

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road on Wednesday 25 June 2008 at 7.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, 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; David Connell, Head of Finance and ICT; David Clarke, Lynn Townsend and Sandra Love, Heads of Service, Educational Services; Tricia O'Neill, Head of Human Resources and Organisational Development; Liz Cochrane, Principal Policy Officer; David Webster, Section Head (Performance Management); Stephen Brown, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Also**

**Attending:** Anna Fowlie, Head of Corporate Parenting, Care and Justice Division, Children, Young People and Social Care Directorate.

**Apology:** An apology for absence was submitted on behalf of Councillor Douglas McAllister.

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

### **PROVOST'S REMARKS**

Provost Agnew reminded all Members that the Chief Executive had written to them concerning their conduct within Chambers and asked them to comply with the Code of Conduct for Councillors.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 28 May 2008 were submitted and approved as a correct record.

## **CORPORATE PARENTING – PRESENTATION BY ANNA FOWLIE, SCOTTISH GOVERNMENT**

There was submitted and noted an excerpt from the Minutes of Meeting of the Council held on 26 March 2008 (Page 994 refers) together with a joint report by the Executive Director of Social Work and Health and the Executive Director of Educational Services providing the Council with information on the Report “Looked After Children and Young People – We Can and Must Do Much Better”.

Anna Fowlie, Care and Justice Division, Scottish Government, gave a presentation on Corporate Parenting and in so doing highlighted the Council’s various responsibilities as a Corporate Parent.

Having heard Ms Fowlie in answer to Members’ questions, the Council agreed:-

- (1) to thank Ms Fowlie for her very informative presentation; and
- (2) to note that Members could contact Ms Fowlie by telephone, letter or e-mail if they required any further information on this issue.

Thereafter, Provost Agnew thanked Ms Fowlie for her presentation and she left the meeting.

## **OPEN FORUM**

The undernoted question was submitted to the Council for consideration:-

### **Walter Graham, Parkhall, North Kilbowie & Central Community Council – Final Draft of Local Plan**

We wish to ask the following question with regards to the final draft of the local plan which advocates a change of status for the “Dalmuir Wedge” (the area of Auchentoshan Wood, Dalmuir Golf Course and Dalmuir Park) from Green belt to Public Open Space.

If “Public Open Space” affords equal protection to Green Belt as claimed, why do Council officials want to change the status, and spend public money on consultants to justify this change when Scottish Executive Planning Policy documents SPP11 and SPP21 suggest that green belt wedges are allowable and desirable in built up areas, yet there is so much emphasis on removing the green wedge, which is a major asset to our town’s environment.

### **Councillor Hendrie responded in the following terms:-**

I would like to thank Mr Graham for asking this question.

As a local elected member and a lifelong ‘Bankie’ I know that this has been an issue for many years.

Having looked at all the evidence, it is clear that open space designation is only a realistic option if the main function of Auchentoshan Wood and Dalmuir Golf Course is for recreation and sport.

I believe that these are secondary uses and that the primary function of the Wood and Golf Course is to manage the growth of Clydebank and its villages by directing development to brown field sites as well as maintaining a distinct historical connection between the people of Clydebank and the Kilpatrick Hills.

If the green belt designation is lifted there is a risk that the distinct character and identity of Clydebank could be harmed in the long term through unplanned growth and that retention of the area as Green Belt helps to deliver the objectives of our Green Belt policy for West Dunbartonshire.

I look forward to working in and with my local community, including other elected members, to retain the Green Belt status of Auchentoshan Wood and Dalmuir Golf Course in the near future and will reiterate my stand if called to do so by the Local Plan Inquiry Reporter.

### **URGENT ITEM OF BUSINESS STATEMENT BY COUNCILLOR ROBERTSON**

In terms of Standing Order No 7, given the importance of the matter, Provost Agnew agreed that Councillor Robertson be allowed to make the following statement to Council:-

I am delighted to announce that yesterday the Scottish Parliament published a new Bill that overrules the previous House of Lords decision not to allow compensation for the condition known as Pleural Plaques. The condition is often linked to more serious forms of asbestos-related diseases.

Our local MSP, Des McNulty, the Council and our own Clydebank Asbestos Group made significant representations to the Parliament to help deliver this reform. We offer our congratulations to all our partners involved in bringing about the reform, and to the Minister for Community Safety, Fergus Ewing, for acting so swiftly to introduce this legislation.

With the Council's agreement I will write to the Minister and also ask the Clydebank Asbestos Group to speak to Council on the issue at a future Council meeting."

Councillor Rooney thanked Councillor Robertson for bringing the matter to the attention of the Council and confirmed that there was full cross party support for compensation for "Pleural Plaques". He pointed out that the Council should also note that there were a number of other people to be congratulated on the hard work in support of this issue including the Director of Social Work and Health and his staff and John McFall, MP.

The Council unanimously agreed to support the statement made by Councillor Robertson.

### **MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 11 JUNE 2008**

The Minutes of Meeting of the Audit & Performance Review Committee held on 11 June 2008 were submitted and all decisions contained therein were approved.

In response to a question by Councillor Calvert, the Chief Executive and the Principal Policy Officer confirmed that the background information requested by Members of the above Committee in relation to the community support bases (Page 1226 refers), should be available to be sent to Members at some point next week (week commencing 30 June 2008).

### **BUDGET 2008/2009 – ADDITIONAL DEPARTMENTAL SAVINGS**

A report was submitted by the Chief Executive providing an update on developments to address the budget decision to identify a further 1% efficiency savings by April 2009.

Having heard the Chief Executive in answer to Members' questions, the Council agreed to note the terms of the report.

### **CLASS SIZE REDUCTION**

With reference to the Minutes of Meeting of the Council held on 27 February 2008 (Pages 904/905 refer), a report was submitted by the Executive Director of Educational Services advising the Council of the costs of implementing the Scottish Government's policy to reduce class sizes in P1, P2 and P3 to a maximum of 18.

Councillor Smillie, seconded by Councillor R. McColl, moved as follows:-

Council notes that there is a commitment from the SNP Administration to abide by the terms of the Concordat and work towards 18 pupil classes for primaries 1-3.

Council notes that we are working towards realisation of a new primary school estate.

Council acknowledges it will have a more accurate picture of the costs involved once the phase 2 schools consultation process is complete, and we have spoken to the parents, pupils, teachers and the wider communities of West Dunbartonshire.

Provost Agnew informed Councillor Bollan that a remark that he had made about Councillor McGlinchey was inappropriate and asked him to apologise. Councillor Bollan explained that he had only made a joke and therefore no apology was required.

As an amendment, Councillor McGlinchey, seconded by Councillor Millar, moved:-

Council thanks officers for the excellent and detailed report.

Council notes that the aim of implementing the SNP manifesto pledge to reduce class-sizes was built into the 'historic' Concordat between national and local government, resulting in an expectation that local authorities will move as quickly as possible towards achieving this SNP manifesto commitment.

Council believes manifesto promises should be kept; and with an SNP administration in both Holyrood and West Dunbartonshire, this Council believes that the SNP have no excuse if their page-51 manifesto pledge, which states "*We will reduce class sizes in Primary 1, 2 and 3 to eighteen pupils or less...*" is not honoured.

Council further notes that this report projects an estimated one-off capital investment cost of £6.1 million, with additional ongoing revenue costs of over £800,000 a year if the SNP are to honour their manifesto pledge on class size reduction to the parents, pupils and teachers of West Dunbartonshire.

Council acknowledges with concern that, as the report states, it is unclear how these costs will be met.

With this in mind, the Council requests that the Convener of Education writes to, and formally meets with the Scottish Government Cabinet Secretary for Education to request the Scottish Government give West Dunbartonshire Council both the required capital investment and ongoing yearly revenue funds so that the SNP Administration can fulfil their promise to the people of West Dunbartonshire on class size reduction. Council requests that the Convener of Education personally reports back to full Council on the outcome.

On a vote being taken, 11 Members vote for the amendment and 10 for the motion. The amendment was accordingly declared carried.

## **ADJOURNMENT**

Having heard Provost Agnew, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 8.30 p.m. with all those Members shown on the sederunt in attendance.

## **BUILDING OUR FUTURE (SCHOOLS PPP) PROJECT UPDATE**

A report was submitted by the Executive Director of Educational Services providing the Council with an update on progress in the Building Our Future (Schools PPP) Project.

After discussion and having heard the Executive Director of Educational Services in answer to Members' questions, the Council agreed to note the terms of the report.

## **LOMOND COURT EVACUATION – 19/20 MAY 2008**

With reference to the Minutes of Meeting of the Council held on 28 May 2008 (Pages 1182/1183 refer), a report was submitted by the Chief Executive providing the Council with an update on the Council's response to the evacuation of Lomond Court, Dumbarton on 19/20 May 2008.

Having heard Councillor J. McColl, the Council agreed:-

- (1) to note that in order to further improve the handling of emergencies within West Dunbartonshire, officers would be moving forward to include learning points in future reviews of emergency plans and procedures; and
- (2) otherwise to note the terms of the report.

## **TAXI CARD SCHEME**

With reference to the Minutes of Meeting of the Council held on 26 March 2008 (Page 998 refers), a report was submitted by the Executive Director of Corporate Services providing the Council with information on the possible introduction of a Taxi Card Scheme.

Councillor McElhill, seconded by Councillor Hendrie, moved:-

This Council notes the report and appreciates the sentiments expressed by the mover and seconder of the motion at the March Council meeting.

Council further notes the strict budget constraints placed on all Council departments and recognises that no funds have been set aside for the introduction of a Taxi Card Scheme.

Council therefore realises that a new spend of anything between £150,000 to £270,000 for the introduction of such a scheme is not feasible at this time.

Council further notes that no authority in the Strathclyde Region has such a scheme but have instead combined to provide an equivalent service via the Dial-A-Bus scheme.

Council does however, instruct Councillor Jim McElhill to raise the question of the feasibility of a Taxi Card Scheme throughout Strathclyde Region at the first available Strathclyde Partnership for Transport (SPT) Concessionary Travel Sub-Committee meeting on Friday, 27 June, 2008 at 9.30 am.

### **Declaration of Interest**

Councillor John Millar declared a non-financial interest in this item of business, as he is employed as a taxi driver, and remained within the meeting.

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

That officers should be asked to prepare a further full report on the introduction of a Taxi-Card Scheme in West Dunbartonshire for the Council to consider, in principle, with the costs being considered by Council when deciding on the budget of 2009/10.

Having heard the Provost, Councillor McElhill indicated that he would be willing to accept Councillor Bollan's amendment as an addendum to his motion. In response, Councillor Bollan indicated that he wanted his amendment to stand alone.

On a vote being taken, 2 Members voted for the amendment and 10 for the motion which was declared carried.

### **DRAFT STANDARD DELIVERY PLAN**

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

- (a) advising the Council of the issues raised in the Draft Standard Delivery Plan;
- (b) seeking, in principle, agreement to progress the development of the recommended option for the future viability of the Council's housing stock; and
- (c) asking the Council if it wishes all regeneration areas to be added to the recommended option and seeking approval to consult on this plan and report back to the October Council meeting.

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

The Council accepts that the standard delivery plans identifies a substantial proportion of our house stock that will not meet the Scottish Housing Quality Standard (SHQS) by the target date, without considerable increases in rents.

The Council accepts that it has a legal responsibility to deliver affordable, quality houses which are fit for purpose and meet the needs of a changing population.

This Council reaffirms its commitment to a full tenant led regeneration process. The Council has already agreed that the 10 priority areas for regeneration should be the principal starting point for any changes in housing provisions and they should be factored in to the relevant options.

The Council believes that the tenants should be able take control of their communities and drive forward the future changes to the housing service. Council also agrees that to select a preferred option at this time would send out the wrong signal to tenants and believes that a full and meaningful consultation with tenants should take place, before any view is formed.

The consultation will take the form of 3 open public meetings to be held after the summer recess at which all the options will be presented, together with costs.

The meetings should be open to all tenants and every tenant's organisation should be individually invited to attend and the meetings should be widely publicised.

The outcome of the meetings should be reported back to the first appropriate Council meeting.

In addition, the Council welcomes the news Communities Scotland has agreed to joint fund area regeneration masterplans with a commitment of £150,000.

In order to capitalise on this, the Council agrees, in principle, to establish a community regeneration fund, held within the HRA, and agrees to set aside £150,000 from the HRA resources, enabling the Council to draw on the match funding. The fund should be subject to consultation with tenants' groups at the public meetings.

Given that some areas are already expressing an interest in transferring their stock – the Council agrees that such requests will be dealt with on an individual basis, providing that any transfer forms part of a wider community masterplan and forms part of an overall strategic plan.

As it is also important that if or when any stock transfers do take place the residual debt owed on the properties are written off.

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

This Council believes that it is premature to identify preferred options for further development at this stage. Council notes that it is yet to see the outcome of the Housing Needs and Supply Study.

Council notes that, as yet, no evidence has been presented that supports a majority of tenants' views on any option to be pursued, the possible implications for Council Housing staff as identified by the Trade Unions or, indeed, whether or not any local Registered Social Landlord (RSL) would



even be interested in taking over stock, given the recent 24% cut in the Housing Association Grant (HAG) imposed by the Scottish Government.

Council requests that the Executive Director of Housing, Environmental and Economic Development instigates a comprehensive consultation with all groups of tenants, not only those who may feature in any plan for disposal of stock, but also those who would remain as Council tenants and who would be required to pay the increased rents, and the Trade Unions as described in paragraph 3.12 of the report in order to provide Council with meaningful information on which to base its decision.

In addition, Council requests that the Executive Director of Housing, Environmental and Economic Development consults with all local RSLs to identify if they have the relevant finances and will to work with the Council to deliver the Standard Delivery Plan.

Council notes that it is the intention of officers to bring a further report to Council in October 2008 and requests that this report should include the additional information outlined in this Amendment.

As a second amendment, Councillor Bollan, seconded by Councillor Black, moved:-

This Council agrees to initiate a three month public debate starting in September 2008 amongst all Council tenants surrounding the report "Draft Standard Delivery Plan". The details of how the public debate should be organised and carried out to be agreed between the Council and the tenants' movement in West Dunbartonshire.

As the culmination of this public discussion and debate a postal ballot, organised and delivered by a third party, of all Council tenants in West Dunbartonshire on the principle of whether or not Council tenants support wholesale large stock transfers should take place. The question on the ballot paper to be agreed by the tenant's movement in West Dunbartonshire.

On a vote being taken between the second amendment (Councillor Bollan) and first amendment (Councillor Calvert), 2 Members voted for the second amendment and 9 for the first amendment.

On a second vote being taken between the amendment (Councillor Calvert) and motion (Councillor McElhill), 11 Members voted for the amendment and 10 for the motion. The amendment was accordingly declared carried.

## **ADJOURNMENT**

Having heard Provost Agnew, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 10.05 p.m. with all those Members shown on the sederunt in attendance.

## **MILTON COMMUNITY FACILITY**

With reference to the Minutes of Meeting of the Council held on 30 January 2008 (Page 770 refers), a report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with an update on the progress to date in engaging with the local community to determine a way forward in providing a community facility in Milton.

After hearing Councillors Black and Calvert, the Council agreed to note the progress to date.

## **HOUSING (SCOTLAND) ACT 2006 – CONSULTATION ON DRAFT GUIDANCE AND REGULATIONS**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing information on a consultation on the implications of major changes being introduced which affect the private housing sector and seeking agreement for officers to compile an appropriate response by the deadline of 1 July 2008.

Councillor Hendrie, seconded by Councillor Robertson, moved:-

That the recommendations of the report (as detailed below) be approved subject to the insertion of the words “in consultation with Convener of the Housing, Environment and Economic Development Committee” after the word ‘officers’ in the second recommendation.

Recommendations:-

- (1) to note the content of the report;
- (2) to agree that officers, respond to the detailed consultation questions which cover a number of matters of considerable detail; and
- (3) to note the provisional date for implementation of the new powers and duties as at 31 March 2009.

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

That the recommendations of the report (as shown above) be approved subject to the insertion of the words “prepare a report for elected members approval” after the word ‘officers’ in the second recommendation.

As a second amendment, Councillor Calvert, seconded by Councillor McNair, moved:-

This Council deplores the SNP’s cost-cutting agenda of removing grants to vulnerable people in private sector accommodation. These residents, who may be living in properties of severe disrepair, will now be condemned to suffer by the SNP’s intention to reject a policy that has been assisting people successfully for over thirty years.

This Council believes that this SNP policy makes a nonsense of the whole thrust of the Scottish Housing Quality Standard 2015 and is clearly discriminatory in favouring those in public sector rented property against those in privately owned property.

This Council instructs officers to respond in the strongest terms that this Council opposes the withdrawal of grant funding.

On a vote being taken between the second amendment (Councillor Calvert) and first amendment (Councillor Black), 9 Members voted for the second amendment and 12 for the first amendment.

On a second vote being taken between the amendment (Councillor Black) and motion (Councillor Hendrie), 5 Members voted for the amendment and 7 for the motion which was accordingly declared carried.

### **BEST VALUE IMPLEMENTATION PLAN**

A report was submitted by the Chief Executive providing an update on progress on the Council's Best Value Improvement Plan.

After discussion, the Council agreed to note the terms of the report.

### **SINGLE OUTCOME AGREEMENTS**

A report was submitted by the Chief Executive presenting the West Dunbartonshire Council Single Outcome Agreement for 2008.

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

That the recommendations of the report be approved as shown below:-

- (1) to note that Members are requested to provide any further comments on the Single Outcome Agreement by 29 June 2008; and
- (2) to delegate authority to the Chief Executive to submit the revised Single Outcome Agreement to the Scottish Government on 30 June 2008.

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

This Council notes the claim that Single Outcome Agreements 'reflect an entirely new relationship between local and national government'. In the spirit of this 'new relationship', Council notes that the Scottish Government has a role to play in supporting this Council in the delivery of the Single Outcome Agreement.

Therefore, this Council wishes the following additions to be included in the 2nd Draft of the West Dunbartonshire Council Single Outcome Agreement before submission to the Scottish Government:

National Outcome NO-4 – Our young people are successful learners, confident individuals, effective contributors and responsible citizens - pages 277 – 279.

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – insert “SG to provide circa £25m for a new Dumbarton Academy.”

National Outcome NO-5 – Our children have the best start in life and are ready to succeed – pages 280 – 281.

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – agree existing entries and insert “SG to provide circa £25m for a new Dumbarton Academy.”

National Outcome NO-7 – We have tackled the significant inequalities in Scottish society – pages 286 –287.

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – insert:

“1 – SG to restore this Council’s allocation of the Fairer Scotland Fund to the 2007 level and provide inflationary uplifts thereafter.”

“2 – SG to review the Distribution formula for the allocation of local authority funding and ensure enhanced funding based on indices of deprivation is provided to WDC.”

National Outcome NO –9 – we live our lives safe from crime, disorder and danger – see pages 289-291. – Local Outcome – Improved Road Safety

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – insert: “SG to provide improvements to the A82 trunk road at Milton to remove the bottleneck.”

National Outcome NO-10 – We live in well designed sustainable places where we are able to access the amenities and services we need – see pages 292-293

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – insert:

“1. SG to ensure that Private Sector Home Improvement Grants are maintained.”

“2 – SG to provide funding for a new Community Ownership Programme”

Council agrees to delegate authority to the Chief Executive to submit the revised SOA, inclusive of the amendments listed above, to the Scottish Government on 30 June 2008.

The Chief Executive and the Section Head – Performance Management were heard in answer to Members' questions.

After hearing Councillor Bolla, Councillor Rooney agreed to accept the undernoted addendum to his amendment:-

That the second last paragraph of the amendment should be amended to read as follows:-

“2 – SG to provide funding for a new Community Ownership Programme and will be subject to a ballot of all tenants”.

After hearing Councillor Black, Councillor Rooney agreed to accept the undernoted addendum to his amendment:-

That the fourth and sixth paragraphs of the amendment should be amended to read as follows:-

Fourth paragraph:-

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – insert: “SG to provide circa £25m for a new Dumbarton Academy, but not to be funded by a PPP method.”

Sixth paragraph:-

Under the heading ‘Scottish Government required action/commitment to support delivery of local outcome’ – agree existing entries and insert: “SG to provide circa £25m for a new Dumbarton Academy, but not to be funded by a PPP method.”

Following debate, the Council agreed to proceed by way of a Roll Call Vote.

On a vote being taken, 11 Members voted for the amendment including the addendum (namely Councillors Black, Bolla, Bootland, Calvert, Casey, McBride, McGlinchey, W. McLaughlin, McNair, Millar and Rooney); and 10 for the motion (namely Provost Agnew, Councillors Brown, Finn, Hendrie, J. McColl, R. McColl, McElhill, C. McLaughlin, Robertson and Smillie).

The amendment was accordingly declared carried.

## **ADJOURNMENT**

Having heard Provost Agnew, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 11.36 p.m. with all those Members shown on the sederunt in attendance.

### **VALEDICTORY**

Provost Agnew informed the Council that Stephen Brown, Head of Legal, Administrative and Regulatory Services would leave the Council in July and therefore this would be his last meeting.

Councillor Robertson, on behalf of the Administration, thanked Mr Brown for all his help and advice during the years he had served with West Dunbartonshire Council. He pointed out that Mr Brown had always been open, honest and fair and wished him good luck in his future career.

Councillor Bootland, on behalf of the Labour Group, thanked Mr Brown for all the help and advice he had given her over the past few years and commented that he had always been impartial and honest and she wished him well in his new job.

Thereafter, Provost Agnew, on behalf of all elected members, presented Mr Brown with a small gift as a token of their appreciation for his good work with this Council and expressed his personal appreciation for all the help and advice which Mr Brown had given him in recent years.

In response, Mr Brown thanked the Council for their kind wishes and the gift.

### **DECLARATIONS OF INTEREST**

Provost Agnew, Councillors Hendrie and Rooney declared a non-financial interest in the following item of business and remained within the meeting. It was noted that members of their families, who did not reside in their households, were employed by the Council.

Councillor J. McColl declared a financial interest in the following item of business and left the meeting. It was noted that Councillor McColl was a former employee of the Council.

Councillors Millar and R. McColl declared a financial interest in the following item of business (residing with a family member who may be affected by the single status agreement) and left the meeting.

### **PROPOSALS FOR IMPLEMENTATION OF THE SINGLE STATUS AGREEMENT**

A report was submitted by the Chief Executive:-

- (a) providing an update on the decision taken by Council at the Special Meeting held on 14 May 2008 in relation to implementation of the Single Status Agreement;

- (b) highlighting the significant financial implications associated with the Council decision; and
- (c) identifying key risks in relation to the continued delivery of best value and affordable services including the potential impact on staffing levels resulting directly from the proposed changes to Terms & Conditions of Service.

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

The Council notes with extreme concern the content of the report regarding the unbudgeted implementation costs of the Labour motion on the single status agreement.

It is clear that the Labour Party did not fully cost their proposals and have placed the Council at considerable risk from financial hardship and potential secondary legal challenges.

The Council also notes that the following risks were also not considered by Labour when approving their motion:-

- Risk to rebuilding Dumbarton Academy due to the recurring unbudgeted revenue expenditure £4.69 million per annum.
- Risk to the current Second Phase of schools regeneration.
- Risk to the current proposals to provide additional new care homes.
- Risk to jobs by placing in-house services in danger of not being able to comply with best value and potential threat of privatisation due to high operating costs.
- Risk to the newly won 30 year contracts for the cleaning and maintenance of the new schools, due to the additional costs to provide the service.
- Risks to the Council of £4.69million of recurring unbudgeted financial pressures.
- Risk to the Council's public commitment to freeze council tax for 3 years
- Risk of failing to negate the legal risks to the Council by not addressing equal pay.
- Risk to the Council by not demonstrating Best Value in its decision making processes.
- Risk to the Council by approving a single status proposal that was neither fully costed or risk free.

This Council therefore calls on the Labour Group to comply with the findings of the report and identify where the current in year implementation shortfall of £1.95 million is to be drawn from and where the £4.69 m recurring costs are to be met from.

In addition to the above the Council agrees to instruct the Chief Executive Officer to contact KPMG to bring forward their planned review of the evaluation and treatment of single status and equal pay costs.

In response to a question by Councillor Calvert, the Head of Legal, Administrative and Regulatory Services (Legal Officer) confirmed that, in his opinion, the above motion was competent. However, he did point out that the decision on 14 May 2008 was made by the Council and therefore the full Council was obliged to identify funding to implement the decision.

The Head of Human Resources and Organisational Development was heard in further explanation of the report and in so doing provided the Council with an update on the current situation and the risks which the Council faced if no action was taken to address pay and conditions inequalities. The Executive Director of Social Work and Health explained in detail the implications and risks which faced social work services, and those services provided in partnership with other agencies, if no action was taken to address the predicted shortfall in funding due to the Council decision on 14 May 2008.

The Legal Officer advised the Council that it did have an obligation to address the predicted shortfall in the budget in terms of best value guidance and the sound management of its finances. He also pointed out that the Single Status Agreement was still subject to an Equality Impact Assessment. In response to a question by Councillor McLaughlin, the Legal Officer confirmed that, although it was unlikely, auditors could recommend that Members of this Council be disqualified from office, if they were so minded.

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

This Council notes the report and refers to the report to the Special Meeting of the Council dated 14 May 08.

Paragraph 3.3.8 of the report of 14 May states: 'The additional annual costs associated with harmonizing existing terms and conditions at current rate and extending these provisions to employees with different contractual arrangements i.e. contracted on all inclusive rates or not in receipt of enhancements would be £2.67m per annum. This is the position that has been adopted by the Trade Unions through the Collective Bargaining process, however these costs could not be accommodated within departmental budget provision on a recurring basis and would have significant impact on the competitiveness of services across the authority. This potentially may expose the Council to further litigation claims relating to Equal Pay.'

Council notes that in the report of 14 May, 2008 there are no mentions of figures of £8.83m or £4.69m as referred to in paragraphs. 3.1.3, 5.1 and 5.2 of this report on implementation.

Council notes with grave concern the possibility that full and accurate information may not have been provided by officers to elected members in the report to Council on 14 May 2008 on which Council took its decision.

That having been said, the Council decision of 14 May 2008 requires to be implemented. Council expects the Trades Unions and the Administration to



finalise arrangements within the parameters and timescales specified given that the Unions publicly agree that this is a 'fantastic result for Trade Unions'.

The Chief Executive expressed the view that the wording within the second last paragraph of the amendment was not accurate as officers had expressed concerns regarding the cost of implementing the proposals and pointed out that the Executive Director of Corporate Services had made it clear to the Council that she would need to seek clarification of the meaning of "highest rate" (as referred to with the Labour Group motion) in order to estimate the cost of the proposals. The Executive Director of Corporate Services confirmed that the Chief Executive was correct and repeated the comments which she had made to the Council at its Special Meeting held on 14 May 2008.

Following debate, the Council agreed to proceed by way of a Roll Call Vote.

On a vote being taken, 8 Members voted for the amendment (namely Councillors Bootland, Calvert, Casey, McBride, McGlinchey, W. McLaughlin, McNair and Rooney); 8 for the motion (namely Provost Agnew, Councillors Brown, Finn, Hendrie, McElhill, C. McLaughlin, Robertson and Smillie); and 2 Members abstained (namely Councillors Black and Bolla).

There being an equality of votes, Provost Agnew used his casting vote in favour of the motion which was accordingly declared carried.

Note: Councillors J. McColl, R. McColl and J. Millar returned to the meeting.

### **PROPOSED CHANGES TO COMMITTEE TIMETABLE**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider making changes to the existing Committee timetable.

The Council agreed:-

- (1) that the Education and Lifelong Learning Committee would now meet on 20 August and 22 October 2008 and that the Social Work and Health Improvement Committee would now meet on 13 August and 15 October 2008; and
- (2) to note that all future committee timetables would take into account the issues highlighted in the report.

### **CHANGES TO OUTSIDE BODIES/JOINT BOARDS/PARTNERSHIPS**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider making changes to nominations to outside bodies/joint boards/partnerships.

Following discussion, the Council agreed to approve the undernoted nominations to outside bodies/joint boards/partnerships:-

<b>Outside Body/Joint Board/Partnership</b>	<b>Previous Nominee(s)</b>	<b>New Nominee(s)</b>
Clydebank Rebuilt	Councillor Casey Councillor McNair (Sub)	Councillor Bootland Councillor Casey (Sub)
Glasgow and Clyde Valley Structure Plan Joint Committee	Councillor Bootland	Councillor Casey
National Association of Councillors – General Management Committee	Vacancy	Councillor Millar
West Dunbartonshire Sports Council	Vacancy	Councillor McGlinchey
Argyll, Bute and Dunbartonshires Criminal Justice Social Work Partnership Joint Committee	Councillor McNair	Councillor Millar
Community Justice Authority	Councillor McNair	Councillor Millar
Community Health Partnership	Councillor McNair (Sub)	Councillor Millar (Sub)
Strathclyde Joint Police Board	Councillor Millar (Sub)	Councillor Casey (Sub)
Strathclyde Partnership for Transport	Councillor McGlinchey (Sub)	Councillor W. McLaughlin (Sub)

It was noted that the Labour Group would review all its vacancies on Committees over the recess and inform the Committee Administration Team of any further nominations.

### **A FAIRER LOCAL TAX FOR SCOTLAND – CONSULTATION PAPER**

A report was submitted by the Executive Director of Corporate Services recommending a Council response to the consultation paper issued by the Scottish Government titled ‘A Fairer Local Tax for Scotland’.

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

Given the diametrically opposed opinions of the two main groups, Council agrees that each political group and other individuals will send their own responses to the consultation and that this Council should not express a view on the document.

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

This Council's response should recommend that the Scottish Government should support the Scottish Service Tax as proposed by the Scottish Socialist Party, which is based on the ability to pay and is a fairer method of taxation. This would mean that persons with an income of less than £12,000 would not pay any local tax and that 860,000 pensioners in Scotland would be exempt from paying any local tax.

As a second amendment, Councillor McBride, seconded by Councillor Casey, moved:-

This Council notes that the proposals will result in a 25% cut in Council revenue raised compared to that generated by the Council Tax.

Council also notes that the consultation does not address the issue of further savage cuts by the Scottish Government. This is confirmed in Page 338, paragraph 30 of the SNP's consultation document.

Council agrees to request that the Scottish Government address the underfunding prior to any further consultation on the implementation of Local Income Tax.

On a vote being taken between the second amendment (Councillor McBride) and first amendment (Councillor Bollan), 9 Members voted for the second amendment and 11 for the first amendment.

On a second vote being taken between the amendment (Councillor Bollan) and motion (Councillor C. McLaughlin), 11 Members voted for the amendment and 10 for the motion. The amendment was accordingly declared carried.

## **SCOTTISH GOVERNMENT CONSULTATION ON COMMUNITY COUNCILS**

A report was submitted by the Executive Director of Corporate Services making recommendations on the Draft Model Scheme of Establishment of Community Councils and Draft Code of Conduct for Community Councils.

After hearing Councillor W. McLaughlin, the Council agreed:-

- (1) to approve the responses to the consultation, as detailed in the appendix to the report, together with the comments made by the Community Participation Committee; and
- (2) that, in making its response, to emphasise to the Scottish Government the importance of adequately resourcing any additional requirements on local authorities to support, develop and monitor community councils.

**TAKING FORWARD THE GOVERNMENT ECONOMIC STRATEGY:  
TACKLING POVERTY, INEQUALITY AND DEPRIVATION IN SCOTLAND -  
COUNCIL RESPONSE**

A report was submitted by the Chief Executive:-

- (a) informing the Council of the results of the consultation process within the Council on a Scottish Executive discussion paper entitled 'Taking forward the Government Economic Strategy (GES): A discussion paper on Tackling Poverty, Inequality and Deprivation in Scotland'; and
- (b) outlining proposed actions to tackle poverty and draft principles contained in the Government's discussion paper and detailing the results of the consultation.

Following discussion, the Council agreed to approve the response as detailed in the appendix of the report, subject to the undernoted comments:-

- (1) the response should state the Council's support for the Scottish Government's "equally well" document at the appropriate place;
- (2) the response should include this Council's support for the Scottish Government's and UK Government's plans to reduce poverty by 50% by 2010/11 and for poverty to be eradicated by 2020; and
- (3) that any reference to the word 'worklessness' should be removed from the response.

**QUESTION**

**Question by Councillor Rooney to Councillor Robertson, Leader of the Council, on Community Planning Partnership – Services to Users**

I recognise that the Community Planning Partnership (CPP) has decided to end staff contracts and terminate a number of community projects. I believe that the loss of community support capacity and the loss of the experienced and helpful staff will be greatly missed by the many community groups in West Dunbartonshire.

I also acknowledge the commitment and high quality support that has been provided to the many community groups through the three community resource bases in Alexandria, Clydebank and Dumbarton, and I would like to record my thanks to the staff for their many years of dedicated service to our communities.

What assurances will the Leader of the Council give to ensure that services to user groups will be maintained once the community bases are closed down by the CPP? Furthermore, what will be the long term future for the three community bases?

**Councillor Robertson responded in the following terms:-**

The Community Planning Partnership Board, including elected members and all partners unanimously agreed to a full review of its structure.

This review has been agreed and the Partnership is currently advertising and filling the posts in the new structure.

In order to provide interim support for the community there is now an agreement in place with the CVS to provide agreed opening hours for the bases in Clydebank and Alexandria.

The CPP chairman has written to all groups intimating the arrangements.

**NOTICES OF MOTION**

**(a) Motion by Councillor Jonathan McColl – Disabled Parking Bays**

Council supports our Constituency MSP's bill to make disabled parking bays legally enforceable.

This is an issue that all parties should be able to back and as such Council agrees that Councillor Jonathan McColl, Co-Chair of the Equality and Diversity Working Group should write to Jackie Baillie expressing this view and offering any assistance he can.

The Council unanimously agreed to approve the above motion.

**(b) Motion by Councillor Jonathan McColl – C. Diff at the Vale of Leven Hospital**

Council notes with concern the number of people who have died as a result of C. Diff at the Vale of Leven Hospital and we express our condolences to their families and friends.

Council is concerned that NHS Greater Glasgow & Clyde appear to have ignored key safety systems, designed to identify and control outbreaks of this nature, over a significant period of time this year.

Council further notes with concern the time NHS Greater Glasgow & Clyde have taken to fully inform the Cabinet Secretary for Health & Wellbeing of the extent of the problem.

Council agrees that it was proper for the Cabinet Secretary to wait until she had sight of the Health Board's report before making any announcement regarding an independent enquiry.

Council now calls on the Cabinet Secretary for Health & Wellbeing to announce an independent inquiry into the C. Diff outbreak at the Vale of Leven Hospital.

The Council noted that Councillor J. McColl had decided to withdraw the above motion as the Cabinet Secretary had already announced that an independent inquiry would take place.

**(c) Motion by Councillor John Millar – Geared Up Club**

This Council notes the plan to relocate the Geared Up Club from Central Alexandria to The Network in Haldane.

Council notes that the Geared Up Club has recently been successful in being awarded £9,300 from the Lottery in order to expand its activities in Central Alexandria.

Council further notes that one of the main aspects of the successful funding bid to the Lottery was the fact that the Geared Up Club broke down territorial barriers and was accessible to all young people in the Vale of Leven area that met the Club's age criteria.

Given all the hard work by the members of the Geared Up Club, who have been very well supported by the Community Resource Base Staff, this Council instructs the Chief Executive to bring forward a report that looks at providing the Geared Up Club with suitable premises in Central Alexandria.

After hearing Councillor J. McColl, Councillor Millar agreed to accept the undernoted addendum to his motion:-

Should officers find a suitable solution in terms of this motion, and in agreement with the Geared Up Club, a report will not be necessary, instead a briefing note will be issued to all local elected members.

At this point the Chief Executive indicated that officers had identified a suitable location for the Geared Up Club.

Thereafter, the Council agreed to approve the above motion and the addendum.

**URGENT ITEM OF BUSINESS  
CORPORATE CULTURE SUB-COMMITTEE**

On the suggestion of Provost Agnew, given the late hour, the Council agreed that the meeting of the Corporate Culture Sub-Committee due to be held at 9.30 a.m. on Thursday 26 June 2008 (that morning) be postponed to a date and time in August, to be agreed by the Convener and the Chief Executive.

The meeting closed at 12.50 a.m.