

## **WEST DUNBARTONSHIRE COUNCIL**

At the Special Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday, 9 February 2011 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, Jim McElhill, 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; Terry Lanagan, Executive Director of Educational Services; Keith Redpath, Director of West Dunbartonshire Community Health and Care Partnership (CHCP); David Connell, Head of Finance and ICT; Gillian McNeilly, Manager of Accounting; Vincent Gardiner, Client & Support Manager; Jim McAloon, Head of Regeneration and Economic Development; Ronald Dinnie, Head of Neighbourhood Services; Stephen West, Head of Resources and Performance, Housing, Environmental and Economic Development; Jim Pow, Manager of Finance, Housing, Environment and Economic Development; Joe Reilly, Section Head (Resources), Housing, Environmental and Economic Development; Lorraine Coyne, Head of Audit, Performance and Strategy Planning; Angela Terry, Manager of Organisational Development; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and Craig Stewart, Committee Officer.

**Provost Denis Agnew in the Chair**

### **MOTION FOR ADJOURNMENT OF MEETING**

Councillor McBride, seconded by Councillor Rooney, moved that the meeting be adjourned until Friday, 25 February, 2011 on the basis that it had still not been confirmed that West Dunbartonshire Council had received its full entitlement of funding for the next financial year and, in this respect, the delay was required in order to give time to seek an explanation as to the reduction in the Council's funding allocation.

On a vote being taken, 11 Members voted against the motion to adjourn the meeting and 9 in favour of the adjournment. Accordingly the meeting was not adjourned.

## **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

## **OUTCOMES OF PUBLIC CONSULTATION ON BUDGET SAVINGS OPTIONS 2011/12**

A report was submitted by the Chief Executive providing the Council with an overview of the public assessment of the budget savings options selected for 2011/12 including:-

- (a) the collective results of the public's response through the budget consultation questionnaire;
- (b) a summary of the feedback and issues raised by community representatives and members of the public at the public forum meetings; and
- (c) a summary of feedback gained through the Council's website budget portal.

The Council agreed to note the contents of the report.

## **GENERAL SERVICES REVENUE ESTIMATES AND COUNCIL TAX**

A report was submitted by the Executive Director of Corporate Services providing the Council with sufficient information to:-

- (a) approve the General Services Revenue Estimates for 2011/12; and
- (b) set the Council Tax level for 2011/12.

It was noted that the draft Revenue Estimates book, as referred to in the aforementioned report, had been circulated to all Members at the Special Council meeting on 21 December 2010.

At this point, the SNP Group's Budget proposal documents were circulated.

Councillor McLaughlin moved:-

That the Council approves the SNP Revenue Budget proposals for 2010/2011 as detailed in the document entitled 'Administration Budget Proposals 2011/12'.

Therefore I am recommending that Council agrees:-

- (1) that the 2011/12 Band D Council Tax should be £1,163.00 which represents a zero percentage increase and assumes a collection rate of 97.25%;

- (2) to approve net efficiencies of £1,350,000 delivering savings options of £1,909,000 and enhancements of £559,000; and
- (3) to remit consideration of the forecast funding gap for 2012/14 to the Strategic Finance Working Group.

At this point the Labour Group's Budget proposal document was circulated.

As an amendment, Councillor McBride moved:-

This Council agrees the Labour Group budget as appended to this amendment, subject to appropriate Equality Impact Assessments and Consultation with the recognised Trade Unions and the wider public.

Council also notes that the SNP Administration had already made significant cuts as a result of their emergency budget and management adjustments on 14 October 2010, which resulted in over £10m savings in the revenue budget.

The impact of many of the cuts will be felt later, such as the SNP Councils plans to cut £975,000 from Supporting People monies in 2011 and 2012. In addition further in year cuts during 2010/2011, such as the closure of the Branch Libraries have contributed to the Council's forecasted surpluses and the loss of 187.5 full time equivalent posts, equating to 3% of Council jobs were cut by the SNP led Council.

Council condemns the SNP Government's continued attack on West Dunbartonshire Council. After suffering amongst the lower budget settlement for the last three years and having been informed to expect a budget cut of 2.6% for 2011/12 we are appalled that our Council budget cut is to be hit by a savage 4.07% (previously 4.53%) without proper notice or explanation.

This additional cut of £2.2 million from the needs-led Supporting People funding is wholly unacceptable and must be rejected by this Council. There is no justification for the £2.2 million cut in Supporting People funding and there is no reasonable explanation as to why cuts should be made to budgets for vulnerable Social Work clients in West Dunbartonshire. This is a blatant attack on West Dunbartonshire, its residents and vulnerable people.

At this point Councillor Rooney seconded the amendment by Councillor McBride.

The Chief Executive and the Legal Officer were then heard in relation to the Labour Group's Budget amendment, and both officers confirmed that this was the first time they had seen the document in question. In relation to LG5 Estates (contained in the second table of the) under Revenue Savings, the Legal Officer advised that in his opinion, Standing Orders would require to be suspended as the decision made on the Securitisation Project had been taken within the last 6 months.

Councillor Bolla, having failed to obtain a seconder for a proposed amendment, asked that his dissent be recorded in respect of this item.

As a second amendment, Councillor Black, seconded by Councillor W. McLaughlin, moved:-

That the Council agrees the budget proposals recommended by him which was effectively a stand still budget and would balance the books as well as satisfying the statutory requirements placed on the Council (Appendix II to these Minutes refer).

## **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a period of 20 minutes to allow officers to check over the Labour Group's budget proposal in view of concerns expressed by the Legal and Finance officers at the meeting that it may not be a balanced budget, in terms of legislation, and may be illegal.

The meeting reconvened at 7.02 p.m. with all those Members shown on the sederunt in attendance.

The Head of Finance and ICT confirmed that the Labour Group's budget proposals provided insufficient finance to meet estimated expenditure for 2011/12. The Legal Officer advised Provost Agnew, Chair, that in his view the Labour motion was therefore illegal, and the Provost ruled that in terms of Standing Orders and by reason of illegality, this motion would not be accepted or placed on the agenda. The motion by Councillor Black then became the first amendment.

Councillor McBride, seconded by Councillor Rooney, then moved as a second amendment his original amendment, deleting in the second table (Revenue Savings) LG4 – Treasury Management & LG5 - Estates. The shortfall should be met from reserves, with a report being brought forward at a later date to give the Council an opportunity to consider enhancements to reserves. (Appendix III to these Minutes refer).

Thereafter, Councillor C. McLaughlin, Councillor McBride, the Chief Executive, the Head of Finance and ICT and the Head of Legal, Administrative and Regulatory Services were heard in response to Members' questions.

On a vote being taken between the first amendment (Councillor Black) and the second amendment (Councillor McBride), 7 Members voted for the second amendment and 3 for the first amendment.

On a further vote being taken between the second amendment (Councillor McBride) and the motion (Councillor C. McLaughlin), 7 Members voted for the amendment and 11 Members voted for the motion which was accordingly declared carried.

## **HOUSING REVENUE ACCOUNT (HRA) ESTIMATES 2010/2011**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development making recommendations in respect of the HRA Estimates and rent levels for 2011/12 and HRA Prudential Reserves for 2011/12.

Councillor Millar moved:-

That the Council agrees to set the rent at 2010 levels, continue rent remodelling and agree the existing level of rents for lockups.

At this point, the Executive Director of Housing, Environmental and Economic Development was heard in further explanation and in answer to Members' questions, confirmed that the rent levels detailed in the motion were insufficient to meet estimated expenditure for 2011/12.

The Head of Legal, Administrative and Regulatory Services advised the Council that in circumstances where the budget does not meet the estimated level of expenditure, this would be a breach of the Council's statutory obligation of best value, a resolution in these terms would therefore be illegal. Provost Agnew, Chair, ruled that in terms of Standing Orders, and by reason of illegality, the motion would not be accepted or placed on the agenda.

Councillor Hendrie, seconded by Councillor McElhill, moved:-

That the Council agrees:-

To approve the recommendations below:-

- (i) to agree a weekly rent increase of £2.35 on a 52 week basis (£2.60 on a 47 week basis), equating to 4.5% as detailed in Appendix 1 to the report; and
- (ii) to maintain the existing level of lock up rentals.

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

That the Council agrees to set the rent at 2010 levels, with the shortfall of £1.13m from estimated expenditure to be taken from moneys reserved for housing stock transfer.

The Executive Director of Housing, Environmental and Economic Development in answer to Members' questions confirmed that the Estimates were accurate and the amendment would not meet estimated expenditure for 2011/12. The Legal Officer confirmed, that as was the case in the earlier motion moved by Councillor Millar that in circumstances where the budget does not meet the estimated level of expenditure, which estimates take into account the requirements of earlier Council decisions on Stock Transfer and to meet the Scottish Quality Housing Standard, a resolution in these terms would be illegal.

In response to a Member's question, the Legal Officer advised that it was possible Standing Orders may require to be suspended as the decision made on Stock Transfer had been taken within the last 6 months, and he would check this point if the amendment proceeded.

Thereafter, the Provost having taken the advice of the Head of Legal, Administrative and Regulatory Services, ruled in terms of Standing Orders that by reason of illegality, the amendment would not be accepted or placed on the agenda.

After discussion and having heard officers in further explanation and in answer to Members' questions, the Council agreed the motion moved by Councillor Hendrie.

During the course of discussion on this item, Councillor Bollan indicated his dissent in relation to this matter and requested that this be recorded in the minutes.

### **PROVOST'S REMARKS**

The Provost, on behalf of the Council, thanked officers for their work in preparing the budgets.

The meeting closed at 9.10 p.m.