

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday, 25 March 2009 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, 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; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; David Connell, Head of Finance and ICT; Liz Cochrane, Head of Service, Policy and Performance; Jeff Stobo, Manager of Strategy (Housing, Environment and Economic Development); William Gibson, Section Head, Estates; Andrew Fraser, Head of Legal, Administrative and Regulatory Services; and George Hawthorn, Senior Administrative Officer.

Also

Attending: Lesley McGiffen, Best Value Audit Manager, Audit Scotland.

Apology: An apology for absence was received from Councillor Jim Finn.

Provost Denis Agnew in the Chair

PROVOST'S REMARKS

After hearing Councillor Robertson, the Council noted that Councillor Finn was absent due to illness and thereafter, Provost Agnew, on behalf of the Council, wished him a speedy recovery to good health.

The Provost also took the opportunity to welcome Lesley McGiffen, Best Value Audit Manager, Audit Scotland to the meeting.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

URGENT ITEM OF BUSINESS

Councillor J. McColl asked Provost Agnew if he would accept an urgent item of business concerning the filling of the vacant position on the Auchentoshan Steering Group. Provost Agnew informed Councillor J. McColl that he would consider the matter at an appropriate juncture later in the meeting.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 25 February 2009 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 for consideration at this meeting.

APPEALS COMMITTEE – 14 AUGUST 2008

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 13 January 2009 (Pages 1644/47 refer), a report was submitted by the Executive Director of Corporate Services making recommendations in respect of the independent report by Brodies Solicitors on the delay in the implementation of a decision by the Appeals Committee held on 14 August 2008.

Following discussion and after hearing the Chief Executive and the Head of Legal, Administrative and Regulatory Services in answer to Members' questions, the Council noted the contents of the report from Brodies Solicitors, and agreed to their recommendations, as detailed in paragraph 3.5 of the report as follows:-

- (1) If the Clerk is unable to amend the letter, because what is complained of is of some considerable importance, the matter must be referred back to the Committee in order that there can be absolute clarity as to the intended outcome of the hearing. Both sides to the appeal would then be entitled to address the Committee on the terms of the decision letter.

- (2) The differences between the Council's Grievance Procedures and Disciplinary Procedures highlighted in this report are unnecessary and unhelpful and should be better aligned.
- (3) The Chief Executive should ensure that the investigation required by the Appeals Committee is completed as soon as possible and in any event before the end of March 2009.
- (4) The changes to the Grievance Procedures approved by the Council should be implemented immediately. The Procedures should be updated and reissued by the end of March. The Council should adopt similar changes to its Disciplinary Procedures.
- (5) The Council should require (not request) that all Members who sit on the Appeals Committee undertake training on the processes and procedures with which the Committee must comply.
- (6) Officers likely to be involved in advising or appearing before the Appeals Panel should undertake refresher training. The training should also be extended to relevant officers in Human Resources. The training should cover the remit of the Committee, in particular the range of decisions that are within the competence of the Committee.
- (7) The Council agrees to HR support to the Appeals Panel in addition to legal support. This may assist the Committee to achieve a better understanding of the practical (as opposed to legal) implications of their decisions.

Further to the above, it was agreed that the elected member training, as referred to in paragraph (5) above should take place as soon as possible. Pending completion of such training, the Appeals Committee would continue to deal with the business before it.

REMIT OF TENDERING COMMITTEE

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 25 February 2009 (Pages 1793/94 refers), a report was submitted by the Executive Director of Corporate Services on the remit of the Tendering Committee, the overlap between that Committee's remit and the service committees and seeking the Council's view on the appropriate Committee to consider proposed contracts.

After discussion, the Council agreed:-

- (1) to note the existing powers of Committee Conveners to determine which Committee shall deal with an issue which falls within the remit of more than one Committee;
- (2) that the decision on whether a project proceeds would generally be one which would be made by Council, a Service Committee or Officers acting under delegated powers. For example Council might agree a project as part of the Capital Plan. Alternatively the expenditure may be contained in the existing revenue budget and were it not for the £30,000 tendering limit requiring a reference to the Tendering Committee, Officers would have delegated powers to proceed;
- (3) that, if the only reason that a matter is going to committee is the fact that the tender is over £30,000 then it should go to the Tendering Committee rather than the Service Committee;
- (4) that the Tendering Committee should deal with issues relating to the type of procurement proposed; and
- (5) that the Tendering Committee should deal with consideration and approval of tenders.

MEMBERSHIP OF OUTSIDE BODIES

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 25 February 2009 (Page 1795 refers), a report was submitted by the Executive Director of Corporate Services presenting the Council with the current list of nominations to outside bodies for consideration.

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

That the list of outside bodies be amended as shown in Appendix 1 to these minutes (Councillor R. McColl read out each change page by page);

Councillor Rooney, seconded by Councillor McBride, moved:-

That there should be no changes to the list of outside bodies.

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

On a vote being taken, 10 Members voted for the amendment and 10 for the motion. There being an equality of votes, Provost Agnew used his casting vote in favour of the motion which was accordingly declared carried.

CORDALE HOUSING ASSOCIATION – PROPOSED ACQUISITION OF KIPPEN DAIRY SITE

With reference to the Minutes of Meeting West Dunbartonshire Council held on 28 January 2009 (Pages 1676/79 refers), a report was submitted by the Executive Director of Housing, Environment and Economic Development informing the Council of the findings of an Options Appraisal undertaken by Arneil Johnston Consultants in relation to the Kippen Dairy Site and making recommendations thereon. It was noted that the appendix to the report, the options appraisal, had been issued to Members separately with the agenda.

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

Council thanks officers for the report and Arneil Johnston for their Options Appraisal.

It is important that the Council makes a decision that balances the requirements with best value while at the same time taking a longer pragmatic view on what is best for the local community.

With this in mind, and with reference to Option 3 and the recommendations at 3.3 of the report, Council agrees the following:-

- To acknowledge Cordale Housing Association's willingness to develop the site and their forward thinking approach, and to recognise them as a key development partner for the regeneration of Central Alexandria.
- That the Kippen Dairy Site should be developed by Cordale Housing Association with full involvement of local community groups, tenants, residents and other stakeholders.
- To note that there are outstanding title issues on the site and agree to work in partnership with Cordale Housing Association to resolve these issues. This should be progressed as a matter of urgency with a report coming to the Housing and Economic Development Committee by September 2009.
- After completion of the above work, negotiations will take place between the Council and Cordale Housing Association regarding the sale of the site as outlined in option 3 and a report will be brought to Council as soon as practicable but no later than December 2009.
- Monthly progress reports will be issued to members in the form of briefing notes.

Further to this and to recognise the partnership approach being adopted, Council agrees that a formal Head of Terms agreement between the Council and Cordale should be developed to include the following:-

- That the Council agrees to a partnership approach with Cordale's legal representative to resolve all legal titles.
- The development brief and community consultation will take place in parallel with the work to resolve title issues.
- That Cordale will develop the Kippen Dairy Site according to the agreed development brief.
- That Cordale would assist the Council with the re-provisioning of tenants from neighbouring properties to any future development on the site.

Councillor Bollan, having failed to get a seconder to his proposed amendment, requested that his dissent be recorded in these minutes.

After discussion and having heard the Head of Legal, Administrative and Regulatory Services, the Chief Executive and the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed to approve the above motion.

REMIT FROM CORPORATE CULTURE SUB-COMMITTEE HELD ON 10 MARCH 2009 – CLYDEBANK TOWN HALL – CONDITION SURVEY

With reference to the Minutes of Meeting of the Corporate Culture Sub-Committee held on 10 March 2009 (Page XXXX refers), the relevant excerpt from the Minutes together with a report by the Executive Director of Corporate Services providing information on the general condition of the Clydebank Town Hall, was submitted for consideration.

After hearing the Chief Executive in answer to Members' questions and Provost Agnew, Chair of the Corporate Culture Sub-Committee, in further clarification, the Council agreed:-

- (1) that the current capital budget allocation of £125,000 from the Corporate Cultural budget be transferred over to augment the £131,000 capital carried forward as committed expenditure for 2009/10 to deal with essential maintenance issues at Clydebank Town Hall; and

- (2) that the repairs and maintenance to Hall Street baths would be included for consideration in any future reports on the condition of the Clydebanks Town Hall.

MEMBER/OFFICER WORKING GROUP ON PHASE 2 OF THE REGENERATION OF THE SCHOOLS' ESTATE – UPDATE REPORT

A report was submitted by the Executive Director of Educational Services providing the Council with an update on the progress of the Member/Officer Working Group: Regeneration of the West Dunbartonshire Schools' Estate – Phase 2.

The Council agreed:-

- (1) to note this report and the informal consultation process carried out to date; and
- (2) to approve the proposed ongoing process and programme as detailed in the Programme to delivery of the Schools Estate Management Plan/Outline Business Case (Appendix 3 of the report refers).

GENERAL SERVICES CAPITAL PLAN 2009/10

A report was submitted by the Executive Director of Corporate Services providing the Council with the General Services Capital Plan for 2009/10 which was recommended by the Corporate Management Team.

After hearing the Head of Finance and ICT in answer to Members' questions, the Council agreed:-

- (1) to note the committed bids as shown in Appendix I of the report;
- (2) to note that the funds available for uncommitted capital bids in 2009/10 was £5.617m;
- (3) to agree the projects recommended for approval totalling £5.617m as detailed in Appendix III of the report (see Appendix II of these minutes);
- (4) to approve the capital plan for 2009/10 as detailed in Appendix I of the report (see Appendix III of these minutes), including the prudential borrowing requirement (as agreed at Council on 12 February 2009) and recommended projects;

- (5) to note that the draft capital plans for 2010/11 and 2011/12 would be presented to Council in August 2009;
- (6) to continue consideration of the decision on the Dalmuir Park Restoration Project until a future meeting of the Council, pending a report detailing the options available to the Council; and
- (7) to note that the recommended budget did not meet all health and safety legislative commitments and that this, and other matters, would be addressed in an update report to Council in August 2009.

DEVELOPMENT OF A ROBUST FINANCIAL FRAMEWORK

A report was submitted by the Executive Director of Corporate Services updating the Council on the development of a robust financial framework and inviting comment on the role, remit and frequency of meetings, membership and name of a proposed new Committee.

After discussion, it was agreed to continue consideration of this item to the next meeting of the Council.

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 – ADOPTION OF MODEL PUBLICATION SCHEME

A report was submitted by the Executive Director of Corporate Services seeking the Council's approval of the Draft West Dunbartonshire Council Model Publication Scheme for submission to the Office of the Scottish Information Commissioner by 4 April 2009.

It was noted that the appendices to the report, which included the model publication scheme, had been issued to Members separately with the agenda.

After discussion, the Council agreed:-

- (a) to adopt the Publication Scheme as shown in Appendix 1 to the report, and
- (b) that the Council would not charge for Freedom of Information requests.

DESIGNATION OF POLLING PLACES

A report was submitted by the Chief Executive asking the Council to approve the designation of polling places to be used for the elections to be held in 2009.

After hearing Councillor J. McColl, the Council agreed to approve the list of recommended polling places for use at any elections or by-elections occurring in 2009, subject to officers investigating the possibility of using the Council Offices, Garshake Road, Dumbarton as a polling place instead of Aitkenbar Primary School.

PROGRESS OF BEST VALUE IMPLEMENTATION PLAN

A report was submitted by the Chief Executive presenting an update on the progress of the Best Value Improvement Plan against the priorities identified by Audit Scotland's Best Value Audit Work.

After hearing the Chief Executive and the Executive Director of Corporate Services in answer to Members' questions, the Council noted the progress made on the implementation of the Best Value Improvement Plan.

ADJOURNMENT

After hearing Provost Agnew, the Council agreed to adjourn for a short period.

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

QUESTIONS

Questions by Councillor Craig McLaughlin to the Leader of the Opposition

In the absence of Councillor Craig McLaughlin, Councillor Calvert asked the undernoted questions.

- (a) Does the Leader of the Opposition believe that it is acceptable for any member to use Members' Services for political purposes?
- (b) Will the Leader of the Opposition agree to support any sanction against any Councillor who has used Members' Services for political purposes?

Councillor Rooney responded in the following terms:-

It is no coincidence that these questions are being asked following a joint letter to Tenants and Residents Groups sent by Councillors Bollan and Calvert. It is apparent that the SNP is paranoid about the public finding out about the decisions they are taking and want to close down debate.

As Leader of the Labour Opposition, I am determined to ensure that openness and transparency are fundamental principles that apply to the decisions of all elected members. I will support every elected member who strives to shine the light of truth into the dark corners of the decisions taken by this Council and if the SNP cannot accept the rights of our community to know what they are doing in the community's name, then we are destined for future turmoil.

The primary purpose of elected members is to take political decisions. Therefore it could be argued that everything that elected members do is political. All politicians should be properly supported in order to carry out their political role effectively. The Improvement Service has said as much in the seminars that they have run for councillors.

All councillors in regulatory committees are free to take individual decision based on the merits of the issue being discussed. In other decision making bodies, councillors from political parties such as SNP, SSP and the Labour Party are guided by a set of core values which inform their political decisions. This ensures a consistent approach to issues. Independent councillors on the other hand will take decisions based on their own narrow self interest.

Clearly elected members have a duty to be accessible to their constituents and to keep the public informed about their activities. This can be done using a variety of means such as press stories, letters to individual constituents, and letters to community groups.

Many Councillors will send briefing notes and copies of other publications to community groups for their attention. Councillor McLaughlin himself has earned a reputation as a hard working councillor using Members' Services to distribute a variety of letters to individuals and community groups. As the SNP Group Press Officer, Councillor McLaughlin is in regular communication with local media and both mobile and fixed telephone contact numbers are included in his Group's press releases.

Furthermore SNP Councillors Willie Hendrie, Jim Brown, Jim Finn and Jim McElhill promote the Council Members' Services facilities on the Clydebank SNP website. Including their Council email address, their Council telephone number, and their Council mobile number all on a political party website. It is acknowledged that in order for these councillors to communicate effectively with their constituents and others they have used facilities provided by Members' Services.

NOTICES OF MOTION

(a) Motion by Councillor Ronnie McColl – The Chief Executive

The SNP feel that, given the recent unfounded comments and motions surrounding the Chief Executive, it is important to make a public commitment to the Chief Executive in order to dispel any uncertainty that has been created.

This Council therefore fully supports the Chief Executive in the execution of his duties.

Furthermore, the mover of the motion asks Council for a roll call vote.

Councillor R. McColl spoke in support of his motion which was seconded by Councillor Rooney.

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

The direct negative of the motion.

After hearing Councillor R. McColl, the Council agreed to proceed by way of a roll call vote.

On a vote being taken, 1 Member voted for the amendment (namely Councillor Jim Bollan), 18 Members voted for the motion (namely Provost Agnew, Councillors Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie and 1 Member abstained (namely Councillor Black).

The motion was accordingly declared carried.

(b) Motion by Councillor Craig McLaughlin – The Royal Mail

This Council expresses deep concern at the publication of the UK Government's controversial plans to part-privatise the Royal Mail to a foreign operator. The Royal Mail has undergone a sustained period of change and is starting to show that it is now a sustainable organisation. Despite this Lord Mandelson has ploughed ahead with his plans and will seek the support of the Conservatives to push his plans through.

The Council notes with concern that the Labour Party conference and the manifesto of 2005 that all the Labour Councillors, MSPs and MPs stood on clearly stated a commitment to retain the post office in the public sector. It is clear that this policy by Lord Mandelson is a complete betrayal of the public.

The future of Royal Mail as a public service is of vital interest to Scotland and every community and small business should make known their outright opposition to this controversial plan. The Royal Mail is a fundamental public service and must remain in the public sector.

The Council notes with disappointment that our local MP John McFall has not signed the early day motion no 428, which was lodged by Labour MP Geraldine Smith.

In the absence of Councillor C. McLaughlin, the above motion was moved by Councillor Robertson and seconded by Councillor J. McColl.

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

This Council recognises that the Royal Mail provides an essential and universal local service to communities – particularly in rural and low-income areas and that the future of the Royal Mail is of vital interest to Scotland.

This Council welcomes the Government's ongoing commitment to a publicly owned Royal Mail providing a universal service and the recent announcement that the Post Office will keep the contract for the Post Office Card Account, securing the future of 6,000 Post Office branches across the UK. The Council notes the pivotal role played by local MP John McFall in securing the future of the Post Office Card Account.

The Council recognises with concern that the Royal Mail is facing a £7 billion pension deficit, which threatens its future as a viable service and urges the government to take decisive action to address this deficit to protect the universal postal service and secure the future of the Royal Mail under public ownership.

To this end we welcome the Government's plans to enshrine Royal Mail in legislation as a publicly owned company and to address the Royal Mail's pension deficit.

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

(c) Motion by Councillor Martin Rooney - West Dunbartonshire Asian Women's Group

Having heard Councillor Rooney, the Council agreed that the motion which had been submitted in respect of this item be withdrawn. In response to a Member's question, the Head of Legal, Administrative and Regulatory Services confirmed that the motion could be withdrawn as it had not been moved.

(d) Motion by Councillor David McBride - NHS Consultation

Council regrets the decision taken by the board of NHS Greater Glasgow and Clyde to remove 24/7 anaesthetics service, coronary care, treatment for strokes, gastrointestinal bleeds and epileptic seizures from the Vale of Leven Hospital to the Royal Alexandra Hospital in Paisley; further regrets the decision to close the Christie Ward, which provides invaluable inpatient acute mental health services to the local community; notes that NHS Greater Glasgow and Clyde have displayed utter contempt for the views of the local community. We note that this decision is not keeping services local, as promised by the Scottish Government, and therefore calls on the Council Leader to write to the Cabinet Secretary for Health and Wellbeing urging her to reject these proposals, retain 24/7 anesthetics and the Christie Ward at the Vale of Leven Hospital.

Councillor McBride was heard in support of his motion.

Declaration of Interest

In response to a point of order raised by Councillor McBride, in connection with Standing Order 9, Councillor Robertson sought clarification from the Head of Legal, Administrative and Regulatory Services as to whether he was required to declare an interest in this item being a Member of the Greater Glasgow and Clyde NHS Board. After hearing the Head of Legal, Administrative and Regulatory Services, Councillor Robertson declared a non-financial interest in this item of business and remained within the meeting.

Thereafter, the Council agreed to approve the above motion.

(e) Motion by Councillor Geoff Calvert - Community Service Volunteers (CSV) – Retired and Senior Volunteer Programme (RSVP) Voluntary Drivers. see <http://www.csv-rsvp.org.uk/site/home.htm>

This Council agrees that the voluntary drivers who operate in West Dunbartonshire, picking up elderly and patients from their homes, taking them to clinics and hospitals and then returning them to their homes provide an invaluable personal service to our residents.

This Council notes that core Grant funding for this service that was previously provided by the Scottish Government will be withdrawn from the end of March 2009. Government Ministers have directed the RSVP to secure alternative funding from local authorities via Community Planning Partnerships.

This Council agreed that it will use all its influence to secure funding through the CPP to sustain this vital service in West Dunbartonshire and, in addition, requests the West Dunbartonshire CVS to liaise with the group in order to give them any advice and support they require.

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

(f) Motion by Councillor Jim Bollan – Royal Mail

This Council being aware of the Westminster Government's proposals to part privatise the Post Office agrees to write to the business secretary, Peter Mandelson, opposing the part removal of this publicly owned service into private hands. Council also agrees to write to John McFall MP making him aware of our position and calling on him to vote against these proposals when the Bill is tabled in the House of Commons.

In furtherance of adopting this policy position, Council agrees to immediately discontinue using the services of TNT and any other private postal providers we currently use, in favour of the Post Office services group of businesses.

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

The Chief Executive was heard in answer to Members' questions.

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

No action is taken on this item.

As a second amendment, Councillor J. McColl, seconded by Councillor McElhill, moved:-

That this item be continued until such times as a full option appraisal has been carried out on the proposals.

As a third amendment, Councillor W. McLaughlin, seconded by Councillor Hendrie, moved:-

This Council being aware of the Westminster Government's proposals to part privatise the Post Office agrees to write to the business secretary, Peter Mandelson, opposing the part removal of this publicly owned service into private hands. Council also agrees to write to John McFall MP making him aware of our position and calling on him to vote against these proposals when the Bill is tabled in the House of Commons.

On a vote being taken between the third amendment (by Councillor W. McLaughlin) and second amendment (by Councillor J. McColl, 10 Members voted for the third amendment, 0 for the second amendment and 10 Members abstained.

On a vote being taken between the third amendment (by Councillor W. McLaughlin) and the amendment (by Councillor Robertson), 10 Members voted for the third amendment, 8 for the amendment and 2 Members abstained.

On a vote being taken between the third amendment (by Councillor W. McLaughlin) and the motion (by Councillor Bolland), 9 Members voted for the third amendment, 3 for the motion and 8 Members abstained.

The amendment by Councillor W. McLaughlin was accordingly declared carried.

(g) Motion by Councillor Craig McLaughlin – Earth Hour

On Saturday 28 March 2009 at 8.30 p.m. people around the world will turn off their lights for one hour as a demonstration to the decision makers of the world about the concerns on climate change.

This event has been initiated by the WWF in 2005, and that the timing would coincide with the international negotiations being held in Copenhagen in December.

There are a number of cities and areas that have already signed up to the event - cities including Bangkok, Copenhagen, Dubai, Edinburgh, Las Vegas, Los Angeles, Mexico City, Moscow, Oslo, Poznan, Sydney, Toronto to name a few.

Local authorities are being asked to play their role in leading and championing action on climate change in their respective local areas.

This Council pledges to help and support Earth Hour by promoting the event through our internet, intranet, local communities and schools. The Council also agrees to instruct officers to examine where practical all building lights that can be switched off as part of the Earth Hour Campaign. (It should exclude street lights, emergency and security lighting) on Saturday 28th March 2009 at 8.30 pm.

In the absence of Councillor C. McLaughlin, the above motion was moved by Councillor J. McColl.

The Council agreed to approve the above motion.

The meeting closed at 9.05 p.m.