

## WEST DUNBARTONSHIRE COUNCIL

At the meeting of West Dunbartonshire Council held in the Lesser Town Hall, Municipal Buildings, Dumbarton Road, Clydebank on Wednesday, 29 October 2003 at 7.00 p.m.

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew, James Bolland, Margaret Bootland, Dennis Brogan, Geoffrey Calvert, Gail Casey, Anthony Devine, Jack Duffy, James Flynn, Jackie Maceira, Douglas McAllister, James McCallum, Duncan McDonald, Margaret McGregor, Craig McLaughlin, Marie McNair, Connie O'Sullivan, Martin Rooney, Andy White and Raymond Young.

**Attending:** Tim Huntingford, Chief Executive; Eric Walker, Director of Corporate Services; Dan Henderson, Director of Economic, Planning and Environmental Services; Ian McMurdo, Director of Education and Cultural Services; David McMillan, Director of Commercial and Technical Services; Donald Findlay, Manager of Building Services; Alexis Jay, Director of Social Work and Housing Services; Tim Holmes, Capital Programme Officer (Social Work and Housing Services); Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

**Apology:** An apology for absence was intimated on behalf of Councillor Linda McColl.

### Provost Macdonald in the Chair

### OPEN FORUM

The following question was submitted to Council for consideration:-

**Mr John Ian McDonald, 9 Meadow Court, Dumbarton**  
**Meadow Court Housing Development**

1006 Is the said area adopted, if not when will it be adopted? If it is adopted when will we receive our services on a regular basis (i.e. roads swept, gullies and drains cleaned, grit box positioned)?

**Councillor Duncan McDonald was heard in answer to this question as follows:-**

- 1007 The Department of Commercial and Technical Services have checked the available records and would confirm that, although a Road Construction Consent was issued for the Meadow Court development, the builder never submitted a request for the road to be adopted.
- 1008 However, the road will now be adopted as on inspection it meets the agreed criteria.
- 1009 Once adopted, the road will be added to the list of streets to be swept and for gullies to be emptied.
- 1010 The road does not meet the criteria for issuing a grit bin, however, salt is available free of charge from the Roads Depot at Elm Road for all residents of West Dunbartonshire.

**Mr McDonald asked the following supplementary question:-**

- 1011 I found out that the road was not adopted when I called the Council to ask for a disabled parking bay. My wife has a disability. I was told that because the road was not adopted by the Council I could not have a disabled parking space. Can anything be done now?

**Councillor Duncan McDonald responded in the following terms:-**

- 1012 Once the road is adopted by the Council you can apply for the disabled parking space but you will need to complete the appropriate application form. I will arrange for officers to send you the appropriate form.

**MINUTES OF PREVIOUS MEETING**

- 1013 The Minutes of Meeting of West Dunbartonshire Council held on 24 September 2003 were submitted and approved as a correct record.

**HEALTH FORUM**

- 1014 With reference to the Minutes of Meeting of Council held on 25 June 2003 (page 51, paragraph 154 refers), the Chief Executive provided a verbal update on the proposed establishment of a forum to discuss health provision in West Dunbartonshire. The Council noted that Councillors Flynn and McLaughlin had met to discuss the proposal and that this item had been placed on the Agenda to allow the Council to determine a way forward.
- 1015 Councillor Flynn, seconded by Councillor Calvert, moved:-
- 1016 That the Forum be established with the proposed remit, membership etc., as detailed in the Appendix to these minutes.

1017 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved:-

1018 That the membership of the proposed Forum should also include representation from local activist groups from across West Dunbartonshire and 2 opposition members.

1019 The forum should also seek to act as the main focus for the monitoring, retention and enhancement of health services across West Dunbartonshire.

1020 On a vote being taken, 3 Members voted for the amendment and 16 for the motion which was accordingly declared carried.

### **REMIT FROM CORPORATE SERVICES COMMITTEE: THE PLAY DROME, CLYDEBANK**

1021 With reference to the Minutes of the Meeting of the Corporate Services Committee held on 22 October 2003 (page 341, paragraph 985(1) refers), a joint report was submitted by the Director of Corporate Services and the Director of Commercial and Technical Services:-

- (a) outlining the background to and feasibility of further pursuing legal action to recompense the Council for the consequences of (i) Design; and (ii) Construction Faults in the Play Drome Leisure Centre, Clydebank; and
- (b) providing information in respect of the measures already taken and proposed to ensure the continued safe operation of the Play Drome.

1022 Having heard Councillor Devine in further explanation, Councillor White, seconded by Councillor Calvert, moved:-

1023 This Council accepts the view of the Legal Officer that negotiations be entered into with a view to having the court action dismissed.

1024 This Council welcomes the work already carried out and the work proposed in Appendix A of the report.

1025 The Council expresses its disappointment that the latest legal advice is that the claim against the contractors would be long and drawn out and would involve considerable risk of a potentially significant cost to the Council Taxpayer.

1026 The Council instructs the Chief Executive to examine in detail the lessons to be learned with a view to avoiding such disappointing results in the future.

1027 As an amendment, Councillor Bollan, seconded by Councillor McLaughlin, moved:-

1028 That the Council should take legal action against the contractors involved in the construction of the Play Drome in order to try to recover some of the £7.5 million of Council taxpayers' money which had been invested in the Play Drome. If the Council does not take this action then it will be sending out the wrong message to other contractors who carry out major building works on behalf of the Council.

1029 On a vote being taken, 4 Members voted for the amendment and 17 for the motion which was accordingly declared carried.

Councillor Duncan McDonald left the meeting at this point.

### **REMIT FROM LOCAL NEGOTIATING COMMITTEE FOR TEACHERS: COMPOSITION OF THE LOCAL NEGOTIATING COMMITTEE FOR TEACHERS (LNCT)**

1030 With reference to the Minutes of Meeting of the Local Negotiating Committee for Teachers (LNCT) held on 9 October 2003, Council was requested to consider increasing the number of representatives on each Side of the LNCT from 7 to 8. It was noted that a copy of the relevant excerpt minute and report were submitted for information.

1031 Having heard Councillor McCallum, the Council agreed to increase representation on the Management Side and Teachers' Side of the LNCT from 7 to 8.

### **TREASURY MANAGEMENT ANNUAL REPORT 2002/2003**

1032 A report was submitted by the Director of Corporate Services providing an update on treasury management during 2002/2003.

1033 The Council agreed to note the contents of the report.

### **GENERAL SERVICES BUDGETARY CONTROL REPORT: PERIOD 5 (2003/04)**

1034 A report was submitted by the Director of Corporate Services on the performance of General Services budget for the period to 31 August 2003.

1035 Councillor Devine, seconded by Councillor Calvert, moved that the Council should note the report.

1036 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved:-

1037 That the sum of £388,000 be transferred from the General Services Budget to the HRA budget as a refund of the 'Open Space Maintenance'.

1038 On a vote being taken, 4 Members voted for the amendment and 15 for the motion which was accordingly declared carried.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT: PERIOD 5 (2003/04)**

1039 A report was submitted by the Director of Corporate Services on the General Services Capital Programme as at 31 August 2003.

1040 Having heard Councillor Devine, the Council agreed to note the terms of the report.

Councillor Duncan McDonald re-entered the meeting at this point.

### **GENERAL SERVICES CAPITAL PROGRAMME 2003/2004**

1041 A report was submitted by the Director of Corporate Services providing information on indicative costs which had been obtained for the refurbishment and renewal of the lifts within Garshake Road, Dumbarton.

1042 Having heard the Head of Legal and Administrative Services in answer to Members' questions, the Council agreed to the refurbishment of the two main lifts within the Garshake Road offices at an estimated total cost of up to £170,000, with £100,000 being met from the current year Capital Programme and the remaining £60,000 - £70,000 to be met from the Capital Programme for 2004/05.

### **HRA CAPITAL PROGRAMME UPDATE**

1043 A report was submitted by the Director of Social Work and Housing Services:-

- (a) updating Members on the resources available for the 2003/2004 HRA Capital Programme and seeking approval to amend budgets in light of changes in resources, projects costs and timetables; and
- (b) seeking approval to establish 2004/2005 budgets and to bring forward those projects if resources became available in 2003/2004.

1044 Councillor Flynn, seconded by Councillor Calvert, moved:-

1045 That Council approves the recommendations of the report, as follows:-

- (1) to approve the recommended amendments to the 2003/2004 HRA Capital Budgets and to establish initial 2004/2005 budgets as indicated in the Director's report;
- (2) to note that the 2004/2005 budgets recommended in the report were to enable an early commitment of contracts, and would be amended when the full 2004/2005 budget is established; and
- (3) that the Director of Social Work and Housing Services be authorised to bring forward 2004/2005 projects if additional resources become available as a result of slippage in the programme.

1046 Councillor McLaughlin, seconded by Councillor McGregor, moved:-

1047 That the proposed increase in budget for Minor Capital Projects 2003/2004 (Paragraph 4.18 of the report refers) from £280,000 to £574,402 should be reduced by the sum of £94,402 and that sum be used to enhance the budget provision to Creveul Court project.

1048 On a vote being taken, 4 Members voted for the amendment and 16 for the motion which was accordingly declared carried.

**DISPOSAL OF COUNCIL OWNED SITES AT BACK STREET/BILSLAND PLACE, RENTON (2 LINKED SITES) AND CASTLE STREET/CASTLE SQUARE, DALMUIR (2 ADJACENT SITES)**

1049 A report was submitted by the Director of Social Work and Housing Services seeking approval to dispose of the above sites to Cordale Housing Association and Link Housing Association respectively.

1050 The Council agreed:-

- (1) to sell the site at Back Street/Bilsland Place, Renton (2 linked sites) to Cordale Housing Association Ltd; and
- (2) to sell the site at Castle Street/Castle Square, Dalmuir (2 adjacent sites) to Link Housing Association Ltd subject to the following:-
  - (a) the price to be agreed between the Estates Section of Economic, Planning and Environmental Services and the District Valuer acting for the purchasers;
  - (b) estates Fees and VAT to be met by the purchasers;
  - (c) the purchasers shall pay the Council's legal fees, expenses, outlays, VAT, together with Stamp Duty and Registration Duty;

- (d) any necessary property enquiry certificates will be paid by the purchasers; and
- (e) the disposal to be subject to any required Scottish Ministers' consents.

### **RADIO TELECOMMUNICATIONS**

1051 A report was submitted by the Director of Economic, Planning and Environmental Services on the findings and the views expressed at the public seminar on mobile phone masts held on 26 August 2003 in Clydebank Town Hall.

1052 Councillor O'Sullivan, seconded by Councillor Devine, moved:-

1053 That the recommendations of the report (shown at paragraphs (a) to (e) below and, in addition, a further recommendation (shown at paragraph (f) below) be approved by Council:-

- (a) to continue to determine planning applications for telecommunications apparatus in line with local plan and national policies;
- (b) to re-adopt the precautionary principle by removal of the moratorium on the installation of telecommunications apparatus on Council owned land and premises (with the exception of school premises) and to rely upon planning considerations to determine whether or not apparatus should be permitted;
- (c) to maintain regular contact through the Environmental Health Section, with National Radiological Protection Board, the Health Boards and other appropriate organisations in order to maintain a level of knowledge on research and development in relation to health and the development of telecommunications;
- (d) to support the principle of a reduction in International Commission Non-Ionising Radiation Protection exposure guidelines;
- (e) to support the need for increased independent scientific research on health aspects of mobile telecommunications technology; and
- (f) that the information shown in the Appendix to the report be made available to the public in both printed and electronic format in order to increase awareness on the location of existing radio telecommunication masts.

1054 As an amendment Councillor Bolla, seconded by Councillor Brogan, moved:-

- 1055 That the Council should keep the moratorium which means that no radio telecommunication masts should be permitted to be constructed on Council land or premises until such times as sufficient quality information is made available to the Council to allow it to make an informed decision on this issue.
- 1056 As a second amendment Councillor McLaughlin, seconded by Councillor McGregor, moved:-
- 1057 The Council accepts that there is still legitimate public concern over the siting of telecommunication masts as well as questions that still remain unanswered over safety.
- 1058 However, in order that the council can better control the location of these masts there should be an end to the complete ban on the installation of radio telecommunication masts on Council land. Officers should prepare guidelines, for approval by the council on criteria for mast sitings. The criteria should include no installations near residential areas or near any schools as well and should include other criteria that officers deem appropriate.
- 1059 In addition any application to site a mast, which meets the criteria, must come before the council for final approval and local residents and members should have their chance to air their views before the final decision is taken.
- 1060 On a vote being taken, 7 Members voted for the second amendment and 2 for the first amendment. Thereafter, the second amendment was taken against the motion.
- 1061 On a further vote being taken, 3 Members voted for the second amendment and 16 for the motion which was accordingly declared carried.

The meeting closed at 8.45 p.m.



**APPENDIX****WEST DUNBARTONSHIRE HEALTH FORUM**

**TITLE:** West Dunbartonshire Health Forum

**REMIT:** All or any of the following:-

- To identify/agree the key health care issues which will affect the people of West Dunbartonshire.
- To ensure the retention of existing key local health services within West Dunbartonshire's boundaries.
- To develop and promote local health care solutions for the people of West Dunbartonshire.
- To fight for modern high quality, local health services both in the community and in hospital settings.

**MEMBERSHIP:**

- West Dunbartonshire Council elected members (cross-party) including members nominated to the NHS Boards (Councillors White and Flynn) and the Chair of the Health Improvement and Social Justice Partnership (Councillor Rooney) plus 1 Opposition Member.
- Relevant Trades Unions (e.g. Unison, GMB, Amicus).
- NHS Board members living in the West Dunbartonshire area.
- Local MSPs and MPs (ex officio).

**POSSIBLE CO-OPTIONS:**

- Relevant user groups e.g. Community Care Forum, Carers Groups, Patient Representation).
- Local Clinicians (e.g. Hospital consultants, GPs, Nurse Managers).
- West Dunbartonshire Council staff, e.g. Chief Executive, Director of Social Work & Housing Services.

**SERVICING & SUPPORT:** to be determined at first meeting.

**MEETINGS:** As and when required

**CHAIR & VICE CHAIR:** Jim Flynn and Andy White