

WEST DUNBARTONSHIRE COUNCIL

At a Hybrid Meeting of West Dunbartonshire Council held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 9 February 2022 at 10.02 a.m.

Present: Depute Provost Karen Conaghan, Bailie Denis Agnew and Councillors Jim Bolland, Jim Brown, Gail Casey, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Caroline McAllister, David McBride, Jonathan McColl, Iain McLaren, John Millar, John Mooney, Lawrence O'Neill, Sally Page, Martin Rooney and Brian Walker.

Attending: Joyce White, Chief Executive; Peter Hesselton, Chief Officer – Regulatory and Regeneration (Legal Officer); Laurence Slavin, Chief Officer – Resources and Section 95 Officer; Angela Wilson, Chief Officer – Supply, Distribution and Property; Victoria Rogers, Chief Officer – People and Technology; Peter Barry, Chief Officer – Housing and Employability; Amanda Graham, Chief Officer – Citizen, Culture and Facilities; Laura Mason, Chief Officer – Education; Beth Culshaw, Chief Officer, Health and Social Care Partnership; Gail MacFarlane, Chief Officer – Shared Services Roads and Neighbourhood, George Hawthorn, Manager – Democratic and Registration Services and Christine McCaffary, Senior Democratic Services Officer.

Apologies: Apologies for absence were intimated on behalf of Provost William Hendrie and Councillors Douglas McAllister and Marie McNair.

Depute Provost Karen Conaghan in the Chair

STATEMENT BY CHAIR

Depute Provost Conaghan advised that the meeting was being audio streamed and broadcast live to the internet and would be available for playback.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Council agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 22 December 2021 were submitted and approved as a correct record.

MINUTES OF AUDIT COMMITTEE

The Minutes of Meeting of the Audit Committee held on 15 September 2021 were submitted for information and the content noted.

OPEN FORUM

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

VARIATION IN ORDER OF BUSINESS

Having heard the Depute Provost, the Council agreed to vary the order of business as hereinafter minuted.

NOTICE OF MOTIONS

(b) Motion by Councillor David McBride – Reinstatement of Partially Collapsed Wall

Councillor McBride moved:-

This Council notes the Planning Committee granted permission on 8/12/21 to application DC21/268/FUL – “Reinstatement of partially collapsed wall with a gabion basket retaining wall and railings on top at 2 & 4 Williamson Ave, Dumbarton.

Planning Committee members were informed that the application for the work to reinstate the collapsed wall is only a partial solution to the wall. There is still no resolution to repair the earlier section of the wall that collapsed around 3 years ago.

The lack of any action to this part of the wall has now endangered the structure of the public road and pavement of Williamson Ave, following an

assessment towards the end of 2021 barriers and restrictions have been introduced.

Notwithstanding the inconvenience to residents and the reduced parking available, local residents of the tenement flats have grave concerns that the foundations and structure of their property is at risk.

Residents have been raising their fears and concerns and believe West Dunbartonshire Council inaction in failing to enforce the dangerous building notices and shore up the public footway and road in the last three years has had a direct impact on their property.

Furthermore, residents are concerned many homes could become dangerous and uninhabitable and they potentially could end up homeless and owning debt on worthless properties.

In addition a further wall collapse could potentially cause injury or worse to an area which is part of a "safe walking route" to Braehead Primary School.

Council agrees West Dunbartonshire Council are part of the solution to safeguard and protect the residents homes in Williamson Ave and to ensure the footway and public road in Williamson Ave is made safe and secure.

Residents patience is running out and after three years waiting, this Council agrees that urgent action is long overdue.

Council therefore calls on the Chief Executive to:

1. Arrange for an urgent meeting (virtual if required) of local residents to listen and hear their concerns. The meeting should be attended by the relevant Council departments including senior officers from Building Services, Planning, Roads and Legal Services.
2. To provide a full report back to the next ordinary Council Meeting on the history since the initial wall collapse and what action has been taken by West Dunbartonshire Council. What action WDC proposes to take to safeguard the public pathway & road in Williamson Ave.
3. Provide options and related costs and recommendations for Council to make an informed decision on how to proceed in this matter.

It is an undoubtable fact that earlier action in the initial wall collapse would have resolved this problem, delay is not an option and a solution must be found as soon as possible.

The Depute Provost asked if Councillor McBride would accept the following as a addendum to his motion:-

That a fourth point be added, that the Council letter residents of Williamson Avenue providing them with a summary of what is happening and the other points that are being asked of the Council.

Councillor McBride confirmed his acceptance to the addendum and the motion was agreed by the Council.

HOUSING REVENUE ACCOUNT (HRA) ESTIMATES RENT LEVELS 2022/2023

A report was submitted by the Chief Officer – Housing and Employability seeking approval of the level of weekly rent increase for 2022/23.

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

- (1) the weekly rent increase for 2022/23 at an average £1.65 on a 52 week basis (£1.83 on a 47 week basis), equating to 2%;
- (2) to increase rents at the Gypsy Travellers site by the 2%;
- (3) to agree to maintain the existing level of lock-up rent at £5.44 per week on a 52 week basis (£6.02 on a 47 week basis) at the same level as for 2021/22; and
- (4) to note the outcome of the tenant consultation process detailed in Appendix 1 of the report to retain a Tenant Priority Budget of £400K and redirect the remaining £400K to accelerate the External Wall Insulation (EWI) programme (32 properties).

COVID-19 UPDATE

A report was submitted by the Chief Executive providing an update in relation to COVID-19 in West Dunbartonshire.

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

- (1) to note the information provided on COVID-19 in West Dunbartonshire since the update provided to the Council in December 2021; and
- (2) to note the information provided in relation to the additional support and advice that the Council was providing to communities and businesses across West Dunbartonshire to help alleviate the impact of COVID-19.

GENERAL SERVICES BUDGET 2022/23 UPDATE

A report was submitted by the Chief Officer – Resources providing an update on the 2022/23 budget process.

Councillor Dickson seconded by Councillor McColl moved:-

That Council agrees:-

- (1) to note the updated projected budget gap for 2022/23 as £5.509m; and
- (2) to note the appended list of savings options and additional potential measures to help deliver a balanced 2022/23 budget when Council convenes to agree the budget on 9 March 2022.

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

Council thanks officers for the report and acknowledges all the hard work that has gone into preparing this.

Council notes that the updated projected budget gap is £5.509m without the 3% assumed Council Tax.

Each 1% of Council Tax equals £370,000 so the 3% assumed adds another £1.110m to the updated projected budget gap.

The real gap therefore is £6.624m.

As well as the above, the Scottish Government has chosen not to fund the 1.25% National Insurance Contributions (NIC) increase. Instead, this Council has only received a share of the UK consequential of £2.160 which is only for one year at present. So the SNP Scottish Government is building in service cuts for future years.

We have had fourteen years of underfunding by the SNP, forcing councils to cut services.

The Scottish Parliament starts stage 3 of its budget process on 10th February.

Therefore, we call on the Scottish Government to properly fund West Dunbartonshire Council.

Asking local taxpayers to shoulder the additional burden through increased Council Tax during the cost of living crisis and at the same time expecting councillors to cut local services is not acceptable to this council.

Council therefore asks the Chief Executive to contact the Cabinet Secretary for Finance as a matter of urgency to convey our request for fair funding for West Dunbartonshire.

On a roll call vote being taken 11 Members voted for the amendment, namely Councillors Bollan, Casey, Lennie, Caroline McAllister, McBride, Millar, Mooney, O'Neill, Page, Rooney and Walker and 8 Members voted for the motion, namely Depute Provost Conaghan, Bailie Agnew and Councillors Brown, Dickson, Docherty, Finn, McColl and McLaren. The amendment was accordingly declared carried.

ADJOURNMENT

The Depute Provost adjourned the meeting for a period of 30 minutes. The meeting reconvened at 12.58 p.m. with all those listed in the sederunt present.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO PERIOD 9

A report was submitted by the Chief Officer – Resources providing an update on the General Services revenue budget and the approved capital programme to 31 December 2021.

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

- (1) to note a current projected annual favourable variance on the revenue account of £0.079m (0.03% of total budget), excluding any variance as a consequence of COVID which was expected to be fully funded by Scottish Government (SG) COVID funding carried forward from 2020/21 and allocated in 2021/22;
- (2) to note that projected expenditure on the capital account was lower than the 2021/22 budget by £16.963m (31% of budget), made up of £17.777m (32.49% of budget) of project slippage, and an in-year net overspend of £0.813m; and
- (3) to note the further spend on a capital project to be accelerated from 2022/23 into 2021/22 (£0.052m).

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO PERIOD 9

A report was submitted by the Chief Officer – Resources providing an update on the financial performance to 31 December 2021 (Period 9) of the HRA revenue and capital budgets for 2021/22.

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

- (1) to note that the revenue analysis showed a projected annual favourable variance of £0.008m; and

- (2) to note that the net projected annual position in relation to the capital plan was highlighting an in-year variance of £10.812m, which was made up of slippage of £11.076m (22.92%) and overspend of £0.264m (0.55%) as detailed in Appendix 4 of the report.

MEMORIAL GARDENS PROPOSAL – MOTIONS FROM COUNCIL 24 JUNE 2020 AND 26 MAY 2021

A report was submitted by the Chief Officer – Roads and Neighbourhood regarding Covid memorial garden proposals.

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

- (1) to approve in principle the memorial garden locations identified as Levensgrove Park, Dumbarton; Dalmuir Park, Clydebank and Christie Park, Alexandria as noted in section 4.3 of the report;
- (2) that officers commence with the public consultation exercise to develop and shape the memorial garden proposals; and
- (3) to note the national Covid Community Memorial programme managed by Greenspace Scotland and the opportunities for West Dunbartonshire communities to participate in the project.

UPDATE ON TRAFFIC AND PARKING CONTROLS AT KILPATRICK HILLS – MOTION FROM COUNCIL 26 MAY 2021

A report was submitted by the Chief Officer – Roads and Neighbourhood providing an update on actions taken in relation to vehicular access and the use of the Kilpatrick Hills.

The Council agreed:-

- (1) to note the update on actions contained within the report; and
- (2) that monitoring continue during the summer season 2022.

WATER SAFETY POLICY AND LIDO ON LOCH LOMOND MOTION FROM COUNCIL 26 AUGUST 2021

A joint report was submitted by the Chief Officer – Supply, Distribution and Property and the Chief Officer - Roads and Neighbourhood providing an update on a proposed Water Safety Policy and the feasibility of a Loch Lomond Lido.

After discussion and having heard the Chief Officer - Roads and Neighbourhood, in answer to Members' questions, the Council agreed:-

- (1) to note the contents of the report and no further action be taken that at this time in respect of any formation of a lido due to the significant cost implications;
- (2) to enter into a procurement process to engage with a consultant to deliver a Water Safety Policy;
- (3) that additional budget in the sum £30,000 be included in the budget for the financial year 2022/23 to cover the consultancy appointment for the proposed Water Safety Policy; and
- (4) that the Council become a member of Water Safety Scotland.

ATTAINMENT CHALLENGE FUNDING REDUCTION

A report was submitted by the Chief Education Officer advising of new information and data regarding Primary School educational attainment and the impacts of the pandemic on communities with challenging circumstances.

Councillor Mooney moved:-

This Council is appalled by the Scottish Government's planned cuts to the Council's share of the Scottish Attainment Fund.

The Scottish Attainment Fund is a highly targeted fund which was designed to address the poverty-related attainment gap and improve outcomes for learners while embedding sustainable change.

The Council would have received £8,175,260 between 2022/23 and 2025/26 if the Scottish Government had maintained the current funding level.

However, they have decided to cut the funding which means that the Council will now receive £5,195,080.

Therefore, we will lose out on £2,980,180 over the four year period.

By year four the annual allocation will have reduced from the original £2,043,815 down to £851,743.

The SNP cuts are wholly unacceptable and this council therefore completely rejects them.

The report shows that the Scottish Government cuts would damage outcomes for learners, widen the poverty-related attainment gap, and disrupt sustainable change.

Between 2015 and 2019, we made steady progress in improving outcomes for learners and narrowing the poverty-related attainment gap.

This was interrupted by the pandemic.

The Scottish Government's report of December 2021 confirmed that the attainment gap for pupils in literacy and numeracy has generally widened, and pupils from the poorest areas have seen the biggest decrease.

Moreover, it is clear from our local data at 4.5.3 of the report that pupils in deprived areas have been more adversely affected.

It is also clear that more, not less, targeting of funding to deprived areas is needed to sustain progress in narrowing the poverty-related attainment gap.

Given the above, this Council rejects the proposed SNP cuts and calls on the Chief Executive to write to the Scottish Government to request that the current funding level to West Dunbartonshire is maintained.

Councillor McColl asked if Councillor Mooney would accept the following addendum to the motion:-

That the last paragraph be changed to 'Given the above, this Council rejects the proposed SNP cuts and calls on the Chief Executive, Leader of the Council and Leader of the Opposition to sign a joint letter to the Scottish Government. The letter should also request a meeting with the relevant cabinet secretary or ministers to discuss the impact of this reduction on educational services in West Dunbartonshire.'

Councillor Mooney accepted the addendum, and the motion was agreed by the Council.

SUSPENSION OF STANDING ORDERS

Having heard the Legal Officer, the Council agreed to suspend Standing Order 20(d) to allow consideration of the following item of business.

SCOTTISH YOUTH PARLIAMENT MEMBERSHIP OF THE EDUCATIONAL SERVICES COMMITTEE

A report was submitted by the Chief Education Officer requesting consideration if Scottish Youth Parliament members should be nominated to serve on the Educational Services Committee.

Councillor McColl seconded by Councillor Dickson moved:-

That Council agree:-

- (1) to approve the recommendation of the Educational Services Committee by permitting the addition of two Scottish Youth Parliament members on the Education Services Committee;

- (2) that voting members of the Committee require to be over the age of sixteen years old;
- (3) that such members should be excluded from consideration of matters covered by consultation under the Schools Consultation (Scotland) Act 2010, or any matter, which may directly involve the management of their particular school, rather than more general educational matters or matters which effect all schools or particular stages of education, generically; and
- (4) to amend the Council's Standing Orders to give effect the above proposals.

As an amendment, Councillor O'Neill seconded by Councillor Mooney moved:-

That Council agree that provided there is no legal impediment the two Scottish Youth Parliament members (aged 14 – 16 years) become voting members of the Educational Services Committee.

On a roll call vote being taken 8 Members voted for the amendment, namely Councillors Bollan, Casey, Lennie, McBride, Millar, Mooney, O'Neill and Rooney and 11 voted for the motion, namely Depute Provost Conaghan, Bailie Agnew and Councillors Brown, Dickson, Docherty, Finn, Caroline McAllister, McColl, McLaren, Page and Walker. The motion was accordingly declared carried.

NOTICE OF MOTIONS

(a) Motion by Councillor Jim Bollan – International Labour Organisation's Violence and Harassment

Councillor Bollan moved:-

On 13 December 2021 Parliament gave the Government the green light to sign up to the first treaty to address harassment and violence in the world of work. The International Labour Organisation's Violence and Harassment Convention (ILO C190).

In advance of this becoming law in around one year time Council agrees to:

- Review all staff policies to mitigate the risk of harassment and violence at work.
- Ensure a clear and transparent policy against harassment and violence is known and available to employees, and acted upon if complaints are received.
- Use its influence to encourage local businesses to review and improve their policies on violence and harassment.

A full report by the CEO to be provided detailing our current policies and changes that are required to meet the terms of the new treaty to the first meeting of the new Council elected on 5 May 2022, immediately after the inaugural meeting of the new Council.

Councillor McColl asked if Councillor Bollan would accept the following addendum to the motion:-

That at the end of the last paragraph the words 'or as soon as possible' be added.

Councillor Bollan confirmed his acceptance and the motion was agreed by the Council.

(c) Motion by Councillor John Mooney – Emergency Graffiti Removal

Councillor Mooney moved:-

Council is very concerned about the recent spate of sectarian graffiti in the area. The recent conflation with anti-vax sentiment at the Hub in Clydebank, which is a vaccination centre, is particularly worrying.

The Council has a responsibility to remove such offensive graffiti as quickly as possible.

Council thanks our Roads & Greenspace Team and Y-Sort-It for the removal next day of the graffiti on the Hub.

In order to facilitate speedy removal in future, Council agrees to allocate £15k from free reserves to the Anti-social behaviour (ASB) budget for emergency removal of offensive graffiti in the evenings and at weekends. Council also agrees that these funds be used to cover the costs of any additional call-out charges.

The Council agreed the motion.

(d) Motion by Councillor John Millar - Appointment of New Chief Executive

Councillor Millar seconded by Councillor Lennie moved:-

Council notes the decision of the Chief Executive to retire later this year. Council will take the opportunity to thank the Chief Executive for her service to West Dunbartonshire at a future Council meeting.

Council believes that the decision to recruit and appoint the new Chief Executive will be an obviously crucial factor for the future strategic direction of

the Council, and we agree that it is vital to start the recruitment process as soon as possible.

However, as we are fewer than 100 days until the Council election, the final recruitment stages should be held as soon as possible following the May elections.

As an amendment, Councillor McColl seconded by Councillor Dickson moved:-

That no action be taken.

On a roll call vote being taken 9 Members voted for the amendment, namely Depute Provost Conaghan and Councillors Brown, Dickson, Docherty, Finn, Caroline McAllister, McColl, McLaren and Page and 10 for the motion, namely Bailie Agnew and Councillors Bollan, Casey, Lennie, McBride, Millar, Mooney, O'Neill, Rooney and Walker. The motion was accordingly declared carried.

(e) Motion by Councillor Sally Page – Woodland Management Plan for Balloch Country Park

Councillor Page moved:-

This Council supports the updating of the 2014 plan of West Dunbartonshire Council and the National Tree Collections of Scotland for a Woodland Management Plan for Balloch Country Park.

This Council will support grant applications being sought through the Loch Lomond and Trossachs Countryside Trust, National Tree Collections of Scotland and Royal Forestry Scotland to enable the Management plan to be put into action.

The Council agreed the motion.

Note:- Councillor Page left the meeting at this point. Councillor O'Neill left the meeting during consideration of the following item, but before the vote was taken.

(f) Motion by Councillor Caroline McAllister – LGBT School Guidance

Councillor Caroline McAllister seconded by Councillor Bollan moved:-

Council reaffirms its commitment to equality law assuring concerned parents that across the education establishment in West Dunbartonshire all pupils matter.

Council acknowledges the concerns expressed by parents regarding the latest Scottish Government non-statutory guidance on LGBT School Guidance.

Council is reminded that the previous version of said guidance was decreed to be unlawful as stated by the Cabinet Minister at the time in the chamber of the Scottish Parliament in June 2019.

Unfortunately, the recent guidance appears to contain similar recommendations as the previous and ignores the exemptions in the Equality Act 2010 that affords young women and girls the right to privacy and dignity in certain situations, e.g. single sex toilets and changing facilities.

It is also noted that significant and unreasonable responsibility is placed on teaching staff; who may not have the skill set or expertise, to support a child with these complex issues and are instructed to affirm school children's 'gender identity' regardless of age, maturity and capacity to fully understand the implications; including children as young as four years of age.

The guidance states that schools are not obliged to disclose said changes to parents. As non-statutory guidance this places head teachers and schools at risk of law suits as well as eroding parents confidence and trust in teaching staff.

This is yet another sign of Government's overreach into family life by excluding parents in this serious matter. Affirmation without sensitive, appropriate, age related, expert talking therapies has serious implications for individual children who may be unhappy or distressed about other underlying issues.

More and more evidence is coming to light of young people being affirmed and a couple of years down the line, experiencing "transition regret".

Sadly for many young people who were put on a medical pathway without due care and expert psychotherapy intervention, went on to have double mastectomies and hysterectomies and are left to mourn their decision, their infertility and the irreversible changes to their body.

Research shows that children and young people who are put on puberty blockers, an experimental treatment; go on to cross sex hormones, whereas young people who are sensitively and expertly supported through puberty grow out of their distress and desist, often realising as they mature that they are gay and not trans.

Council is fully committed to ensuring all children and young people do not face discrimination or prejudice in their school life and calls upon the Education Department to explore other LGBT School Guidance available that ensures dignity and respect for all pupils.

Council calls upon the Education Department to consider Sex Matters, Transgender Trend, Gen Spect and Safe Schools Alliance UK guidance, in conjunction with Scottish Government school guidance and to bring a report back to a Council meeting on their findings.

As an amendment Councillor McColl seconded by Councillor Mooney moved:-

Council agrees that every child and young person in our schools must be treated with dignity, respect and understanding and we are fully committed to ensuring children and young people do not face discrimination or prejudice in their school life.

Council notes that guidance for schools, including the 'Supporting Transgender Pupils In Schools' guidance (herein referred to as 'the guidance'), has the aim of ensuring that every child and young person feels happy, safe, respected and included in their learning environment.

Council agrees that these aims and principles apply to all pupils and in creating our policies, we must be aware and take account of everyone's rights, particularly in relation to all protected characteristics.

The guidance is intended to help school staff to provide transgender and non-binary young people with the best possible educational experiences.

The guidance provides practical advice, information and signposts to age and stage appropriate resources to support schools and their staff.

Throughout the guidance, reference is made to important legislation/guidance, including but not limited to Data Protection legislation, the Equality Act 2010 & 2014, and the UN Convention on the Rights of the Child. Our own policies must be developed through the lens of these important documents.

The guidance also stresses the importance of involving and supporting both young people and their families in an appropriate way and in compliance with existing laws.

The document is complex, reflecting the complexity of gender identity.

It should be noted that as with all non-statutory guidance received by the Council from central Government, professional officers are in the process of developing our own policies and handbook based on the guidance, and consultation is still on going.

It is expected that officers will still be consulting with a wide range of people, including parents, pupils, staff and youth organisations well into May 2022, and Council agrees that this process must continue without prejudice and without being rushed.

Only by gathering the views of those who will be directly impacted by this guidance can we develop fit for purpose policy that will meet the needs of our young people and provide appropriate support for the staff carrying out our Council's duty of care.

Council agrees that following completion of the consultation, and when our professional officers have had ample time to consider the responses and draft appropriate guidance, a report will be brought to Council, or the appropriate committee for members to approve.

On a roll call vote being taken 14 Members voted for the amendment, namely Depute Provost Conaghan, Bailie Agnew and Councillors Brown, Casey, Dickson, Finn, Lennie, McBride, McColl, McLaren, Millar, Mooney, Rooney and Walker and 3 Members for the motion, namely Councillors Bollan, Docherty and Caroline McAllister. The amendment was accordingly declared carried.

The meeting closed at 4.40 p.m.