

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Main Hall, Abbotsford Church Hall, Abbotsford Road, Clydebank on Wednesday, 29 June 2011 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, 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, Lawrence O'Neill, 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; Ronnie Dinnie, Head of Neighbourhood Services; Jim McAloon, Head of Regeneration and Economic Development; Lorraine Coyne, Head of Audit, Performance & Strategic Planning; Stephen West, Head of Service – Resources and Performance; Gillian McNeilly, Manager of Accounting; Angela Terry, Manager of Organisational Development; Colin McDougall, Manager of Risk & Performance; Peter Barry, Manager of Community Planning and Policy; Craig Jardine, Acting Service Manager, Corporate Asset Management; Keith Bathgate, Team Leader (Development Manager); Andrew Fraser, Head of Legal, Administrative and Regulatory Services and Craig Stewart, Committee Officer.

Also

Attending: Grant Macrae (Director), KPMG LLP.

Apology: An apology for absence was submitted on behalf of Councillor Jim Bollan.

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 the Meeting of West Dunbartonshire Council held on 25 May 2011 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.

URGENT ITEM OF BUSINESS

Provost Agnew informed the Council that he had received an Emergency Notice of Motion and asked the mover of the Motion, Councillor David McBride, to state its terms. Having heard Councillor McBride inform the Council of the nature of the Emergency Motion, it was agreed that in light of the urgency of the matter that it would be dealt with at an appropriate point later in the meeting.

MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 11 MAY 2011

The Minutes of the Meeting of Audit and Performance Review Committee held on 11 May 2011 were submitted and approved as a correct record.

MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE ON 18 MAY 2011

The Minutes of the Meeting of the Community Participation Committee held on 18 May 2011 were submitted and approved as a correct record.

REMIT FROM PLANNING COMMITTEE – SCOTTISH GOVERNMENT CONSULTATION ON AMENDMENTS TO NON-DOMESTIC ELEMENTS OF PERMITTED DEVELOPMENT RIGHTS

Reference was made to the Minutes of the Meeting of the Planning Committee held on 7 June 2001 (Page 3684 refers) and the report submitted by the Executive Director of Housing, Environmental and Economic Development requesting consideration of the consultation paper on the above and seeking a response.

After discussion and having heard the Team Leader (Development Management) in answer to a Member's question, the Council agreed:-

- (1) to approve the response to the consultation paper, as detailed in the Appendix to the report, including any relevant comments being incorporated into the consultation response arising from the workshop, organised by the Heads of Development Management Sub Group, which took place on 10 June 2011; and
- (2) otherwise to note the contents of the report.

AUDIT SCOTLAND REPORT: AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2010

A report was submitted by the Chief Executive detailing the Council's response to Audit Scotland's report 'An overview of local government in Scotland 2010'.

After discussion and having heard the Chief Executive in elaboration and in answer to Members' questions, the Council agreed to note the outcomes of officers' and Members' assessment in response to the key actions and questions raised.

VARIATION OF ORDER OF BUSINESS

After hearing Provost Agnew, the order of business was varied as hereinafter recorded.

NOTICE OF MOTION – MOTION BY COUNCILLOR DAVID McBRIDE – 'ONTOWORK'

Councillor McBride moved:-

Council notes the SNP during their Emergency Budget in October 2010 rejected the savings option

“HEED 14 – Terminate Grant to Ontowork”

instead they decided “Retain the service and transfer to CPP as part of the review of advice services”

The Labour Group opposed the transfer to the CPP as it put the continued funding of Ontowork at risk. Furthermore, it would mean that funding could be withdrawn from Ontowork without the need for a Council decision or proper scrutiny or transparency.

Council is concerned to learn the CPP have withdrawn funding and forced the closure of Ontowork.

The Labour Group takes no pleasure in this prediction coming to fruition. The SNP's October 2010 decision regarding Ontowork to "Retain the service" was simply SNP spin. It has also ensured that the closure is now going ahead without an open and transparent report to the Council.

This Council therefore calls for an urgent report on the future funding of Ontowork, including options to continue the provision, with a reviewed service that meets the required challenges to employability in West Dunbartonshire. This report should be presented for decision to a Special Council Meeting immediately after the July recess and before 5 August 11.

After hearing the Legal Officer, the Council noted that the above motion would require the suspension of Standing Order 19 (a) prior to consideration by the Council as a period of six months had not passed since a decision was made on this matter.

On a vote being taken, 11 Members voted in favour of the suspension of Standing Orders and 9 against. Having failed to obtain the support of two thirds of those Members present and voting, Standing Orders were not suspended and the motion could not be considered.

EMERGENCY MOTION BY COUNCILLOR DAVID McBRIDE – 'ONTOWORK'

Councillor McBride moved:-

This Council notes with concern that the decision taken by the Corporate and Efficient Governance Committee on 22nd June 2011 to remove all funding to OntoWork with effect from 30th June 2011 included the controversial statement, 'OntoWork staff will not participate in actions which could be seen to disrupt the new integrated service provided by the Council and its partners.'

This Council believes that this statement may be construed as denying individuals the basic legal right to lobby to retain their jobs. This Council notes that a petition was tendered to this Council by OntoWork on Tuesday 28th June 11 and is very concerned that individual staff members may suffer discrimination should they apply for posts within the new employability programme.

Therefore, this Council wishes to be explicit in clarifying the controversial statement. This Council unequivocally states that no member of staff either directly employed or otherwise funded by the Council will suffer intimidation or unequal treatment should they exercise a legitimate right to protest.

Furthermore, should any member of staff be found to have suffered detriment as a consequence of legitimate protest, this Council agrees that appropriate restitution will be made at the earliest possible opportunity.

After discussion and having heard the Legal Officer in clarification of certain matters, the Council agreed to approve the above motion.

**NOTICE OF MOTION – MOTION BY COUNCILLOR MARTIN ROONEY –
CATERING MANAGERS**

Councillor Rooney moved:-

This Council is disappointed that a restructure of Catering Services, which comprises a predominantly female workforce, was carried out without the benefit of an equality impact assessment.

Failure to carry out the equality impact assessment is contrary to the spirit of the duties placed on public bodies such as West Dunbartonshire Council.

Council is concerned about the potential negative impact that the restructure will have on employees' morale and livelihoods.

Council is also concerned about the potential negative message that is given out when we fail to recognise the interests of a specific equality group.

This Council therefore calls on the Chief Executive to bring forward a report to the next Council meeting outlining the decision making process and providing full details of the proposed changes for consideration by elected Members.

Councillor Rooney was heard in support of his motion which was seconded by Councillor McAllister.

During the course of discussion, the Chief Executive, Executive Director of Housing, Environmental and Economic Development and the Legal Officer were heard in clarification of certain matters and in answer to Members' questions.

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

That a Briefing Note be issued to Members on the decision making process involved.

Following debate, at the request of Councillor Rooney, the Council agreed to proceed by way of a roll call vote.

On a vote being taken, 10 Members, namely Provost Agnew and Councillors Brown, Finn, Hendrie, J. McColl, R. McColl, McElhill, C. McLaughlin, Robertson and Smillie voted for the amendment and 11 Members, namely Councillors Black, Calvert, Casey, McAllister, McBride, McGlinchey, W. McLaughlin, McNair, Millar, O'Neill and Rooney voted for the motion which was accordingly declared carried.

SHARED RISK ASSESSMENT – ASSURANCE AND IMPROVEMENT PLAN

A report was submitted by the Chief Executive presenting an Assurance and Improvement Plan (AIP) scorecard report for 2011/12.

After discussion and having heard the Chief Executive and relevant officers in further explanation and in answer to Members' questions, the Council agreed to note the contents of the report.

WEST DUNBARTONSHIRE SINGLE OUTCOME AGREEMENT 2011-14

A report was submitted by the Chief Executive seeking approval for the West Dunbartonshire Single Outcome Agreement (SOA) 2011-14.

After discussion and having heard the Chief Executive and Manager of Community Planning and Policy in answer to Members' questions, Councillor R. McColl, seconded by Councillor J. McColl, moved:-

That the approval of the draft Single Outcome Agreement 2011-14 be delegated to the Leader of the Council after discussion with the Community Forums.

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

That the Council agrees to continue consideration of the report to the August meeting of Council to allow adequate and effective consultation to take place with the Community Forums, prior to a decision being made in respect of this matter.

On a vote being taken, 9 Members voted for the amendment and 11 for the motion, with one abstention. The motion was accordingly declared carried.

GENERAL SERVICES CAPITAL PLAN 2011/12

A report was submitted by the Executive Director of Corporate Services providing the General Services Capital Plan 2011/12 recommended by the Corporate Management Team (CMT).

After discussion and having heard the relevant officers in answer to Members' questions, the Council agreed:-

- (1) to note the committed bids as shown in Appendix II of the report;
- (2) to note that the funds available for uncommitted capital bids in 2011/12 were £4.728m;
- (3) to approve the projects recommended for approval totalling £4.728m as listed in Appendix III and further detailed in Appendix IV of the report;
- (4) to approve the capital plan for 2011/12 as detailed in Appendix I of the report, including the recommended projects as outlined;

- (5) to note that, in the event of final approval for the Dumbarton Academy project, there may be no resources available for further projects in 2012/13 and 2013/14; and
- (6) to note that the draft capital plans for 2012/13 and 2013/14 would be presented to Council in August 2011.

SECURITISATION – OPTIONS FOR INVESTMENT

A report was submitted by the Executive Director of Housing, Environmental and Economic Development:-

- (a) informing of the investment projects which had been developed to outline business case stage which would benefit the Council by improving the delivery of its services and/or revenue costs and could be funded from either the existing Council's General Services Capital funds, the Council's Modernisation Fund, Spend to Save Budgets and/or monies raised through the Council's Securitisation Project; and
- (b) seeking approval to develop these projects into detailed business cases which would be submitted to Council for consideration at the end of the year.

Councillor R. McColl, seconded by Councillor C. McLaughlin, moved:-

That the Council agrees the recommendations contained in the report, as follows:-

- (1) that all of the projects identified within the report are progressed to detailed Business Case stage and for them to be submitted to the Council for consideration at the end of this calendar year;
- (2) that projects SP/11 Fleet Replacement, and SP/12 Street Lighting (see 3.16) should not be funded through Securitisation Fund, with Fleet Replacement being funded through leasing via revenue funds, and Street Lighting restructured into a planned phased approach funded from other more appropriate funding streams to be identified in the future;
- (3) that the project SP/7 Energy Wind Turbines (paragraph 3.17 refers) should be funded from the Modernisation Fund and be developed with a detailed Implementation Plan with a report coming back to a future Council meeting;
- (4) that the project SP/8 School Estate (paragraph 3.18 refers) could be funded from a range of funding streams, including some or all of investment costs coming from Securitisation monies;

- (5) that the project SP/3 ICT Core Infrastructure (paragraph 3.20 refers) should be funded from the Council's General Services Capital Budget following the development of a detailed business case subject to material developments in the Clyde Valley Shared Services Review that may modify this position;
- (6) to set aside £250,000 from the Council's Modernisation Fund to allow officers to procure the necessary expertise and support to assist in the preparation of detailed business cases for those projects supported; and
- (7) that authority be delegated to the Executive Director of Housing, Environmental and Economic Development to oversee the development of the detailed business cases and the utilisation of the £250,000 set aside to assist in the preparation of these cases, in order to bring a report to a future Council on the outcomes of the detailed business cases analysis.

As an amendment, Councillor W. McLaughlin, seconded by Councillor McNair, moved:-

To agree the recommendations of the report, subject to the following:-

That any reference to a council office and depot should be amended to state that there should not be one office but there should be two.

On a vote being taken, 1 Member voted for the amendment and 19 for the motion, with one abstention. The motion was accordingly declared carried.

DRAFT FINANCIAL STRATEGY 2011/12 TO 2020/21

A report was submitted by the Executive Director of Corporate Services seeking approval of the Council's draft Financial Strategy 2011/12 to 2020/21.

After discussion and having heard the Executive Director of Housing, Environmental and Economic development in answer to a Member's question, the Council agreed to continue consideration of the report to the next meeting of the Council in order to clarify the position with regard to the percentage increase of rents and its correlation to the Consumer Price Index (CPI), as contained in paragraphs 7.41 and 7.42 of the report, in the section under the heading 'Standard Delivery Plan/Delivery of the Scottish Housing Quality Standard (SHQS) by the year 2015'.

FINANCIAL REGULATIONS

A report was submitted by the Executive Director of Corporate Services on financial regulations.

The Council agreed:-

- (1) to approve the amendments to the Financial Regulations contained in the Appendix to the report; and
- (2) to note that, under paragraph T1 of the Appendix, the Executive Director of Corporate Services would review the Financial Regulations as circumstances demanded and that proposals for alteration would be submitted to Council for approval as required.

VACANCIES ON OUTSIDE BODIES – WEST DUNBARTONSHIRE LEISURE TRUST

A report was submitted by the Executive Director of Corporate Services seeking the nomination of three Councillors to serve as Directors on the Board of Trustees of West Dunbartonshire Leisure Trust.

After discussion and having heard the Legal Officer in clarification of advice on appointments, the Council agreed to nominate three Council Members to the Board of Trustees of West Dunbartonshire Trust, on the following basis: 1 Administration (Councillor R. McColl), 1 Labour Group (Councillor McBride) and 1 Independent (Councillor W. McLaughlin).

PROGRESS REPORT ON THE REPROVISION OF AUCHENTOSHAN DAY CENTRE

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 30 March 2011 (Pages 3573/74 refer), a report was submitted by the Chief Executive providing an update on the re-provision of Auchentoshan Day Centre.

After discussion and having heard the Director of West Dunbartonshire Community Health and Care Partnership in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the terms of the verbal update given by the Director of West Dunbartonshire Community Health and Care Partnership particularly with regard to the suitability of the Aurora Buildings, Queen's Way and the Davie Cooper Centre, both in Clydebank; and
- (2) otherwise to note the content of the report.

JOINT CONSULTATIVE FORUM MINUTE – DECISIONS ON COMPETENCY OF GRIEVANCES

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 25 May 2011 (Pages 3667/68 refer), a report was submitted by the Executive Director of Corporate Services providing further information and clarification in respect of the recommendations contained with the report.

After discussion and having heard the Head of Legal, Administrative and Regulatory Services, Councillor J. McColl, moved:-

That the Council agrees:-

- (1) to note that Officers cannot arbitrarily decide on what was a grievance. The Grievance Procedures would provide that management should obtain the advice of the Monitoring Officer before considering the competency of grievances at either Stage 1 or 2;
- (2) that decisions on whether a grievance was within the remit of the Appeals Committee should only be taken by the Monitoring Officer in consultation with the Legal Clerk to the Appeals Committee. It should only be in exceptional circumstances where a grievance was clearly outwith the remit of the Committee that the Stage 3 grievance should not go to the Appeals Committee. In these cases advice should be given to the Appellant as to the issues which render their grievance incompetent, enabling them to re-draft as a competent grievance;
- (3) that management meet with the Trades Unions to clarify, in terms of Standing Orders and committee remits, the processes available to the unions to enable them to voice their concerns. This matter has already been discussed within the Employee Liaison Group and the Trade Unions are supportive of identifying processes and mechanisms to enable early resolution of workplace disputes which may not be fully covered by the grievance policy; and
- (4) that the facility for external mediation be offered to the relevant Trades Union in relation to any outstanding matters relating to the particular grievance which had given rise to the issues addressed in the report.

Councillor Calvert asked if Councillor J. McColl would accept an addendum to his motion in the following terms:-

- (5) the grievance procedure should be amended to provide that prior to any manager making a decision on the competence of a grievance at either Stage 1 or 2, advice must be sought from the Monitoring Officer.

On Councillor J. McColl agreeing, Councillor Calvert seconded the motion.

As an amendment, Councillor W. McLaughlin, seconded by Councillor McNair, moved:-

That the matter of determining whether a grievance was competent or not be referred to external mediation.

On a vote being taken, 2 Members voted for the amendment and 18 for the motion, which was accordingly declared carried.

**NOTICE OF MOTION – MOTION BY COUNCILLOR PATRICK McGLINCHEY –
PROCEDURE FOR DEALING WITH PETITIONS FROM LOCAL RESIDENTS**

Council notes that despite questions and concerns expressed by elected members there is still no agreed process for dealing with Petitions from local residents.

Therefore subject to modification of the process by other elected members, this Council agrees to the introduction of the following process for dealing with petitions.

Process for Dealing with Petitions

All Petitions received are to be forwarded to West Dunbartonshire Council Legal Officer.

The Legal Officer will acknowledge receipt of the Petition and inform the petitioner what action is being taken.

The Legal officer will then forward a copy of the Petition to the appropriate Executive Director for their consideration.

The Legal Officer should ensure that the details of all petitions are passed to all elected Members for their attention.

All elected Members should be informed by the appropriate Executive Director of the outcome of the petition.

Councillor McGlinchey was heard in support of his motion which was seconded by Councillor Casey.

During the course of discussion, the Head of Legal, Administrative and Regulatory Services was heard in relation to the normal process which was followed in respect of petitions received.

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

That the Council agrees to take no action in respect of this matter but to ensure that a copy of any petition received be passed to the Legal Officer for attention.

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

JULY RECESS

As this would be the last meeting of the Council before the July Summer Recess, Provost Agnew took the opportunity to thank officers for all their hard work and wished Members and officers well during the Recess.

The meeting closed at 8.45 p.m.