

Agenda



West Dunbartonshire Council

Date: Wednesday, 31 August 2022

Time: 16:00

Format: Hybrid meeting

Contact: Christine McCaffary, Senior Democratic Services Officer
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Dear Member

Please attend a meeting of **West Dunbartonshire Council** as detailed above.

Members will have the option to attend the meeting remotely or in person at the Civic Space, 16 Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

Provost Douglas McAllister
Councillor James Bollan
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Craig Edward
Councillor Gurpreet Singh Johal
Councillor Daniel Lennie
Councillor David McBride
Councillor Jonathan McColl
Councillor James McElhill

Councillor Michelle McGinty
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Lauren Oxley
Councillor Chris Pollock
Councillor Martin Rooney
Councillor Gordon Scanlan
Councillor Hazel Sorrell
Councillor Clare Steel
Councillor Sophie Traynor

Chief Executive
Chief Officers

Date of issue: 18 August 2022

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WEST DUNBARTONSHIRE COUNCIL

WEDNESDAY, 31 AUGUST 2022

AGENDA

1 STATEMENT BY CHAIR – AUDIO STREAMING

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on the agenda and the reasons for such declarations.

4 RECORDING OF VOTES

The Council is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 MINUTES OF PREVIOUS MEETING

13 - 25

Submit for approval, as correct record, the Minutes of Meeting of West Dunbartonshire Council held on 22 June 2022.

6 OPEN FORUM

The following Open Forum questions have been submitted:-

(a) Question from Susan Dick – Land at Milton

I own the field at Milton you want for the so called relief road.

I'm currently being offered cash for my field with no guarantee of a home for my ponies living or dead and no place for my shed, field shelter, trailers or memorial trees.

There are many other solutions available such as:-

1. You are only using half of my field for the road, you could leave me the unused half.

2. You could test properly Sheepfold and guarantee it to me once the road through it is finished.
3. One particular area at Overtoun is in your ownership and control, not leased to anyone and has been used for horses before so it's entirely suitable, you've offered me a lease before of a much further away but unsuitable area so you're not averse to leasing out your own land for horses – the area I mention is not part of any current lease to anyone and you've owned it since 1939. It has sat empty this whole time except for the 6 months or so that horses were kept there so this is a real possibility for it all to end amicably and swiftly. No lease needs be broken to allow me to have it, it's a win win for everyone. It's a solution I'd happily take subject to some alterations being allowed - safer fencing etc ... nothing you wouldn't allow to some other leaser such as a community garden or similar. My ponies stay there till Sheepfold is ready and if Sheepfold never materialises then I stay on with a permanent lease such as you have given to others nearby.

So my question to you all is - why can't a solution be reached such as the ones I have mentioned?

(b) Question from Graham Parton – Land owned by Susan Dick

I am the partner of Susan Dick and together we run the little pony therapy style business which this Council actually books for events.

We are not stopping your development, we have mentioned already the alternatives to your current course of action. If some promises made had been kept then we would not be in this situation that we are now in.

My question to yourselves is ...

At a meeting last September 2021 some promised information has never been received by our appointed land agent or ourselves, which would help us.

Could you explain to us why this information was never received despite several chasers from my agents and indeed a further open forum question in December 2021 in regards to it in which Susan was told to be patient with you?

The missing information is as follows...

1. A list of Council owned land to be given to my agent who would look over it and identify if any was suitable, this land would then be discussed with the parties involved.

2. Three specific areas of land known to be in West Dunbartonshire Council's ownership at the start of this process were to be looked at and then discussed between the agents and myself as to suitability.

(c) Question from Jim Thomson – Sheepfold

As you will be aware, Susan is Dick an invaluable asset to all ages throughout the area and WDC has a responsibility to ensure that a replacement site to her current field is both appropriate and safe for her ponies.

What I would like to ask therefore is that you undertake a detailed test of Sheepfold to ensure that it is indeed safe and, if further decontamination is required, that this be undertaken accordingly so she knows she has a home for her ponies.

This is something she has requested to be done for five years now and as WDC owns the land it is unclear why you have not yet done so. So could you please resolve this issue as soon as possible.

7 GLASGOW CITY REGION CITY DEAL UPDATE 27 – 34

Submit report by the Chief Executive noting the progress with the implementation of the Glasgow City Region, City Deal and seeking approval to accelerate the drawdown of increased design costs required for the delivery of the Full Business Case for the Council's Exxon Infrastructure Project.

8 EXXON LAND ACQUISITIONS 35 - 48

Submit report by the Chief Officer – Supply, Distribution and Property providing an update on progress made in negotiations with landowners and seeking approval for acquisitions as detailed in the report.

9 VENTILATION IN LEARNING ESTABLISHMENTS 49 - 53

Submit report by the Chief Officer – Supply, Distribution and Property providing an update on indicative costs in relation to ventilation across our learning estate.

10 WEST BRIDGEND HALL 55 - 58

Submit report by the Chief Officer – Supply, Distribution and Property providing an update on progress with the West Bridgend Hall project following the motion to Council on 22 June 2022.

- 11 REQUEST FOR NOMINATION TO THE SCOTTISH JOINT COUNCIL FOR LOCAL GOVERNMENT EMPLOYEES (SJC) 59 - 60**
- Submit report by the Manager – Democratic and Registration Services asking Council to consider a request from COSLA for nominations to the Scottish Joint Council for Local Government Employees (SJC).
- 12 AUDIT COMMITTEE ANNUAL REPORT 2021/22 61 - 66**
- Submit report by the Chief Officer – Resources providing an overview of the Audit Committee’s activity during the financial year 2021/22.
- 13 UNAUDITED 2021/22 ANNUAL ACCOUNTS 67 - 292**
- Submit report by the Chief Officer – Resources providing a copy of the unaudited 2021/22 Annual Accounts together with information as to the 2021/22 outturn as set out in the draft accounts.
- 14 GENERAL SERVICES BUDGETARY CONTROL REPORT TO PERIOD 4 293 - 363**
- Submit report by the Chief Officer – Resources providing an update on the General Services revenue budget and the approved capital programme to 31 July 2022.
- 15 HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO PERIOD 4 365 - 384**
- Submit report by the Chief Officer – Resources providing an update on the financial performance to 31 July 2022 of the HRA revenue and capital budgets.
- 16 NOTICE OF MOTIONS**
- (a) Motion by Councillor Sophie Traynor – Clydebank Asbestos Group**
- Council acknowledges the fantastic contribution made by Clydebank Asbestos Group in the fight for justice for victims and their families.
- Council recognises the decade of support, help and advice which the organisation has provided to people with asbestos-related conditions and their families.

Council requests that Provost McAllister holds a civic reception to mark the group's 30th anniversary in October.

(b) Motion by Councillor June McKay – Council and Partners' Emergency Response to Dalmuir Fire

This Council notes the fantastic response to the recent fire at Frank Downie House in Dalmuir, a former 32 bed Residential Care Service.

This was a major fire and its close proximity to houses meant that Clydemuir Primary School was opened as an evacuation centre for those asked to leave their homes.

Council staff were on site in minutes including the Neighbourhood Team, Care at Home, Education, Facilities Management, Homelessness, and our resilience staff.

Staff remained on site until the early hours of the morning providing help and reassurance to local residents.

This Council thanks the emergency services and all of our employees for their response, but for the swift actions of emergency services the fire could have devastated the homes and lives of the residents whose properties are in close proximity to the site.

(c) Motion by Councillor Gurpreet Singh Johal – Standing up for Responsible Tax Conduct

West Dunbartonshire Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the Scottish public agree that the Government and local councils should consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 15% of public contracts in Scotland have been won by companies with links to tax havens.

5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

This Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, as current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

West Dunbartonshire Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification to any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU, UK and Scots law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

(d) Motion by Councillor Chris Pollock – Dumbarton Football Club 150th Anniversary

Council commemorates and celebrates the 150th anniversary of Dumbarton Football Club.

West Dunbartonshire Council recognises that Dumbarton FC is the fourth oldest professional football club in Scotland. The club has won two top league titles, four lower league triumphs, the Scottish Cup and numerous promotions.

Council commends the clubs place within our community with successful initiatives over the years such as the “More choices, more chances programme” as well as more recent outreaches across the community.

Council asks the Provost to host a civic reception honouring the club and wishes Dumbarton Football Club every success for the next 150 years.

(e) Motion by Councillor David McBride - West Dunbartonshire Council calls for the Immediate Release and Return to the UK of Jagtar Singh Johal, on the Basis of His Continued Arbitrary Detention in India

This Council notes that:-

- Jagtar Singh Johal is a British national arbitrarily detained in India since 2017, facing the death penalty as a result of politically motivated charges based on a confession extracted under torture. He is a Sikh activist from Dumbarton who sought to draw attention to human rights abuses against India’s Sikh population, including in a blog post calling for accountability for historic anti-Sikh pogroms.

- The UN Working Group on Arbitrary Detention has found that under international law, Jagtar's detention is clearly arbitrary. They found that Jagtar's detention lacks any legal basis and that his fair trial rights have been gravely violated, with him remaining in detention "apparently with no evidence". The UN body called for him to be immediately released.
- Prime Minister Boris Johnson has recognized that Jagtar is arbitrarily detained. It is UK Government policy to call for the release of arbitrarily detained UK nationals overseas, but the Government has yet to do so in Jagtar's case.
- Jagtar is at serious risk of a death sentence. At least two of the charges against Jagtar carry the death penalty as a maximum punishment. The risk of Jagtar being sentenced to death is very high given the politicized nature of his case and the current political climate. Earlier this year, an Indian court sentenced 38 people to death in a single case.^[2]

Given the above this Council agrees to:-

1. Call on the Foreign Secretary to advocate for the release of Jagtar Singh Johal and his return to the UK;
2. Request that the Council's Chief Executive write to the Convention of Scottish Local Authorities (COSLA) regarding Jagtar's case; and
3. Request that copies of this motion be distributed to all councils in Scotland asking them to consider supporting for their consideration.

(f) Motion by Councillor Ian Dickson - £1,000 for Every Household

Labour in West Dunbartonshire campaigned on a manifesto pledge to put £1,000 in the pocket of every West Dunbartonshire resident, with Scottish Labour Leader Anas Sarwar telling the BBC on April 7th, that Labour led Councils would be focused on such "bold policies to protect household budgets."

Council notes that having an overall majority gives Labour the mandate and ability to implement their election pledges as they see fit.

Council therefore calls on officers to work with the Administration to bring forward proposals for the Council to play our part in putting the promised £1,000 into every West Dunbartonshire citizen's pocket.

(g) Motion from Councillor Jonathan McColl – Levenhowe / Ballagan Burn Flood Prevention

Council thanks officers for working with local Lomond Ward members and Levenhowe residents during the previous term around flood prevention in the area.

Council notes that a budget allocation was made in the 2022/23 budget to deliver flood prevention works on Ballagan Burn identified by officers and communicated to local members and residents.

Council asks officers to provide an update to the next IRED Committee on the proposed works and at the same time to produce a summary briefing that can be emailed to Levenhowe residents to bring them up to date.

(h) Motion by Councillor Karen Conaghan – Suicide Rate in West Dunbartonshire

Council is concerned that in West Dunbartonshire deaths by suicide continue on an upwards trend. We are all too aware of the link between social deprivation and mental ill health. The global pandemic of the COVID 19 virus and now the subsequent cost of living crisis have only added to the levels of depression and anxiety felt by many in our communities. We all have a part to play in helping prevent suicides and therefore Council requests a report be brought to the next Council meeting outlining what we already do in terms of suicide prevention work and what more could be done.
