

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday, 29 September 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, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

**Attending:** David McMillan, Chief Executive; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Keith Redpath, Director of West Dunbartonshire Community Health and Care Partnership; David Connell, Head of Finance and ICT; Gillian McNeilly, Manager of Accounting; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** Councillors Margaret Bootland and Patrick McGlinchey.

**Provost Denis Agnew in the Chair**

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on 25 August 2010 were submitted and approved as a correct record.

### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest in any of the items of business on the agenda.

## **PRESENTATION BY STRATHCLYDE POLICE ON INTERVENTION OPPORTUNITIES WITHIN LOCAL AUTHORITIES FOR SERIOUS AND ORGANISED CRIME GROUPS**

Provost Agnew informed the Council that Detective Inspector Joe McKerns, Force Tasking and Interventions Unit, Strathclyde Police, who had intended to give a presentation on the above issue to the Council, was unable to attend this meeting and had requested that the presentation be given at the November meeting of Council instead.

The Council agreed that Detective Inspector McKerns should give his presentation at the November meeting of Council.

### **OPEN FORUM**

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

### **URGENT ITEM OF BUSINESS**

At this point in the meeting Provost Agnew informed the Council that he had received a request from Councillor Ronnie McColl that the Council should consider an urgent motion in connection with the behaviour of Councillor Rooney and the Labour Group.

Provost Agnew read out the motion and informed the Council that as it was partly in respect of the Provost's membership of the Loch Lomond and the Trossachs National Park Authority, which membership would cease in a few days time, he was satisfied that there were special circumstances and urgency relating to the motion and he had decided that the motion would be considered at the appropriate point later in the meeting.

### **MINUTES OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE**

The Minutes of the Meeting of the Audit and Performance Review Committee held on 8 September 2010 were submitted and all decisions contained therein were approved.

### **ESTABLISHING WEST DUNBARTONSHIRE COMMUNITY HEALTH AND CARE PARTNERSHIP**

A report was submitted by the Director of West Dunbartonshire Community Health and Care Partnership (CHCP) seeking approval of the Scheme of Establishment that sets out the role, functions and governance arrangements of the new Partnership.

Councillor Ronnie McColl moved:-

That the Council approves the recommendations of the report (as shown below) and thanks those Council officers and Health Board officials involved in the process for all their hard work and cooperation:-

The Council agrees:-

- (1) to approve the Scheme of Establishment to create the new CHCP for West Dunbartonshire;
- (2) to confirm that, in accordance with the Council decision in February 2010, the new CHCP should become operational with effect from 1 October 2010;
- (3) to instruct the Chief Executive to advise formally NHS Greater Glasgow & Clyde of the Council's decision; and
- (4) to endorse the NHS Board's submission of the new Scheme to the Scottish Government for formal consideration and subsequent approval.

At this point in the meeting Councillor R. McColl intimated that Councillor Casey intended to submit an addendum to his motion which he was willing to accept.

Councillor Casey informed the Council that the motion together with the proposed addendum would read as follows:-

- (1) to approve the Scheme of Establishment to create the new CHCP for West Dunbartonshire;
- (2) to confirm that, in accordance with the Council decision in February 2010, the new CHCP should become operational with effect from 1 October 2010 for a period of 12 months and will be subject to ongoing annual approval in September each year in order to ensure public accountability of Social Work Services is maintained;
- (3) that all elected members will receive copies of all of the CHCP reports in advance of the meetings. In addition, the minutes of the CHCP meetings will be presented to Council for information;
- (4) to instruct the Chief Executive to advise formally NHS Greater Glasgow & Clyde of the Council's decision; and
- (5) to endorse the NHS Board's submission of the new Scheme to the Scottish Government for formal consideration and subsequent approval.

Councillor Casey seconded the above motion, as amended to include the addendum.

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

That the Council takes no action in respect of this matter.

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

### **CHANGES REQUIRED TO WEST DUNBARTONSHIRE COUNCIL'S STANDING ORDERS TO CREATE WEST DUNBARTONSHIRE COMMUNITY HEALTH AND CARE PARTNERSHIP (CHCP)**

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

- (a) seeking approval of changes required to be made to the Council's Standing Orders to facilitate the establishment of the CHCP; and
- (b) recommending removal of the Health Improvement and Social Justice Partnership.

After hearing Councillor R. McColl thank the Head of Legal, Administrative and Regulatory Services for his report, the Council agreed:-

- (1) to approve the proposed amendments to the Council's Standing Orders and the four issues identified at Sections 29(b)(iii), 29(c) and Appendix 3(e) of the Standing Orders as set out in the report; and
- (2) to make the changes detailed in Appendix 1 of the report in order to create and delegate functions to the West Dunbartonshire Community Health and Care Partnership.

### **WEST DUNBARTONSHIRE COMMUNITY HEALTH AND CARE PARTNERSHIP – STANDING ORDERS FOR MEETINGS**

A report was submitted by the Executive Director of Corporate Services proposing a single style of Standing Orders which could be used by the West Dunbartonshire Community Health and Care Partnership (CHCP).

After hearing Councillor R. McColl thank the Head of Legal, Administrative and Regulatory Services for his report, the Council agreed to approve the Standing Orders for meetings of the CHCP, as detailed in the Appendix to the report.

### **COMMITTEE TIMETABLE – JANUARY TO DECEMBER 2011**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider the proposed timetable for meetings of the Council and its Committees from January to December 2011.

The Council agreed:-

- (1) to approve the Committee timetable for meetings to be held in January to December 2011 (as appended to the report) subject to the provisions in paragraphs (2) and (3) below;
- (2) to approve, in principle, that those meetings scheduled to be held in Clydebank should be held in the Council Offices, Garshake Road, Dumbarton, unless officers are able to identify other suitable accommodation in the Clydebank area;
- (3) to request officers to investigate the possibility of using other venues for meetings in the Clydebank area and report back to the next meeting of Council; and
- (4) that, given the current financial pressures on the Council and the amount of officers' time taken up in the production of the Council diary, the Council should no longer produce a diary.

#### **NOMINATIONS TO OUTSIDE BODIES – CLYDE WATERFRONT STRATEGIC PARTNERSHIP BOARD**

A report was submitted by the Executive Director of Corporate Services seeking retrospective approval of the nomination of the Leader of the Council to serve on the Clyde Waterfront Strategic Partnership Board.

After hearing Councillor McElhill, the Council agreed to approve retrospectively that the Leader of the Council should represent West Dunbartonshire Council on the Clyde Waterfront Strategic Partnership Board and that the Depute Leader of Council should be his substitute.

#### **CORPORATE PLAN 2011/2015**

A report was submitted by the Chief Executive seeking agreement on:-

- (a) the themes, priorities and objectives for the 2011/15 Corporate Plan;
- (b) the Performance Indicators that have been identified to monitor progress towards the 2011/15 corporate objectives; and
- (c) the targets that have been set for these indicators for each of the four years covered by the Plan.

After hearing Councillor J. McColl, the Council agreed:-

- (1) to approve the Corporate Plan 2011/15 for publication and implementation from 1 April 2011, subject to the undernoted amendments:-

Page 83, 'Regeneration & the local economy'

Change the Corporate Objective 'Improve Schools' to 'Improve the Schools Estate'.

Page 84, 'Education & life-long learning'

Change the Corporate Objective 'Improve Nursery Provision' to 'Improve Early Years Services' and amend the Corporate Objective to read 'Improve educational attainment levels of the lowest performing secondary school pupils'.

- (2) that, with regard to paragraph 3.6 of the report, officers should limit the number of hard copies of the Corporate Plan produced to those that are absolutely required, such as public copies in libraries.

### **TREASURY MANAGEMENT ANNUAL REPORT 2009/10**

A report was submitted by the Executive Director of Corporate Services providing an update on treasury management during 2009/10.

The Council agreed:-

- (1) to note the treasury management stewardship information within the report;
- (2) to note the 2009/10 actual prudential indicators as advised within the report; and
- (3) that the report be referred to the Audit and Performance Review Committee to ensure further scrutiny takes place.

### **GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT: PERIOD 4 (2010/11)**

A report was submitted by the Executive Director of Corporate Services informing the Council of the performance of the General Services Revenue budget for the period ending 30 July 2010.

After hearing the Head of Finance and ICT in answer to Members' questions, the Council agreed to note the terms of the report.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT: PERIOD 4 (2010/11)**

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the Capital Plan for 2010/2011.

After hearing the Executive Director of Housing, Environmental and Economic Development in answer to Members' questions, the Council agreed:-

- (1) to approve the updated Capital Plan as referred to in Appendices I and II to the report;
- (2) to approve the virement requests as detailed in Appendix III to the report; and
- (3) to note that the Executive Director of Housing, Environmental and Economic Development would provide Councillor Rooney with the information that he had requested in respect of the Access Improvements and Environmental Projects (Appendix III refers) outwith the meeting.

#### **HOUSING REVENUE ACCOUNT 2010/11 - BUDGETARY CONTROL STATEMENT (PERIOD 4)**

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) for the period ending 31 July 2010.

It was noted that a revised Appendix to the report had been circulated to all Members at the beginning of the meeting.

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

#### **HRA CAPITAL PROGRAMME 2010/11 BUDGETARY CONTROL REPORT (PERIOD 4)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council of the progress made on the HRA Capital Programme 2010/11.

The Council agreed to note the contents of this report.

#### **VETERANS' CHAMPION**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider the appointment of a Council Champion to represent the interests of Armed Forces Veterans.

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

That the Council agrees to nominate Provost Agnew as this Council's Veterans' Champion.

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

That Councillor Rooney be nominated to serve as this Council's Veterans' Champion.

On a vote being taken, 6 Members voted for the amendment, 9 for the motion and 5 abstained. The motion was accordingly declared carried.

Provost Agnew thanked the Council for the nomination and gave a commitment to involve all elected members in any future Veterans' events, etc.

## QUESTIONS

### **Questions by Councillor David McBride to the Convener of Educational Services - Accelerated Incremental Progression for Teachers**

In December 2008 Teachers and the Education Department agreed an accelerated incremental progression process to enable newly appointed teachers to use previous work to progress up the pay scale for skills gained before they became a teacher.

According to Mr. Dave Clarke, the Educational Department's Head of Service (Resources) "... recent costs have been in excess of £12,000 per claim" and "Backdating can be costly and is not budgeted for..."

- (a) Therefore will the Convener of Education confirm how much has been paid out in Accelerated Incremental Progression for Teachers since 2008?
- (b) What budget did the awards come from?
- (c) Given that there is no budget provision for payments for 2010/2011 can the Convener inform the Council how much will be required to fund the back payments in 2010/2011; and
- (d) Which budgets will be used to fund these payments?

### **Councillor J. McColl responded the in the following terms:-**

The comments attributed to Mr Clarke relate to a specific case which was heard by the Education Staff Grievance Committee in March this year. As Councillor McBride is aware, claims like this are taken on a case by case basis and such large awards are highly unusual.

It should also be noted that incremental progression is a national agreement approved by the Scottish Negotiating Committee for Teachers with local policy and practice agreed by the Local Negotiating Committee for Teachers (LNCT). There have been issues in the past around information sharing with new teachers and the LNCT has now agreed a new practice that will minimise the risk of large claims in the future.



Since 2008, incremental progression has cost the Council £31,000; this is of course split over three financial years. The department only becomes aware of entitled individuals as and when they apply for incremental progression, we cannot possibly know what the cost for this financial year will be.

Incremental progression is funded through the department's staffing budget and not individual school budgets as the Labour Group has implied in the local media. The staffing budget is in the region of £46 million per annum and if we take that over the three financial years for which I have provided Council with figures, we see that the cost of incremental progression since 2008 was 0.02%; that is two hundredths of a percent.

## **NOTICES OF MOTION**

Provost Agnew informed the Council that the urgent motion by Councillor R. McColl would be considered at the end of the agenda.

### **(A) Motion by Councillor Jim Bollan – Renton Community Development Trust**

Council welcomes the proposals by Renton Community Development Trust (RCDT) to develop Renton EECC as a community nursery and notes that by doubling the provision of this service in the Village, this will have significant benefits for the health, social well-being and regeneration of the area. Council agrees, subject to the building being surplus to the Council's requirements, to undertake an options appraisal to assess the costs and benefits of transferring the building to RCDT at a reasonable value of (a) nil value or (b) less than market value.

The Council agreed to approve the above motion.

### **(B) Motion by Councillor Geoff Calvert – Scaffolding Costs**

This Council notes with extreme concern the costly effect of the current scaffolding contract. Whilst in no way would this Council sanction unsafe working practices, the expense of using scaffolding for work such as gutter cleaning does not provide Best Value. For work that is then recharged to individual residents, the cost can, at best, be considered extortionate. As a recent example, for one side of a 4-in-a-block property, the cost of the work carried out was £117.09. When the cost of scaffolding was added, the total cost came to £1599.04 – a ratio of 7.46% of total cost for the work and 92.54% for scaffolding.

This Council, whilst not compromising safe working practices, has a responsibility to ensure that the Council can demonstrate Competitiveness and Best Value to our residents and believes that this current situation requires to be urgently reviewed.

Therefore, this Council requests the Director of Housing, Environmental and Economic Development to bring forward a report to the next Housing, Environment and Economic Development Committee in October that will make recommendations

as to how this situation can be greatly improved. In addition to a review of the current contract, it is expected that methods of working practices also will require to be examined in order to identify more cost-effective methods of working.

After hearing Councillor Calvert the Council agreed to approve the above motion subject to the report referred to in the final paragraph being submitted to the meeting of the Housing, Environment and Economic Development Committee in December.

**(C) Motion by Councillor Jim Bollan – Management Rules for Parks and Open Spaces**

To seek a review of the Management Rules for Parks & Open Spaces specifically relative to the control of dogs. The review should consider altering the rules to make it an offence for a person with a dog not to have the dog on a leash at all times.

After hearing Councillor Bollan the Council agreed to approve the above motion.

It was further agreed that officers should undertake a public consultation exercise when carrying out the review.

**(D) Motion by Councillor Jim Bollan – Partial Housing Stock Transfer**

After hearing Provost Agnew, it was noted that the Council would need to suspend Standing Orders No 19 (a) and 19 (c) in order that the motion by Councillor Bollan could be considered as (i) a period of 6 months had not passed since a decision had been made on the matter; and (ii) if approved, the motion would require Standing Orders to be altered.

On a vote being taken, 8 Members voted for the suspension of Standing Orders and 11 against. As two-thirds of those present and voting did not vote in favour of the suspension, Standing Orders were not suspended and accordingly the motion could not be considered by the Council.

It was noted that Councillor Bollan requested that the motion be re-submitted to the October meeting of Council for consideration.

**(E) Motion by Councillor Ronnie McColl – Digital Switchover**

Council notes that it has been brought to the attention of local members in the Vale of Leven area that following digital switchover in May 2011, residents in the Vale of Leven and Dumbarton areas will only receive a partial Freeview service with access to only 18 channels through the Millburn Muir transmitter.

In contrast, Council notes that the Black Hill transmitter, which serves Clydebank, will have the ability to transmit 58 Freeview channels.

Council instructs the Leader of the Council and Chief Executive to enter into correspondence with Digital UK with a view to increasing the service within the Millburn Muir transmission area.

The Council agreed to approve the above motion.

**(F) Motion by Councillor Jonathan McColl – Privatisation of Royal Mail**

Council notes that the Conservative/Liberal Democrat Westminster Government has announced the majority privatisation of Royal Mail.

Councillors in West Dunbartonshire have been part of campaigns in the past to save post office services and we continue to oppose moves that will have an adverse effect on service provision and local jobs.

Council instructs the Leader of the Council to write to the joint trade unions, Gemma Doyle MP and Lord John McFall to ascertain how the Council can assist any campaign against this decision.

After hearing Councillors J. McColl and McBride, the Council agreed to approve the above motion subject to the removal of the reference to Lord John McFall in the final paragraph.

**(G) Urgent Motion by Councillor Ronnie McColl – Behaviour of Councillor Rooney and the Labour Group**

Council notes that key observations in the Accounts Commission Progress Report dated July 2009 included the following statements:-

“While there is a focus on improvement activity, progress is inhibited by political conflict.”

And

“Political behaviour is characterised by in-fighting and partisan positions.”

These are just two of the many examples throughout the report.

Council is concerned that Cllr Rooney and the Labour Opposition’s apparent vendetta against Provost Agnew is not only doing reputational harm to the council, but is adversely affecting staff morale and the SNP Administration’s attempts to address the serious issues contained within the Accounts Commissions report.

Council further notes that on the two occasions that West Dunbartonshire Council has formally met the Accounts Commission in person since the May 2007 election, the Leader of the Opposition has failed to attend.

Council instructs the Leader of the Council to write to the Accounts Commission and make it clear that Council does not support or condone the actions or views put forward by Cllr Rooney on behalf of the Labour Group, and assures the Accounts Commission that Council supports Provost Agnew in his Civic role.

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

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

Council notes Provost Agnew's abject failure to live up to the responsibilities of an Executive Director of Loch Lomond & the Trossachs National Park Board.

Council also notes that despite receiving over £7000 a year in allowances in his role as an Executive Director of the Board, Provost Denis Agnew had failed to attend any Board Meetings between December and August 2010, prompting the Chief Executive of the National Park, Fiona Logan, to write to him expressing her and other Board Members concerns and seeking an explanation for his continued absence.

Council is puzzled by Provost Agnew's public statements regarding his non-attendance at National Park Board meetings as they flatly contradict the letter from the Chief Executive of Loch Lomond and the Trossachs National Park, Fiona Logan.

Furthermore, Council is concerned about the discredit, embarrassment and reputational damage that Provost Agnew has brought upon this Council and calls on him to consider whether he is a fit and proper person to continue as the Provost and First Citizen of West Dunbartonshire.

At this point Councillor McBride read out a letter from Fiona Logan addressed to Provost Agnew, dated 6 July 2010, and referred to excerpts from public statements made by Provost Agnew and the responses from Councillor Rooney, copies of which were appended to the typed copies of the motion which were circulated at the meeting.

On a vote being taken, 6 Members voted for the amendment, 12 for the motion and 2 abstained. Accordingly the motion was declared carried.

The meeting closed at 7.30 p.m.