

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 24 June 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, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

**Attending:** David McMillan, Chief Executive; Bill Clark, Executive Director of Social Work and Health; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; Sandra Love, Head of Service (Quality), Educational Services; Jim McAloon, Head of Service, Housing and Regeneration; Liz Cochrane, Head of Service, Policy & Performance; David Webster, Manager, Improvement and Performance; Patricia Marshall, Manager of ICT; Andrew Fraser, Head of Legal, Administrative and Regulatory Services; and George Hawthorn, Senior Administrative Officer.

**Apology:** An apology for absence was received from Councillor James Bollan.

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

### **URGENT MOTION**

Councillor Black intimated his intention to raise an urgent motion in relation to the Parole Hearing of Thomas McCulloch. Provost Agnew informed the Council that he would consider the matter at the appropriate juncture later in the meeting.

### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of the Meeting of West Dunbartonshire Council held on Wednesday, 27 May 2009 were submitted and approved as a correct record subject to the undernoted correction to the item under the heading 'Motion by Councillor Jim Bolla – Unite Motion calling for support in providing 100 apprenticeships across Council Departments' (Pages 1978/1979 refer).

The wording of the final paragraph should read as follows:-

“On a second vote being taken between the amendment (Councillor Black) and motion (Councillor Bolla), 18 Members voted for the amendment and 1 for the motion. The amendment was accordingly declared carried.”

In response to a question on the item under the heading 'Motion by Councillor Ronnie McColl – Error in Council Minutes', the Head of Legal, Administrative and Regulatory Services confirmed that Councillor R. McColl's motion, which was approved, would not alter the original decision of Council at its meeting held on 19 December 2007.

### **OPEN FORUM**

The Council noted that no open forum questions had been submitted by members of the public for consideration at this meeting.

### **PROVOST'S REMARKS**

Provost Agnew welcomed Councillor Finn to the meeting following his recent absence due to illness.

After hearing Councillor R. McColl, Provost Agnew informed the Council that a Special Meeting of the Council would be held on Thursday 6 August 2009 in the Council Chambers, Clydebank Town Hall, on the issue of the funding for the proposed new Dumbarton Academy High School.

### **MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON 20 MAY 2009**

The Minutes of Meeting of the Community Participation Committee held on 20 May 2009 were submitted and all decisions contained therein were approved with the exception of the item under the heading 'Presentation on Social and Economic Profile' whereby the Council agreed that the issue of Councillor's Black's request for additional information to be included in the Profile concerning sex offenders be referred back to the Committee to clarify if the Committee agreed with this request.

## **COMMUNITY PARTICIPATION COMMITTEE – REVIEW OF MEMBERSHIP OF COMMITTEE**

A report was submitted by the Executive Director of Corporate Services seeking the Council's agreement to change Standing Orders in respect of the membership of the Community Participation Committee.

After hearing the Head of Legal, Administrative and Regulatory Services in answer to Members' questions, the Council agreed to amend its Standing Orders to reflect the revised membership of the Community Participation Committee.

### **£7 MINIMUM LIVING WAGE**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 29 April 2009 (Page 1938 refers), a report was submitted by the Chief Executive on the implications of West Dunbartonshire Council adopting a seven pounds an hour minimum living wage.

Following discussion, the Council approved the undernoted motion by Councillor Bootland, seconded by Councillor R. McColl:-

Council is pleased to note that as a result of the new pay and grading system there are only 400 employees in West Dunbartonshire Council paid at rate below £7.00 per hour.

The Council's new pay and grading structure was introduced in March 2009. Key features of the structure are:-

- The new system has 12 broad banded grades.
- Each grade has a series of 4 incremental steps.
- An employee progresses one step each year which means a new employee starting in April 2009 would take 4 years to reach pay maximum for the grade.
- The pay scales will be increased each year as part of the local government pay negotiations.
- Staff members have been assimilated at different points on the pay progression scale.

Council recognises the complexities and implications of altering the current pay and grading structure. However this Council is fully committed to the principle of a £7 per hour minimum living wage and wants to take action working towards this goal.

Therefore Council agrees that a further report comes back to a future Council meeting which considers the possibility of removing the bottom progression point in each of the 12 broad banded grades, for the start of the next financial year.

The removal of the bottom spine point for each grade could address the issue of equality and mean that new employees will progress to 'the rate for the job' in three years rather than four.

Council notes that the combination of annual pay uplifts and the removal of the bottom progression point in each broad banded grade will assist the 400 staff members who currently receive less than £7 per hour.

The Council noted Councillor McNair's suggestion that officers should meet with officers from Glasgow City Council to discuss how that Council had implemented its minimum wage policy.

### **PROGRESS UPDATE ON NEW MOBILE PHONE CONTRACT**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 27 May 2009 (Page 1977 refers), a report was submitted by the Chief Executive providing an update on the re-examination of the current T-Mobile contract should T-Mobile persist with its plans to close their offices in Scotland.

The Council agreed to note:-

- (1) that a project team was in the process of being formed to examine all the aspects of evaluating and procuring a new mobile phone contract;
- (2) the actions that the project team would undertake and the associated target project timescales;
- (3) the proposed projected delivery date of September 2009 for recommendation of new mobile phone contract; and
- (4) that implementation of a new mobile phone contract would commence in February 2010 to coincide with the agreed co-terminus end date for the current T-mobile contract.

### **EARLY MEMBER INVOLVEMENT IN DECISION MAKING – KEY STRATEGIC ISSUES**

A report was submitted by the Chief Executive providing the Council with proposals for the key strategic issues which should provide the focus for the early involvement of elected members in decision making during 2009/10.

Councillor Robertson, seconded by Councillor J. McColl, moved:-

That the recommendations of the report (as summarised below) be approved:-

The Council agrees:-

- (1) to approve the 8 key priorities proposed in paragraph 7.1 of the report to launch the new approach to decision making in 2009/10; and
- (2) to the proposed initial discussion forums on matters which do not require immediate decision as referred to in paragraph 7.2 of the report.

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

This Council welcomes the Chief Executive's report on Early Member Involvement in Decision Making – Key Strategic Issues.

The Opposition has consistently called for the creation of a Strategic Policy Forum in order to involve all elected members in progressing key strategic issues.

Although the proposal in the report falls short of Labour's ideal, the report does allow for the creation of a mechanism for consulting. The outcome of this mechanism is similar to what was expected to be achieved through a Strategic Policy Forum, e.g. Members fully informed at an early stage, options considered, political support achieved.

Elected Members may not necessarily agree the same solution to the same problem but key strategic issues would be progressed as a result of the new mechanism.

Council agrees that the process could help to improve strategic leadership and decision making.

Council also agrees the 8 top priorities identified in 7.1 of the report. However the proposal to include the items in 7.2 should be considered at a later date when all of the top priorities have been progressed.

It is vital that the Council focuses its limited resources on progressing key strategic priorities.

Council notes that unlike Labour's proposal for a Strategic Policy Forum the top priorities of Financial/Budget Planning and Schools Resources are limited to a few elected members and many elected members are effectively excluded from the process.

After hearing the Chief Executive in further clarification, Councillor Rooney, with the consent of Council, withdrew his amendment and accordingly the motion by Councillor Robertson was declared carried.

## **MODERNISATION OF THE PLANNING SYSTEM - CHANGES REQUIRED TO STANDING ORDERS**

A report was submitted by the Executive Director of Corporate Services seeking approval to amend Standing Orders in line with changes to the Planning System.

After hearing the Head of Legal, Administrative and Regulatory Services, the Council noted:-

- (a) that Paragraph 1.1 of Appendix 3 of the report should have read as follows:-  

“1.1 Membership of the Local Review Body will comprise all Members of the Planning Committee”;
- (b) that the Planning Committee had recommended to the Council that the Local Review Body should meet on the same day as the Planning Committee and therefore Council would need to decide on this matter or refer the issue of timings of the meetings back to the Planning Committee; and
- (c) that the Council would require to suspend Standing Order 19 (a) in order to consider this matter as a period of six months had not passed since the Council had approved the Standing Orders.

At this point, the Council agreed to suspend Standing Order 19 (a) in order to allow the matter to be considered.

Thereafter, on the motion of Councillor R. McColl, the Council agreed:-

- (1) to create a new Committee to be known as the Local Review Body, the remit of which was set out in Appendix 3 of the report (as amended);
- (2) that the membership of the Local Review Body be the same membership of the Planning Committee;
- (3) to allow the new Committee to appoint its own Chair;
- (4) the remit of the Planning Committee – Standing Orders Part 2, Appendix 3 (h) paragraph 2.2 be amended as follows:-

“The Planning Committee will have full delegated powers to implement its functions, remits and responsibilities as detailed above with the exception of the following:-

- Applications for planning permission for development of a class mentioned in Section 38A(1) of the Town and Country Planning (Scotland) Act 1997;
- In relation to these matters the Planning Committee does not have delegated powers”;

- (5) to approve the Scheme of Delegation in relation to planning matters detailed in Appendix 4 of the report; and
- (6) to give authority to the Chief Executive, in consultation with the Chair of the Planning Committee, to agree any changes to the Scheme of Delegation arising out of the comments of the Scottish Ministers.

After hearing Councillor J. McColl, the Council further agreed to remit the issue of the timing of the Local Review Body meetings back to the Planning Committee for determination.

### **DISTRICT COURT TRANSFER**

A report was submitted by the Executive Director of Corporate Services making recommendations in respect of the transfer of four members of staff to the Sheriff Court Service under the Transfer of Undertakings (Protection of Employment) (TUPE) agreement.

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

- (1) to support the recommendations on the location of the new Justice of the Peace Court in Dumbarton; and
- (2) to approve the transfer of the four members of staff from Legal, Administrative and Regulatory Services to the Scottish Court Service, under TUPE, subject to the proviso that should any TUPE issues arise, a report would be submitted to Council for consideration.

### **BEST VALUE AUDIT**

A report was submitted by the Chief Executive presenting Audit Scotland's Best Value Audit Progress Report.

The Head of Legal, Administrative and Regulatory Services and the Chief Executive were heard in response to Members' questions.

Thereafter, Councillor Robertson, seconded by Councillor J. McColl, moved:-

Council acknowledges and accepts the content of the Best Value Audit Report.

Further, Council also instructs the Leader of the Council to write to Audit Scotland and the Accounts Commission expressing its disappointment that the content of the HMle Inspection Report has been omitted from the Best Value Audit Report.

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

This Council welcomes the Best Value Audit Progress Report 2009. The report highlights key areas where progress has been made since the previous 2008 Progress Report including:-

- Service performance is improving and, in particular, Education and Social Work Services, the two largest Council departments, continue to perform well.
- Scrutiny by elected members continues to improve and this has been acknowledged and welcomed by Officers. It is agreed that there is scope to further develop the arrangements to support better scrutiny of performance and decision-making.
- Good progress has been made in revising the Council's performance management framework although it is agreed that there is a need to improve the consistency of departmental and service planning across most departments.
- The Council has enhanced its strategic capacity by revising structures and appointing new senior managers.
- The Council has made some progress in improving its approach to financial planning although it has yet to approve a financial strategy.

However, this Council accepts that there is still a way to go in order to demonstrate Best Value and continuous improvement of services. This Council is disappointed that this Administration has made insufficient progress in key areas as identified by the Audit Scotland Progress Report 2009.

This Council notes that this Administration has failed to display the strategic corporate leadership required to drive forward continuous improvement with the result that:-

- Progress has been slow on the implementation of the Council's improvement plan and there is limited evidence of the impact of improvement work.
- Progress has been slow in addressing cultural issues and there is limited progress in improving community engagement.
- Progress has been slow in establishing development programmes for elected members and officers.
- There is limited progress in developing a workforce planning strategy.
- There is limited progress in establishing arrangements to demonstrate the competitiveness of its services.



Furthermore, and crucially, Housing Services are still an area of concern. Therefore, this Council calls on the Chief Executive to carry out an urgent review of the Council's Best Value Audit Plan in order to ensure that the areas for improvement identified by Audit Scotland are properly prioritised and resourced. A report on progress is to be presented to the August Council for consideration.

On a vote being taken, 9 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

### **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period of time. The meeting reconvened at 7.45 p.m. with all those Members shown on the sederunt in attendance.

### **HMIE REPORT ON EDUCATIONAL FUNCTIONS OF WEST DUNBARTONSHIRE COUNCIL**

A report was submitted by the Executive Director of Educational Services informing the Council of the inspection by Her Majesty's Inspectorate of Education (HMIE) of the educational functions of West Dunbartonshire Council.

Having heard the Executive Director of Educational Services and the Head of Service (Quality) in further explanation of the report and after hearing Councillors Smillie, McGlinchey, Rooney and Provost Agnew praise the work of the department, the Council agreed:-

- (1) to congratulate the Executive Director of Educational Services and all his staff on the very good report from the HMIE; and
- (2) to note that a report would be submitted to a future meeting of the Education and Lifelong Learning Committee addressing the four action points which had been identified within the report.

### **FOLLOW-THROUGH INSPECTION OF SERVICES TO PROTECT CHILDREN IN WEST DUNBARTONSHIRE**

A report was submitted by the Executive Director of Social Work and Health on the publication of the report on the Follow-Through Inspection of Services to Protect Children in West Dunbartonshire and to report on the findings of that inspection.

After hearing the Executive Director of Social Work and Health in further explanation of the report and Councillor J. McColl and Councillor Casey congratulate the Executive Director and his staff, other partners including other Council departments involved in child protection in West Dunbartonshire on a very good inspection report, the Council agreed:-

- (1) to note the outcome of the Follow-Through Inspection and continuing work of the Child Protection Committee and partner agencies in taking forward any further action required; and
- (2) to note that a business plan would be prepared to take forward actions identified in the report and that this plan would be circulated to all Members of the Council at the appropriate time.

### **APPRENTICESHIP TRAINING**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with information in relation to options, costs and ramifications in future years, if the Council provided 100 new apprenticeships as requested by the UNITE Union.

Having heard the Head of Service, Housing and Regeneration, in answer to Members' questions, the Council agreed:-

- (1) to note the terms of the report and the work that was being undertaken to provide training opportunities for the young people of West Dunbartonshire; and
- (2) that a report be prepared for a future meeting of the Council, providing a more detailed proposal with options and costings for an expansion of the existing apprenticeship programme, when further details of additional Government support have been established, and with a view to making a submission to Skills Development Scotland, as necessary, to support any additional Apprenticeships commencing in 2010/11;
- (3) that, the report referred to at (2) above should also provide more information on the reasons for the differences in salaries between different types of apprenticeship (paragraph 5.1 of the report refers); and
- (4) that a report be submitted to the Housing, Environment and Economic Development Committee providing an update on progress made on the project referred in paragraph 5.7 of the report.

### **URGENT MOTION – THOMAS MCCULLOCH**

The Head of Legal, Administrative and Regulatory Services explained that as this matter fell within the remit of the Social Work and Health Improvement Committee, the Council would need to suspend Standing Order No. 8 (d) before the Provost could determine if the matter was urgent in terms of Standing Order No 7.

Thereafter, the Council agreed to suspend Standing Order No. 8 (d) in order that the Provost could consider the matter.

After hearing Councillor Black explain why he considered the motion to be urgent, Provost Agnew ruled that in his opinion the motion was not urgent and therefore would not be considered by the Council, at this time.

### **NOTICE OF MOTION**

#### **Motion by Councillor George Black – British National Party (BNP)**

This Council endorses the position of the Local Trades Council and the TUC and condemns the divisive racist policies of the BNP.

Councillor Black was heard in support of his motion.

After hearing Councillor McGlinchey, Councillor Black agreed to accept the undernoted addendum to his motion:-

The Council further agrees to instruct officers to explore what support they can provide to the 'Hope not Hate Campaign' to benefit people in West Dunbartonshire.

The Head of Legal, Administrative and Regulatory Services was heard in answer to Members' questions.

Thereafter, the Council agreed unanimously to approve the above motion as amended to include the addendum.

The meeting closed at 8.20 p.m.