

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 30 June 2010 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Bollan, Geoff Calvert, 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; Stephen West and Anne Ritchie, Interim Executive Directors of Social Work and Health; Terry Lanagan, Executive Director of Educational Services; Tricia O'Neill, Head of Human Resources and Organisational Development; Lorraine Coyne, Manager of Audit; Colin McDougall, Section Head, Internal Audit; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and Craig Stewart, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Margaret Bootland, Jim Brown and Gail Casey.

**Provost Denis Agnew in the Chair**

### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 26 May 2010 were submitted and approved as a correct record.

### **OPEN FORUM**

The Council noted that no open forum questions had been submitted by members of the public.

## **INDEPENDENT LIVING FUND ELIGIBILITY CHANGES AND EFFECT ON COUNCIL CHARGES – VERBAL UPDATE**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 26 May 2010 (Page 2899 refers), the Interim Executive Director of Social Work and Health gave the Council a verbal update on the changes to the Independent Living Fund Eligibility and the effect on Council Charges.

After discussion and having heard the Executive Director of Social Work and Health and relevant officers in further explanation and in answer to Members' questions, the Council agreed to note the current position and agreed to continue to pursue the issue.

## **BEST VALUE IMPROVEMENT PLAN**

A report was submitted by the Chief Executive presenting for consideration, the Best Value Improvement Plan for 2010/11.

After discussion and having heard the Chief Executive and the Head of Human Resources and Organisational Development in elaboration and in answer to Members' questions, the Council agreed:-

- (1) to note the progress made during 2009/10 in relation to the Best Value Improvement Plan;
- (2) to endorse the suggestion that meetings of the Improvement and Efficiency Executive Working Group be held quarterly and that these meetings would be open to all Elected Members but would retain its core membership; and
- (3) to approve the Best Value Improvement Plan 2010/11.

## **KEY CORPORATE PERFORMANCE INDICATORS**

A report was submitted by the Chief Executive presenting an update on the Council's Key Corporate Performance Indicators for 2009/10 and the proposals for revised Key Corporate Performance Indicators for 2010/11.

After discussion and having heard the Executive Director of Educational Services in further explanation and in answer to Members' questions, the Council agreed to note the key corporate performance indicators across Council departments and services for 2010/11 and beyond as detailed in the report.

## **EARLY MEMBER INVOLVEMENT IN DECISION MAKING – REVIEW OF STRATEGIC PRIORITIES**

A report was submitted by the Chief Executive providing the Council with proposals for the key strategic priorities which should provide the focus for the early involvement of elected members in decision making.

After discussion and having heard the Chief Executive in further explanation and in answer to Members' questions, the Council agreed to note the proposed Strategic Priorities identified for 2010/11.

## **APPOINTMENT TO WEST DUNBARTONSHIRE LICENSING BOARD**

A report was submitted by the Executive Director of Corporate Services informing the Council of Councillor John Millar's resignation from the West Dunbartonshire Licensing Board and seeking a nomination to fill the vacancy.

Following discussion, the Council agreed that Councillor McAllister be nominated to serve on the Licensing Board in place of Councillor Millar. The Chair of the Licensing Board, Councillor R. McColl, took the opportunity to thank Councillor Millar for all the work he had done as a Member of the Licensing Board.

## **DATES OF MEETINGS OF THE EDUCATION AND LIFELONG LEARNING COMMITTEE**

A report was submitted by the Executive Director of Educational Services asking Council to agree to changes to the dates of the meetings of the Education and Lifelong Learning Committee in August and October 2010.

After discussion and having heard the Executive Director of Educational Services in further explanation, Councillor J. McColl, seconded by Councillor R. McColl, moved:-

That the Council agrees that the August and October meetings of the Education and Lifelong Learning Committee be re-scheduled as follows:-

Tuesday 24 August 2010 at 2.00 p.m. in the Council Offices, Dumbarton; and

Wednesday 20 October 2010 at 2.00 p.m. in the Council Offices, Dumbarton.

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

That the Council agrees that the August and October meetings of the Education and Lifelong Learning Committee be re-scheduled as per the recommendations in the report, as follows:-

Wednesday 25 August 2010 at 2.00 p.m. in the Council Offices, Dumbarton;  
and

Wednesday 20 October 2010 at 2.00 p.m. in the Council Offices, Dumbarton.

On a vote being taken, 6 Members voted for the amendment and 11 for the motion which was accordingly declared carried.

## NOTICES OF MOTION

### **(A) Motion by Councillor George Black – Housing, Environment and Economic Development Committee**

This Council is concerned that elected members of the Housing Environment and Economic Development Committee chose not to suspend standing orders at their meeting on Wednesday, 5 May 2010 thereby denying the residents of the village of Bowling the democratic right to voice their legitimate concerns and objections to the sale of this land. This Council condemns the undemocratic actions of those Councillors concerned.

Councillor Black was heard in support of his motion.

At this point Councillor McElhill asked Councillor Black if he would accept the undernoted addendum to his motion:-

Council notes the hypocrisy of the Labour Party with regards to the sale of land adjacent to 44 Dumbarton Road, Bowling, whereby all Labour members present at the May 2010 HEED Committee voted against a suspension of standing orders, thereby not allowing the local member to be heard.

The information alluded to in paragraph three of the Labour motion in tonight's papers was available at that time, but the Labour members, Councillor Calvert, chose not to hear it.

Therefore, the motion from Labour tonight is nothing more than a political stunt to get the mover, who is also one of the ward Councillors, out of a hole.

As new information has come to light, which was not available at the time of the decision to sell the land at the January 2010 HEED Committee, this Council now agrees to rescind the aforementioned decision and not sell the land as previously agreed.

Councillor Black agreed to accept the addendum to his motion which was then seconded by Councillor McElhill.

During consideration of this item, the Head of Legal, Administrative and Regulatory Services confirmed that the motion with addendum would require Suspension of Standing Orders as a period of six months had not passed since a decision was made on this matter.

On a vote being taken, 12 Members voted for the Suspension of Standing Orders and 7 against. Accordingly, Standing Orders were not suspended as two-thirds of those present and voting did not vote in favour of the suspension and the proposed motion and addendum fell.

**(B) Motion by Councillor Jim Bollan – No Compulsory Redundancies**

This Council agrees to a no compulsory redundancy policy amongst its workforce.

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

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

This Council agrees to a no compulsory redundancy policy amongst its workforce, with consideration given to the Council's Organisational Change Policy, which has been negotiated and agreed with Trade Unions.

Council agrees that the Organisational Change Restructuring and Redeployment Protocol, which underpins the Organisational Change Policy, will be the subject of further consultation with Trades Unions.

This consultation will seek to address the issues raised by the Trades Unions at the recent Joint Consultative Forum (JCF), including voluntary redundancy added years arrangements and the length of time people spend on the redeployment register. While discussions between Officers and Trade Unions should take place at the earliest opportunity, Council agrees to the Trades Unions' request to bring the discussion to the next JCF.

Furthermore, Council agrees that if no suitable employment can be found for a group of displaced employees, the final decision on whether compulsory redundancy procedures are adopted will fall to Full Council.

Council notes that the budgetary cuts coming from Westminster will have serious implications for local government across Scotland and it is for this reason we are discussing organisational change policies tonight.

Therefore, Council endorses the Leader's acceptance of a Joint Trades Union petition against the cuts and agrees that this Council as a whole, and all Councillors, should work closely with Trades Unions and National Government in a joined up campaign against these severe cuts.

During consideration of this item, the Head of Legal, Administrative and Regulatory Services confirmed that the amendment would require Suspension of Standing Orders, as a period of six months had not passed since the adoption of the Council's Organisational Change Restructuring and Redeployment Protocol.

On a vote being taken, 13 Members voted for the Suspension of Standing Orders and 6 against. There being a majority of more than two thirds, the motion to suspend Standing Orders (for this item only) was declared carried.

On a vote being taken, 11 Members voted for the amendment and 8 for the motion. The amendment was accordingly declared carried.

**(C) Motion by Councillor Geoff Calvert - Sale of Land extending to 1554 metres (0.383 acres) or thereby adjacent to 44 Dumbarton Road, Bowling**

Reference: Housing, Environment and Economic Development (HEED) Committee meetings on 6 January 2010 and 5 May 2010

This Council notes that the decision to sell the above land was taken at the HEED Committee on 6 January 2010 based on officers' recommendations. This Council notes also that an attempt to overturn this decision in May 2010 was rejected by the HEED Committee.

This Council further notes that both decisions taken by the HEED Committee were within its delegated powers and this Council has no criticism of either decision, based on the information provided to Members at the time.

Since the original decision was taken, there now seems to be doubt that all relevant information was included for consideration at the time. Whilst there is no suggestion that the lack of information available was intentional, local information provided by residents and the Bowling and Milton Community Council leads this Council to believe that the HEED Committee may well have taken a different decision if all the information had been available at the time.

The Community Council, having consulted with residents, makes the following specific challenges to the original report to HEED Committee in January 2010.

- It challenges the assertion that the 'loss of open space can be limited by sensitive development of the site' because two residential units of unspecified size plus parking facilities could not be considered 'sensitive' or 'limited'.
- It challenges the assertion that 'In general, the village will benefit from development of an infill site which would improve the streetscape of Dumbarton Road, Bowling'. This site is currently a grassy area with daffodils in springtime and it enhances the character of that section of the village. In no way does it have the appearance of an 'infill site' and residential development would detract from its appearance and provide no positive value to the residents of the village.
- Moreover, the site is the only open space recreational area in the centre of the village where young people can safely play ball games.

- It challenges the view of the Roads Traffic Section of the Council that there should be no objections on traffic grounds to the development. Local knowledge and experience indicate that the site is a 'blind corner' where the footway narrows and is exacerbated by parked vehicles for much of the time. Residents' have real concerns that pedestrian safety will be compromised by this development.
- As a final observation, the Community Council points out that the recently adopted Local Plan makes provision for additional potential residential development at both sides of the village – Scott's yard to the west and adjacent to the upper canal basin to the east. In addition, the present incomplete site at Littlemill, with many properties remaining to be sold at the present time, underpins the community's view that it is particularly important to retain the character, appearance and open green space at the centre of the village.

Therefore, whilst recognising that the HEED Committee acted fully within its powers and with the information available at the time, this Council now agrees to Suspend Standing Orders and thereafter, having given due weight to the information now before Council, agrees to rescind the decision to sell the land in question.

Councillor Calvert was heard in support of his motion which was seconded by Councillor McBride.

During consideration of this item, the Head of Legal, Administrative and Regulatory Services was heard in clarification of certain matters. The Legal Officer also confirmed that the motion would require Suspension of Standing Orders as a period of six months had not passed since a decision was made on this matter.

Thereafter, the Council agreed to suspend Standing Order No 19 (a) for this item.

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

Council notes the hypocrisy of the Labour Party with regards to the sale of land adjacent to 44 Dumbarton Road, Bowling, whereby all Labour members present at the May 2010 HEED Committee voted against a suspension of standing orders, thereby not allowing the local member to be heard.

The information alluded to in paragraph three of the Labour motion in tonight's papers was available at that time, but the Labour members, Councillor Calvert, chose not to hear it.

Therefore, the motion from Labour tonight is nothing more than a political stunt to get the mover, who is also one of the ward Councillors, out of a hole.

As new information has come to light, which was not available at the time of the decision to sell the land at the January 2010 HEED Committee, this Council now agrees to rescind the aforementioned decision and not sell the land as previously agreed.

On a vote being taken, 12 Members voted for the amendment and 6 for the motion. The amendment was accordingly declared carried.

**(D) Motion by Councillor Jim Bollan – Boycott of Israeli Goods**

This Council condemns the massacre of 9 peace activists by the Government of Israel, and the continuing blockade of Gaza. Council notes these brave people were trying to deliver 10,000 tons of humanitarian aid to Palestinians in Gaza which has been blockaded since 2007 by the IDF. This Council therefore re-affirms its current boycott of all Israeli goods. Council also agrees to write to all Scottish Local Authorities, Westminster and Holyrood Governments calling on them to implement an immediate boycott of all Israeli goods.

After hearing Councillor Bollan, the Council unanimously agreed to approve the above motion.

The Head of Legal, Administrative and Regulatory Services advised the Council of a request from Dundee City Council to support the undernoted resolution –

Dundee City Council adds its voice to the worldwide condemnation of the violence against the ships carrying aid to the people of the Gaza Strip and the calls for an international inquiry into the events.

Dundee City Council supports the view that an international solution is vital to try and solve the ongoing problems in the area and calls on the UK Government and Scottish Government to bring pressure to bear for renewed international efforts to find a lasting and peaceful solution leading to an end to the blockade.

He then advised that it would be competent to deal with this request under the present item. Councillor Bollan then advised that he wished to include in his resolution support for the Dundee City Council resolution.

Thereafter the Council unanimously agreed to approve the motion.

**(E) Motion by Councillor William McLaughlin – Dalmuir Golf Course**

Council agrees to implement immediate actions to prevent improper access and use at Dalmuir Golf Course. This behaviour is costing thousands of pounds per week and causing great distress to paying customers.

Councillor W. McLaughlin was heard in support of his motion which was seconded by Councillor McElhill.

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

Council thanks Councillor McLaughlin for bringing forward his motion highlighting the 'great distress' facing golfers in West Dunbartonshire. Council notes his call for immediate action.



However, Council believes that actions should be backed up with evidence and therefore requests a report to the appropriate Committee outlining:-

- (a) the prevalence of and annual cost to the Council of improper access and use of Dalmuir Golf Course;
- (b) the cost associated with implementing immediate preventative actions, both this year and in subsequent years – including staffing costs; and
- (c) the effects of any actions – such as raised fencing – would have on residential areas bordering the golf course and on paying customers.

Once Councillors have the appropriate information, an informed and financially sensible decision can be taken in the best interests of the residents of West Dunbartonshire.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development, Councillor McGlinchey, with the consent of the Council, agreed to withdraw his amendment. The motion was accordingly declared carried.

**(F) Motion by Councillor William McLaughlin – Drumry Bowling Green**

Council requests an update on the situation relating to Drumry Bowling Green to be reported to the Housing Environment and Economic Development Committee with details of the local consultation on suggested changes.

After hearing Councillor W. McLaughlin, the Council unanimously agreed to approve the above motion.

**(G) Motion by Councillor John Millar – Memorial Benches**

Council notes the tremendous success of the Council's practice of allowing families and friends to purchase memorial benches, to be placed in public parks, in memory of their loved ones.

However, Council also notes that over the past few months a moratorium has been imposed by the Housing, Environment and Economic Development Department which is preventing families from purchasing these tokens of remembrance.

Council accepts that the development of a clear policy on memorial benches in public parks is a necessary requirement. However, Council calls on the Executive Director of HEED to bring forward a report to the next HEED Committee or Council meeting.

Councillor Millar was heard in support of his motion.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to a Member's question, the Council unanimously agreed to approve the above motion.

## **JULY RECESS**

As this would be the last meeting of the Council before the July Summer Recess, Provost Agnew took the opportunity to wish officers and Members well during the Recess.

The meeting closed at 8.55 p.m.