

WEST DUNBARTONSHIRE COUNCIL

At a Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday, 26 August 2009 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, 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; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; Elaine Melrose; Executive Director of Housing, Environmental and Economic Development; David Connell, Head of Finance and ICT; Stephen West, Head of Service, Strategy, Resources and Modernisation; Tricia O'Neill, Head of Human Resources and Organisational Development; Liz Cochrane, Head of Service, Policy and Performance; David Webster, Manager of Improvement and Performance; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

Apology: An apology for absence was intimated on behalf of Councillor Jim Bollan.

Provost Denis Agnew in the Chair**URGENT MOTION**

Councillor McBride intimated his intention to raise an urgent motion in relation to the Labour Group's nominations on the Criminal Justice Authority and Argyll, Bute and Dunbartonshire's Social Work Criminal Justice Partnership. Provost Agnew informed the Council that he would consider the matter at the appropriate juncture later in the meeting. In response to a question by Councillor McNair, the Head of Legal, Administrative and Regulatory Services was heard in explanation as to why the recommended procedure for considering Urgent Motions had been changed.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

MINUTES OF PREVIOUS MEETINGS

(a) Ordinary Meeting on 24 June 2009

The Minutes of the Ordinary Meeting of West Dunbartonshire Council held on 24 June 2009 were submitted and approved as a correct record subject to the following clarification:-

With reference to the item under the heading "Minutes of the Community Participation Committee held on 20 May 2009" (Page 2036 refers), the Council noted that Councillor Rooney had asked the Head of Legal, Administrative and Regulatory Services to confirm if it was legal for the Council to record and include information concerning sex offenders on the Social and Economic Profile (as requested by Councillor Black) and having heard the response, the Council agreed to refer the matter back to the Community Participation Committee for clarification.

(b) Ceremonial Meeting held on 26 June 2009

The Minutes of the Ceremonial Meeting of West Dunbartonshire Council held on 24 June 2009 were submitted and approved as a correct record.

(c) Special Meeting held on 6 August 2009

The Minutes of the Special Meeting of West Dunbartonshire Council held on 6 August 2009 were submitted and approved as a correct record, subject to the following correction:-

With reference to the item under the heading "Schools Regeneration – New Funding Stream" (Pages 2101/2104 refer), the Council noted that Councillor McGlinchey had withdrawn his amendment before Councillor W. McLaughlin had withdrawn his amendment.

OPEN FORUM

Mr Edward Grant – Speed Bumps on Bus Route

Would the Council consider having the speed bumps on the 81, 17, x17 and 300 Bus Route removed?

The reasons for this are: (1) The residents were never consulted; (2) They damage Cars, Buses, and Passengers; (3) They DO NOT Slow Down speeding traffic; (4) I did a survey of the road users and THE BUMPS DO NOT WORK and are not worth the Damage, Danger to the elderly on buses.

I am sure that if I did a Petition this would prove my point and if the Council members would like they could come with me on my daily journeys for the experience.

While I can see reasons for the BUMPS at a School or Hospital or even WHERE there has been a problem with SPEEDING, I would like to know HOW the BUMPS are justified on a Bus Route?

After hearing the Head of Legal, Administrative and Regulatory Services inform the Council that Mr Grant was unable to attend this meeting, the Council agreed that the question be continued to the September Meeting of Council.

MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE HELD ON 10 JUNE 2009

The Minutes of the Special Meeting of the Audit & Performance Review Committee held on 10 June 2009 were submitted and all decisions contained therein were approved. It was noted that Councillor Jonathan McColl should have been included on the list of apologies.

MINUTES OF THE JOINT CONSULTATIVE FORUM HELD ON 25 JUNE 2009

The Minutes of Meeting of the Joint Consultative Forum held on 25 June 2009 were submitted and all decisions contained therein were approved.

AUDIT OF BEST VALUE AND COMMUNITY PLANNING – ACCOUNTS COMMISSION FINDINGS

A report was submitted by the Chief Executive presenting the final published version of Audit Scotland's Best Value Audit Progress Report, including the Accounts Commission's findings.

Councillor Robertson, seconded by Councillor Jonathan McColl, moved:-

That recommendations 7.1 and 7.3 of the report (as shown below) be approved:-

- 7.1 The Best Value Audit Progress report concludes that although we have some good services we have not made sufficient progress in delivering Best Value and that we need to focus on improving strategic leadership through an improved political climate and better member-officer relationships together with an increase in the pace of change.
- 7.3 Council is requested to note that, following discussion by the Improvement & Efficiency Executive, a detailed draft improvement plan will be submitted to Council in September 2009. This will include clear proposals for a prioritised approach, and will address the need to increase the pace of change.

At this point, Councillor Robertson informed the Council that he had received confirmation from the Auditors that the Council could now roll forward to Best Value 2 and commented that while this was good news, the Council should not be complacent in addressing the outstanding issues from the first Best Value Audit.

As an amendment, Councillor Rooney moved:-

Council welcomes the Accounts Commission Report. The report highlights key areas where progress has been made since the previous 2008 Best Value Progress Report including:-

- Service performance is improving and, in particular, Education and Social Work services, the two largest Council departments, continue to build on the strong performance identified in the 2006/2007 Best Value Audit Report.
- Scrutiny by elected members continues to improve and this has been acknowledged and welcomed by Officers. It is agreed that there is scope to further develop the arrangements to support better scrutiny of performance and decision-making.

Nevertheless, this Council accepts that there is still a way to go in order to demonstrate Best Value and continuous improvement of our services.

Council is disappointed that the Administration has made insufficient progress in key areas as identified by Audit Scotland Progress Report 2009. Council notes the Administration had failed to display the strategic corporate leadership required to drive forward continuous improvement. Therefore the Council welcomes the external peer support.

The Council also welcomes the fact that the Chief Executive is to carry out an urgent review of the Council's Best Value Audit Plan in order to ensure that the areas for improvement identified by Audit Scotland and the Accounts Commission are properly prioritised and resourced.

Council is concerned about the claim that political conflict among elected members is having a negative effect on the operation and development of the Council and calls for a report from the Chief Executive giving clear examples of where this has occurred.

After hearing Councillor R. McColl, Councillor Rooney agreed that the references to the term 'Administration' in the above motion be replaced with 'Council'. Councillor R. McColl then seconded the amendment.

As a second amendment, Councillor Black, seconded by Councillor W. McLaughlin, moved:-

That the report be noted subject the inclusion of the following wording:-

Council is concerned that the Audit Scotland report still states: "However, the Chief Executive and his senior colleagues are still not succeeding in achieving the changes that are required."

At this point, Councillor Robertson, with the consent of the Council, agreed to withdraw his motion. Therefore, the amendment (as amended) by Councillor Rooney became the motion and the second amendment by Councillor Black became the amendment.

Following debate, on a vote being taken, 4 Members voted for the amendment, 16 for the motion and 1 Member abstained. The motion was accordingly declared carried.

ELECTED MEMBER INVOLVEMENT IN COMMUNITY PLANNING STRUCTURES

A report was submitted by the Chief Executive proposing arrangements which support the widest possible participation by elected members in Community Planning structures, and in particular, the six thematic groups which have been established recently.

After hearing Councillor Ronnie McColl and Councillor McBride, the Council agreed:-

- (1) to note the contents of the report;
- (2) to note the current participation of elected members in WDCPP Executive Group and Strategic Board; and
- (3) to approve the nominations on the Strategic Board and the six Thematic Groups, as detailed in Appendix 1 to these minutes.

COMMITTEE TIMETABLE – SEPTEMBER 2009 TO DECEMBER 2010

A report was submitted by the Executive Director of Corporate Services seeking approval of the Committee Timetable for September 2009 to December 2010.

After hearing Councillor C. McLaughlin and having heard the Senior Administrative Officer in answer to questions, the Council agreed to approve the Committee Timetable for September 2009 to December 2010, as shown in Appendix 2 to these minutes, with exception of the meeting of the Housing, Environmental and Economic Development Committee scheduled to be held on Wednesday, 4 November 2009, which might need to change due to a clash with a proposed Market Place Funding Seminar to be held in West Dunbartonshire on the same day.

After hearing Councillor Rooney, the Council noted the close proximity of the meetings of the Audit and Performance Review Committee on 23 September 2009 and 14 October 2009 and agreed to delegate authority to the Chair to cancel the October meeting in the event that there was insufficient business for the meeting.

**GENERAL SERVICES REVENUE BUDGETARY CONTROL STATEMENT TO 15
JULY 2009 (Period 3)**

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

After hearing officers in answer to Members' questions, the Council agreed to consider this report

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT:
PERIOD 3 (2009/2010)**

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan 2009/2010 for the period to 15 July 2009.

After hearing the Executive Director of Educational Services in answer to Members' questions, the Council agreed to approve the updated plan for 2009/10 and note the updated position as detailed in the Appendices I and II of the report.

GENERAL SERVICES CAPITAL PLAN 2009/10, 2010/11 and 2011/12

A report was submitted by the Executive Director of Corporate Services providing the Council with an update of the current Capital Plan 2009/10, and Capital Bids for 2010/11 and 2011/12.

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

- (1) to note the updated plan for 2009/10;
- (2) to note the draft programme as outlined for 2010/11 and 2011/12; and
- (3) to request the Executive Director of Corporate Services to submit a further report to Council on how a post capital works review process could be developed and implemented. The report should include the proposal that the Audit & Performance Review Committee should select a few capital programmes that have been completed and assess the success of the works and project costs.

DRAFT ANNUAL ACCOUNTS 2008/2009

A report was submitted by the Executive Director of Corporate Services providing the Council with a copy of the draft Annual Accounts for 2008/09 and highlighting matters of interest.

The Council agreed:-

- (1) to note the contents of this report and the draft accounts for 2008/09; and
- (2) that the Drafts Accounts be referred to the Audit and Performance Review Committee for consideration.

HOUSING REVENUE ACCOUNT 2009/10 – BUDGETARY CONTROL STATEMENT TO 15 JULY 2009 (Period 3)

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

The Council agreed to note the contents of the report.

HRA CAPITAL PROGRAMME BUDGETARY CONTROL REPORT TO 15 JULY 2009 (PERIOD 3)

A report was submitted report by the Executive Director of Housing, Environmental and Economic Development advising the Council of progress of the HRA Capital Programme 2009/2010.

The Council agreed to note the contents of the report.

NOTICE OF MOTION

At this point in the meeting Provost Agnew informed the Council that he had decided to accept the motion by Councillor McBride in relation to the Labour Group's nominations on the Criminal Justice Authority and Argyll, Bute and Dunbartonshire's Social Work Criminal Justice Partnership as a matter of urgency, and that the matter would be considered after the undernoted motion by Councillor Patrick McGlinchey.

(a) Motion by Councillor Patrick McGlinchey – Petitions Committee

Council notes the criticisms on West Dunbartonshire Council's progress on Community Engagement detailed within the Best Value and Community Planning Progress Report published in June, which stated: "*The council has made limited progress in improving community engagement activity, which was highlighted as a priority by the Commission in the 2008 progress report*".

Council wishes to improve mechanisms for community groups and individuals to engage directly with the Council on the issues that matter to them.

Council notes that both the Scottish Parliament and East Lothian Council have successfully set up Petition Committees to enhance Community Engagement.

With this in mind, the Council requests officers to bring forward a report outlining the viability of setting up a 'Petitions Committee' whereby members of the public can petition Council on issues concerning services or activities provided by West Dunbartonshire Council. The report should outline possible criteria, procedures and remit for such a committee, and should consider using the Community Participation Committee as a possible vehicle for dealing with petitions.

Furthermore, Officers are asked to look at the viability of setting up an e-petitions system.

After hearing Councillor McGlinchey confirm that he was happy to accept that the proposal for a Petitions Committee should be considered as part of the Best Value Improvement Plan report due to be submitted to Council in September 2009, the Council agreed to approve the motion, as amended.

(b) Urgent Motion by Councillor McBride – Labour Group Nominations

The Council agrees that Councillor Casey should replace Councillor Millar as a member of the Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership Joint Committee and as a substitute member of the Community Justice Authority.

The Council agreed to approve the above motion.

The meeting closed at 7.00 p.m.