

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 27 January 2010 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Bolland, 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; 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; Liz Cochrane, Head of Service, Policy & Performance; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** An apology for absence was intimated on behalf of Councillor Margaret Bootland.

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

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

#### **MINUTES OF PREVIOUS MEETINGS**

The Minutes of Meeting of West Dunbartonshire Council held on 16 December 2009 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.

## **VARIATION IN ORDER OF BUSINESS**

After hearing Provost Agnew, the Council agreed to vary the order of business as hereafter recorded in these minutes.

### **NOTICE OF MOTION**

#### **Motion by Councillor Patrick McGlinchey – Nursery Charges**

Council notes the lack of consultation regarding the recent decision to increase nursery charges in order to increase income by £238,176.25.

Had the Council properly consulted parents before taking the decision it would have been aware that the new structure has a significant negative effect on working women and as a result some of them may have to consider giving up their employment.

A proper consultation would also have shown that the new structure was not compatible with current working hours.

Given the above the Council agrees to rescind its decision in relation to nursery charges and calls on West Dunbartonshire Council to reintroduce the hourly charging structure with the 50% discount for second child.

Council also agrees to consult with parents and guardians about the proposed introduction of a 10% increase in nursery charges from April, 2010.

Provost Agnew informed the Council that it required to suspend Standing Order 19 (a) prior to consideration of the above motion as a period of six months had not passed since the Council had made a decision on the matter at its meeting on 25 November 2009.

Councillor Calvert, seconded by Councillor McGlinchey, moved that Standing Order 19 (a) be suspended to allow consideration of the above motion.

As an amendment, Councillor R. McColl, seconded by Councillor Finn, moved that Standing Orders should not be suspended.

On a vote being taken, 11 Members voted for the suspension of Standing Order 19 (a) and 10 against. Accordingly, as two thirds of those Members present and voting had not voted in favour of the suspension of Standing Orders, the motion could not be considered.

### **MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE HELD ON 9 DECEMBER 2009**

The Minutes of the Meeting of the Audit & Performance Review Committee held on 9 December 2009 were submitted and all decisions contained therein were approved.

**MINUTES OF THE JOINT CONSULTATIVE FORUM HELD ON  
11 DECEMBER 2009**

The Minutes of the Meeting of the Joint Consultative Forum held on 11 December 2009 were submitted and all decisions contained therein were approved with the exception of the undernoted paragraph under the sub-heading "Childcare Charges for Employees" (Page XXXX refers) which was referred back to the Joint Consultative Forum for further consideration of the impact of increased charges on the ability of women to work:-

- "(2) to note that the impact of increased charges on employees did not provide a requirement for an Equality Impact Assessment as it did not impact on a minority group;"

**MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON  
16 DECEMBER 2009**

The Minutes of the Meeting of the Community Participation Committee held on 16 December 2009 and all decisions contained therein were approved.

**REMIT FROM THE EDUCATION AND LIFELONG LEARNING COMMITTEE HELD  
ON 13 JANUARY 2010 – EDUCATIONAL SERVICES: CURRENT FINANCIAL  
POSITION AND PROJECTED OUT-TURN FOR 2009/10**

With reference to the Minutes of Meeting of the Education and Lifelong Learning Committee held on 13 January 2010 (Page XXX refers), the relevant excerpt from the Minutes of that Meeting together with a report by the Executive Director of Educational Services were submitted:-

- (a) providing an updated financial position and projected out-turn for the Educational Services Revenue Budget for 2009/10; and
- (b) containing an action plan detailing the steps to be taken by the Department to address the projected overspend.

Councillor Smillie moved the undernoted motion:-

Council agrees that reports will come to Council each month with an updated financial position for the Educational Services Department.

Council further asks the Chief Executive to bring forward a report outlining how this happened in the first place.

Council will also receive a report no later than March 2010 detailing the financial checks that have been implemented to ensure that the Educational Services departmental budget does not go awry again.

A separate report will be brought to a future Council meeting outlining difficulties with the PPP sinking fund and proposing solutions.

The Executive Director of Educational Services and the Chief Executive were heard in answer to Members' questions.

After hearing Councillor Black, Councillor Smillie agreed to accept the undernoted addendum to her motion:-

That the first paragraph be amended to read as follows:-

Council agrees that reports will come to Council each month with an updated financial position for the Educational Services, Social Work and Health, Corporate Services and Housing, Environmental and Economic Development Departments.

After hearing Councillor McGlinchey, Councillor Smillie agreed to accept the undernoted addendum to her motion:-

That the undernoted paragraphs be added to the motion:-

Council is disappointed that despite scrutiny at Council meetings and Committee meetings by elected members, the Department has failed to deliver on the set budget.

In addition to the actions outlined in the motion, Council asks for a report to go to the Audit & Performance Review Committee for scrutiny.

After hearing the Chief Executive, Councillor Smillie and Councillor Black confirmed that the reports referred to in the first paragraph of the motion referred to the remainder of the current financial year.

Thereafter, the Council agreed to approve the above motion, as amended to include both of the above addenda.

### **GENERAL SERVICES REVENUE BUDGET PROBABLE OUT-TURN 2009/10**

A report was submitted by the Executive Director of Corporate Services providing the Council with the probable out-turn for the General Services Revenue Budget 2009/10.

The Council agreed to note the terms of the report.

### **BEST VALUE IMPROVEMENT PLAN AND EXTERNAL SUPPORT**

A report was submitted by the Chief Executive on the progress of the new Best Value Improvement Plan and reviewing progress towards engagement of external support.

After hearing the Chief Executive in answer to Members' questions, the Council agreed to note the external support arrangements and progress of actions to date as outlined within the report.

## **ADJOURNMENT**

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

The meeting reconvened at 7.20 p.m. with all those Members shown on the Sederunt in attendance.

## **CLYDE VALLEY SHARED SERVICES INITIATIVE**

A report was submitted by the Chief Executive:-

- (a) providing the Council with information on the Clyde Valley Community Planning Partnership – Review of Joint Working and Shared Service Opportunities (Arbuthnott Report); and
- (b) detailing the proposed priorities for West Dunbartonshire Council and seeking Council approval of these.

Councillor R. McColl moved:-

Council notes that the report asks Members to agree the recommendations contained within it which have serious implications for services and staff in West Dunbartonshire.

However, this Council does not agree the report or the Council's draft response to the consultation as they stand, as both contain a number of inaccuracies.

Council notes ongoing work between Councils with regards to shared services and instructs the Chief Executive and the Leader of the Council that no further Council position will be expressed with regards to this agenda without prior agreement of the Council.

This piece of work presents the biggest potential change to Council services since local government reorganisation in 1995 and all members must be involved at every stage of this agenda.

Council also instructs the Chief Executive to ensure that all papers for future meetings between the Councils are issued to all members in advance of these meetings.

After hearing Councillor R. McColl in support of his motion, the Head of Legal, Administrative and Regulatory Services, the Chief Executive and Councillor Robertson were heard in response to some of the comments made.

After hearing the Head of Legal, Administrative and Regulatory Services, it was noted:-

- (1) that, it might not be possible for all of the papers submitted to the Clyde Valley Community Planning Partnership (CVCPP) to be circulated to all Members of this Council in advance of the CVCPP meetings as some of the papers could be exempt from publication; and
- (2) that the CVCPP did not have any delegated powers and therefore any decision taken by the CVCPP would need to be approved by the 8 individual Councils involved before any of the decisions could be implemented.

Following further questions from Members and after hearing Councillor Black, the Council agreed to approve the above motion and that the Leader of the Council be authorised to attend meetings of the CVCPP.

## **FIRST PERIODIC REVIEW OF SCOTTISH PARLIAMENTARY BOUNDARIES**

A report was submitted by the Chief Executive advising of the Boundary Commission for Scotland's revised recommendations for the boundaries of the Scottish Parliament Regions.

The Council agreed to welcome the proposals in respect of the Regional boundaries.

## **CONSULTATION – PROPOSED AMENDMENTS TO THE COUNCILLORS' CODE OF CONDUCT**

A report was submitted by the Executive Director of Corporate Services seeking the Council's views on the terms of a response to the Scottish Government Consultation on the review of the Councillors' Code of Conduct.

After hearing the Head of Legal, Administrative and Regulatory Services in response to comments by Councillor Calvert on the Code of Conduct, the Council agreed to approve the response to the consultation, as detailed in Appendix 2 of the report subject to the following comments:-

- (1) with reference to paragraph 3.9 (a) of the proposed Code of Conduct, where it states: "isolated gifts of a trivial character, the value of which must not exceed £50", consideration should be given to lowering this amount as members of the public would not consider the sum of £50 to be trivial. However, in respect of paragraph 4.21, it is recommended that only gifts and hospitality in excess of £50 should be registered; and

- (2) that, subject to further investigation by the Head of Legal, Administrative and Regulatory Services, it is recommended that elected members who have been found to be in breach of the Code of Conduct and have been subject to serious disciplinary sanctions by the Standards Commission, should have enhanced rights of appeal to an independent external body.

## **NOTICE OF MOTION**

### **Motion by Councillor Jim Bolla – Campaign 250**

This Council, in recognising the severe impact fuel poverty is having on an ever increasing number of residents in West Dunbartonshire, agrees to fully support the objectives of the anti fuel poverty campaign called "CAMPAIGN 250". Campaign 250 has been established in Clydebank with members from Dumbarton and Alexandria. The main aim of "CAMPAIGN 250" is to extend the yearly £250 winter fuel payment (WFP) currently paid to senior citizens, to all those in receipt of state benefits and those on low incomes.

This Council also agrees to write to the local MP John McFall seeking his support for the campaign and to ask him to raise the matter with the Westminster Government in the House of Commons.

This Council further agrees to meet with representatives of "CAMPAIGN 250" to see what practical support WDC can provide to assist the group to meet its objectives.

The Council approved the above motion.

The meeting closed at 8.25 p.m.