

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 30 September 2009 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, 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.

\*Arrived later in the meeting.

**Attending:** David McMillan, Chief Executive; Bill Clark, Executive Director of Social Work and Health; Joyce White, Executive Director of Corporate Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; David Clarke, Head of Service (Resources), Educational Services; Liz Cochrane, Head of Service, Policy & Performance; David Webster, Manager, Improvement and Performance; Craig Jardine, Manager of Educational Estates; Anne Laird, Manager of Administrative Services; Alan Douglas, Manager of Legal, Services; and George Hawthorn, Senior Administrative Officer.

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

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

## **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

## **DELAYS TO TRAFFIC ON A82 – WORKS ON ERSKINE BRIDGE**

After hearing Councillor Black, the Council noted that a letter would be sent to Amey concerning the delays on the A82 due to the works on the Erskine Bridge.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on Wednesday, 26 August 2009 were submitted and approved as a correct record.

## **OPEN FORUM**

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

### **Mr Edward Grant – Speed Bumps on Bus Route**

Would the Council consider having the speed bumps on the 81, 17, x17 and 300 Bus Route removed?

The reasons for this are: (1) The residents were never consulted; (2) They damage Cars, Buses, and Passengers; (3) They DO NOT Slow Down speeding traffic; (4) I did a survey of the road users and THE BUMPS DO NOT WORK and are not worth the Damage, Danger to the elderly on buses.

I am sure that if I did a Petition this would prove my point and if the Council members would like they could come with me on my daily journeys for the experience.

While I can see reasons for the BUMPS at a School or Hospital or even WHERE there has been a problem with SPEEDING, I would like to know HOW the BUMPS are justified on a Bus Route?

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

The Scottish Government and West Dunbartonshire Council are committed to cutting the number of deaths and injuries on our roads, and targets have been set to reduce casualties year on year. The provision of Cycling, Walking and Safer Streets (CWSS) funding contributes to the Council's response to achieving this.

The traffic calming measures on Beeches Road and Craigielea Road were one of the projects carried out under the 2005/6 CWSS Initiative approved by the then Community Safety and Environmental Services Committee. The objective of the project was to reduce the speed of traffic and to improve general road safety in this area.

A consultation exercise was carried out for this project in September/October 2005 which included advertising in the Clydebank Post and consultation letters being sent to many of the residents of these two roads. As a result of this exercise records indicate that only one reply letter was received and this was generally supportive of the project. The works were carried out soon thereafter.

The calming features (speed cushions) are themselves designed and constructed to nationally accepted standards and, given reasonable driver behaviour they should not present any risk of vehicle damage. It is also nationally accepted that such features are an accepted and proven means of restricting vehicle speed. Agreement has been reached for a number of years now with Strathclyde Partnership for Transport (SPT) that the “speed cushion” features used throughout this project are suitable for use on established bus routes. Since 2005, there have been no complaints from bus operators about the effects of these cushions on their buses or on passengers.

With respect to verifying the effectiveness of the cushions in reducing vehicle speeds, officers will undertake speed measurements during September/October 2009. This will indicate whether or not the features are actually reducing speeds.

In these circumstances it is recommended that the traffic calming on Beeches Road and Craigielea Road is not removed and that its effectiveness be reviewed through speed survey.

**Mr Grant asked the undernoted supplementary question:-**

My experience is that cushions are soft – these bumps are not soft. There are health and safety issues which need to be addressed. The bell system does not work on some of the buses and therefore passengers are being injured when moving towards the driver to get him/her to stop the bus. The situation is made worse by cars parked on the side of the road which means that the bus cannot straddle the speed bumps which is what is supposed to happen. The result is that passengers are thrown from side to side as only one side of the bus hits the bumps. What is the Council going to do about this?

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

I will write to the SPT and the relevant bus companies concerning these issues and will inform Mr Grant of the outcome in due course.

Provost Agnew thanked Mr Grant for his questions and thereafter Mr Grant returned to the public gallery.

Note: Councillor McGlinchey entered the meeting at this point.

**MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON  
19 AUGUST 2009**

The Minutes of Meeting of the Community Participation Committee held on 19 August 2009 were submitted and all decisions contained therein were approved with the exception of the item under the heading “West Dunbartonshire Community Planning Partnership” which was referred back to the Community Participation Committee for clarification on the accuracy of that part of the minute.

At this point Provost Agnew informed the Council that Mr Fraser, Head of Legal, Administrative and Regulatory Services, was absent due to illness and that Mr Douglas, Manager of Legal Services was in attendance. The Council wished Mr Fraser a speedy recovery to good health.

## **STRATEGIC PLAN FOR THE REGENERATION OF WEST DUNBARTONSHIRE SCHOOLS' ESTATE: "PHASE 2"**

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

- (a) reporting on the outcome of the informal consultations of the Member/Officer Working Group;
- (b) presenting to Council the options for "Phase 2" of the regeneration of the schools' estate;
- (c) seeking the Council's approval for the adoption a strategic approach to "Phase 2" of the regeneration of the schools' estate;
- (d) seeking the Council's approval for the development of an action plan which will allow officers to progress the regeneration strategy; and
- (e) seeking Council's approval for officers to embark on a process of statutory consultation on the school closures, amalgamations, co-locations and relocations which will be required to deliver the regeneration strategy.

Councillor Smillie was heard in further explanation of the report and in so doing thanked all Members, officers and other representatives on the Working Group for their contributions and hard work in preparing the proposed plan. Thereafter Councillor Smillie, seconded by Councillor Ronnie McColl, moved that the recommendations of the report (as detailed below) be approved:-

The Council agrees:-

- (a) to approve the recommended options and priorities as outlined in Appendix 3 to the report (shown as the Appendix to these Minutes);
- (b) to instruct officers to conduct statutory consultations immediately on the closure of St. Martin's Primary School in June 2010 with St Martin's pupils transferring to St Mary's, Alexandria;
- (c) to approach the Scottish Government with a bid for funds to support a new build co-located Aitkenbar Primary School and St. Peter's Primary School and Early Education and Childcare Centre on the St. Peter's site;
- (d) to authorise the Executive Director of Educational Services to secure the services of appropriate external advisers to assist with the development of any resulting bid as required;

- (e) to investigate any other methods by which funds might be raised (e.g. Prudential Borrowing and generation of capital receipts) which might allow some of the high priority options to be implemented; and
- (f) to approve the submission to the Scottish Government of Appendix 3 to this Report as part of the Council's Schools' Estate Management Plan (SEMP).

Councillor Smillie and the Head of Service (Resources) were heard in answer to Members' questions.

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

This Council agrees to approach the Scottish Government with a bid for funds to support a new build co-located at Aitkenbar Primary School and St. Peter's Primary School and Early Education and Childcare Centre on the St. Peter's site.

Council also authorises the Executive Director of Educational Services to secure the services of appropriate external advisers to assist with the development of any resulting bid as required.

Council agrees to investigate any other methods by which funds might be raised (e.g. Prudential Borrowing and generation of capital receipts) which might allow some of the high priority options to be implemented.

However, Council does not approve the Strategic Plan at this time and calls on the Executive Director of Educational Services to carry out a formal consultation on the Strategic Plan. The consultation should include the Community Participation Committee; Community Councils and Parent Councils. Council also agrees that an equality impact assessment should be carried out to assist Councillors in the decision making process.

The Equality Impact Assessment and the Consultation on the Strategic Plan is to be completed as a matter of priority and a report is to be presented to the December Council meeting at the latest.

In response to a point of clarification by the Manager of Legal Services, Councillor McGlinchey confirmed that the reference to 'formal consultation' within the amendment did not refer to the 'statutory consultation' process normally associated with school closures.

Thereafter Members of the Council debated the motion and the amendment.

At this point Councillor W. McLaughlin informed the Provost that he intended to move a further amendment. Councillor Black indicated that he was willing to second the proposed amendment. In response Councillor McBride raised a point of order in relation to Standing Order 20 (k) which reads as follows:-

“(k) When a motion is under debate, no other motion or amendment will be moved except in the following circumstances:-

- To suspend a member in terms of Standing Order 15;
- To adjourn the debate in terms of Standing order 16; or
- To close the debate in terms of Standing order 20 (i).”

The Manager of Legal Services confirmed that in his opinion there could not be another interpretation of the Standing Order 20 (k) and therefore his advice was that the amendment by Councillor W. McLaughlin should not be considered as the motion and amendment were under debate, unless the Council agreed to suspend Standing Orders, which required support by two thirds of those Members present and voting.

Provost Agnew informed the Council that he had taken and accepted the legal advice and, in the circumstances, his ruling was that the amendment could not be considered.

At this point Councillors W. McLaughlin and McNair challenged the legal advice and the decision of the Provost.

### **Adjournment**

After hearing Councillor Black and following a vote, the Council agreed to adjourn for a short period of time to allow Members to clarify some issues with the Legal Officer.

The meeting reconvened at 8.00 p.m. with all those Members shown on the sederunt in attendance.

Provost Agnew informed the Council that the situation had been clarified and that his earlier ruling had not changed.

### **Suspension of Standing Orders**

At this point Councillor W. McLaughlin moved that Standing Orders be suspended in order to allow him to move his further amendment. Provost Agnew reminded the Council that this required the support of two thirds of those Members present and voting.

On a vote being taken, 12 Members voted in favour of the suspension of Standing Orders and 5 against. There being a majority of more than two thirds, the motion to suspend Standing Orders (for this item only) was declared carried.

Councillor W. McLaughlin, seconded by Councillor McNair, moved:-

That the Council agrees to approve the recommendations of the report with the exception of recommendation 7.9 (b) and that further consultation should take place on the proposals in respect of St. Martin’s Primary School and schools in the Faifley area.

At this point, the Manager of Legal Services, in response to a question by Councillor Black confirmed that as Standing Orders had been suspended for this item, Councillor Black could move an addendum to a motion or an amendment albeit it would be the decision of the mover of the motion or amendment to accept or reject the proposed addendum.

After hearing Councillor Black, Councillor McGlinchey agreed to accept the undernoted amendment to his amendment by Councillor Black:-

That paragraphs 2 and 3 of the motion be deleted.

After hearing the Manager of Legal Services in answer to a question by Councillor C. McLaughlin, Provost Agnew invited the mover of the motion and the amendments to sum up.

On a vote being taken between the second amendment (Councillor W. McLaughlin) and the first amendment (Councillor McGlinchey, as amended by Councillor Black), 11 Members voted for the second amendment and 9 for the first amendment.

On a further vote being taken between the amendment (Councillor W McLaughlin) and the motion (Councillor Smillie), 12 Members voted for the amendment, none for the motion and 9 Members abstained. The amendment was accordingly declared carried.

At the request of Councillor C. McLaughlin, the Manager of Legal Services re-stated the amendment by Councillor W. McLaughlin.

## **DEVELOPING THE NEW BV IMPROVEMENT PLAN**

With reference to the Minutes of West Dunbartonshire Council held on 26 August 2009 (Page 2127 refers), a report was submitted by the Chief Executive proposing appropriate governance structures and discussing the key priorities from the recent Best Value Audit.

After hearing Councillor Robertson, the Council agreed:-

- (1) on the key priorities, governance arrangements and options for peer support as detailed within the report;
- (2) that a more detailed Improvement Plan be submitted to Council at the end of October following the initial meetings of the revised workstreams; and
- (3) that the membership of the Improvement and Efficiency Executive would be as follows: 4 SNP Members, namely Councillors Iain Robertson (Chair), Ronnie McColl, Craig McLaughlin, William Hendrie; 3 Labour Members (to be nominated by the Labour Group) and 1 Independent Member, namely Councillor George Black.

## **CORPORATE PLAN 2010 – 2014**

A report was submitted by the Chief Executive seeking agreement on:-

- (a) the themes, priorities and objectives for the 2010/14 Corporate Plan;
- (b) the Performance Indicators (PIs) that have been identified to monitor progress towards the 2010/14 corporate objectives; and
- (c) the targets that have been set for these indicators for each of the four years covered by the Plan.

In response to comments by Councillor Rooney on the issue of targets to demonstrate improvements, the Chief Executive confirmed that the targets within the Corporate Plan had to be realistic and achievable but would be reviewed on a regular basis.

Thereafter the Council agreed to approve the Corporate Plan for 2010/14, as detailed within the Appendix to the report, for implementation from 1 April 2010 and publication.

## **COMMUNITY PLANNING PARTNERSHIP AND FAIRER SCOTLAND FUND 2010/11**

A report was submitted by the Chief Executive setting out the current arrangements for the use of the Fairer Scotland Fund (FSF) and asking the Council to agree a continuation of these arrangements for 2010/11.

After hearing Councillor Rooney, the Council agreed:-

- (1) to continue its existing commitment to ensure that the use of FSF monies were subject to decision making through Community Planning structures;
- (2) that the current figure of £5.067m for 2010/11 continued to be available to be distributed as noted in Appendix 1 of the report, through Community Planning structures, in addition to any carry forward from the 2008/9 and 2009/10 allocations; and
- (3) that the Council was disappointed that the Scottish Government had decided to reduce funding by £1.3 million over a three year period.

## **DESIGNATION OF POLLING PLACES**

A report was submitted by the Chief Executive asking the Council to consider the designation of polling places for any elections or referendums to be held in 2010.

The Council agreed:-



- (1) to approve the list of recommended polling places for use at any elections, by-elections or referendums in 2010, subject to the premises being available on the date of the poll, as detailed in the appendix to the report; and
- (2) in the event that any of the named premises were unavailable for a poll, that it be remitted to the Chief Executive, in consultation with local Members, to agree the final list of premises to be used.

### **REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES – PROVISIONAL PROPOSALS FOR REGIONS**

A report was submitted by the Chief Executive advising that the Boundary Commission had now confirmed the revised constituency boundaries for the Scottish Parliament and that it had fixed a date for a Local Inquiry into provisional proposals for the Regional Boundaries.

The Council agreed:-

- (1) that the Council remits to the Chief Executive to prepare a formal submission to the Local Inquiry, in consultation with the Leader of the Council, the Leader of the Opposition, SSP and Independent Members; and
- (2) to nominate Councillor Robertson and Councillor Rooney to represent the Council at the Local Inquiry, assisted by appropriate officers.

### **FUTURE MEETING DATES OF THE CORPORATE CULTURE SUB-COMMITTEE**

A report was submitted by the Executive Director of Corporate Services seeking approval of proposed meeting dates for future meetings of the Corporate Culture Sub-Committee for the remainder of 2009 and 2010.

The Council agreed to approve the undernoted dates and venues for future meetings of the Corporate Culture Sub-Committee:-

- 2.00 p.m. on Monday, 30 November 2009 in the Council Chambers, Municipal Buildings, Station Road, Dumbarton.
- 10.00 a.m. on Tuesday, 16 February 2010 in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank.
- 10.00 a.m. on Tuesday, 15 June 2010 in the Council Chambers, Municipal Buildings, Station Road, Dumbarton.
- 10.00 a.m. on Tuesday, 14 September 2010 in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank.

## **VARIATION IN ORDER OF BUSINESS**

After hearing Provost Agnew, the Council agreed to vary the order of business as recorded hereafter in these Minutes and in so doing considered the additional item, as stated below, at this point in the meeting.

### **ACCOUNTS COMMISSION BEST VALUE AUDIT FOLLOW UP REPORT – JULY 2009 – EXAMPLES OF POLITICAL CONFLICT**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 26 August 2009 (Page 2128 refers), a report was submitted by the Chief Executive providing the Council with examples of political conflict which had a negative effect on the operation and development of the Council.

After hearing Councillor Calvert, the Council agreed to note the report and that there was no evidence that the behaviour of elected members has had a significant effect on operation and development of the Council.

## **QUESTIONS**

### **(a) Question by Councillor Rooney to the Leader of the Council on Homecoming Scotland**

**Councillor Rooney asked the undernoted question:-**

The Council budget agreed an additional £10,000 for Homecoming Scotland Events. Council notes that St. Andrew's Day on 30 November 2009 marks the end of Homecoming Scotland. What plans does the Council have to spend the additional money set aside in the budget? Please provide a breakdown of costs and events.

**Councillor Robertson replied as follows:-**

I can confirm that Council received an additional £10,000 from Events Scotland to match the £10,000 agreed within the Council's own budget for Homecoming.

The Council plans to run 3 events in Clydebank Town Hall, Denny Civic Theatre, Dumbarton and Moss o'Balloch. This was discussed and agreed at the Corporate Cultural Sub-Committee on 9 June 2009.

The total estimated cost of the events would be £31,150 less ticket and bar income reducing the cost to the allocated budget of £20,000.

A more detailed breakdown of the cost is available from the Finance Department, if required.

**(b) Question by Councillor Geoff Calvert to the Spokesperson for Environment and Economic Development on Plans to Move to a Two Weekly Wheelie Bin Collection Scheme**

**Councillor Calvert asked the undernoted question:-**

Council notes that the SNP Administration intends to introduce a two weekly wheelie bin collection scheme. Council notes that not all estates have wheelie bins and some estates still take black bags to collection areas, often leaving them overnight. Could the Convener clarify what criteria was used to select the three pilot areas; how long the pilots will last and how will the Council measure the success of the three pilots?

**Councillor Hendrie replied as follows:-**

There have been no decisions made and the issues raised by Councillor Calvert are under consideration.

This Council has to face the fact that within the next 5 years, 80% of the country's landfill will be full, and we will face millions of pounds in tax and fines if we do not do something radical now.

The SNP welcome input and suggestions from any source, and in particular, we welcome seeing the proposals of the Labour opposition in the near future.

## **NOTICE OF MOTION**

**Motion by Councillor Jim Bolla – Vale Resource Base in Alexandria**

This Council agrees that the loss of the Vale Resource Base in Alexandria will have a major negative impact on the ability of the Forum members and the wider user groups in Alexandria to fully participate in the CPP process. To be equal partners the Forum members and wider community need a base and the appropriate resources to enable them to prepare and engage in the process in a meaningful, organised and structured way.

The Council resolves to receive a further report prepared in consultation with the Vale of Leven Forum and user groups of the former base to report on:-

- (1) the accommodation and resources required to enable the forum members and the people of the VOL to fully participate at all levels in the CPP process; and
- (2) to identify that accommodation and resources, whether in premises owned by WDC or other CPP partners and the funding and leasing/transfer arrangements required.

In the absence of Councillor Bolla, Councillor Millar moved the above motion which was seconded by Councillor Rooney.

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

This Council notes that groups from Clydebank and Dumbarton accepted the offer of assistance from the Council for Voluntary Services (CVS) to enable them to fully engage with the Community Planning process.

Council notes that the Vale of Leven groups refused this offer.

Council asks Officers for a report on how this is working.

Council also notes that at a public meeting in the Vale of Leven Community Education Centre, Community Groups asked if Council would consider a fully costed plan for the community to supply groups with a service at nil cost to Council. All Councillors present, namely Councillor Jim Bolla, Councillor Ronnie McColl and Councillor Martin Rooney, agreed.

Council fully supports the community in this regard and asks Officers to ascertain whether groups have made any progress with this plan.

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

The meeting closed at 8.40 p.m.