

## WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 28 April 2010 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Bollan, 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 and Martin Rooney.

\* Attended later in the meeting.

**Attending:** David McMillan, Chief Executive; Joyce White, Executive Director of Corporate Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Stephen West and Anne Ritchie, Interim Executive Directors of Social Work and Health; Terry Lanagan, Executive Director of Educational Services; David Connell, Head of Finance and ICT; Lorraine Coyne, Manager of Audit; Colin McDougall, Section Head, Internal Audit; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and Craig Stewart, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Margaret Bootland and May Smillie.

### Provost Denis Agnew in the Chair

#### PROVOST'S REMARKS

At the commencement of the meeting Provost Agnew informed Council that there would be 2 minutes of silence in remembrance of the Polish President Lech Kaczynski and those who perished in the recent air disaster in Russia.

#### DECLARATIONS OF INTEREST

Councillor Craig McLaughlin and Provost Agnew both declared a non-financial interest in the item under the heading of "Consultation on Modifications to the Loch Lomond and the Trossachs National Park Designation Order", being Board Members of the National Park.

## **MINUTES OF PREVIOUS MEETING**

### **(a) Special Meeting held on 24 March 2010**

The Minutes of the Special Meeting of West Dunbartonshire Council held on 24 March 2010 were submitted and approved as a correct record, subject to the meeting venue being amended to Clydebank Town Hall.

### **(b) Ordinary Meeting held on 24 March 2010**

The Minutes of the Ordinary Meeting of West Dunbartonshire Council held on 28 March 2010 were submitted and approved as a correct record.

## **OPEN FORUM**

The Council noted that no open forum questions had been submitted by members of the public.

## **URGENT ITEMS OF BUSINESS**

Before commencing with the next item of business, Provost Agnew invited the Head of Legal, Administrative and Regulatory Services to give advice on the Standing Orders concerning the submission of two emergency motions to Council.

The Head of Legal, Administrative and Regulatory Services informed the Council that in terms of Standing Order No. 7, the Council could only consider an item which did not appear on the agenda providing there were special circumstances and the Convener (Provost Agnew) was of the opinion that the items concerned should be considered as a matter of urgency.

Having taken the advice of the Legal Officer, Provost Agnew ruled that there was no urgency and therefore the motions would not be discussed at this meeting.

## **MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE ON 7 APRIL 2010**

The Minutes of the Meeting of the Audit & Performance Review Committee held on 7 April 2010 were submitted and all decisions contained therein were approved.

## **MINUTES OF THE JOINT CONSULTATIVE FORUM HELD ON 25 MARCH 2010**

The Minutes of the Meeting of the Joint Consultative Forum held on 25 March 2010 were submitted and all decisions contained therein were approved.

### **GLASGOW AIRPORT FLIGHTPATH FUND BOARD**

A report was submitted by the Executive Director of Corporate Services on a request from Glasgow Airport to nominate a representative and depute from West Dunbartonshire to join the Flight Path Fund Board. The Fund Board will oversee the distribution of Glasgow Airport's community funding.

Councillor Rooney, seconded by Councillor Calvert, moved:-

That Councillor Casey be nominated as the Council's representative to serve on the Flight Path Fund Board.

As an amendment, Councillor McElhill, seconded by Councillor Finn, moved:-

That Councillors Hendrie be nominated as the Council's representative, with Councillor McNair being depute, to serve on the Flight Path Fund Board.

On a vote being taken, 10 Members voted for the amendment and 7 for the motion. The amendment was accordingly declared carried.

### **HOUSING REVENUE ACCOUNT 2009/2010 BUDGETARY CONTROL STATEMENT TO 15 MARCH 2010 (PERIOD 11)**

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) up to the period ending 15 March 2010.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed to note the report.

### **HRA CAPITAL PROGRAMME 2009/2010 BUDGETARY CONTROL REPORT TO 15 MARCH 2010 (PERIOD 11)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council of progress of the HRA Capital Programme for the period to 15 March 2010.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed to note the report.

## **REPORT ON HOUSING INSPECTION - SCOTTISH HOUSING REGULATOR**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising on the outcome of the Scottish Housing Regulator's inspection of the Council's Housing Management Service, which took place from October to December 2009 and presenting the Regulator's final report, which was contained in Appendix 1 of the report.

After discussion, the Council agreed:-

- (1) to note and acknowledge the outcome of the re-inspection of the Housing Service;
- (2) to congratulate staff across all Council departments for their hard work and commitment to improving the Housing Service;
- (3) to approve the arrangement for progressing the improvement plan during the summer recess;
- (4) to refer the report to the Housing, Environment and Economic Development Committee for consideration;
- (5) to note that further reports on progress in relation to key improvement activity would be submitted to the relevant Committee during the next 24 months;
- (6) that the Member/Officer Working Group referred to in paragraph 3.8 of the report should be open to all Members to allow fuller consultation; and
- (7) that the final improvement plan would be submitted to the Council meeting in May for approval prior to being sent to the Scottish Housing Regulator.

## **CONSULTATION ON MODIFICATIONS TO THE LOCH LOMOND AND THE TROSSACHS NATIONAL PARK DESIGNATION ORDER**

A report was submitted by the Chief Executive on continuing proposals to modify the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (the Designation Order).

After discussion, the Council agreed:-

- (1) to note the proposal relative to the delegation of planning functions; and
- (2) to restate the previous representation made that the Council's membership should be retained at the existing level and that this response be made to the proposal on Board membership for submission to the Scottish Government by the deadline date of 31 May 2010.

## **SCOTTISH FUTURES TRUST – DEVELOPMENT OF THE HUB INITIATIVE**

A report was submitted by the Chief Executive providing the Council with information regarding the development of the West Territory hub.

After discussion and having heard the relevant officers in further explanation and in answer to Members' questions, Councillor Rooney, seconded by Councillor Calvert, moved:-

That the Council agrees:-

- (1) to take part in the development of the West Territory and the procurement of a private sector development partner;
- (2) that the Chief Executive be authorised to issue a Letter of Intent to the Scottish Futures Trust indicating the Councils commitment to take part in the development of the West Territory hub and the procurement of a private sector development partner;
- (3) that the Senior Responsible Officer, or substitute identified by the Chief Executive, be given the appropriate delegated authority to take decisions on behalf of the Council, including signing the Memorandum of Understanding;
- (4) to note that further progress on the development of the hub initiative in the West Territory would be reported to Council; and
- (5) to note that the inclusion of any West Dunbartonshire projects in the initiative would require a further decision at Council or Committee prior to submission to the "hubco".

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

That the Council agrees to take no action with regard to these proposals.

On a vote being taken, 2 Members voted for the amendment and 14 for the motion which was accordingly declared carried.

## **GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT – PERIOD 11 (2009/10)**

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 March 2010.

The Head of Legal, Administrative and Regulatory Services was heard in relation to the position with regard to the requirement to suspend Standing Orders in the event that a proposed motion was moved.

After discussion and having heard the relevant officers in elaboration and in answer to Members' questions, the Council agreed to note the contents of the report.

Note: Councillor McAllister entered the meeting at this point in the proceedings.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT – PERIOD 11 (2009/10)**

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

The Council approved the updated Capital Plan and noted the position to date as outlined in Appendices I and II to the report.

### **BORROWING FOR RESTRUCTURE AND THE FUTURE**

A report was submitted by the Executive Director of Corporate Services providing further information on the cost of options to borrow for the future to address the organisational and service delivery challenges facing the Council over the forthcoming years.

After discussion and having heard the relevant officers in further explanation and in answer to Members' questions, Councillor C. McLaughlin, seconded by Councillor R. McColl, moved:-

That the Council agrees:-

- (1) to take up the option to borrow £4.413m to allow this resource to be utilised to address the organisational and service delivery challenges facing the Council over the forthcoming years; and
- (2) that details of the final terms of the loan when secured be reported to the Corporate & Efficient Governance Committee.

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

That the Council agrees to take no action with regard to the borrowing options.

On a vote being taken, 2 Members voted for the amendment and 17 for the motion which was accordingly declared carried.

During the discussion on this item, the Head of Legal, Administrative and Regulatory Services was heard in clarification of Standing Orders.

## **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period of time. The meeting reconvened at 8.05 p.m. with all those Members shown on the sederunt in attendance.

### **MEMBERSHIP OF WEST DUNBARTONSHIRE LOCAL LICENSING FORUM**

A report was submitted by the Executive Director of Corporate Services requesting consideration of the appointment and re-appointment of members of West Dunbartonshire Local Licensing Forum.

The Council agreed:-

- (1) to approve the appointments to membership of West Dunbartonshire Local Licensing Forum of those individuals detailed in the background section of the report;
- (2) that authority be delegated to the West Dunbartonshire Local Licensing Forum to appoint a further representative of young persons; and
- (3) that, from now on, only new appointments to West Dunbartonshire Local Licensing Forum would require to be approved by Council.

### **INTEGRATION OF NHS AND SOCIAL WORK SERVICES – FORMATION OF SHADOW COMMUNITY HEALTH AND CARE PARTNERSHIP**

A joint report was submitted by the Executive Director of Corporate Services (WDC) and Director of Corporate Planning & Policy (NHS Greater Glasgow and Clyde) asking the Council to consider the membership of the Shadow Community Health and Care Partnership (CHP) and to agree the role of this body.

After discussion, Councillor J. McColl, seconded by Councillor R. McColl, moved:-

That the Council agrees:-

- (1) to approve the remit of the Shadow Committee as set out in the report and to note that it would advise the Council and NHS Board on any issues relating to the formation of the joint health and care partnership for West Dunbartonshire;
- (2) that three Members would be nominated by the SNP Administration, two by the Labour Group and 1 Independent Member, being Councillor McNair;
- (3) to invite NHS Greater Glasgow and Clyde to nominate a further 6 members of the Shadow Committee;

- (4) to nominate the spokesperson for Social Work and Health as chair of the Shadow Committee; and
- (5) that authority be delegated to the Joint Interim Executive Directors of Social Work and Health, in liaison with NHS Greater Glasgow and Clyde and the Chair of the Shadow Committee, to specify the date, place and time of the first meeting of the Shadow Committee. Thereafter Council agrees that the Shadow Committee should agree its own timetable of meetings, with no less than two meetings to be held in total.

Councillor Rooney intimated that the Labour Group's nominees would be Councillors Casey and McGlinchey.

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

That the Council takes no part in the integration proposals and that it should continue to work with its partners in the NHS by joint working on a case by case basis.

After discussion and having heard the Head of Legal, Administrative and Regulatory Services in clarification of certain matters, Councillor Bollan sought a short adjournment to discuss further the terms of the motion with the Legal Officer and possible changes that would require to be made to it to make it competent.

### **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period.

The meeting reconvened at 8.22 p.m. with all those Members shown on the sederunt in attendance.

Councillor Bollan advised Council that, following advice he had been given by the Legal Officer, he would request that his motion be withdrawn and be resubmitted in an amended form.

Thereafter Councillor Bollan, with the consent of the Council withdrew his motion.

Councillor Bollan, seconded by Councillor Black, then moved:-

That the Council agrees to continue consideration of the report for 6 months in order to allow political discussion to take place.

On a vote being taken, 2 Members voted for the amendment and 18 for the motion which was accordingly declared carried.



## KEY CORPORATE PERFORMANCE INDICATORS

A report was submitted by the Chief Executive presenting a summary of work carried out to date on developing a set of Key Corporate Performance Indicators for the Council.

After discussion, the Council agreed that the report containing the 09/10 results of the revised set of indicators be submitted to the Audit and Performance Review Committee prior to external publication at the end of September.

## NOTICES OF MOTION

### (a) Motion by Councillor R. McColl - Michael O'Neil Report

This Council agrees that no action will be taken to close Gartocharn and Garshake nurseries, as recommended in the independent consultant's report. This Council is committed to providing a top quality pre-school experience for our children and agreed officer's recommendations in November 2009 to safeguard these vital services.

The Chief Executive is instructed to bring this report to the May Council, outlining how other recommendations in the report are to be implemented, including new structures and timescales plus any other aspect of the report which require Members to take a decision.

Members will also require a financial breakdown showing projected savings that are envisaged from management actions and officer's recommendations to Members arising from the independent consultant's report.

No figures or reports are required regarding Gartocharn or Garshake Nurseries.

Councillor R. McColl was heard in support of his motion which was seconded by Councillor J. McColl.

During consideration of this item, the Executive Director of Educational Services and the Head of Legal, Administrative and Regulatory Services were heard in clarification of certain matters.

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

Council notes that the closure of Gartocharn EECC and Garshake EECC were not part of the independent consultant's report, and that the report did not refer directly to either of these centres.

However, Council is concerned about the potential negative impact on pre five education services and agrees that neither centre will be closed or privatised.

Council is disappointed that employees, families and communities have, yet again, been caused unnecessary distress by West Dunbartonshire Council.

Council believes that lessons must be learned, particularly regarding effective community engagement, to ensure that we do not strike fear into the heart of our communities again.

Therefore Council calls for a review of procedures relating to the publication of proposed changes to services, particularly where the proposals may cause unnecessary distress to individuals and communities.

In addition, Council calls on the findings of the consultant's report to be presented to elected members for consideration, prior to implementation of the recommendations.

The Head of Legal, Administrative and Regulatory Services advised Council that the proposed amendment, in its current form, which had been tabled would require Suspension of Standing Orders as a period of six months had not passed since a decision was made on this matter.

On a vote being taken, 9 Members voted for the Suspension of Standing Orders and 10 against. Accordingly, Standing Orders were not suspended as two-thirds of those present and voting did not vote in favour of the amendment.

The amendment was withdrawn with the consent of the meeting.

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

Council notes that the closure of Gartocharn EECC and Garshake EECC were not part of the independent consultant's report, and that the report did not refer directly to either of these centres.

However, Council is concerned about the potential negative impact on pre five education services and agrees that neither centre will be closed or privatised.

Council is disappointed that employees, families and communities have, yet again, been caused unnecessary distress by West Dunbartonshire Council.

Council believes that lessons must be learned, particularly regarding effective community engagement, to ensure that we do not strike fear into the heart of our communities again.

Therefore Council calls for a review of procedures relating to the publication of proposed changes to services, particularly where the proposals may cause unnecessary distress to individuals and communities.

In addition, Council calls on the findings of the consultant's report to be presented to elected Members for discussion.

On a vote being taken, 10 Members voted for the second amendment and 10 for the motion.

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

**(b) Motion by Councillor John Millar – Alexandria Health & Social Care Centre**

This Council is pleased that, in response to several written questions by Jackie Baillie MSP last month to the Cabinet Secretary for Health and Well Being, Nicola Sturgeon MSP, Ms Sturgeon gave no hint that the construction of the Alexandria Health & Social Care Centre was in doubt and, what is more, gave a detailed cost profile and a detailed timetable for its construction.

This Council is now extremely concerned to learn that the funding of the Alexandria Health & Social Care Centre may now be at risk.

On Monday 29<sup>th</sup> March it was reported to the Vale Monitoring Group that ***‘NHS Greater Glasgow & Clyde is reviewing its capital plans – a review which might result in the Health and Social Care Centre, planned for the Vale site being delayed or even cancelled.’*** Council also notes that: ***‘The Monitoring Group is very concerned at the possible delay to, or even cancellation of, an important aspect of the Vision.’***

This Council acknowledges that the Chair of the Vale of Leven Hospital Monitoring Group, Mr Bill Brackenridge, has written to the Health Secretary Nicola Sturgeon MSP and Mr Robert Calderwood, Chief Executive of Greater Glasgow and Clyde Health Board outlining the concerns of the Vale Monitoring Group.

The Vale Monitoring Group has highlighted the fact that the Health & Social Care Centre is a key element of the approved Vision for the Vale and the Chairman of the Monitoring Group is seeking support from the Cabinet Secretary for Health & Wellbeing, and an assurance from the Chief Executive of NHS GG&C that the Health & Social Care Centre will not be cancelled nor delayed.

This Council agrees with the Vale Monitoring Group that the Alexandria Health & Social Care Centre is a key element of the Vision for the Vale and therefore agrees that the Chief Executive will write to the Cabinet Secretary for Health and Well Being and to the Health Board to highlight the concerns of the Vale Monitoring Group and to seek reassurance and confirmation from both the Cabinet Secretary and the Health Board that the Centre will not be cancelled and that there will be no further delay in delivering this vital service to the people of the Vale of Leven area.

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

After hearing Councillor R. McColl, Councillor Millar agreed to accept the undernoted addendum to his motion (to be inserted at the end of paragraph 2):-

Council notes that the Health Board's commitment to building the Alexandria Health & Social Care Centre is an integral part of the Vision for the Vale document.

This document was signed off by the Health Secretary and as such confirms the agreement between NHS Greater Glasgow & Clyde and the Scottish Government to commit both capital and ongoing revenue budgets towards this and other local health services required by the people of this area.

Council believes that if the Health Board is minded to break that agreement then any decision must once again be signed off by the Cabinet Secretary, and the Health Board must not only inform Nicola Sturgeon of their plans, but also get her approval.

With the exception of commitments made by both the Scottish Government and the Health Board with regards to the new Southern General Hospital, no other capital projects other than the Alexandria Health & Social Care Centre have this dual mandate.

Thereafter, the Council approved the above motion as amended to include the addendum.

**(c) Motion by Councillor Patrick McGlinchey – Gartocharn and Garshake EECCs**

This Council notes with concern that the clients and staff of the Gartocharn and Garshake EECCs, are being subject to upset and distress by the rumours circulating concerning the threat of privatisation or closure of these Centres. This Council notes that the SNP Administration appears to have learned nothing from the failures to adequately consult and engage with the same clients and staff concerning the recent increase in charges that was imposed and which caused so much hurt and worry for parents.

Against the background of criticism from Audit Scotland and the Accounts Commission over its failings to address effective Community Engagement, this Council accepts that the SNP Administration will continue to fail to improve the culture within the Council as long continues to ride roughshod over the fears and concerns of Council staff. This Council accepts that such behaviour makes a mockery of its commitment to improvement and undermines the integrity of this Council.

For the avoidance of any doubt, this Council affirms that there is no threat to either Gartocharn or Garshake EECC and that the rumours circulating regarding privatisation or closure are without foundation - neither Centre will close or be privatised. Furthermore, this Council agrees that the Leader of the Council will apologise, again, for any distress that has been caused to the clients or staff of both Centres.

It was noted that a similar motion had already been dealt with earlier in the business of the meeting and accordingly the above matter was not considered.

The meeting closed at 9.45 p.m.