as expressed after consultation; and (2) that no action is to be taken regarding the proposal to close St Martin's Primary School and it is to remain on the existing site.

Given the recent 'Wink, Wink, Nudge, Nudge' type comments reported in the local press from SNP Councillors, this Council agrees that there are no educational reasons to close St Martin's Primary School and that to continue with the Statutory Consultation serves no useful purpose.

Therefore, this Council agrees that the Statutory Consultation is to cease immediately and confirms its commitment to support St Martin's Primary School on its present site for the foreseeable future. Furthermore, this Council agrees that it could have handled this process in a more sensitive way and, without prejudice to any Officer or Elected Member, apologises to the staff, parents and children of the school for being the cause of unnecessary stress and upset.

On a vote being taken, 7 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

BEST VALUE IMPROVEMENT PLAN AND EXTERNAL SUPPORT

A report was submitted by the Chief Executive on the progress of the Best Value Improvement Plan (BVIP) and reviewing progress towards engagement of external support.

The Council agreed to recommend that the options and issues involved in any plan for a Petitions Committee should be considered at the next meeting of the Improvement & Efficiency Executive and be presented to the Community Participation Committee for its views prior to the finalised proposals being brought to Council.

REVIEW OF STRATEGIC LEADERSHIP AND DECISION MAKING PROCESSES

A report was submitted by the Chief Executive making recommendations on the revised structures for Strategic Leadership and Decision Making and 8 Strategic Priority Areas, which were introduced in 2009.

Following discussion and having heard the Head of Legal, Administrative and Regulatory Services and the Chief executive in answer to Members' questions, the Council agreed:-

- (1) that the following dates are designated as 'Business Days' for 2010/11:-
 - 14 April 2010;
 - 16 June 2010;
 - 15 September 2010;
 - 17 November 2010;
 - February 2011 (to be confirmed);
- (2) that these dates are linked to the Community Participation Committee which meets at 2.00 p.m. therefore Business Day events would be scheduled for the mornings. The focus of the first day on 14 April 2010 would be the review of the current 8 priorities and 2 discussion areas; and
- (3) to note that the concerns expressed by Councillor Bollan in relation to the Strategic Finance Working Group could be considered at the business day on 14 April 2010.

REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

A report was submitted by the Executive Director of Corporate Services on the arrangements for a review of the Scheme of Establishment of Community Councils and, in particular, the implications of adopting a Model Scheme prepared by the Scottish Government.

It was noted that the report had already been considered by the Community Participation Committee.

The Council agreed:-

- (1) to adopt the model scheme in principle, subject to the statutory consultation arrangements;
- (2) to note that the programme (Appendix 1 to the report) was for illustration only and that there could be slippage in the reporting timetable of the review period depending on the timing of major electoral events. However, there would be no amendment to the consultation periods, which are set by statute;
- (3) that a meeting be arranged as part of the review process to include elected members and representatives of the affected community councils with a view to reaching consensus on the issues raised. If it was not possible to reach consensus, any disputed issues would be referred to Council when it considers the first phase of the review; and
- (4) to note that the length of the statutory consultation would inevitably delay the date of the next community council elections and therefore a suitable alternative date should be agreed, after discussion with the community councils, at the end of the second phase of the consultation.

**GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT – PERIOD 9
(2009/10)**

A report was submitted by the Executive Director of Corporate Services:-

- (a) advising the Council of the performance of the General Services Revenue Budget for the period to 15 January 2010; and
- (b) proposing a draft timetable for budgetary control reporting for 2010/11.

The Council agreed:-

- (1) to approve the draft timetable for budgetary control reporting for 2010/11 as shown in Appendix 3 of the report; and
- (2) otherwise to note the contents of the report.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT – PERIOD 9
(2009/10)**

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan 2009/2010 for the period to 15 January 2010.

Following discussion and having heard the Executive Director of Corporate Services Council agreed to approve the updated capital plan as detailed within the report and note the position to date.

GENERAL SERVICES CAPITAL PLAN 2010/11

A report was submitted by the Executive Director of Corporate Services seeking approval of the General Services Capital Plan 2010/11.

The Executive Director of Educational Services, the Head of Service (Resources) and the Chief Executive were heard in answer to Members' questions.

During the discussion Councillor W. McLaughlin moved the close of business. The Council did not agree to close business.

At this point Councillor Rooney moved that the Council should suspend Standing Order 6 (c) and allow the meeting to continue to 10.30 p.m. to allow the Council to conclude business without the need to meet the following day.

On a vote being taken, 12 Members voted for the suspension of Standing Order No 6 (c) and 7 against. As two-thirds of those present and voting did not vote in favour of the suspension of Standing Orders the motion was not carried.

Thereafter, the Council agreed:-

- (1) to note that the funds available for uncommitted capital bids in 2010/11 was £4.332m;
- (2) to approve the Capital Plan for 2010/11, as outlined in Appendices I to III of the report (shown as Appendix III to these minutes) ;
- (3) to note that the draft capital plans for 2011/12 and 2012/13 would be presented to Council in August 2010; and
- (4) to note that the recommended budget did not meet all health and safety legislative commitments and that this and other matters would be addressed in an update report to Council in August 2010.

HOUSING REVENUE ACCOUNTS 2009/2010 BUDGETARY CONTROL STATEMENTS TO 15 JANUARY 2010 (PERIOD 9)

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with an update on the financial performance of the Housing Revenue Account (HRA) up to the period ending 15 January 2010.

The Council agreed to note the content of the report

HRA CAPITAL PROGRAMME 2009/2010 BUDGETARY CONTROL REPORT TO 15 JANUARY 2010 (PERIOD 9)

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council of progress of the HRA Capital Programme for the period to 15 January 2010.

The Council agreed:-

- (1) to approve the budget virement as referred to in paragraph 3.10 and Appendix D of the report; and
- (2) otherwise to note the content of the report.

HRA CAPITAL PROGRAMME 2010/11

A report was submitted by the Executive Director of Housing, Environmental and Economic Development seeking approval of the HRA Capital Programme 2010/11.

Following discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed:-

- (1) to approve the proposed recommended capital budget for 2010/11 (shown as Appendix IV to these minutes);
- (2) to note the current estimates for the business plan alignment budget until 2015 as shown in Appendix 3 to the report; and
- (3) that the information requested by Councillor Bollan identifying individual properties where works would be carried out in respect of close upgrades would be submitted to the Housing, Environment and Economic Development Committee.

It was noted that the Executive Director of Housing, Environmental and Economic Development would provide Councillor Bollan with the other information he had requested on the capital programme outwith the meeting.

ADJOURNMENT

In accordance with Standing Order 6 (c), the Council agreed to adjourn until 10.00 a.m. the following morning to consider the remaining items of business on the agenda.

The meeting reconvened at 10.00 a.m. on Thursday, 25 February 2010 with all those Members shown on the sederunt in attendance with the exception of Councillors McAllister, McBride, McGlinchey, W. McLaughlin, McNair, Millar and Rooney.

QUESTIONS

- (a) **Question by Councillor Patrick McGlinchey to the Convener of the Education and Lifelong Learning Committee**

In the absence of Councillor McGlinchey, Councillor Calvert asked the undernoted question:-

Following the review carried out by an external consultant; the SNP has agreed a cut of £500,000 from the Education Budget in the 2010/11 Budget.

Will the Convener of the Education and Lifelong Learning Committee advise Members when the Executive Director will be in a position to report to Members what services are being cut?

Councillor Smillie replied as follows:-

I would first note that Labour also took this option in their budget proposals and I am concerned that they chose to take this option without understanding the processes involved.

I would also note that while Cllr McGlinchey is not willing to answer questions on Labour's Education proposals, he seems perfectly willing to ask questions.

It should be noted that Labour's budget also took away free school milk from all school children, cut teacher numbers and took free school meals out of the mouths of Primary 1 to 3 children.

However, the SNP welcome Labour's late conversion to supporting the engagement of an external consultant to review the Education Department.

The report on this work has been completed and is currently a topic of discussion between Mr McMillan, Mr Lanagan and Trade Unions with a view to making recommendations to Council in the near future.

(b) Question by Councillor Douglas McAllister to the Convener of Housing, Environment and Economic Development Committee

In the absence of Councillor McAllister, Councillor Calvert asked the undernoted question:-

The SNP has introduced a new service charge of £48 a year for 2,500 elderly residents for the care of garden scheme which had traditionally been provided free by previous Labour Administrations.

How will the new charge be collected?

Councillor Hendrie replied as follows:-

The Council had the need to introduce a charge for this service for one underlying reason:

The Labour Government in London has run up a £178 million debt and is now cutting public expenditure throughout the UK in order to balance the books.

In consequence, the Labour Party has "cut" Scotland's fixed budget by over £800 million this year and intends to do similar next year resulting in a Labour cut for all councils.

This has resulted in the dilemma we now face on this and every other council. Either discontinue some non-statutory services or levy a charge in order to maintain the service.

This Council chose to maintain the Care of Garden Scheme.

It costs approximately £150 per annum per garden and it isn't therefore unreasonable to charge clients less than a third of that cost in order to maintain this and other services, such as free school milk which the Labour Group tried to abolish.

Council agreed that this contributory charge should be payable in installments.

It is a matter for officers to arrange a method of payment and not the place of councillors to micro-manage Council services.

However, officers intend that invoices will be issued at end of February/early March and require that participants will be able to pay a one off charge of £48 by the end of March or 4 x £12.

The first payment to be paid by 31 March and 3 more payments to be made by the end of May, July and September.

(c) Question by Councillor David McBride to the Convener of Housing, Environment and Economic Development Committee

In the absence of Councillor McBride, Councillor Calvert asked the undernoted question:-

The SNP has introduced a new service charge of £15 for each Domestic Bulk Rubbish uplift which was traditionally provided free by the previous Labour Administrations.

How will the new charges be applied?

Councillor Hendrie replied as follows:-

The decision to introduce a £15 charge for the removal of domestic bulky waste was driven by a number of factors.

Scotland's public finances are being squeezed due to the cuts in public funding by the Labour Government who has run up the largest public debt ever in peace time.

The disposal of waste is not free. Indeed the Labour Government in London has dramatically increased the Landfill Tax which has added to the cost of disposal of waste.

Charges for the removal of domestic waste were only free in the early days of this Council. The Labour Party introduced a charge of £36 for removal of some items a number of years ago.

The charge of £15 is still below the true cost to provide the service, which means every other council tax payer must subsidise the cost of each uplift.

Methods of payments are the same as they are for every other charge applied by the Council.

It is also worth commenting that there have been a number of recent changes in European Law which now require retailers to offer to remove all packaging waste free of charge and to offer to remove white goods when customers purchase a new item.

It is also worth noting that the Labour budget did not seek to reverse this charge.

(d) Question by Councillor Douglas McAllister to the Convener of Housing, Environment and Economic Development Committee

In the absence of Councillor McAllister, Councillor Calvert asked the undernoted question:-

The SNP has imposed a new service charge of £1 per meal for Home Care to 570 housebound and elderly residents.

What steps will be taken to ensure that the service will be continued should the service user be unable to pay?

It was noted that Councillor Jonathan McColl would reply to the above question as it fell within his remit as Convener of the Social Work and Health Improvement Committee.

Councillor J. McColl replied as follows:-

In common with the other charges, the £1 per meal charge was implemented by the SNP to offset part of the cost. The range of reasonable charges implemented have allowed us to protect public sector jobs and continue to provide services for the people of West Dunbartonshire despite the recession.

It is interesting to note the contrast in approach taken by the Opposition. The Labour Group is clear that it does not agree with the charges, and as is proper, they put forward a different way of balancing the budget.

Labour's budget proposals reduced the level of charging by implementing a range of savage cuts, including the closure of community halls and the cessation of support services to community groups; rather hypocritical given their campaigning against our slight reduction in community work last year.

This will be the 5th time Councillors have been told that nobody will be denied a service because they cannot afford it. The Chief Social Work Officer has stated this twice at different Council meetings and I have made the same comment in both Council and Committee three times now.

There is a system in place within the Social Work and Health Department that allows care managers to request a waiver or reduction in charge where the charge results in financial hardship.

All frontline care staff have been given a written briefing and know that they should contact their line managers if they perceive a problem. Likewise, all clients have been sent a personalised letter outlining how the charges affect them and who they can talk to if they have concerns.

(e) Questions by Councillor John Millar to the Convener of the Social Work and Health Improvement Committee

In the absence of Councillor Miller, Councillor Casey asked the undernoted question:-

The SNP has introduced a new service charge of £2.50 per trip for the 160 pensioners and adults with learning difficulties using day care facilities; this will raise £104,000 per year.

Is this charge per journey or per round trip?

How will the SNP Administration guarantee that the budgeted saving of £104,000 will be realised?

Councillor J. McColl replied as follows:-

I would refer Councillor Casey to the Council decision, minuted and sent to members in print and available 24/7 to every member of the public on the Council website, or by phoning and asking for a copy.

The decision, as minuted, clearly states that the charge is for a round trip.

As Councillor Casey should be aware, there are never any guarantees when it comes to budgets, especially while we remain at the mercy of Labour's national debt fuelled recession. Indeed, the Labour Opposition budget this year had comment all through it saying that the indicated savings may not be achieved.

It may help Councillor Casey to remember the document to which I am referring if I point out that this is the document where she and her Labour party colleagues thought it was a good idea to cut police funding; the same document where Labour decided to make an arbitrary cut of 10% in the training budget without knowing the true impact on service users and staff.

What I can tell Councillor Casey is that despite significant, unexpected, need led pressures on the Social Work department this year, we are projecting a favourable outturn.

I will continue to play my part in scrutinising the budget's progress in year and officers at all levels in the department have my full support and confidence in their ability to deliver the best possible end of year outturn while continuing to provide first class services to everyone who needs them.

(f) Questions by Councillor Geoff Calvert to the Convener of the Social Work and Health Improvement Committee

Councillor Calvert asked the undernoted question:-

The SNP introduced a new service charge on people with mobility problems. The 500 clients will be required to pay for 50% of the cost of special needs equipment. It is estimated that they will pay £200 each raising an extra £100,000 from disabled people.

What items will be affected by the SNP charge and what will not have this charge applied?

How will the SNP Administration guarantee that the budgeted saving target of £100,000 is achieved?

Councillor J. McColl replied as follows:-

Once again we have a question that both I and the Directorate have answered. It staggers me that the Labour Group thought it was appropriate to vote on the issue last month when they clearly don't have a clue what was being discussed.

This charge is for provision of what is termed special needs equipment. It is not for adaptations. There is a large list of equipment that is provided to clients ranging from grab rails, raised toilet seats, shower chairs, riser recliners and other special chairs. Modern technology moves fast and the list of aids is growing everyday.

Thanks to our partnership with other local authorities and the NHS in using 'equipu', formerly Greater Glasgow Independent Living Equipment Store, our clients have access to a vast array of equipment to help them in their daily lives.

I would encourage any Councillor who receives a query from a constituent to speak with Social Work Senior Management who will be able to advise you.

The assumption of a 50% charge is incorrect and I'll explain this in a little more detail for Members.

The charges made to clients will vary and will range from a £20 minimum charge to £75 maximum. It should be noted that the charges are per order, not per item, meaning a total maximum charge of £75. The suggestion of a £200 charge is typical Labour scaremongering.

It is also worth noting that no service user will be charged more than £75 in any 12 month period regardless of their level of need.

As I have indicated earlier, it is not possible to guarantee the level of income identified, as this will depend on the needs of clients and their ability to pay because remember, no service user will be refused a service due to an inability to pay.

(g) Question by Councillor Gail Casey to the Convener of the Social Work and Health Improvement Committee

Councillor Casey asked the undernoted question:-

The SNP has introduced a new service charge of £20 per week for 240 Housing Support Services clients including people with learning disabilities; people with mental health problems; people with addiction problems; people with acquired brain injury; and some older people and people with physical disabilities.

How will this the charge be collected?

Councillor J. McColl replied as follows:-

I will start by saying that this projected quarter million pound contribution towards the cost of the service will not be collected by withdrawing free school milk as Labour have attempted to do.

Following the lead of their Tory brethren before them, Labour are sucking the life out of Scotland, this time to the tune of around £800 million; less of a 'single transferable excuse' more the single best reason for voters to back the SNP at the ballot box.

The next parliament is almost guaranteed to be a hung parliament and the people of West Dunbartonshire and Scotland as a whole need a strong SNP presence to protect Scotland's interests in the face of further public sector cuts, promised by all of the London based parties.

It should be noted that people who receive benefits, do so in order to pay for services such as those we are charging for. West Dunbartonshire Council has an award winning Welfare Rights service who are ensuring that everyone is in receipt of all the benefits they are entitled to.

Unlike Councillor Patrick McGlinchey who refused to take questions on his party's Education proposals last month, I will finish answering this final question having answered all of the questions put before me today.

This charge will be invoiced and can be collected in a range of ways depending on the needs and wishes of the clients, carers or other legally appointed representatives. More detail can be sought from Stephen West.

(h) Question by Councillor Patrick McGlinchey to the Convener of the Education and Lifelong Learning Committee

In the absence of Councillor McGlinchey, Councillor Casey asked the undernoted question:-

The SNP has introduced a new service charge of £5 per week for 'privilege seats' on school bus contracts affecting 61 pupils.

What method will be used to allow pupils to pay for the new charge?

Councillor Smillie replied as follows:-

It is interesting to see Cllr McGlinchey talking about privileges again. At the budget in January, his Group were proposing the establishment of an elitist school where only the most academically gifted children would have time and resource invested in their education to the detriment of every other pupil in West Dunbartonshire.

Parents are being invoiced for the charges and the invoices have already been raised through the Corporate Finance System of the Council with the agreement of parents involved.

NOTICES OF MOTION

(a) Motion by Councillor Jonathan McColl – UK Government Funding

Council expresses its support for the Trades Union campaign calling on the Westminster Government to take cognisance of the current financial situation and the effect this is having across the UK on public sector jobs and services.

Council instructs the Leader to meet with the trades union representatives with a view to sending a joint trades union and West Dunbartonshire Council letter to the Prime Minister and Chancellor of the Exchequer, calling on the Government to take stock and divert funding away from costly projects such as Nuclear Arms and ID Cards and into Local Government where it can be used by Councils across the UK to protect and enhance public services.

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

As an amendment, Councillor Calvert, seconded by Councillor Casey, moved:-

Council expresses its support to the Trades Union campaign calling on the Government to take cognisance of the current financial situation and the effect this is having across Scotland on public sector jobs and services.

Council is disappointed the ruling SNP Administration has ignored previous Trades Union Campaigns when it imposed the detrimental Single Status

arrangements on staff which resulted in working conditions being worsened and reneged on promises of years back pay to staff who had been promised payments.

Council is also further disappointed that the ruling SNP Administration refused to back the Trades Unions Campaign for the £7 Living Wage to be introduced in West Dunbartonshire, following Glasgow's Labour Council's lead, despite this being possible at the cost of only £23,000 from April 2010.

Therefore, Council instructs the Leader to meet with the trades union representatives with a view to sending a joint trades union and West Dunbartonshire letter to the First Minister and Finance Secretary, to invite the Scottish Government to take stock and divert funding away from costly projects such as the new quango 'Scottish Futures Trust', the National Conversion and the rigged Independence Referendum and into Local Government where it can be used by Councils across Scotland to protect and enhance public services.

On a vote being taken, 2 Members voted for the amendment and 11 for the motion which was accordingly declared carried.

(b) Motion by Councillor Geoff Calvert – St Martin's Primary School

It was noted that this motion had been considered earlier in the agenda.

(c) Motion by Councillor Gail Casey – St Margaret of Scotland Hospice

This Council calls on the Chief Executive to write to the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon MSP, urging her to intervene with NHS Greater Glasgow & Clyde in order to protect vital services at St. Margaret of Scotland Hospice in Clydebank.

Council is concerned that the loss of continuing care beds could threaten the long term viability of the Hospice, which has provided an invaluable service to our communities.

Council welcomes the statement from Jackie Baillie MSP, Shadow Health Secretary, committing an incoming Labour Government to secure funding for the Hospice and believes that the Cabinet Secretary should guarantee funding for continuing care beds in order to end the uncertainty for the Hospice.

The above are subject to any necessary changes to Standing Orders at a future date.

Councillor Casey was heard in support of the above motion which was seconded by Councillor Calvert.

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

Council notes with disappointment Councillor Casey's decision to attempt to split the Council by tabling a party political motion today.

Despite Labour's shameless use of a vital care facility in an attempt to gain a press story, Council continues to support the fight to protect St Margaret of Scotland Hospice and refuses to allow this serious issue to be reduced to a Labour campaign leaflet headline.

Council notes and supports the cross party motion tabled by West of Scotland MSP Gil Patterson, reference number S3M-05716, which reads as follows:

"That the Parliament notes that there is cross-party support in the Parliament for the view that the decision by NHS Greater Glasgow and Clyde to remove funding for 30 long-term care beds from St Margaret of Scotland Hospice puts the future of the hospice under threat and therefore calls on the SNP, Conservative and Labour members on the board to be involved in a summit meeting with MSPs from all parties to discuss the full extent of the comments from John Bannon, MBE, with a view to having the original decision reversed."

Council notes that despite attempts by Jackie Baillie and Des McNulty to claim support for the Hospice, they have so far refused to sign this cross party motion, instead choosing to call on the SNP Health Secretary to intervene.

It should also be noted that it is Labour Councillors on Greater Glasgow & Clyde Health Board that have consistently voted with NHS delegates to remove the 30 long-term care beds.

Council calls on all West of Scotland Constituency and Regional MSPs to sign this motion and support it through Parliament.

The Chief Executive is instructed to send a copy of this Council decision to all list and constituency MSPs by e-mail.

Only with a strong, constructive cross party effort from our MSPs, backing up the enthusiastic and hard working community led campaign can we make Greater Glasgow & Clyde Health Board reassess their priorities and find a way to reverse this decision.

Council further instructs the Spokesperson for Social Work & Health to write separately to Jackie Baillie MSP and Des McNulty MSP asking them to separate this issue from the election campaign, stop playing games with families lives and staff jobs, and join the constructive moves being made on a cross party basis to save the long-term continuing care beds at St Margaret of Scotland Hospice.

On a vote being taken, 10 Members voted for the amendment and 3 for the motion. The Amendment was accordingly declared carried.

The meeting closed at 11.15 a.m.

Revised Recommendations in respect of NHS Integration

- (1) to establish the new partnership in shadow form from 1 April 2010. The exact governance arrangements would require to be worked up over the period of this shadow partnership. However, the key points would be:-
- The NHS GG&C and Council would remain legally responsible for services belonging to each of them and would annually set the budget for such services.
 - There would be no pooling of budgets but the partnership would have delegated authority to distribute the combined budgets which had been allocated.
 - No functions would be formally delegated from the Council to NHS GG&C or vice versa.
 - In legal terms the Partnership would be two committees meeting at the same time, with the same membership, same powers and same Standing Orders. It would be a Community Health and Care Partnership which is a committee of the NHS and a sub-committee of the Council's Social Work & Health Improvement Committee with delegated powers. The local authority arrangement is a sub-committee as the Local Government (Scotland) Act 1973 restricts the number of external members who can sit on a committee, but not on a sub-committee.
 - The new Community Health and Care Partnership will have equal membership of Council and NHS GG&C delegates and will be chaired by the Council Spokesperson for Social Work & Health.
- (2) to note that the shadow body is estimated to run until 1 October 2010. However, there is substantial work to be undertaken prior to finalising the new organisation and this timescale may prove optimistic.
- (3) to note that during the shadow period the shadow body would work up the full partnership plans. During this period decisions delegated to the existing CHP and Social Work and Health Improvement Committee respectively would continue to be taken by those committees.
- (4) that during the shadow period officers and the new partnership should work to identify the following:-

- To reach a clear joint statement on objectives for integration, particularly in relation to service delivery objectives. This should include analysis of care pathways, an evaluation of the possibility of employing multi-disciplinary teams with key workers and the possibility of existing joint services moving closer to service integration.
 - Negotiations on legal and governance issues including the NHS Community Health Partnership Scheme of Establishment, amendment of Council Standing Orders to create a Social Work Sub-Committee, amendment of that committee's Standing Orders to align them with the Community Health Partnership Standing Orders (if the two bodies meet as one, they cannot have two different Standing Orders), human resource issues highlighting any significant differences affecting the two organisations, and financial and budgeting arrangements.
 - Equalities Impact Assessment.
 - Discussions regarding role of joint commissioning.
- (5) Until further work has been done to guarantee the continued success of the Argyll Bute & Dunbartonshires' Criminal Justice Partnership Joint Committee, Criminal Justice should not move towards full integration and the current governance arrangements must remain in place;
 - (6) that a change programme led by a Programme Manager is established to project manage the items which are required to ensure that timescales do not drift;
 - (7) A Recruitment Panel comprising the NHS GG&C Chair, NHS GG&C Chief Executive, West Dunbartonshire Community Health Partnership Chair, Leader of the Council, Leader of the Opposition and Spokesperson for Social Work and Health will be formed. This panel will be given the authority to appoint a joint Director, through an open recruitment process, to take on the roles of Director of the Community Health Partnership and Executive Director of Social Work & Health;
 - (8) that authority is given to identify and recruit further joint posts;
 - (9) that the Council's organisational change policy is applied through the transition to the new arrangements. This is a new post and as such should be filled on merit after advertisement in accordance with joint procedures agreed for filling vacancies;
 - (10) that a communications strategy is formulated for both internal and external exchange;
 - (11) that both the NHS GG&C and WDC look at their respective performance management arrangements and also review the number of performance indicators that are in place; and

- (12) that work is undertaken to ensure that relationships with other partners will not be diminished as a result of closer integration with Health, for example Children's Services and Housing Services;
- (13) to the development of information and data sharing protocols between professionals working within the new partnership;
- (14) to note that there is on-going work to analyse the different policies and procedures undertaken in the NHS GG&C and the Council, such as complaints procedures; and
- (15) that agreement will be reached on the provision of support services such as Finance, Human Resources, IT, Legal and committee support to the new body.

The above are subject to any necessary changes to Standing Orders at a future date.