

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 26 May 2010 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Bolland, Jim Brown, Geoff Calvert, Jim McElhill, Jim Finn, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

**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; Lynn Townsend, Head of Services (Support), Educational Services; Jim McAloon, Head of Housing and Regeneration; Lorraine Coyne, Manager of Audit; Colin McDougall, Section Head, Internal Audit; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Gail Casey and Margaret Bootland.

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

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

Provost Agnew informed the Council of the recent death of Councillor Gail Casey's mother and intimated that the funeral service would be held in the Clydebank Crematorium on Thursday, 27 May 2010 at 11.30 a.m.

Provost Agnew, on behalf of the Council, expressed his sincere condolences at the death of Councillor Casey's mother and asked Councillor W. McLaughlin to convey the Council's condolences to Councillor Casey.

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 28 April 2010 were submitted and approved as a correct record, subject to the undernoted corrections:-

- (1) With reference to the item under the heading "Declaration of Interest" (Page XXX refers), it was agreed that the reference to "non-financial" should be replaced with "financial"; and
- (2) With reference to the item under the heading "Borrowing for Restructure and the Future" (Page XXX refers), it was noted that Councillor McNair seconded the amendment referred to therein and not Councillor Black.

## **OPEN FORUM**

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

## **URGENT ITEMS OF BUSINESS**

Provost Agnew informed the Council that he had agreed to accept the two additional reports, entitled: Office Holder, Working Group, Outside Bodies and Joint Boards – Vacancies; and (ii) Eligibility Criteria for the Independent Living Fund (ILF), as a matter of urgency.

## **VARIATION IN ORDER OF BUSINESS**

After hearing Provost Agnew, the Council agreed to vary the order of business as hereinafter minuted.

## **OFFICE HOLDER, WORKING GROUP, OUTSIDE BODIES AND JOINT BOARDS - VACANCIES**

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

- (a) informing the Council of a number of resignations which had been intimated for the positions of Leader, Depute Leader, Depute Provost, Committee Chairs, Service Spokespersons and members of Working Groups, Outside Bodies and Joint Boards; and
- (b) requesting the Council to make appointments and nominations for these positions.

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

Council agrees nominations to vacant positions as follows:

Leader of the Council -	Cllr Ronnie McColl
Depute Leader of the Council -	Cllr Jonathan McColl
Depute Provost -	Cllr George Black
Vice Convener of Corporate & Efficient Governance -	Cllr Ronnie McColl
Spokesperson for Educational Services -	Cllr Jonathan McColl
Convener of Education & Lifelong Learning -	Cllr Jonathan McColl
Vice Convener of Education & Lifelong Learning -	Cllr Jim McElhill
Spokesperson for Social Work & Health -	Cllr Ronnie McColl
Convener of Social Work & Health Improvement -	Cllr Ronnie McColl
Vice Convener of Social Work & Health Improvement –	Cllr Jonathan McColl
Vice Convener of Planning & Licensing Committees -	Cllr Craig McLaughlin
Chair/Vice Chair of Local Negotiating Committee for Teachers -	Spokesperson for Educational Services
Chair of Recruitment & Individual Performance Management -	Leader of the Council

Council agrees to fill vacancies on working groups as follows:-

Officer/Member Working Group on Employee Survey -	Leader of the Council
Strategic Finance Working Group -	Leader of the Council

Council agrees to fill vacancies on Outside Bodies as follows:

Clydebank College -	Spokesperson for Educational Services
Clydebank Rebuilt (Sub) -	Leader of the Council
Clyde Valley Learning & Development Project Joint Committee -	Spokesperson for Educational Services

Greater Glasgow & Clyde NHS Board Mental Health Partnership -	Cllr Ronnie McColl
Maid of the Loch – Board of Trustees -	Cllr Craig McLaughlin
Scottish Enterprise West Regional Advisory Board -	Leader of the Council
Scottish Maritime Museum - Board of Trustees -	Cllr Ronnie McColl
Strathleven Regeneration Company -	Leader of the Council
West Dunbartonshire Citizen's Advice Bureau -	Cllr Ronnie McColl
West Dunbartonshire Sports Council -	Cllr Jonathan McColl
West of Scotland Race Equality Council -	Cllr Ronnie McColl

Council agrees not to fill the vacancy on Clydebank CCTV Trust as we no longer have an interest in its operation.

Council agrees to fill vacancies on Joint Boards & Strategic Partnerships as follows:

West Dunbartonshire Community Planning Partnership - Cllr Jim McElhill

Council also agrees to nominate its Leader to serve on Greater Glasgow & Clyde NHS Board and West Dunbartonshire Community Health Partnership subject to Ministerial approval.

Council agrees to fill vacancies relating to COSLA as follows:

COSLA Convention -	Cllr Jonathan McColl
Health & Wellbeing Executive Group -	Cllr Ronnie McColl
Education, Children & Young People Executive Group -	Cllr Jonathan McColl
Resources & Capacity Executive Group -	Cllr Craig McLaughlin
Strategic Human Resources Management Executive Group -	Cllr Ronnie McColl

Councillor J. McColl thanked officers from Legal, Administrative and Regulatory Services for their assistance and advice on the procedures for filling the vacant posts referred to in the above motion.

After hearing the Head of Legal, Administrative and Regulatory Services in response to questions, Councillor McBride informed the Council that the Labour Group would intimate their changes to nominations on committees in writing to the Chief Executive.

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

This Council notes that the incompetence of the SNP Administration has led to its implosion and collapse. The political assassination of Councillor Iain Robertson by his own colleagues has resulted in the refusal of some SNP members to take part in their own Administration. This complete disarray, confusion and lack of ability to give direction to this Council is damaging the well-being of the residents of West Dunbartonshire.

This farce can no longer be tolerated by this Council.

Therefore, this Council in affirming that the present resignations as office-holders is not sufficient to bring meaningful improvements to the lives of our residents, calls on every member of the SNP Group to resign immediately as Councillors and to seek confirmation of community support for themselves and their policies at new elections.

On a vote being taken, 6 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

### **URGENT MOTION**

At this point in the meeting Provost Agnew indicated that he had received a request from Councillor W. McLaughlin to accept a motion on a bowling green in Drumry as a matter of urgency. Provost Agnew asked Councillor W. McLaughlin to state the terms of his motion. Councillor W McLaughlin read out his motion.

Following discussion and after hearing the Head of Legal, Administrative and Regulatory Services and the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, Provost Agnew informed the Council that he would consider the question of urgency at the appropriate point later in the meeting.

### **MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON 14 APRIL 2010**

The Minutes of the Meeting of the Community Participation Committee held on 14 April 2010 were submitted and all decisions contained therein were approved.

## **“HEALTHCHECK” REPORT BY MICHAEL O’NEILL ON EDUCATIONAL SERVICES**

A report was submitted by the Executive Director of Educational Services informing the Council of the progress made in implementing the recommendations of the “Healthcheck” report by consultant Michael O’Neill based on his examination of structures within Educational Services carried out between November 2009 and January 2010.

Councillor J. McColl moved a motion in respect of the above report.

Thereafter, the Executive Director of Educational Services and the Head of Legal, Administrative and Regulatory Services were heard in response to Members’ questions.

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

That the Council approves the recommendations in the report (shown as paragraphs 1 and 2 below) as follows:-

- (1) to note the management decisions taken in response to the report and the savings resulting from these decisions; and
- (2) to note that the Council will require to make decisions on recommendations which propose consultation on the future shape of library/culture provision and the management of early education and childcare within West Dunbartonshire Council.

In addition, the Council agrees:-

That the Council will not impose any compulsory redundancies on staff as a result of the implications of the Michael O’Neill report.

Councillor McNair moved a further amendment on the above report.

After hearing the Head of Legal, Administrative and Regulatory Services, the Council noted that the first sentence of final paragraph of the proposed motion would require the suspension of Standing Order 28 (f) and asked Councillor McNair if she would consider removing the last sentence. Councillor McNair refused to do so and accordingly Provost Agnew put the question of Suspension of Standing Orders to the vote.

On a vote being taken, 11 Members voted for the suspension of Standing Order No 28 (f) and 9 against. Accordingly, Standing Orders were not suspended as two-thirds of those present and voting did not vote in favour of the suspension and the proposed amendment fell.

As a further amendment, Councillor Bollan, moved:-

Council rejects all elements of the report which have not been delegated to officers.

The Council asks the Director of Educational Services to review all savings which can be drawn down from the Educational Service's budget and prepare a report for consideration by Council.

Furthermore, the Director should not include any savings proposals that affect frontline services.

At this point Councillor Black asked Councillor Bollan if he would accept the undernoted addendum to his amendment:-

In addition, the Chief Executive be asked to put on hold all elements of the Michael O'Neill report which had not been yet been actioned by officers under delegated powers.

Councillor Bollan agreed to accept the addendum to his amendment which was then seconded by Councillor Black.

After hearing the Head of Legal, Administrative and Regulatory Services in response to Members' questions, the Chief Executive informed the Council that there would be significant financial issues which would need to be addressed as a matter of urgency if the proposals within the Michael O'Neill report were put on hold.

## **ADJOURNMENT**

After hearing Councillor R. McColl, the Council agreed to adjourn for a short period of time in order that the some of the issues raised by Members in relation to Councillor Bollan's amendment could be clarified.

The meeting reconvened at 7.55 p.m. with all those Members shown on the sederunt in attendance.

At this point Councillor J. McColl informed the Council that he had decided to withdraw his motion, which had not been seconded.

It was noted that the amendment by Councillor McBride was now the motion and the further amendment by Councillor Bollan (amended to include the addendum by Councillor Black) was now the amendment.

The Head of Legal, Administrative and Regulatory Service informed the Council that the Education and Lifelong Learning Committee had already agreed that the outcome of the proposed consultations on library/cultural services provision would be reported back to that Committee for consideration.

The Council noted that any proposal to change this would require the suspension of Standing Order No 19 as a period of six months had not passed since the decision had been taken.

On a vote being taken, 5 Members voted for the amendment and 15 for the motion which was accordingly declared carried.

## **STRATEGIC REVIEW OF MANAGEMENT OF EARLY EDUCATION AND CHILDCARE CENTRES**

A report was submitted by the Executive Director of Educational Services:-

- (a) informing the Council of proposals to change the management of Early Education & Childcare Centres;
- (b) seeking approval to conduct formal consultations under the terms of the Schools (Consultation) (Scotland) Act 2010 in relation to the management of nine Early Education and Childcare Centres and Kilpatrick Early Years Service (KEYS); and
- (c) outlining proposals to review the potential for relocation of five Early Education & Childcare Centres into Primary School buildings.

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

That the Council agrees the recommendations of the report (as detailed below):-

- (1) to approve the proposal to conduct formal consultations under the terms of the Schools (Consultation) (Scotland) Act 2010 in respect of nine Early Education & Childcare Centres starting in August 2010;
- (2) to approve the proposal to conduct formal consultation under the terms of the Schools (Consultation) (Scotland) Act 2010 in respect of KEYS, starting in August 2010; and
- (3) to note that officers would review the potential for relocation of five Early Education and Childcare Centres into Primary School buildings and instruct officers to bring proposals for formal consultation on the options back for approval by the Council.

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

Council notes that the required savings of £500,000 from the Education Department's budget have not only been met, but surpassed with gross savings of £620,600 generated by following the Michael O'Neill consultant report for financial year 2010/11.



Council also notes the educational benefit of having dedicated Heads of Centres in our Early Education and Childcare Centres. These qualified professionals focus completely on the delivery of early years' education in their centre.

Council believes that to remove the Heads of Centre posts would be a regressive step, which will have a detrimental effect on the delivery of education in West Dunbartonshire Council.

In the knowledge that the required savings have been made, and with the best interests of our youngest children in mind, Council therefore agrees to take no action.

The Executive Director of Educational Services was heard in response to Members' questions.

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

## **ADJOURNMENT**

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

The meeting reconvened at 9.20 p.m. with all those Members shown on the sederunt in attendance.

## **BEST VALUE IMPROVEMENT PLAN**

A report was submitted by the Chief Executive presenting progress on the Best Value Improvement Plan (BVIP).

Following discussion, the Council agreed:-

- (1) to continue consideration of this item to the next meeting of Council;
- (2) that, in the interim, a meeting of the Improvement and Efficiency Executive Working Group should be held in June; and
- (3) that further details on 'Managing Change as Leaders' and the 'Staff Pulse Survey' should be provided in the report presented to Council in June 2010.

## **AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2009 – AUDIT SCOTLAND**

A report was submitted by the Chief Executive updating the Council following the recent Overview of Local Government in Scotland 2009 report by Audit Scotland and suggesting a list of questions which elected members may wish to ask to help identify how West Dunbartonshire Council is dealing with the issues raised within the report.

The Council agreed to note the contents of the report and its appendix.

## **RIGHT FIRST TIME – A PRACTICAL GUIDE FOR PUBLIC AUTHORITIES IN SCOTLAND TO DECISION MAKING AND THE LAW**

A report was submitted by the Executive Director of Corporate Services informing the Council of the terms of the recently published Scottish Government document entitled 'Right First Time – A Practical Guide for Public Authorities in Scotland to Decision Making and the Law'.

The Council agreed to note the terms of the report.

## **WEST DUNBARTONSHIRE CORPORATE PARENTING STRATEGY**

A report was submitted by the Executive Director of Educational Services seeking approval of the proposed West Dunbartonshire Corporate Parenting Strategy.

After discussion the Council agreed to approve the West Dunbartonshire Corporate Parenting Strategy, as detailed in Appendix to the report.

## **HOUSING INSPECTION IMPROVEMENT PLAN**

A report was submitted by the Executive Director of Housing, Environment and Economic Development making recommendations in respect of the Housing Inspection Improvement Plan.

After discussion and having heard the Spokesperson for Housing and the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed:-

- (1) to approve the Housing Inspection Improvement Plan (as detailed in the Appendix to the report) for submission to the Scottish Housing Regulator; and
- (2) to note that the Executive Director of Housing, Environmental and Economic Development would provide Councillor Black with the information he had requested, outwith the meeting.

## **CORRESPONDENCE FROM TOMASZ TRAFAS, CONSUL GENERAL OF THE REPUBLIC OF POLAND**

A copy of a letter received from Tomasz Trafas, Consul General of the Republic of Poland, in response to the letter received from Provost Agnew, on behalf of this Council, which offered the Council's condolences on the tragic death of President Lech Kaczynski, his wife and many others who lost their lives in the aircraft disaster over Russia was submitted and noted.

### **ELIGIBILITY CRITERIA FOR THE INDEPENDENT LIVING FUND**

With reference to the Minutes of the Meeting of the Social Work and Health Improvement Committee held on 19 May 2010 (Page XXX refers), a report was submitted by the Interim Executive Director of Social Work and Health advising of recent changes to the Independent Living Fund (ILF).

Councillor Ronnie McColl moved the following motion:-

Council thanks officers for preparing this report at short notice.

Council notes with concern the serious impact changes to the Independent Living Fund will have on future service users.

Council instructs the Spokesperson for Social Work and Health to write to the relevant Government Ministers and the Independent Living Fund expressing our concerns.

Council also instructs the Chief Executive to write to all other Councils asking them to make similar representations.

Furthermore, Council agrees that the Spokesperson for Social Work & Health will request a meeting with Gemma Doyle MP as a matter of urgency in an effort to seek support from our new MP to campaign to reverse these changes.

After hearing Councillor McNair, Councillor R. McColl, agreed to accept the undernoted addendum to his motion:-

Council instructs the Council leadership to organise a cross party campaign of opposition to these changes.

Council instructs the Interim Director of Social Work and Health to carry out a review of how these changes affect the Social Work Charging Policy and report back the findings to the next Council meeting.

After hearing Councillor Black, Councillor R. McColl, agreed to accept the undernoted addendum to his motion:-

This Council demands that individuals who receive funding through ILF should not be required to pay a higher contribution for their care than individuals who are funded directly by Disability Living Allowance.

Thereafter the Council unanimously agreed to approve the above motion (as amended to include both addenda).

### **URGENT MOTION ON DRUMRY BOWLING GREEN**

As referred to earlier in these minutes (Page XXX refers), Provost Agnew informed the Council that he would now consider whether the proposed motion by Councillor W. McLaughlin was urgent.

After hearing Councillor W. McLaughlin, the Head of Legal, Administrative and Regulatory Services and the Executive Director of Housing, Environmental and Economic Development, Provost Agnew ruled that the motion was not urgent and therefore would not be considered at the meeting.

### **NOTICE OF MOTION**

#### **Motion by Councillor Martin Rooney – 2010 General Election**

Council congratulates the Returning Officer, the Depute Returning Officer and all the election staff for the efficient and effective conduct during the 2010 General Election.

Council also congratulates Ms Gemma Doyle MP on her election to the Westminster Parliament as representative of West Dunbartonshire and looks forward to working with her over the months and years ahead for the benefit of the people in West Dunbartonshire.

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

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

Council congratulates and thanks the Returning Officer, Depute Returning Officer and their staff for the efficient and effective administration of the 2010 General Election.

Council is disappointed that throughout Ms Doyle's campaign and even during her acceptance speech, she chose to criticise and generally put down the Council.

However, Council is hopeful that with the election now over, all of West Dunbartonshire's elected representatives at all levels can work together for the benefit of our communities.

In the interests of future joint working on matters reserved to Westminster, Council instructs the Leader to write to Gemma Doyle MP seeking a meeting at the earliest opportunity.

On a vote being taken, 12 Members voted for the amendment and 6 for the motion. The amendment was accordingly declared carried.

The meeting closed at 10.05 p.m.