

WEST DUNBARTONSHIRE COUNCIL

At a Hybrid Meeting of West Dunbartonshire Council held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 23 March 2022 at 10.02 a.m.

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

*Arrived later in the meeting.

Attending: Joyce White, Chief Executive; Peter Hessem, 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; Lesley James, Head of Children's Health, Care and Justice (Chief Social Work Officer); Michael McGuinness, Economic Development Manager; Gillian McNeilly, Finance Manager; Michelle Lynn, Assets Co-ordinator; and Scott Kelly and Lynn Straker, Committee Officers.

Also Attending: Christopher Gardner, Senior Audit Manager, Audit Scotland.

Apologies: Apologies for absence were intimated on behalf of Provost William Hendrie and Councillor John Mooney.

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 at this point in the meeting.

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.

MINUTE'S SILENCE

Having heard Councillor Millar, the Council observed a minute's silence in respect of the fact that the meeting was being held on the Marie Curie Day of Reflection, on the second anniversary of the first national lockdown, to recognise the lives which had been lost during the COVID-19 pandemic.

Following the observation of the silence, Councillor McBride informed the Council that it had been raised with him that a remark which he had made at the Meeting of Council held on 9 March 2022 had been inappropriate and that he wished to apologise for any offence caused.

The Depute Provost thanked Councillor McBride for his apology.

URGENT ITEM OF BUSINESS

The Depute Provost advised that she had received a request from Councillor Casey for an urgent item of business to be considered relating to the closure of a Department of Work and Pensions (DWP) office in Clydebank. Following discussion and having heard the Legal Officer, the Depute Provost confirmed that she was content that the matter was urgent and that it would be considered as part of the final item of business on the agenda.

Councillor McBride then declared an interest in the urgent item, being a DWP member of staff and the branch secretary of the Public and Commercial Services (PCS) union and intimated that he would leave the meeting during its consideration. Councillor Millar also declared an interest, being a member of the PCS union, and advised that he too would leave the meeting during consideration of the item.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on 31 January 2022 (Requisitioned), 9 February 2022 (Ordinary), 23 February 2022 (Special) and 9 March 2022 (Budget) were submitted and approved as correct records, subject to it being checked, in relation to the Minutes of the Special Meeting held on 23 February 2022, whether the Minutes should have made reference to the term 'Scheme for Establishment of Community Councils' or to 'Scheme of Establishment for Community Councils', and the Minutes being amended accordingly if required.

MINUTES OF AUDIT COMMITTEE

The Minutes of Meetings of the Audit Committee held on 17 November 2021 and 2 March 2022 were submitted, approved as correct records and all decisions contained therein were approved.

OPEN FORUM

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

GLASGOW CITY REGION CITY DEAL UPDATE

A report was submitted by the Chief Officer – Regulatory and Regeneration noting the progress with the implementation of the Glasgow City Region, City Deal.

After discussion and having heard the Economic Development Manager and relevant officers in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the progress of the Glasgow City Region (GCR); and
- (2) to note progress of the Council's City Deal project for the Exxon Site.

COVID-19 UPDATE

A report was submitted by the Chief Executive providing an update in relation to COVID-19 in West Dunbartonshire since the previous update report to Council in February 2022.

After discussion and having heard the Chief Executive and relevant officers in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to note the information provided on COVID-19 in West Dunbartonshire since the update provided to Council in February 2022; and

- (2) to note the information provided in relation to the additional support and advice that the Council is providing to communities and businesses across West Dunbartonshire to help alleviate the impact of COVID-19.

Note: Councillor Douglas McAllister entered the meeting during consideration of this item.

VENTILATION SYSTEMS IN LEARNING ESTABLISHMENTS – MOTION FROM COUNCIL 22 DECEMBER 2021

A report was submitted by the Chief Officer – Supply, Distribution and Property providing an update on the approaches taken to ensure adequate ventilation across our learning estate.

After discussion and having heard the Chief Officer in further explanation and in answer to Members' questions, the Council agreed to note the contents of the report and that a further report should be submitted to a future meeting of the Council detailing the measures carried out to ensure adequate ventilation of classrooms in winter, and the costs relating to these.

RESPONSE TO MOTION TO COUNCIL 9 FEBRUARY 2022 – WILLIAMSON AVENUE WALL

A joint report was submitted by the Chief Officer – Regulatory and Regeneration and Chief Officer – Roads and Neighbourhood, providing a response to the motion approved at the West Dunbartonshire Council meeting held on 9 February 2022 in relation to two collapses of the privately owned wall at Williamson Avenue, Dumbarton.

After discussion and having heard both Chief Officers in further explanation and in answer to a Member's question, the Council agreed:-

- (1) to continue consideration of the report to a future Council Meeting to allow one of the private owners of the properties to obtain an independent structural report to add to the information available to members before a decision is made; and
- (2) meanwhile to instruct officers to engage in meaningful discussions with the private owners involved, including the independent report when available, and report back to Council.

CHIEF SOCIAL WORK OFFICER'S MID-YEAR REPORT

A report was submitted by the Chief Social Work Officer providing a progress update in relation to the Chief Social Work Officer's Annual Report for 2020-21.

After discussion and having heard the Chief Social Work Officer and the Chief Officer, Health and Social Care Partnership, in further explanation and in answer to Members' questions, the Council agreed to note the content of the Chief Social Work Officer Annual Report 2020-21 and the progress and updates provided.

NON-DOMESTIC RATES WORKING GROUP FINAL REPORT

A report was submitted by the Chief Officer – Resources providing a summary of the activity of the Non-Domestic Rates (NDR) Working Group and the conclusions of its considerations.

Having heard the Chief Officer – Resources in further explanation, the Council agreed:-

- (1) to note the content of this report; and
- (2) to note the conclusions and recommendations detailed in paragraph 4.7 of the report, namely:-
 - (a) that there is no legal mechanism to restrict someone's ability to obtain a licence to trade where non-domestic rates have not been paid and a clear example of 'phoenixing' is known and the Council should consider asking the Scottish Government to propose amendments to the licensing legislation so that failure to pay non-domestic rates may become a relevant matter in a licensing context;
 - (b) linked to the above recommendation the Council should ask the Scottish Government that any business operator who is trading in the area would require some sort of a licence for trading so that before granting the licence the local authority can check the history of the applicant in order to consider issues around 'phoenix' businesses;
 - (c) the option available to the Council to vary non-domestic rates for particular purposes will have a financial impact on the Council and as such any such option would need significant consideration prior to being considered; and
 - (d) that the Council should ask the Scottish Government to consider business rates relief for Town Centre Regeneration Areas.

ADJOURNMENT

The Depute Provost adjourned the meeting for a period of 40 minutes. The meeting reconvened at 1.02 p.m. with all those Members and officers listed in the sederunt present with the exception of Councillors Finn and Millar, Ms James, Chief Social Work Officer, and Mr Gardner, Senior Audit Manager.

PRUDENTIAL INDICATORS 2021/22 TO 2031/32 AND TREASURY MANAGEMENT STRATEGY 2022/23 AND 2031/32

A report was submitted by the Chief Officer – Resources seeking approval of the proposed Prudential Indicators for 2021/22 to 2024/25 and Treasury Management Strategy (including the Investment Strategy) for 2022/23 to 2024/25).

Having heard the Finance Manager in further explanation and in answer to a Member's question, the Council agreed:-

- (1) the following Prudential Indicators and Limits discussed in Appendix 1 to the report and set out within Appendix 6 to the report for the period to 2024/25:-
 - Capital Expenditure and Capital Financing Requirements (Tables A and B)
 - Forecast and estimates of the ratio of financing costs to Net Revenue Stream (Table D);
- (2) to approve the policy for loans fund advances discussed in section 3 of Appendix 1 to the report;
- (3) to approve the Treasury Management Strategy for 2022/23 to 2024/25 (including the Investment Strategy) contained within Appendices 2 to 6 of the report;
- (4) the following Treasury Prudential Indicators and Limits discussed in Appendix 2 to the report and set out within Appendix 6 to the report for the period 2022/23 to 2024/25:-
 - Operational Boundaries (Table F)
 - Authorised Limits (Table G)
 - Counterparty Limits (Table J)
 - Treasury Management Limits on Activity (Table L);
- (5) to note the draft Prudential and Treasury Management Indicators for the period 2025/26 to 2031/32 discussed in Appendices 1 and 2 to the report and set out within Appendix 6 to the report;
- (6) to approve the statement by the Section 95 Officer regarding the gross debt level in comparison to the Capital Financing Requirement (as detailed in paragraph 2.3 of Appendix 2); and
- (7) to note that the report would be referred to the Audit Committee for further scrutiny.

Note: Councillor Finn re-joined the meeting during consideration of this item.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO JANUARY 2022 (PERIOD 10)

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 January 2022.

After discussion and having heard the Chief Officer – Resources and the Chief Executive in further explanation and in answer to a Member's question, the Council agreed:-

- (1) to note a current projected annual favourable variance on the revenue account of £0.057m (0.02% 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; and
- (2) to note that projected expenditure on the capital account was lower than the 2021/22 budget by £19.232m (33.99% of budget), made up of £20.051m (35.43% of budget) of project slippage, and an in-year net overspend of £0.819m.

Note: Councillor Millar re-entered the meeting during consideration of this item.

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO 31 JANUARY 2022 (PERIOD 10)

A report was submitted by the Chief Officer – Resources providing an update on the financial performance to 31 January 2022 (Period 10) of the HRA revenue and capital budgets for 2021/22.

After discussion and having heard the Chief Officer – Housing and Employability in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the revenue analysis which showed a projected annual favourable variance of £0.462m; and
- (2) to note the net projected annual position in relation to the capital plan was highlighting an in-year variance of £15.332m which was made up of slippage of £15.600m (32.28%) and overspend of £0.268m (0.55%) as detailed in Appendix 4 to the report.

MINUTES OF OTHER COMMITTEES

The Minutes of Meetings of the following Committees and other bodies were submitted and approved as correct records:-

- (1) Vale of Leven Fund Committee held on 20 November 2019;

- (2) Community Alliance held on 12 March 2020;
- (3) Appeals Committee held on 23 February 2021 (Special) and 23 September 2021 (Ordinary);
- (4) Housing and Communities Committee held on 5 January 2022 (Special) and 2 February 2022 (Ordinary);
- (5) Infrastructure, Regeneration and Economic Development Committee held on 16 February 2022;
- (6) Local Review Body held on 22 February 2022;
- (7) Alexander Cross Cameron Bequest Committee held on 23 February 2022;
- (8) Corporate Services Committee held on 23 February 2022;
- (9) Dumbarton Trust Committee held on 8 March 2022; and
- (10) Educational Services Committee held on 16 March 2022.

The Minutes of Meetings of the Joint Consultative Forum held on 10 March 2022 and the Local Negotiating Committee for Teachers held on 15 March 2022 were submitted, approved as correct records and all decisions contained therein were approved.

DECLARATIONS OF INTEREST

Having earlier declared an interest in the following item, Councillors McBride and Millar left the meeting at this point.

NOTICE OF MOTIONS

Urgent Item of Business – Emergency Motion by Councillor Gail Casey – Planned Closure of Benefits Processing Centre in Clydebank

Councillor Casey moved:-

This Council is dismayed by the planned closure of the benefits processing centre in Clydebank.

Council condemns the planned closure and the loss of 200 local jobs from Clydebank. We also call on the Chief Executive to write to DWP calling for this to be overturned.

A letter of support should also be sent to the PCS branch for circulation to their members.

Councillor McColl asked Councillor Casey if she would be willing to accept the following addendum to her motion:-

Council asks the Chief Executive to liaise with the local MP and MSP to offer any appropriate assistance to their efforts to have this decision reversed.

Council also asks our Working 4U team to prepare to assist DWP staff who may soon find themselves in need of practical support to explore their options if made redundant.

Councillor Casey confirmed her acceptance of the addendum and the Council agreed the motion with addendum.

Note: Councillors McBride and Millar re-entered the meeting at this point.

(a) Motion by Councillor Jim Bollan – Platinum Jubilee Event

Councillor Bollan moved:-

Council agrees all employees should enjoy the benefits of the additional holiday allocated regarding the Platinum Jubilee event this year.

The method currently being used disadvantages some employees who are not programmed to work on 3.6.2022.

Employees who have condensed their hours to assist during the pandemic, parttime workers and shift workers, predominately home care workers who have gone the extra mile during the last 2 years, are missing out.

Staff working from home will also be impacted.

Council agrees the day/time will be awarded without loss of pay to all employees equally, on a pro rata basis. The costs associated with this motion are currently being worked out and I am advised a figure will be provided to Councillors no later than the Council meeting. Any such costs can be met from unearmarked reserves from the responsible body.

The Council agreed the motion.

(b) Motion by Councillor Sally Page – Roads Asset Management Plan

Councillor Page moved:-

This Council calls for an updated Roads Asset Management Plan with the financials attached to be made publicly available as soon as is practical.

This Council calls for the adoption of a meaningful reporting system for road defects. This would make the service more responsive and in doing so improve the image of the Council.

Councillor Douglas McAllister asked Councillor Page if she would be willing to accept the following addendum to the first part of her motion:-

Given the recent media revelation that the scale of Scotland's current road repair backlog is £1.7bn and the fact that West Dunbartonshire Council is one of only six local authorities which cannot provide accurate information as to the scale of this Council's backlog, this Council is concerned that we can only estimate our backlog at this stage as possibly in the region of £2m and therefore Council concludes that an accurate Roads Asset Management Plan is required as a matter of urgency.

Councillor Page confirmed her acceptance of the addendum and the Council agreed the motion with addendum.

(c) Motion by Councillor Sally Page – Community Councils

Councillor Page moved:-

This Council wishes to thank all those who serve on Community Councils across West Dunbartonshire. To acknowledge their hard work as volunteers within their Communities.

The Council agreed the motion.

(d) Motion by Councillor John Millar – Mr Freddy Conroy

Councillor Millar moved:-

This Council notes the passing of Mr Freddy Conroy, a veteran of the second world war and was internationally recognised for his courage and service.

Sadly, he passed away in January and his funeral took place on his hundredth birthday.

This Council asks officers to explore what recognition we could do to honour Mr Conroy by the community that he helped to protect.

The Council agreed the motion.

(e) Motion by Councillor Jonathan McColl – Political Posters

Councillor McColl, seconded by Councillor Dickson, moved:-

Council agrees to permit political posters on public street furniture for future elections, including the upcoming Local Government elections. Posters will be permitted from the 1st April each election year and must be down no later than two weeks after polling day.

In agreeing this policy, Council requires Candidates/Agents to adhere to the following rules for posters on public street furniture:-

- No poster shall interfere with the primary use of the street furniture.
- No poster shall obstruct pavements or roads.
- No poster shall reduce visibility/sightlines for drivers or pedestrians.
- All posters must be adequately stiff so as not to flap in the wind and be attached with cord/cable ties of sufficient strength to secure the poster. They must not be attached to street furniture using glue or any form of adhesive.
- Posters must not, in any circumstances, be attached to any traffic signal post or control box, or to street furniture in central reservations and pedestrian refuge islands.
- Posters may not obstruct permanent statutory or regulatory signs.
- Posters must not obscure any identifying marks/numbers on lighting columns.
- No poster shall be affixed to any part of the curtilage of any premise being used for voting.
- Only one poster per candidate (or two posters back-to-back), is allowed on each item of street furniture.
- No poster shall remain on public street furniture after the date set in this policy, that being 19th May 2022 for the upcoming local government elections.
- All posters will comply with election rules, including bearing an imprint identifying the candidate, promoter (usually election agent) and printer and their respective contact details.
- Candidates/Agents will comply with all other restrictions imposed reasonably by the Returning Officer or her delegates in respect of polling places and the area immediately surrounding them.
- Candidates will comply with all instructions from the Council.
- Any poster displayed in breach of these rules will be treated as illegal fly posting and the offending Candidate/Agent may face prosecution in terms of Section 100 of the Roads (Scotland) Act 1984. This carries a maximum fine of £1000 per offence.
- Permission is granted on the understanding that those concerned indemnify the Council against any third-party claim arising from the attachment of posters to street furniture. The Council also accepts no liability for injury to persons erecting or removing posters.
- The Council will issue election guidance to all candidates and election agents, which must be complied with. The guidance will include appropriate contact details for candidates to raise concerns regarding election posters, and candidates must not use this in a frivolous or vexatious manner.

- The Council reserves the right to recover costs from candidates, agents and parties for action taken to enforce compliance with the rules or for time spent handling vexatious or frivolous complaints. Costs may include the cost of removing posters from inappropriate locations or after the deadline for removal. Costs may also include staff time contacting candidates to resolve a breach. These examples are not exhaustive, and it will be the prerogative of the Council Chief Executive to determine what costs require to be recovered by the Council.

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

That the Council takes no action.

On a roll call vote being taken, 10 Members voted for the amendment, namely Councillors Casey, Lennie, McBride, Caroline McAllister, Douglas McAllister, Millar, O'Neill, Page, Rooney and Walker, and 10 for the motion, namely Depute Provost Conaghan, Bailie Agnew and Councillors Bollan, Brown, Dickson, Docherty, Finn, McColl, McLaren and McNair. There being an equality of votes, Depute Provost Conaghan used her casting vote in favour of the motion which was accordingly declared carried.

Note: Councillor Lennie left the meeting at this point.

VALEDICTORY

As this was the last scheduled meeting of Council prior to the local government elections in May 2022, the Depute Provost took the opportunity to recognise the contribution of the significant minority of Elected Members who were retiring, it being noted that some of were doing so after very many years of service to the Council and their local communities, and offered them her very best wishes.

Councillors Rooney and McColl warmly concurred with the Depute Provost's remarks and expressed their own appreciation and best wishes to Members who were retiring, to those who would be seeking re-election, and to the Chief Executive and officers.

Bailie Agnew and Councillors Casey and McNair thanked Members and officers for the support which they had received during their time in office and noted the progress which the Council had made.

The meeting closed at 3.09 p.m.