

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 29 April 2009 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, William Hendrie, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

**Attending:** David McMillan, Chief Executive; Bill Clark, Executive Director of Social Work and Health; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; Ronald Dinnie, Head of Land and Environment, Jim McAloon, Head of Housing and Regeneration Services; Andrew Fraser, Head of Legal, Administrative and Regulatory Services; and George Hawthorn, Senior Administrative Officer.

**Also**

**Attending:** Richard Fowles (Lead Inspector) and Irene Scullion (Inspector), Social Work Inspection Agency.

**Apologies:** Apologies for absence were received from Councillors James Bolland, Jim Finn and Douglas McAllister.

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

#### **REQUEST FOR DEPUTATION – ST. MARGARET OF SCOTLAND HOSPICE**

Provost Agnew informed the Council that he had received a request from Mr McGuigan, Vice Chair of the St. Margaret of Scotland Hospice Board, to address the Council on the future of the Hospice. It was noted that Sister Rita from the Hospice was also present in the public gallery.

In accordance with Standing Order 17 (a), the Council agreed to receive the deputation and accordingly invited Mr McGuigan to come forward and address the Council.

## **Declaration of Interest**

Councillor Marie McNair declared a financial interest in the matter and remained within the Chamber, on the basis that the deputation was neither discussed nor voted upon.

Mr. McGuigan explained to the Council how the Hospice had been funded in the past and informed them that the Greater Glasgow and Clyde NHS Board had decided to withdraw its funding (effective from March 2012) which would leave the Hospice in a serious financial position. Mr McGuigan thanked the Council for its previous support and asked the Council to continue to provide this support and to use its resources to influence the Health Board to change its decision to withdraw funding.

After hearing Mr McGuigan in response to Members' questions, Councillor Rooney and Councillor Robertson expressed their support for the Hospice. Furthermore, Councillor Robertson confirmed that, as a Non-Executive Member of the Health Board, he would do everything in his power to persuade the Health Board to change its decision.

Councillor W. McLaughlin asked Provost Agnew if he was prepared to hear a motion on the issue of St. Margaret of Scotland Hospice. Provost Agnew confirmed that he would consider the issue later in the meeting.

After hearing Provost Agnew express his support for the Hospice, Mr McGuigan thanked the Council for its support and thereafter he returned to the public gallery.

## **DECLARATIONS OF INTEREST**

It was noted that there were no further declarations of interest.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on Wednesday 25 March 2009 were submitted and noted as a correct record subject to the deletion of paragraph (3) under the heading "Remit of Tendering Committee" (Pages XXXX/X refer).

With reference to the item under the heading "Motion by Councillor Jim Bolland – Royal Mail", it was noted that the Chief Executive would circulate a copy of the response received from John McFall, MP, to all Members of the Council.

## **SOCIAL WORK INSPECTION AGENCY (SWIA) – PRESENTATION**

Richard Fowles and Irene Scullion, SWIA, gave a presentation on the findings of the recent inspection of social work services in West Dunbartonshire and in particular highlighted a number of areas for improvement together with 16 examples of good practice which had been identified during the inspection.

It was noted that copies of the Performance Inspection Report, together with a summary document, had been circulated to all Members at the beginning of the meeting.

After hearing Mr Fowles and the Executive Director of Social Work and Health in response to Members' questions and comments, and Councillor J. McColl, Service Spokesperson for Social Work and Health, congratulate everyone involved in the delivery of social work services in West Dunbartonshire on the very positive outcome of the inspection, the Council agreed:-

- (1) to note that the Inspection Report was very positive, albeit there were a number of areas for improvement; and
- (2) that a report, detailing an action plan to address the areas of improvement, would be submitted to the meeting of the Social Work and Health Improvement Committee to be held in June 2009

Provost Agnew thanked Mr Fowles and Ms Scullion for their excellent presentation and thereafter they left the meeting.

## **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period of time. The meeting resumed at 7.40 p.m. with all those Members shown on the sederunt in attendance.

## **OPEN FORUM**

The Council noted that no open forum questions had been received from members of the public.

## **MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE ON 18 MARCH 2009**

The Minutes of Meeting of the Community Participation Committee held on 18 March 2009 were submitted and all decisions contained therein were approved with the exception of the item under the heading "Old People's Welfare Grant Funding" (Page XXX refers) which has been referred to the Corporate and Efficient Governance Committee for consideration.

## **MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 25 MARCH 2009**

The Minutes of the Special Meeting of the Audit & Performance Review Committee held on 25 March 2009 were submitted and, where necessary, all decisions contained therein were approved.

### **VACANT POSITIONS – DEPUTE LEADER OF COUNCIL AND VICE CHAIR OF COMMITTEES**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider the appointment of the Depute Leader of Council and the Vice Chairs of some Committees of the Council.

After hearing Councillor McElhill in further explanation of his reasons for resigning from the post of Depute Leader of the Council, the Council agreed that all of the undernoted positions should be filled by Councillor Ronnie McColl:-

- Depute Leader of the Council.
- Vice Chair of the Education and Lifelong Learning Committee.
- Vice Chair of the Social Work and Health Improvement Committee.
- Vice Chair of the Planning Committee.
- Vice Chair of the Licensing Committee.

### **DEVELOPMENT OF A ROBUST FINANCIAL FRAMEWORK**

With reference to the Minutes of Meeting of the Council held on 25 March 2009 (Page XXXX refers), a report was re-submitted by the Executive Director of Corporate Services updating the Council on action proposed by the Council on 12 February 2009 on the development of a robust financial framework.

Councillor C. McLaughlin moved a motion concerning the formation of a Strategic Finance Working Group. In response to a point of order raised by Councillor Rooney, the Head of Legal, Administrative and Regulatory Services informed the Council that in his opinion the Council did not require to suspend Standing Orders in order to consider the motion.

After discussion and having heard the Chief Executive in answer to Members' questions, Councillor Miller raised a point of order concerning Standing Order 21 which states "Motions and amendments made but not seconded shall neither be discussed at the meeting nor recorded in the minutes." The Head of Legal, Administrative and Regulatory Services informed Council that Councillor Miller was correct and that the motion needed to be seconded as soon as possible.

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

Council agrees to form a Strategic Finance Working Group of the Corporate & Efficient Governance Committee, with the Convener of said Committee taking the Working Group Chair.

The working group will meet on a bi-monthly basis with extra meetings being called by the Chair as required and will receive appropriate officer and committee administration support.

Its membership will be 5 Administration, 3 Opposition (Labour) and 2 Opposition (Other) and substitutes will be permitted. In the event that the number of Opposition (Other) nominees exceeds two, the Corporate & Efficient Governance Committee will appoint the two Opposition (Other) members.

The role and remit of the working group will be as outlined in appendix 1 of the report with recommendations from the working group being made to the relevant Committee or Council as appropriate.

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

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That the first, second, third and fifth paragraphs of the above motion be approved, including the addition of substitutions being permitted.

At this point, Councillor C. McLaughlin, with the consent of Council, withdrew his motion. There being no other amendment, Councillor Black's motion was declared carried.

## **STRATHLEVEN CORRIDOR**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development setting out a new ambitious vision for regeneration within West Dunbartonshire and seeking the Council's support for submission of a proposal to the Scottish Government aimed at realising this ambition.

Councillor Hendrie, seconded by Councillor J. McColl, moved that the recommendations of the report be approved (as shown below):-

The Council agrees:-

- (a) to endorse the approach adopted for the Strathleven Corridor Initiative as shown in Appendix 1 of the report;
- (b) that the submission be sent to the Scottish Government for consideration and further discussion with West Dunbartonshire Council; and

- (c) to agree to the possibility of setting up an Officer/Partner/Member Working Group to take this Initiative forward and monitor its progress in order to inform the full Council at regular intervals.

The Executive Director of Housing, Environmental and Economic Development and the Head of Housing and Regeneration were heard in further explanation of the proposal and in answer to Members' questions.

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

That the Council approves the three recommendations of the report (as shown above) together with an additional fourth paragraph, as follows:-

- (d) Given the major risks to the Council, should the Scottish Government fail to support this bid, Council expects the Leader of the Council to personally lobby the Cabinet Secretary, John Swinney, to impress upon him the devastating effects of an early refusal of the bid on the community and economy of West Dunbartonshire.

On a vote being taken, 7 Members voted for the amendment and 12 for the motion which was accordingly declared to be carried.

### **CORPORATE PLAN 2009-13**

A report was submitted by the Chief Executive seeking the Council's agreement on:-

- (a) the performance indicators that have been identified to monitor progress towards the 2009/13 corporate objectives; and
- (b) the targets that have been set for these indicators for each of the four years covered by the Plan.

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

That the Corporate Plan Performance Indicators and Targets for 2009/13, as detailed within the report, be approved.

After hearing Councillor Rooney, Councillor Robertson, with the consent of Council, agreed to withdraw his motion. Thereafter, the Council agreed to continue consideration of the matter to its next meeting.

### **BEST VALUE 2**

A report was submitted by the Chief Executive notifying the Council of a formal consultation process on the Accounts Commission proposals for Best Value 2 which closes on 31 May 2009.

The Council noted that Members should submit any comments they have on the proposals to the Manager, Improvement & Performance, by 21 May 2009.

### **SUSPENSION OF COUNCILLOR JAMES BOLLAN**

A report was submitted by the Executive Director of Corporate Services on the decision of the Standards Commission for Scotland to suspend Councillor James Bollan from his entitlement to attend meetings of the Council and of any committee or sub-committee and of any other body in which a Councillor is a representative or nominee of the Council. It was noted that a copy of the Commission's decision letter and its report were issued as a supplementary paper.

After hearing Councillor Robertson, the Council agreed to approve the recommendations of the report (as shown below) and to take no further action over and above the sanctions already imposed by the Standards Commission for Scotland.

- (1) to note the suspension of Councillor Bollan's entitlement to attend all meetings of the Council, of any committee or sub-committee and of any other body on which the Councillor is a representative or nominee of the Council, commencing on 6 April 2009, unless and until such suspension is overturned by any appeal to Sheriff Principal;
- (2) to note that the sanction does not extend to internal forums, seminars or informal meetings generally where the Councillor is not participating in formal Council committee, sub-committee or body on which the Councillor is a representative or nominee of the Council;
- (3) to agree that Councillor Bollan should continue to be kept informed on Council business through receiving Council, committee and sub-committee agendas, minutes and reports and papers generally, but where papers are distributed on a 'need to know' only basis, such as for the Appeals Committee, he should not be included on the circulation lists for the period of his suspension;
- (4) to agree that no special arrangements require to be made at this stage, to provide representative cover for the benefit of the suspended Members constituents;
- (5) to agree that Councillor Bollan should continue to be consulted as local Member on all relevant issues;
- (6) to note that unless Councillor Bollan resigns from a committee, that there is no vacancy on that committee. To remove and replace Councillor Bollan from any committee will require suspension of Standing Orders; and
- (7) that the Standard Commission for Scotland should be made aware of the Council's response.

## **CORRESPONDENCE – MAUREEN WATT, MSP, NORTH EAST SCOTLAND – PROPOSED CUT TO THE SCOTTISH BUDGET**

Correspondence was submitted from Maureen Watt, MSP, North East Scotland in connection with the proposed cut to the Scottish Budget.

Councillor C. McLaughlin, seconded by Councillor Robertson, moved:-

Council notes with concern the decision of the Westminster Government to reduce the Scottish Budget Settlement by £1 billion over the next two financial years.

Council further notes that this will have a direct affect on local services with a potential £3 million cut in West Dunbartonshire's projected budget for next year.

With this in mind, Council instructs the Leader of the Council to write to Rt. Hon. John McFall, MP, asking for his support to urge the Government to rethink this decision.

Council notes that Mr McFall helped his constituents, gaining concessions from the Government when he joined the campaign to reverse the 10p tax rate introduction last year, and hopes that he can once again use his influence, as a senior member of the ruling party in Westminster, for the good of the people of West Dunbartonshire.

As an amendment, Councillor McBride, seconded by Councillor McGlinchey, moved:

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This Council notes the ill-informed, but predictable, letter from Ms Maureen Watt, MSP, of the Scottish National Party. Ms Watt fails to point out that despite the current economic situation, the Scottish Government will see its budget increase by £2.2bn between 2008 and 2010.

The Scottish Government budget in 2008 was £33.3bn, this increased in 2009 to £34.8bn, and the budget will increase further to £35.5bn in 2010.

These are real term increases and these figures alone demonstrate that the claimed £500m cut is bogus.

All of the UK devolved Administrations are responsible for good governance in their areas of responsibility and are expected to identify efficiencies within their budgets and improve service delivery. Instead of blaming others, this Council would point out to the SNP-led Scottish Government that it has significant economic levers at its disposal, if it has the will to use them.

- The Scottish Government has tax raising powers and can vary income tax plus or minus 3%.
- The Scottish Government can re-profile its spend to support key services provided by WDC.



- The Scottish Government could carry out council tax re-banding to raise additional income.
- The Scottish Government could allow Local Authorities to keep the money earmarked for council tax freeze and return responsibility for Council tax setting to democratically-elected and accountable Councils. This option has the added benefit of attracting an increase in Council Tax Benefit from the Westminster Government.
- The Scottish Government could re-evaluate its political priorities and direct resources to help the most vulnerable rather than supporting pet projects.

The Welsh Assembly manages its budget, the Northern Ireland Assembly manages its budget and the English Regions and Departments manage their budgets. It's time the SNP accepted that they are pulling the economic levers in Edinburgh and that they, and they alone, need to grow up and manage the Scottish budget. If they are in difficulty and need advice, the Scottish Government ought to accept the offer of expert assistance from the most able Treasury Civil Servants as offered to them by the Scottish Secretary Jim Murphy, MP.

However, it is perfectly obvious that, rather than face up to economic reality and take decisive action, the SNP will always indulge in political distractions and the 'blame game.' They are clearly intent on using the bogus £500m as their Single Transferable Excuse for their failure to deliver their promises.

- When they fail to find a funding stream for Dumbarton Academy – we will hear their Single Transferable Excuse.
- When their sums don't add up to build new Primary Schools – we will hear their Single Transferable Excuse.
- When we ask for £100m to build the Lomond Canal - we will hear their Single Transferable Excuse.
- When their vision for a new Council Headquarters in Dumbarton begins to fade - we will hear their Single Transferable Excuse.
- When they tell us there is no money for a new Play Dome, or to modernise Clydebank Town Hall, or even to build new care homes for our pensioners - we will hear their Single Transferable Excuse.

The Council's response to Ms Watt, MSP, as a member of the ruling Government in Holyrood is simply 'Govern or Resign'.

On a vote being taken, 7 Members voted for the amendment and 12 for the motion which was accordingly declared to be carried.

## **VARIATION IN ORDER OF BUSINESS**

After hearing Provost Agnew, the Council agreed to vary the order of business as hereinafter recorded in these minutes.

### **URGENT ITEM**

#### **MOTION BY COUNCILLOR W. MCLAUGHLIN – ST. MARGARET OF SCOTLAND HOSPICE**

The Provost agreed to allow Councillor W. McLaughlin's motion under Standing Order 7 as a matter of urgency, and in the special circumstances that the matter had already been the subject of a deputation.

After hearing Councillor W. McLaughlin, the Council agreed to approve the undernoted motion:-

This Council remains committed to a sustainable future for St Margaret of Scotland Hospice.

Council believes that the Hospice has provided an excellent standard of care to those in greatest need since it was founded in 1950.

Council is aware that Greater Glasgow and Clyde Health Board agreed recently to fund the Hospice for a further three years until the completion of the Blawarthill facility in 2012.

This Council notes with concern that this commitment has been eroded by recent statements made by the Chair of the Health Board. This statement suggests that admissions to the Hospice could end at a much earlier stage.

Council believes this to be unacceptable and agrees to continue our campaign to secure a more sustainable future for the Hospice and remove the cloud placed over it by the Health Board.

### **NOTICES OF MOTION**

#### **(A) Motion by Councillor Ronnie McColl – Minimum Living Wage**

With reference to discussions at the most recent Joint Consultative Forum, this Council instructs officers to bring forward a report to be considered at the June Council meeting exploring the possibility of the Council adopting a seven pounds an hour minimum living wage.

This report will include all costs and detail of discussions with unions to date.

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

**(B) Motion by Councillor Geoff Calvert – Mobile Phone Contract – West Dunbartonshire Council**

This Council notes the recent announcement by T-Mobile of its plans to move work out of Scotland to the Philippines and that these plans will cost 300 Scottish jobs in Larbert, Falkirk and 118 Scottish jobs in Greenock, Inverclyde.

This Council believes that it is difficult to justify paying public money to a service provider that shows disregard to the population of the country who provides its income. This Council accepts fully that through the system of government grants to Councils, it is funded, in part, by the tax contributions of the residents of Larbert and Greenock as well as the Council Tax Payers of West Dunbartonshire.

It is the feeling of the Council that it is not in the public interest that contractors should gain financial benefit from the Council at the expense of Scottish jobs. This is unlikely to represent overall Best Value or be the most economically most advantageous option for the Council.

Therefore, this Council requests the Executive Director of Corporate Services to:-

- instigate an immediate review of the current Mobile Phone contract should T-Mobile persist with its planned attack on Scottish workers and their families, and
- to bring forward a report to the May Council meeting, with options and recommendations should T-Mobile's plans be implemented. The report should consider the Best Value and Value for Money benefits of seeking an alternative provider or re-tendering the contract.

Finally, this Council requests the Chief Executive to advise all Scottish Councils and COSLA of the action this Council is taking for their own consideration, and that he advises Falkirk and Inverclyde Councils in particular of our support at this trying time for their communities.

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

**(C) Motion by Councillor Patrick McGlinchey – Cuts in Teacher Numbers**

Council notes that official Scottish Government statistics show West Dunbartonshire Council has cut the number of teaching staff in the local authority by 7.1% (140 posts) since the 2007 elections.

Council notes that, according to the Scottish Government, this is the second largest cut in the country – larger than the City Councils of Glasgow, Dundee, and Edinburgh; larger than all the councils in our comparative grouping, and behind only Aberdeen City Council.

Additionally, Council notes that across Scotland as a whole there has been a reduction of nearly 1,000 teachers since 2007, a drop of 1.8%.

Council further notes that page-52 of the 2007 SNP manifesto promises the public that if elected the SNP would ‘maintain teacher numbers’ even ‘in the face of falling school rolls’.

Taking note of the above, Council calls on a full report to be brought forward to the next Council meeting explaining the impact that the reduction will have.

Prior to moving the above motion, Councillor McGlinchey informed the Council that there was an error in the first paragraph and that the number of posts shown in brackets should have stated 76 and not 140.

Thereafter, Councillor McGlinchey was heard in support of his motion which was seconded by Councillor Millar.

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

Council notes that the figures quoted in Councillor McGlinchey’s motion are inaccurate and have excluded 55 teachers whose payroll centre is HQ rather than a school.

With this correction, Council thanks Councillor McGlinchey for pointing out that despite falling school roles, this administration has managed to employ more teachers than the previous Labour administration did at the time of the last census in September 2006.

Council further notes that since this Administration came to power, there has been an increase in opportunities to pupils across the authority with more subjects being offered to pupils at Higher and Advanced Higher level than ever before.

Council also notes with regards to class sizes in P1-3, that educational services have made budgetary allowances through 2009/2010 to 2011/2012 to improve the teacher/pupil ratio over this and the next 2 years in order to tackle the Authority's commitment to reducing class sizes.

This Administration is committed to providing high quality education and recent HMle inspection reports have been outstanding, showing the commitment from parents, pupils and staff.

This Administration does not believe that Council should be playing party political games with our children's education, especially when the facts given are incorrect.

On a vote being taken, 12 Members voted for the amendment and 7 for the motion. The amendment was accordingly declared carried.

The meeting closed at 10.15 p.m.