

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 25 February 2009 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, William Hendrie, Douglas McAllister, 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; Lynn Townsend, Head of Service (Support); Anne Ritchie, Head of Service (Children & Families and Criminal Justice); John McKerracher, Head of Property and Technical Services; Liz Cochrane, Head of Service, Policy and Performance; Gillian McNeilly, Manager of Accounting; Jeff Stobo, Manager of Strategy (Housing, Environment and Economic Development); Andrew Fraser, Head of Legal, Administrative and Regulatory Services; Anne Laird, Manager of Administrative Services; and George Hawthorn, Senior Administrative Officer.

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

#### **PROVOST'S REMARKS**

Provost Agnew reminded Members that the revised Standing Orders were effective from the commencement of this meeting.

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

**MINUTES OF PREVIOUS MEETINGS****(a) Meeting held on 28 January 2009**

The Minutes of the Ordinary Meeting of West Dunbartonshire Council held on 28 January 2009 were submitted and approved as a correct record, subject to the undernoted corrections:-

- (i) With reference to the item under the heading "Open Forum" (Pages 1666/67 refer), the Council noted that the undernoted response from Councillor Hendrie to the supplementary question by Mrs Rose Harvie had not been included in the Minutes:-

Around two years ago Council staff made an approach to the two shop premises in Castlehill Road (the Chip Shop and the General Store/Hot Food) seeking their assistance in trying to address the problem of litter generated possibly by pupils of Our Lady and St Patrick's High School. Under the Code of Practice on Litter and Refuse, Hot Food Outlets should be encouraged to address the issue of litter generating from their premises, although they are not directly responsible for its spillage. It is recalled that this was met positively by one premise.

We are not aware of ongoing observation by Council staff and it is possible the comment from the questioner that the "Litter Enforcement Officers have been seen observing the school children dropping litter" stems from this time and is historic, although the comment regarding "did not intervene" is considered unjustified.

Regarding the question of issuing "Tickets" to under 16's. This has been the subject of much debate throughout Scotland and although some authorities do issue tickets it is questionable if it is ethically correct or indeed legal. How do children without any means of income pay a fine? There is no onus on parents/guardians to assume the penalty.

The Criminal Justice System of Scotland does not take punitive action against children and young people except in criminal matters of a serious nature. Children between the ages of 8 and 16 years (or 16 -18 and under supervision) involved in any offending behaviour are generally reported to the Reporter to the Children's Panel and may subsequently have to attend a Children's Hearing. Litter Control have previously made contact with the local Reporter to the Children's Panel and were informed that should a child be reported for the offence of dropping litter and there were no other matters of concern regarding that child, it would not be likely that any action would be taken.

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The wider issue of litter in the vicinity of schools (particularly Secondary Schools) is not peculiar to Our Lady and St Patrick's or to West Dunbartonshire but is a national problem. In order to have a real impact on the problem, there has to be a change of culture and this should stem from within the schools themselves but also involve a number of agencies. To that end we have made an approach to Strathclyde Police Community Safety Department at Dunbarton, in an effort to collectively look at the issue along with an appropriate representative of WDC Education. The Community Safety Inspector agreed to make an approach to Education. To date this has not progressed further and we are led to believe that the present Chief Constable has terminated Community Safety as was.

In the past WDC and the Police have conducted joint monitoring of the area referred to with Community Police. This allows more effective interaction with the pupils, due to the uniform presence. We will speak to the local Community Policing Sergeant with a view to repeating this exercise.

With the start of three new schools after the summer break, there is an opportunity to try and introduce the correct ethos in the new establishments. To that end efforts should be made to try and change the culture of the outgoing schools prior to the transfer to new accommodation, it is an opportunity not to be missed and will be discussed at Officer level.

- (ii) With reference to the item under the heading "Declaration of Interest" (Page 1676 refers), the Council noted that the reference to 'Cordale Housing Association' should have read 'Dunbritton Housing Association'.
- (iii) With reference to the item under the heading "Motion by Councillor Jim Bolla – Proposed Boycott of Israeli Goods" (Page 1680 refers), the Council noted that the heading "**URGENT ITEM OF BUSINESS**" should have been inserted before the motion by Councillor Patrick McGlinchey concerning the decision by the BBC and Sky News not to screen the disasters Emergency Appeal for humanitarian aid to Gaza.

**(b) Special Meeting held on 12 February 2009**

The Minutes of the Special Meeting of West Dunbartonshire Council held on 12 February 2009 were submitted for approval. After hearing Councillor Calvert raise a point order in relation to Standing Order 21 in respect of the item under the heading "Housing Revenue Account (HRA) Estimates 2009/2010" (Page 1712 refers), the Provost, having heard the Head of Legal, Administrative and Regulatory Services, agreed with the point of order and that the Minute should be amended accordingly. Thereafter, the Council approved the Minutes subject to the undernoted correction:-

Replace the relevant text on Pages 23 to 26 of the Agenda (Volume Pages 1713 – 1716) with the undernoted text:-

As an amendment, Councillor Calvert moved a motion which contained the Labour Group's proposals in respect of the Housing Revenue Account 2009/10 and on Rent Harmonisation/Revised Rent Model.

## ADJOURNMENT

After hearing Provost Agnew, the Council agreed to adjourn for a period of 20 minutes to allow officers sufficient time to examine the proposals.

The meeting reconvened at 5.25 p.m. with all those Members shown on the sederunt in attendance.

Provost Agnew invited the Chief Executive to address the Council. The Chief Executive informed the Council that it appeared that there was a £300,000 discrepancy in the figures contained in the Labour Group's proposal which if funded from HRA reserves, would result in reserves being reduced to approximately £128,000. The Manager of Finance (Housing, Environment and Economic Development) explained in detail how the shortfall had been calculated. Thereafter, the Executive Director of Housing, Environmental and Economic Development informed the Council that in her opinion the shortfall could not be met out of existing budgets, while to reduce the reserve to £128,000 would put the Council at significant risk. The Head of Legal, Administrative and Regulatory Services advised the Council that in circumstances where the full financial consequences of decisions could not be assessed prior to taking a major financial decision, this would be a breach of the Council's statutory obligation of best value. A resolution in these terms would therefore be illegal, albeit that the motion could still be amended since it had not been seconded.

Thereafter, the Provost having taken the advice of the Head of Legal, Administrative and Regulatory Services, ruled that the motion was not competent.

After discussion, Councillor Calvert informed the Council that in light of this he would amend the amendment to read as follows:-

### **Rent Harmonisation/Revised Rent Model**

This Council notes with grave concern that successive decisions it has taken regarding Rent Harmonisation appear not to have been implemented. It is noted in para. 5.2 of the report that an Internal Audit investigation is in progress and therefore it would be premature to make further comment on this matter at this time.

Given the added complications implicit in funding the delivery of the SHQS 2015, Council agrees that rent harmonisation should be suspended at present. Council agrees that a new Council-Wide rent model, open and transparent, should be in place before rent harmonisation is recommenced.

### **Recommendations**

Council agrees the need for a revised rent model as outlined in para. 12.1 (iii) and notes the work being undertaken by Arneil Johnston in this regard as outlined in para. 12.1 (v) of the Recommendations.

Furthermore, Council agrees to suspend rent harmonisation increases as outlined in para. 12. (iv) of the Recommendations.

### **Estate Enhancement**

This Council agreed in February 2008 that three major estate enhancement schemes be instigated and the additional costs be added to the weekly rent. These schemes were:- (i) enhanced caretaking service; (ii) enhanced back-court maintenance and grass cutting; and (iii) a new close cleaning service.

Liaison with tenants reveals that the additional caretakers, where in place, are valued and are making a real difference, that the back-court maintenance programme has not been carried out to the level agreed and that the close cleaning service has not even begun – one full year after being agreed by Council.

This Council is aware that the decision to intensify its estate management service was taken because parts of some of our estates were deteriorating into appalling states, that our estate management teams had little or no power to enforce conditions of missives and that the anti social behaviour of some tenants was the direct cause of the unacceptably high level of void properties. This Council was united in its view that action had to be taken.

Having taken the right decision in 2008, this Council is annoyed and frustrated at the incompetence of this Administration that has led to not one close being cleaned and a patchy back court and grass cutting service. Council notes also that it has collected additional rent amounting to £150k approx for this service which it has failed to provide.

### **Recommendation**

This Council affirms its decision of 2008 and, in addition, agrees to instigate and expand the three estate management schemes with the money already collected from tenants and thereafter at an additional cost of 0.99p per week. This Council expects the Administration to implement this decision without any more incompetence or prevarication and to bring forward progress reports to every future meeting of Housing, Environmental and Economic Development Services Committee until further notice.

## **Rent Levels**

This Council notes with satisfaction that Council Housing rents have been kept at levels below the rents for equivalent properties of other housing providers over the last ten years by the successful application of Labour policies as consistent commitments to affordable rents.

In looking to the immediate future, this Council notes that in setting the direction for investment and rent setting, the Standard Delivery Plan to achieve the Scottish Housing Quality Standard 2015 will be the driver for progress. Therefore, it is recognised, by tenants' organisations as well as by this Council, that above inflation rent increases will become a feature over the coming few years. However, we are not there yet.

## **Recommendation**

Council agrees, in continuing to keep its commitment to affordable rents, that a weekly increase equating to 2.5% and not as outlined in para. 12.1 (i) of the Recommendations be applied. Council agrees that £252,000 will be applied from the Reserves to achieve this level of increase.

Council agrees rental for lock ups be maintained at existing levels in line with para. 12.1 (vi) of the Recommendations.

## **HRA Reserves**

This Council notes that the HRA Reserve as at 31<sup>st</sup> March 09 is estimated to be at approximately £1,685,000. Council notes also that the recommended, but not legally binding, level of reserves should be £627,000. This Council accepts that over £1 million of tenants money is readily available right now to tackle the shortcomings in properties that will need to be addressed in meeting the SHQS 2015.

As stated in para. 11.6 of the report, this Council is appalled that this Administration plans to spend, not one but, £2 million of tenants money to fund lawyers and consultants to support stock transfer rather than to invest directly in property to provide warm, dry and energy efficient homes for our tenants.

## **Recommendation**

This Council will transfer £700,000 of its HRA Reserves to the HRA Capital Plan to be ring-fenced for investment in properties that will support the SHQS 2015. This Council requests that the Director of Housing, Environmental and Economic Development bring forward recommendations for this investment in the report for Council at the end of February.

This Council agrees that the resultant prudential reserve of £443,000 is adequate for its purposes given the real need to invest in housing stock before the deadline for SHQS 2015.

At this point, Councillor Casey seconded the amendment.

On a vote being taken, 10 Members voted for the amendment and 10 for the motion and 2 Members abstained. There being an equality of votes the Provost used his casting vote in favour of the motion which was accordingly declared carried.

### **OPEN FORUM**

The Council noted that no open forum questions had been submitted for consideration at this meeting.

### **MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 14 JANUARY 2009**

The Council noted that the Minutes of Meeting of the Audit & Performance Review Committee held on 14 January 2009 had been submitted to the meeting of the Council held on 28 January 2009 and had been ratified at that time.

### **MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE ON 21 JANUARY 2009**

The Minutes of Meeting of the Community Participation Committee held on 21 January 2009 were submitted and all decisions contained therein were approved.

### **REMIT FROM TENDERING COMMITTEE - EXTENSION OF CONTRACT TO SUPPLY, ERECT AND DISMANTLE SCAFFOLD ACCESS EQUIPMENT FOR THE REPAIR AND MAINTENANCE OF WEST DUNBARTONSHIRE COUNCIL PROPERTY**

With reference to the Minutes of Meeting of the Tendering Committee held on 18 February 2009 (Page 1764 refers), the relevant excerpt from the Minutes together with a report by the Executive Director of Housing, Environmental and Economic Development seeking approval to enter into negotiations with the Council's current service provider to extend the existing contract for the supply, erection and dismantling of scaffold access equipment to allow the continuation of the repair and planned maintenance of West Dunbartonshire Council's property, were submitted for consideration.

Councillor Bootland informed the Council that Members of the Tendering Committee were concerned that reports similar to the aforesaid report were being submitted to the Tendering Committee for approval when, in their opinion, reports of that nature should be referred to the appropriate service committee for determination.

After hearing the Head of Legal, Administrative and Regulatory Services, the Council agreed:-

- (1) to authorise relevant officers to enter into negotiations to extend the existing contract for the supply, erection and dismantle of scaffolds access equipment with the current service provider; and
- (2) that a report should be submitted to the Council on the issues which had been raised at the meeting of the Tendering Committee which was held on 18 February 2009.

### **STRATEGIC LEADERSHIP AND ORGANISATIONAL CULTURE**

A report was submitted by the Chief Executive presenting the outcomes of the elected member seminar held in January 2009 on Strategic Leadership and seeking agreement to take forward a series of recommendations to improve the involvement of all Members in the strategic decision making processes.

Councillor Rooney, seconded by Councillor Calvert, moved:-

This Council agrees to the formation of a Strategic Policy Forum open to all elected members.

This Council instructs the Chief Executive, in consultation with the Corporate Management Team, to construct a programme of meetings for the Strategic Policy Forum.

The contents of the report and Appendices 1 and 2 to be included for discussion on the agenda at the first meeting.

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

That the Council agrees to approve the recommendations and outcomes as presented in Appendix 1 of the report and agrees to the action plan for developing further and implementation within Appendix 2 of the report.

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

On a vote being taken, 12 Members voted for the amendment, 9 for the motion and 1 Member abstained. The amendment was accordingly declared carried.



## **BEST VALUE AUDIT - ARRANGEMENTS FOR FOLLOW UP – MARCH 2009**

A report was submitted by the Chief Executive informing the Council of the arrangements for the follow up review of Best Value and Community Planning in West Dunbartonshire.

Having heard the Chief Executive in answer to Members' questions, the Council agreed to note the arrangements for the second follow up audit by Audit Scotland.

## **NEW POLITICAL DEMOGRAPHIC OF WEST DUNBARTONSHIRE COUNCIL**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 17 December 2008 (Page 1618 refers), a report was submitted by the Executive Director of Corporate Services detailing political changes which have occurred and the impact of these changes on the political balance of committees.

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

That the Council approves the proposed changes to the political make up of the Council's Committees as detailed in the paper (shown as Appendix I to these Minutes).

Council further instructs Officers to prepare a report for its next meeting outlining the current membership of Outside Bodies.

After hearing the Head of Legal, Administrative and Regulatory Services in answer to Members' questions, Provost Agnew ruled that the suspension of Standing Orders was not required in order to approve the proposed changes contained with the above motion.

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

Council notes COSLA guidance on political balance, and agrees that all Committees should reflect the political make up of the Council.

After hearing the Head of Legal, Administrative and Regulatory Services, the Council agreed that if the motion was approved the changes would not take effect until after the meeting of Council on 25 March 2009.

On a vote being taken, 13 Members voted for the motion, 8 for the amendment and 1 member abstained. The motion was accordingly declared carried.

## **REPLACEMENT OF MEMBERS OF COMMITTEES OR WORKING GROUPS**

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 28 January 2009 (Pages 1668/70 refer), a report was submitted by the Executive Director of Corporate Services presenting options for the replacement of political and independent nominations on committees.

After hearing Councillor R. McColl, the Council agreed to approve the undernoted motion:-

Council agrees the following procedure for the replacement of Members on Committees, Sub-Committees and Working Groups:-

- Where a Member has been nominated by a political group and that Member resigns, a replacement Member will be appointed by the respective political group and notified to Committee Admin no less than 11 clear days prior to the date of the next meeting.
- Where an independent Member resigns, it will be for Council to appoint a replacement Member.

Council delegates authority to the Legal Officer to amend Standing Orders to reflect the above procedure.

### **THE EMPLOYEE SURVEY 2009**

A report was submitted by the Chief Executive outlining the timeline and scope of the 2009 follow-up Employee Survey.

The Council agreed to note the contents of the report and the scope and timeline of the 2009 Employee Survey.

### **ADJOURNMENT**

At this point in the meeting, Provost Agnew, seconded by Councillor Robertson, moved that the meeting should adjourn for a short period. Councillor Rooney, seconded by Councillor Calvert, moved that the meeting should not adjourn.

On a vote being taken, 12 Members voted for the adjournment, 8 against and 2 abstained. Thereafter, the meeting adjourned for a short period.

The meeting reconvened at 7.10.p.m. with all those Members shown on the sederunt in attendance.

### **“WE CAN AND MUST DO BETTER”: INFORMATION FOR ELECTED MEMBERS ON LOOKED AFTER CHILDREN AND YOUNG PEOPLE IN WEST DUNBARTONSHIRE**

With reference to the Minutes of Meeting of West Dunbartonshire Council on 26 March 2008 (Page 994 refers), a report was submitted by the Chief Executive informing the Council of the current position regarding ‘Looked After Children and Young People in West Dunbartonshire’.

The Council agreed:-

- (1) to note the information provided in the report regarding the children and young people looked after by West Dunbartonshire Council; and
- (2) to note the creation of an Executive Group for Corporate Parenting and that the Chief Executive will provide the Council with bi-annual updates on this issue.

**GENERAL SERVICES REVENUE 2008/2009  
BUDGETARY CONTROL REPORT (PERIOD 9)**

A report was submitted by the Executive Director of Corporate Services informing the Council of the performance of the General Services Revenue Budget for the period to 15 January 2009.

After hearing the Head of Finance and ICT in answer to Members' questions, the Council agreed to note the contents of the report.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL  
REPORT: PERIOD 9 (2008/2009)**

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan for 2008/2009.

After hearing the Head of Legal, Administrative and Regulatory Services in answer to Member's questions, the Council agreed:-

- (1) to note that the suspension of Standing Orders was not required in order for the Council to approve the updated capital plan; and
- (2) to approve the updated capital plan as outlined in Appendices I and II of the report.

**PRUDENTIAL INDICATORS 2008/09 TO 2011/12 AND TREASURY  
MANAGEMENT STRATEGY 2009/10 TO 2011/12**

A report was submitted by the Executive Director of Corporate Services advising the Council of the proposed:-

- (a) Prudential Indicators for 2008/2009 to 2011/12; and
- (b) Treasury Management Strategy for 2009/10 to 2011/12.

The Council agreed:-

- (1) to adopt the Prudential Indicators and Limits as detailed within Appendix I of the report;

- (2) to approve the statement by the Executive Director of Corporate Services regarding the external borrowing level in comparison to the capital financing requirement (Appendix I - Point 3.4, of the report refers);
- (3) to approve the Treasury Management Strategy 2009/10, as detailed within Appendix II of the report;
- (4) to adopt the Treasury Prudential Indicators and Limits set out in Appendix II (Table K) of the report; and
- (5) to note that a briefing session on Treasury Management and Investments would be given to Members later in the year.

### **HRA 2008/2009 BUDGETARY CONTROL STATEMENT TO 15 JANUARY 2009 (PERIOD 9)**

A report was submitted by the Executive Director of Housing, Environment and Economic Development providing the Council with an update on the financial performance of the Housing Revenue Account (HRA) to the period ended 15 January 2009.

The Council agreed to note the report.

### **HRA CAPITAL PROGRAMME 2008/2009 BUDGETARY CONTROL REPORT TO 15 JANUARY 2009 (PERIOD 9)**

A report was submitted by the Executive Director of Housing, Environment and Economic Development providing the Council with an update on the progress of the HRA Capital Programme as at 15 November 2008.

The Council agreed to note the contents of the report.

### **HRA CAPITAL PROGRAMME 2009/10**

A report was submitted by the Executive Director of Housing, Environment and Economic Development seeking approval for the 2009/10 HRA Capital programme which is primarily aimed at meeting obligations towards the Scottish Housing Quality Standard by 2015 for proposed retained stock.

After hearing the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions and following discussion, the Council, on the motion of Councillor Hendrie, approved the recommended capital budgets for 2009/2010 (as shown on Appendix 2 to these minutes), subject to £350,000 being identified for a dampness eradication programme; the £350,000 to be identified through the re-profiling of the Capital Programme.

## **HOUSING REGENERATION MASTER PLANS**

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

- (a) informing the Council of the outcome of meetings held by the Housing Regeneration Working Group; and
- (b) seeking approval to progress master planning and feasibility studies and to establish Regeneration Groups.

On the motion of Councillor C. McLaughlin, seconded by Councillor McBride, the Council agreed:-

Council recognises and thanks the Housing Regeneration Working Group for the effort in getting open and transparent selection criteria in place for the prioritisation of housing regeneration areas.

It has become clear that the wording of the agreement of the Housing Regeneration Working Group requires a degree of clarity when it comes to the potential transfer of vacant or surplus stock.

Clearly such stock can be developed faster than that of occupied blocks as there are no tenants to relocate.

The framework of the Housing Regeneration Working Group allows for the development of such properties but the report implies that housing associations cannot work with existing groups because of potential conflicts of interests.

Such conflicts relate specifically to transfers of tenanted stock and not to vacant or surplus properties.

Council therefore endorses the outcome of the Housing Regeneration Working Group but agrees to clarify the above issues by adding the following to the recommendations (of the report, as shown below):-

The Council reinforces its commitment to tenant led regeneration and acknowledges the work undertaken to date within communities. The proposed structure for planning developed by the regeneration working group provides a consistent and transparent framework to facilitate robust strategic plans for identified areas that recognise community priorities whilst supporting the Councils objective of achieving the SHQS by 2015.

Feasibility studies will include a review of work to date on surplus stock areas whilst taking into account the bigger picture in each location as well as considering the work undertaken to date by RSLs who will be a key partner in delivering our aspirations.

Recommendations of the report (as referred to above):-

The Council agrees:-

- (i) to agree the recommendation of the Housing Regeneration Working Group of 5 January 2009 relating to local steering groups as detailed in paragraph 3.2.2 of this report;
- (ii) to approve the progress of master planning and feasibility studies;
- (iii) to approve the establishment of Regeneration Groups; and
- (iv) to approve the key objectives for the master plan model brief.

### **SCOTTISH GOVERNMENT CONSULTATION ON THE CREATION OF A CHIEF RETURNING OFFICER FOR SCOTLAND**

A report was submitted by the Chief Executive advising of the Scottish Government's consultation document on the creation of a post of Chief Returning Officer for Scotland and seeking the Council's views on a proposed response.

After hearing Councillor R. McColl, the Council agreed:-

- (1) to approve the response to the consultation paper as detailed in the Appendix to the report; and
- (2) that, in future, where officers intend to prepare a response to a consultation paper for Council/Committee approval, the consultation paper should be circulated to all elected members as soon as possible in order to give Members sufficient time to consider the matter.

### **NOTICES OF MOTION**

#### **(a) Motion by Councillor Geoff Calvert – Kippen Dairy Site**

This Council recalls that during the debate on the agenda item concerning the Kippen Dairy site at the Council meeting of 28 January 2009, Councillor Craig McLaughlin, in questioning a Council officer, Mr William Gibson, asked, "Are you aware that Dunbritton Housing Association has been instructed by SGHID to dispose of the site they own adjacent to the Kippen Dairy site to Cordale at nil value?"

In response to this assertion by Councillor Craig McLaughlin, SGHID has stated, "We have not instructed Dunbritton to transfer its site to Cordale, neither would we do so, as any rationalisation of land/territories between RSLs in West Dunbartonshire should be by agreement, and in the spirit of partnership working, to take maximum advantage of the opportunities that the regeneration programme will bring. This position was made clear to the directors of both associations, and I am as surprised as you are that any member would claim otherwise."

This Council is appalled that it has been clearly misled, for whatever motive, by Councillor Craig McLaughlin and calls on him to apologise to this Council and make a full retraction of his statement. In addition, it is expected by this Council that Councillor McLaughlin will wish to provide a written apology to Mr Gibson for the embarrassment he has suffered as a consequence of Councillor McLaughlin's misleading statement.

Councillor Calvert was heard in support of his motion which was seconded by Councillor McBride.

The Executive Director of Housing, Environmental and Economic Development gave the Council an update on recent discussions with the various parties mentioned in the motion.

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

Council agrees to take no action because of the following:-

I have attended two public meetings where the statement that I expressed at the Council meeting was aired.

At the last meeting Councillors Bollan and Millar were also in attendance when the same view was expressed.

Given that the view had been expressed in a public forum on two occasions I, mistakenly, believed it to be factually correct.

Clearly it is not the case that Dunbritton has been instructed to sell the land to Cordale and again I would wholly retract any statement made to that effect and apologise to Mr Gibson if it caused him embarrassment.

However the motion quoted an email from the SGHID and as to be expected from the Labour Party they did not fully quote from the email which would have placed the published statement into context.

The email also went on to say that;

"I suggested to Cordale that their area of operation could be confined to Renton/Alexandria and that Dunbritton's main areas of activity could be Haldane and Castlehill/Westcliff."

"I suggested that if they were agreeable to this approach that it would be sensible for Dunbritton to transfer its site in Central Alexandria to Cordale – Dunbritton accepted this as logical and a future possibility."

It is clear that the Labour Party continues to be selective with the information that it supplies for public scrutiny and continues to take statements completely out of context.

However the SNP is committed to the development of the Kippen Dairy site as is the local community and the Council is delighted that the Labour Group's motion to sell the land on the open market was defeated.

The Director of Housing Environmental Economic Development read out an excerpt from a letter received from Dunbritton Housing Association in connection with the Kippen Dairy site.

On a vote being taken, 11 Members voted for the amendment, 8 for the motion and 3 Members abstained. The amendment was accordingly declared carried.

**(b) Motion by Councillor Jonathan McColl – Amnesty International**

Council recognises and continues to support the work of the local branch of Amnesty International, and in particular their efforts to secure the release of Ma Khin Khin Leh, who sadly still resides in a Burmese Prison.

While Amnesty continue their work to free Ma Khin Khin Leh Council understands that they are now also working to secure the release of Saed Yassin, a 34 year old Palestinian human rights defender from the occupied West Bank who has been held in 'administrative detention' in Israel since October 2006.

West Dunbartonshire Council pledges the support of all elected members, the Chief Executive and the Leader of the Council for Amnesty's campaign, and agrees to work with the local branch to facilitate events to encourage staff and the wider community to get behind their just cause.

Having heard Councillor J. McColl congratulate Mrs Ritchie, Head of Service (Children & Families and Criminal Justice) and other members of staff who have supported the work of the local branch of Amnesty International, the Council agreed:-

- (1) to note with pleasure that, since the motion had been written, Ma Khin Khin Leh had been released from a Burmese Prison; and
- (2) to approve the above motion.

**(c) Motion by Councillor Martin Rooney – Council Meeting on 12 February 2009**

This Council notes that during the debate on setting the Council's budget at the meeting of 12<sup>th</sup> February 2009, the Chief Executive stated that the additional £1million set aside by the SNP Administration to be used in settling potential claims against the Council arising out of the Single Status decision was not required for this purpose and could be utilised by the Council. Furthermore, the Chief Executive stated that he had made this clear to the Administration in August 2008.



The Finance Convenor, Councillor Craig McLaughlin, disputed the statement by the Chief Executive and claimed that he had not known that this £1million was not required for Single Status “until now”. The Chief Executive disagreed and firmly held to his version of events and said that Councillor Craig McLaughlin was misleading the Council.

During Councillor McLaughlin’s summing up, Councillor McLaughlin stated that the money was needed for Single Status and that, “Anyone who thought otherwise was a fool.”

This outrageous attack on the word and integrity of the Chief Executive is not only in clear breach of the Code of Conduct for Councillors and the Member/Officer Protocol, but fatally undermines the relationship between the Chief Executive and the Administration and therefore cannot lie unchallenged. Should this SNP Administration believe that the current Chief Executive, Mr David McMillan, is ‘a fool’, then it must take steps to ensure that this Council is led by someone else, since it cannot allow ‘a fool’ to hold the position and responsibilities of a Chief Executive.

This Council has every confidence in the integrity of its Chief Executive and believes, without exception, his version of events over that of Councillor McLaughlin.

Therefore, this Council expects Councillor McLaughlin to make a full, public and, for the record, written apology to Mr McMillan for his unacceptable remark. Furthermore, this apology should include Councillor McLaughlin’s acceptance of Mr McMillan’s statement that both he and the SNP Administration have known since August 2008 that the £1million set aside for Single Status was not, and is not, required for that purpose and is available to be allocated elsewhere.

Should Councillor Craig McLaughlin decline to apologise within the terms of the Motion, then Council accepts that the Chief Executive will have no option other than to refer Councillor McLaughlin’s unacceptable conduct to the Standards Commission for determination.

Councillor Rooney was heard in support of his motion which was seconded by Councillor Bootland.

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

Council agrees to take no action due to the following terms:-

The motion before Council is inaccurate in two parts;

The first is that the motion claims that the Chief Executive stated that I was misleading the Council. This is inaccurate as he did not make any such statement.

The second part claims that I said that the money was needed for single status and “anyone who thought otherwise was a fool”. Again this is inaccurate as I did not say this.

What I actually said was that “Anyone who thought single status was over was a fool” and my understanding is that no officer of this Council believes that Single status is over.

The motion however makes a link that I had, by inference, claimed that the Chief Executive was a fool. There was never any intention for that statement to be even remotely directed at the Chief Executive and I, without hesitation would apologise to the Chief Executive if he or anyone else took that inference to be directed at him.

On the final part of the loaded motion it requests that I fully accept that the £1m is not required for single status and can be allocated elsewhere.

As the motion is loaded in such a way that there is no right answer to give – I will answer in the following terms:-

At the February Council meeting of 2008 the minute of the meeting (Page 3005 refers) shows that the Labour Party also thought that Single status required more investment as they accepted an addendum from Councillor Bollan which sought to take £1m from the reserves and place in the single status pot, yet they now are attempting to lambaste me for doing the same.

The Councillors Code of Conduct Para 2.1, subsection listed under accountability says;

“and you must ensure that the Council uses its resources prudently and in accordance with the law”

The Best Value Guidance to Councils 2003 also states the following:-

“That there is a systematic approach to risk management in relation to the authority's resources.”

Taking these issues into account and the advice given by the Senior Legal Officer, Council agrees that the money will remain earmarked for Single Status until further notice.

At this point in the meeting, the Chief Executive made his own views on the situation known to the Council.

On a vote being taken, 12 Members voted for the amendment, 8 for the motion and 2 Members abstained. The amendment was accordingly declared carried.

The meeting closed at 8.35 p.m.