

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 24 March 2010 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, Jim Bolland, Jim Brown, Geoff Calvert, Gail Casey, 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.

*Arrived 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 Clarke, Head of Service (Resources), Educational Services; David Connell, Head of Finance and ICT; Liz Cochrane, Head of Service, Policy & Performance; Lorraine Coyne, Manager of Audit; Gillian McNeilly, Manager of Accounting; 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 MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 24 February 2010 were submitted and approved as a correct record, subject to the undernoted correction to the item under the heading "Declarations of Interest" (Page XXX refers).

It was noted that Councillor Robertson had declared a 'financial interest' and not a 'non-financial interest', as stated in the minutes.

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 hereinafter recorded in these minutes.

Note: Councillor Patrick McGlinchey entered the meeting during discussion on the following item.

NOTICE OF MOTION

Motion by Councillor Jim Bollan – Single Status Appeals Process

This Council is concerned at the large number of employees, around 60%, being denied the right to fully exhaust the appeals process built into the Single Status arrangements for Council Employees.

In view of this concern Council agrees to immediately suspend the current process until an Independent Review has taken place. The review should take evidence from the Trades Unions, Management and any external advice that is felt necessary. The review should be undertaken by an organisation agreed on by Unions and the Corporate Management Team.

After hearing Councillor Calvert, Councillor Bollan agreed to accept the undernoted addendum to his motion:-

Insert the undernoted wording after the first paragraph:-

Furthermore, it would seem that when decisions have been taken to reject appeals for regrading, members of staff are not being given a written statement of the reasons for the rejection of their appeal.

Insert the undernoted wording after the final paragraph:-

In the meantime pending the outcome of the review, Council agrees that full reasons for rejection of appeals that have been carried out to date will be provided in writing to all staff involved. In recognition of the number of appeals involved, Council agrees that this exercise is to be completed by 30 September 2010.

The Head of Human Resources and Organisational Development was heard in answer to Members' questions.

After hearing Councillor Bollan in support of his motion, the Council agreed unanimously to approve the motion and the addendum.

MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON 17 FEBRUARY 2010

The Minutes of the Meeting of the Community Participation Committee held on 17 February 2010 were submitted and all decisions contained therein were approved.

REVIEW OF STANDING ORDERS

A report was submitted by the Executive Director of Corporate Services recommending certain changes to the Standing Orders as a result of the issues which have arisen during the past year.

A copy of an excerpt from the Minutes of the Meeting of the Education and Lifelong Learning Committee held on 10 March 2010 making recommendations in respect of the membership of that Committee was circulated to all those present.

After hearing Councillor J. McColl, the Council agreed that in order to allow those Members present who were not Members of the two main Political Groups to participate fully in the discussion/debate on the Standing Orders that the Council should discuss each of the proposed changes individually and vote on those items where there was a difference of opinion. Accordingly, the decision taken in respect of each paragraph within the report is minuted below and for ease of reference a list containing the content of the relevant paragraphs is shown as the Appendix to these minutes.

Paragraph 3.2.1 – Agreed.

Paragraph 3.2.2 – Agreed.

Paragraph 3.2.3 – Agreed.

Paragraph 3.2.4 – Agreed.

Paragraph 3.2.5 and 3.2.5.1

After hearing Councillor J. McColl, the Council agreed that motions from elected members on any issue should go to Council and therefore there is no need for Standing Orders to be amended to allow motions to go to Committees.

Paragraph 3.2.6 – Agreed.

Paragraph 3.2.7 – Agreed to the proposals detailed in 3.2.7.1

Paragraph 3.2.8

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

Council agrees that in an effort to bring some stability to Council with a view to facilitating good, long term planning and strategic decision making, that Standing Order 19 should be amended to protect Council decisions for 12 months. This will also apply to budget decisions.

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

That the status quo of 6 months should be retained and therefore Standing Order No. 19 should not be altered.

On a vote being taken, 11 Members voted for the amendment and 10 for the motion. The amendment was declared carried.

Paragraph 3.2.9 – Agreed.

Paragraph 3.2.10 – Agreed.

Paragraph 3.2.11 – Agreed.

Paragraph 3.2.12

After hearing Councillor Calvert, the Council agreed that the wording of the Standing Order should be clarified to reflect the view that Committee Conveners did not have power to cancel committee meetings and the date/time of a meeting should not be changed if the notice had already been issued, as this would be a fairer process for the public.

Paragraph 3.2.13

After hearing Councillors Calvert and Black and following discussion, the Council agreed that the membership of the Appeals Committee should be extended to all Members and that the two main political groups should nominate an appropriate number of their respective attendees to ensure that future meetings are quorate.

On the issue of the appointment of a Vice-Convener, it was agreed that the current arrangements regarding chairing meetings in the absence of the Chair should remain in place.

Paragraph 3.2.14 – Agreed.

Paragraph 3.2.15 – Agreed.

Paragraph 3.2.16 – Agreed.

Paragraph 3.2.17 – Agreed.

Paragraphs 3.2.19 - 3.2.20.1 – Agreed.

Paragraph 3.3.1

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

Council agrees that the current arrangements for the start and finish of Council meetings should remain in place. Council further agrees that Standing Orders should be changed to allow the Provost to call an adjournment/recess at any time.

As an amendment, Councillor McNair moved:-

That Council meetings should end at 10.30 p.m.

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

Council further agrees that Standing Orders should be changed to allow the Provost to call an adjournment/recess at any time.

Councillor W. Mclaughlin seconded the above amendment (as amended to include the addendum).

As a second amendment, Councillor Calvert, seconded by Councillor Rooney, moved:-

That the status quo should remain.

As a third amendment, Councillor Black, seconded by Councillor Bollan, moved:-

That meetings of Council should commence at 7.00 p.m. and should conclude when all business has concluded.

On a vote being taken, 2 Members voted for the third amendment (Councillor Black) and 7 for the second amendment (Councillor Calvert).

On a second vote being taken 7 Members voted for the second amendment (Councillor Calvert) and 11 for the amendment (Councillor McNair).

On a third vote being taken, 10 Members voted for the amendment by Councillor McNair and 9 for the motion (Councillor J. McColl).

The amendment was accordingly declared carried.

Paragraph 3.3.2

After hearing Councillor J. McColl, the Council agreed that only questions should be allowed at the Open Forum.

Paragraph 3.3.3

After hearing Councillor J. McColl, the Council agreed that Standing Orders should be amended to reflect the Monitoring Officer's advice at paragraph 3.3.3 points a, b, and c.

Paragraph 3.3.3.2 – Agreed.

Paragraph 3.3.4

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

Council agrees that there should be no further general review of Standing Orders during this Council term except where the Chief Executive, on the advice of the Legal Officer, feels the need to bring a report due to special circumstances. This allows for changes to be made as a result of Council/Committee decisions and changes in legislation.

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

As a compromise, the Standing Orders should be reviewed after 12 months.

On a vote being taken, 3 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

Paragraph 3.3.5.1 – Agreed.

Paragraph 3.3.5.2

After hearing Councillor J. McColl, the Council agreed that motions/amendments need not be seconded immediately or even before further amendments are put forward. Council agrees that the Provost should decide when questions have finished and then seek seconders at this point immediately prior to entering the debate stage.

Paragraphs 3.3.6 – 3.3.6.2

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

- (a) that working groups need to remain private forums to allow frank and open exchanges of ideas between officers and Members alike before proposals are debated in public at Committee;
- (b) that working group papers (including minutes) should be emailed to all elected members, not just those who sit on the working group; and
- (c) that working group papers should not be published on CMIS.

Paragraph 3.3.7.1

After hearing Councillor J. McColl, the Council agreed that the delegations already made by the Corporate and Efficient Governance Committee should be consolidated and become the delegated powers of the Cultural Sub-Committee.

Paragraph 3.3.7.2 – Agreed.

Paragraph 3.3.8

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

To increase the limit for officers to £50,000.

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

That the limit should remain at £30,000.

On a vote being taken, 3 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

Paragraph 3.3.9

After hearing Councillor J. McColl and following discussion, the Council agreed that any Member raising a Point of Order must either state the number of the Standing Order correctly or state the terms of the Standing Order they feel has been breached.

Paragraph 3.4.1.1 – Agreed.

Paragraph 3.4.1.2 – Agreed.

Paragraph 3.4.2

After hearing Councillor J. McColl, the Council agreed to amend Standing Orders to reflect the decision of the Education & Lifelong Learning Committee held on 10 March 2010 (Page XXXX refers).

After hearing Provost Agnew, the Council agreed:-

- (1) to instruct the Head of Legal, Administrative and Regulatory Services to amend the Standing Orders in accordance with the Council's decisions (as detailed above), subject to the Leader of the Council and the Leader of the Opposition agreeing the accuracy of the wording of the changes;
- (2) that the new Standing Orders should take effect from the ordinary meeting of Council scheduled to take place on 28 April 2010; and
- (3) to thank the Head of Legal, Administrative and Regulatory Services and his staff for their work in carrying out the review of Standing Orders and in preparation of the report.

**AUDIT OF BEST VALUE - UPDATE ON BEST VALUE PROGRESS REPORT
SUBMITTED BY AUDIT SCOTLAND TO THE ACCOUNTS COMMISSION –
FEBRUARY 2010**

A report was submitted by the Chief Executive providing the Council with an update on the Best Value Progress Report which Audit Scotland submitted to the Accounts Commission on 18 February 2010.

Councillor Robertson, seconded by Councillor Smillie, moved:-

This Council recognises the positive comments received within the Best Value Progress Update report on the good levels of performance across a wide range of services, including education and social work.

Council also recognises that whilst the Best Value Improvement Plan addresses the Accounts Commission findings there are still serious concerns about the Council's pace of change and its ability to demonstrate progress.

It further recognises that the Accounts Commission welcomes the Council's arrangements for external support for both elected members and senior officers and that they recommend that Council takes urgent steps to make the most effective use of this support.

Council agrees that the Best Value Improvement Plan is reviewed as a matter of urgency to ensure that its priority and focus delivers the increased pace of change to meet the Accounts Commission's findings.

It also agrees that the Improvement and Efficiency Executive Working Group considers a change to the Working Group format to encourage a more proactive participation of all elected members in the drive for improvement, whilst recognising its scrutiny role.

The Improvement and Efficiency Executive Working Group should address these issues at its next meeting on 13 April 2010, and this meeting should be open to all elected members to ensure the widest range of ideas and views.

Furthermore, the Council seeks clarification from the Accounts Commission and Audit Scotland on the comments regarding member officer relationships. This can be explored during the Council's follow up meeting with the Accounts Commission on 15 April 2010.

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

It is clear that the SNP Leadership and Administration lack the capacity to address the issues raised in this report. It is past time to ask for external support in order to take this Council forward.

Therefore this Council agrees that it will write to John Swinney MSP to request support from the SNP Government to assist the SNP Administration.

The Chief Executive was heard in answer to Members' questions.

On a vote being taken, 7 Members voted for the amendment and 11 for the motion which was declared carried.

BEST VALUE IMPROVEMENT PLAN

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

After hearing the Chief Executive and the Executive Director of Corporate Services in answer to Members' questions, the Council agreed to note the progress of the action plans.

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.

PRUDENTIAL INDICATORS 2009/10 AND TREASURY MANAGEMENT STRATEGY 2010/11 TO 2012/13

A report was submitted by the Executive Director of Corporate Services seeking Council approval of the proposed Prudential Indicators for 2009/10 to 2012/13 and the Treasury Management Strategy for 2010/11 to 2012/13.

Having heard the Manager of Accounting in answer to Members' questions, the Council agreed:-

- (a) to adopt the Prudential Indicators and Limits as shown within Appendix I of the report, as summarised below:-
 - Capital Expenditure and Capital Financing Requirements (Tables A and B).
 - Actual and estimates of the ratio of financing costs to Net Revenue Stream (Table C).
 - Incremental impact of capital investment decisions on the Band D Council Tax (Table D).
 - Incremental impact of capital investment decisions Housing Rent levels (Table E).
- (b) to approve the Treasury Management Strategy 2010/11 (including the Investment Strategy 2010/11) as shown in Appendix II of the report;
- (c) to adopt the Treasury Prudential Indicators and Limits set out in Appendix II of the report, as summarised below:-

- Operational Boundaries (Table F)
 - Authorised Limits (Table H)
 - Counterparty Limits (Table K)
 - Treasury Management Limits on Activity (Table M)
- (d) to approve the statement by the Executive Director of Corporate Services regarding the external borrowing level in comparison to the Capital Financing Requirement (Appendix II - Point 3.3 of the report refers).
- (e) to adopt the Treasury Management Policy Statement, as shown in Appendix III of the report;
- (f) to adopt the four Treasury Management clauses as part of the Council's financial regulations (as shown in Appendix IV of the report) including the nomination of the Audit and Performance Review Committee to ensure effective scrutiny of the treasury management strategy and policies, and that an update report be presented to Council once further scrutiny has taken place; and
- (g) to note that a briefing session on Treasury Management and Investments would be given to Members later in the year in line with the requirements of the revised CIPFA Treasury Management Code of Practice.

AVAILABLE BALANCES REVIEW

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the recent review undertaken by officers on the current position on available General Services review.

In response to a Members' question, the Head of Legal, Administrative and Regulatory Services confirmed that in his opinion, the suspension of Standing Orders was not required in order that this item be considered by the Council.

Councillor C. McLaughlin, seconded by Councillor J. McColl, moved that the recommendations of the report (as detailed below) be approved:-

The Council agrees:-

- (1) to make available for general reserve purposes £1.500m of this balance (paragraph 3.5 (a) and 3.5 (b) of the report refers); and
- (2) to continue to earmark £0.030m for the future Milton Community facility (paragraph 3.5 (c) of the report refers).

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

Council agrees to the transfer of £1m from earmarked reserves to the General Reserve (Free Reserves).

In addition, Council agrees with the continued earmarking of £30,000 for Milton Community Facility.

However, Council is disappointed that it has taken criticism from External Auditors before deciding to properly address this issue.

This Council remains concerned about the support for staff to train out of detriment and therefore agrees that the £500,000 Single Status Residual monies for 2011/12 remain earmarked to support Single Status.

The Chief Executive, Executive Director of Corporate Services and the Head of Finance and ICT were heard in answer to Members' questions.

On a vote being taken, 10 Members voted for the amendment and 11 for the motion which was accordingly declared carried.

SCHOOLS REGENERATION: DUMBARTON ACADEMY – UPDATE

A report was submitted by the Executive Director of Educational Services providing the Council with an update on the current proposals with regard to Dumbarton Academy and the related discussions with the Scottish Futures Trust (SFT).

Councillor Smillie moved:-

That the recommendations of the report (as detailed below) be approved:-

- (1) to approve that officers continue to negotiate with the SFT to attempt to reach a solution that will allow a consistency of approach with regard to the design and space standards in West Dunbartonshire Council's new schools' estate;
- (2) to approve the proposals to investigate the option of the alternative funding package referred to in paragraph 3.6 of the report and to continue to seek agreement from the SFT that West Dunbartonshire Council be approved as a second national pilot in order to accelerate the programme of delivery of a new Dumbarton Academy;
- (3) to confirm the previously approved Council contribution of £10.3m as its maximum contribution to the project (the current estimate is that £9.75m will be required, although negotiations with the SFT are ongoing). This would ensure that the new Dumbarton Academy would be constructed to similar space standards and specifications as those which applied to the three new secondary opened in August 2009; and
- (4) to note that if a capital contribution of £9.57m were to be required then the total revenue commitment for the Council would be £0.725m per annum for 40 years.

The Executive Director of Educational Services and Head of Service (Resources) were heard in answer to Members' questions.

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

Council notes that in response to questions from Councillor Martin Rooney at the August Council meeting, the Executive Director of Educational Services confirmed that the cost of building a new Dumbarton Academy for 750 pupils would be the same as building a school for 700 pupils. In addition the Executive Director confirmed that the new Dumbarton Academy would be built to the same high space standards and the same high quality as the PPP schools.

In addition the Executive Director confirmed that the cost of the new school would be split between the Council and the Scottish Futures Trust at 33% from West Dunbartonshire Council and 66% from the Scottish Futures Trust.

Council agrees that Dumbarton Academy is our number one priority for a large scale capital programme and confirms our commitment to providing £10.3 million of capital towards this project.

Council notes however, that the officer's projected costs of the New Dumbarton Academy is now £21.55m based on 2,200 square metres for the 680 pupils. This means that the Council's contribution of £10.3 million would equate to 47% of the total project and the Scottish Futures Trust would only provide 53%. A reduction of 13%.

Council agrees that a new Dumbarton Academy must meet the same space size and quality standards as the Vale of Leven Academy, Clydebank High School and St. Peter the Apostle Secondary School.

Therefore officers are instructed to continue with negotiations on space size and funding for the new Dumbarton Academy and the Council instructs the Chief Executive and the Leader of the Council to lobby the Scottish Government and the Scottish Futures Trust to deliver the necessary resources in order to honour the promises made to pupils, parents, teachers and the wider community in Dumbarton.

In response to a question by Provost Agnew, Councillor McBride confirmed that this amendment superseded the motion which appeared later on the agenda under the heading "Motion by Councillor David McBride – Dumbarton Academy Funding".

Councillor Robertson seconded the motion by Councillor Smillie.

On a vote being taken, 8 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT – PERIOD 10 (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 February 2010.

After hearing the Head of Finance and ICT in answer to a Member's question, the Council agreed to note the contents of the report.

GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT – PERIOD 10 (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 2009/2010 for the period to 15 February 2010.

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

HOUSING REVENUE ACCOUNTS 2009/2010 BUDGETARY CONTROL STATEMENTS TO 15 FEBRUARY 2010 (PERIOD 10)

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 February 2010.

The Council agreed to note the report.

HRA CAPITAL PROGRAMME 2009/2010 BUDGETARY CONTROL REPORT TO 15 FEBRUARY 2010 (PERIOD 10)

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 February 2010.

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

- (1) to note that the Executive Director of Housing, Environmental and Economic Development would respond to the specific questions raised by Councillor Bollan outwith the meeting; and
- (2) otherwise to note the terms of the report.

EDUCATIONAL SERVICES – BUDGETARY CONTROL ISSUES 2009/10

A report was submitted by the Executive Director of Corporate Services providing the Council with the current financial issues facing Educational Services and action plans in place to minimise the risk of the current overspend happening in future years.

After hearing the Executive Director of Educational Services in answer to Members' questions, the Council agreed to note the contents of the report.

DRUG AND ALCOHOL REHABILITATION INITIATIVES - HEAR (HELP, EMPATHY, ADVICE AND REASSURANCE)

A report was submitted by the Interim Executive Directors of Social Work and Health providing the Council with updated information on the HEAR Out of Hours Telephone Support Service.

The Council agreed to note:-

- (1) the information regarding the profile of calls to the HEAR service;
- (2) the information provided regarding the employment of a Befriending Support Worker and Clerical Officer via the Future Jobs Fund;
- (3) the expansion of services via Volunteer Befrienders; and
- (4) the potential benefits for Befrienders in terms of recovery and future employment opportunities for these volunteers.

QUESTIONS

(a) Question by Councillor Patrick McGlinchey to the Convener of Education and Lifelong Learning

Will the Convener detail what consultation process will be carried out with parents, teachers, unions and the community prior to the implementation of any of the service cuts in the Michael O'Neill review of Education Services?

Councillor Smillie replied as follows:-

Over recent weeks, Senior Management within Educational Services have been developing savings proposals based on the recommendations in the Michael O'Neill report. Consultations with staff and trades unions have already taken place and will continue. Where required, reports on aspects of the recommendations will be tabled at future Council meetings.

(b) Question by Councillor Geoff Calvert to the Convener of Social Work and Health Improvement

In his response to my question Councillor McColl responded that the maximum charge for special needs equipment would be £75.

However, as there are only 500 clients and they could only pay a maximum of £75 then this would only raise a maximum of £37,500 and not the £100,000 stated.

Therefore there is a shortfall of £62,500 (60%). Where is this budget shortfall of £62,500 to come from?

Councillor J. McColl replied as follows:-

As I said in my answer last month, the charges were implemented by the SNP to offset some of the cost of delivering services.

The range of reasonable charges implemented have allowed us to protect public sector jobs and continue to provide services for the people of West Dunbartonshire despite Labour's national debt fuelled recession.

On seeing Councillor Calvert's questions I did what Councillor Calvert should have done in the first place before wasting Council's time; I asked the Director.

It has come to light that the figure of 500 people is not correct. The correct figure is around 1,800, and indeed this is the figure that officers worked from when preparing the report and the estimated income therein.

The 500 may have been a typographical error or perhaps an early estimate that was not corrected once the scope of the charge was checked in the lead up to the Council meeting in October.

In the highly unlikely event that each of the 1800 clients were charged the maximum of £75, this would offset £135,000 of the service cost, giving us £35,000 of manoeuvring room in the target. The numbers involved give us an average per person charge of just over £1 per week in order to meet the £100,000 target.

Labour are sucking the life out of Scotland to the tune of around £800 million, and like their Tory role models, they plan further extensive cuts to Scotland's budget in future years thus compounding the problem. The SNP and the public know that this is the single best reason for voters not to back the London based parties.

The next Parliament is almost guaranteed to be a hung Parliament and the people of West Dunbartonshire and Scotland as a whole need strong SNP Local Champions to protect Scotland's interests in the face of further public sector cuts, promised by all of the London based parties.

NOTICES OF MOTION

(a) Motion by Councillor Patrick McGlinchey - Michael O'Neill Consultant Report

Council notes that that the Consultant Michael O'Neill has completed his review of Education Services.

In accordance with the Labour Group budget proposals, Council calls on the findings of the consultant's report to be presented to elected members for consideration prior to implementation of any of the recommendations.

After hearing Provost Agnew, the Council noted that the above motion would require the suspension of Standing Order 19 (a) prior to consideration by the Council as a period of six months had not passed since a decision was made on this matter.

The Chief Executive informed the Council that copies of the Michael O'Neill report had been circulated to all Members of the Council. He reminded the Council that in terms of the existing scheme of delegated powers, all matters relating to staffing had been delegated to him and confirmed that any changes to services would be reported to Council/Committee as appropriate.

On a vote being taken, 9 Members voted in favour of the suspension of Standing Orders and 10 against. Having failed to obtain the support of two thirds of those Members present and voting, Standing Orders were not suspended and the motion could not be considered.

(b) Motion by Councillor David McBride - Dumbarton Academy Funding

It was noted that this motion had been withdrawn as a similar motion had been moved earlier in the meeting.

(c) Motion by Councillor Jim Bollan – Strategic Finance Working Group

This Council in the interests of openness, accountability, and transparency agrees to disband the Strategic Finance Working Group and refer all the business of this working group to the Corporate & Efficient Governance Committee.

Councillor Bollan was heard in support of his motion which was seconded by Councillor Black.

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

That the Council takes no action on this motion.

On a vote being taken, 10 Members voted for the amendment and 9 for the motion. The amendment was accordingly declared carried.

The meeting closed at 9.15 p.m.

REVIEW OF STANDING ORDERS**(TO BE READ IN CONJUNCTION WITH THE MINUTES)**

- 3.2.1 Front page – it has been suggested that this should include the dates when the various parts of the Standing Orders were last revised. This would appear sensible and is recommended.
- 3.2.2 Open Forum – an Open Forum should be possible at each Ordinary Meeting of the Council. Standing Orders presently provide for a forum session at each second Ordinary Meeting.
- 3.2.3 There is a question as to whether “working days” in Standing Order 4 includes public holidays. The definition in 43(b) states that the term “working days” will mean Monday to Saturday inclusive whereas 43(c) states that where the last day falls on a public holiday it will be deemed to relate to the first day thereafter. There is a little contradiction in this and it is suggested that the definition of ‘working days’ 43(b) specifically excludes public holidays.
- 3.2.4 Standing Order 6(a)(v) – provides that the Council approves the Minutes of the previous Council Meeting and Advisory Committees unless these are reported for information only. Strictly speaking the Council approves the accuracy of the Minutes of previous Council Meetings and decides whether to ratify the decisions of Advisory Committees which do not have delegated powers. The accuracy of Advisory Committee Minutes are considered by the next meeting of the Advisory Committee. (See also Standing Order 30 which deals with approval and signing of Minutes.) It is suggested that 6(a)(v) is reworded as “approval of the Minutes of the previous Council Meetings and approval of the decisions of Advisory Committee or Committees which do not have delegated powers unless reported for information only”.
- 3.2.5 Standing Order 8(d): Reference of Motions to Committees – provides that motions which relate to the business of a committee will automatically be referred to that committee. The argument was that if Council had decided that certain business is to be determined by a committee, that the role of that committee should not be usurped by the expedient of a motion to Council. The counter argument is that not all Members sit at every committee and Members with a particular interest in any matter would not necessarily be able to vote on that matter at committee. Moreover, Members sometime feel that certain matters are sufficiently important that the view of Council is canvassed. The unanimous view of the seminar was that this Standing Order should be revoked and to revert to previous practice that motions on any subject matter can come to Council.

- 3.2.5.1 The seminar also considered that Standing Orders should make provision for motions to be made to committees. Any Members, not merely Members of the Committee should be entitled to make such motions. It was appreciated that Members who did not serve on a committee would have no entitlement to move the motion, vote on it or to address the committee. However, given that the present practice of Committee Chairs is to allow outside Members to address the committee it was recommended that no additional powers were granted to an outside Member who wished to address the committee.
- 3.2.6 Standing Order 8(e) gives the Monitoring Officer power to refer an illegal motion to the Convener for a decision as to whether it should be accepted or placed on the agenda. It should be noted that as presently worded this only gives the Monitoring Officer this power, not the Legal Officer. The Monitoring Officer only sits on Council and one Committee and other Solicitors sit on other Committees. Accordingly it is suggested that “the Monitoring Officer” is replaced by “the Legal Officer”.
- 3.2.7 Standing Order 17: Deputations – the Community Council Forum has raised an issue regarding the timescale for requesting a deputation. Deputations need to be requested under 17(a) at least 11 days before the meeting, the intention being that this would allow the deputation’s subject matter to appear on the agenda which is issued nine clear days in advance of the meeting. The Community Council Forum are concerned that on occasions the first that they know of a proposal is when it appears on a Council/Committee agenda. At that stage they have insufficient time to request a deputation. There are two competing arguments here. On the one hand the aim is to have all business clearly detailed on the agenda in advance, to allow Members to discuss issues with officers and other political groups. On the other hand there is the desire to enhance community engagement by allowing Community Councils in particular to have a meaningful input into decisions prior to taking them. It should be noted that if a shorter period is allowed for deputations, that the supplementary agenda containing the deputation will need to be issued three working days in advance.
- 3.2.7.1 The seminar agreed that:-
- In relation to items on the agenda, community councils would be entitled to request a deputation within five clear working days of the Council or committee. This would allow a supplementary agenda to be issued three clear working days in advance.
 - In relation to other items which did not appear on the agenda, the timescale for deputations would remain at eleven clear working days.

- Standing Order 17(a) presently provides that deputation needs to be lodged at least eleven days before the meeting, rather than “clear days”. It needs to provide for clear working days to be consistent with the nine clear working days for issue of agendas.

- 3.2.8 Standing Order 19: Alteration, Deletion and Rescission of Decisions of Council – there are two issues here. Firstly, can a Council or Committee decision be reconsidered without suspension of Standing Orders within the next six months when setting the Council’s budget for the next year? While there are conflicting arguments about this the Monitoring Officer’s view is that if a Committee has made a decision, this cannot be altered by Council within 6 months, even when setting the budget, without suspension of Standing Orders. Members at the seminar agreed with this interpretation. While no change to Standing Orders is required, this point is made for clarification purposes.

- 3.2.9 Standing Order 20: Order of Debate – Questions. Standing Order 12(a) provides that any Member may put a question to the Convener, Service Spokesperson, Leader of the Council or any Senior Officer concerning any relevant competent business arising upon the agenda. However, once under debate, Standing Order 20(j) provides only for questions immediately after a speech by another Member. The intention appears clear that this is the only circumstance in which Members can ask questions once in debate. Members agreed that minor amendments should be made to Standing Orders 12(a) and 20 to make this crystal clear.

- 3.2.10 Standing Order 20(h) – this provides that no Member will be at liberty to move or second more than one amendment to any motion and the mover and seconder of the motion will not move an amendment or second an amendment. What is the position where someone moves a motion or amendment which does not find a seconder? Are they still entitled to attempt to raise a further motion or amendment? This is not a big issue for the main parties who have a number of Members who can raise motions or amendments. However it is an issue for the Independents and SSP Member. On balance it is felt that where Members have failed to find a seconder, that they should be entitled to move another motion or amendment. The Standing Order seminar agreed with this and agreed that Standing Order 20(h) should be slightly amended to make this clear.

- 3.2.11 Standing Order 27 – When Standing Orders are suspended it is generally understood that only the Standing Order in question is suspended, not all Standing Orders. To suspend all Standing Orders would not leave a complete void as some Standing Orders are required under the Local Government (Scotland) Act 1973 and can never be removed, while there are also common law rules on fair notice etc. It would be good practice to refer to the specific Standing Order which is being suspended. The seminar agreed with this and was content that minor changes were made to make this clear in Standing Orders.

- 3.2.12 Standing Order 29 (c) – Proceedings of Committees and Sub-Committees. This allows the Convener of a Committee to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The seminar was of the view that complete cancellation should not be allowed. There is also the issue of whether this Standing Order allows rearrangement of meetings where the agenda has already gone out and public notice has been given. The seminar did not specifically deal with this point and Council's view is invited.
- 3.2.13 Appendix 3(a) – Appeals Committee – the seminar was in favour of membership of the Appeals Committee being extended and that Council appoint a Vice Chair who could chair meetings if the Chair was unavailable. No firm conclusion was reached on the number of Members of the new Appeals Committee. Clearly there is a need to increase the membership to improve availability. This needs to be balanced against a need to ensure that all Members on the committee receive a sufficient amount of Appeals to enable them to develop expertise in this often complex area. One suggestion was that all Members of Council were on the committee and that invites were sent to the Chair and a further five Members. If those Members were unavailable it would be their responsibility to arrange a substitute from the remaining Members. Council's views are invited on this.
- 3.2.14 Appendix 3 (d) – Corporate and Efficient Governance Committee. Items relating to the Chief Executive's Section are not listed as being referable to any Committee, other than Best Value, Performance Review and Audit which are referred to the Audit and Performance Review Committee. Otherwise for remaining functions such as Communications it is thought that Corporate and Efficient Governance Committee should deal with the Chief Executive's Section.
- 3.2.15 Scheme of Delegation to Officers (Part III) – In broad terms the Scheme of Delegation to Officers remains fit for purpose, albeit one or two minor matters have been noted as does the new Planning Scheme of Delegation approved during 2009. Would members wish Officers to bring forward a further report dealing with a revised Scheme of Delegation if and when there are any departmental changes which require it?
- 3.2.15.1 Once change is suggested immediately. The delegation to the Director of Corporate Services under the Legal, Administrative and Regulatory Services Section allows the Director to act as Proper Officer and to appoint designated other officers of the Council as Proper Officers for certain functions of the Local Government (Scotland) Act 1973. The next paragraph allows the Director to sign all Deeds on behalf of the Council. At present Deeds are signed by the Head of Legal, Administrative and Regulatory Services, Manager of Legal Services and Senior Solicitors in Conveyancing/Contracts and Litigation. Occasionally outside solicitors ask for evidence that they have authority to sign Deeds.

The present delegation is not absolutely clear and it is therefore proposed that the delegation to appoint/designate other officers of the Council as Proper Officers should also include allowing such officers to sign all Deeds and other documents which are required to be sealed and executed on behalf of the Council. This makes it clear that the presently authorised officers have such authority and avoids challenge. No change is proposed to existing practices.

- 3.2.16 Standing Orders for Contracts (Part IV) – The Standing Orders governing the letting and operation of Council contracts were not examined in any detail by the report of February 2009. It is considered appropriate that these are reviewed in light of emerging procurement practice, and to address specific issues which have arisen.
- 3.2.17 Paragraph 3.3.4 suggests that review of the Contract Standing Orders is not limited to a once or twice yearly review. This is particularly important in the case of Contract Standing Orders as the development of procurement legislation, technology in procurement, co-operative procurement options and shared service delivery are all likely to have significant impact on how we go to the market.
- 3.2.18 A further consideration in terms of the Contract Standing Orders is how to deal with contracts involving a degree of social care, including those for residential schools. For such contracts, which may be open ended in nature and may alter substantially during their lifetime, the general approach of specifying in detail our requirements, our contractual arrangements and strict financial limits, may not deliver an appropriate outcome for the client, although it is recognised that they cannot be totally unregulated. This problem is being examined in other authorities, and also there is currently a consultation document on Scottish Government Guidelines for such procurements in circulation. It would be intended that following further discussions with other authorities and taking into account the final guidance issued, a further report would be submitted to Council detailing amendments to the Contract Standing Orders to allow commissioning officers to ensure that they are both working within an agreed Council framework for procurement, and meeting statutory and social responsibilities to address particular client needs on an ongoing basis.
- 3.2.19 The following changes to current Contract Standing Orders are suggested:-
- 3.2.19.1 Standing Order 32.4 delete the words “The following are the methods by which the Council may invite tenders”, in the first paragraph and replace with the following wording:-
- “The Council invite tenders in one of the following methods, always having regard to the legal obligations to ensure adequate publicity for contracting opportunities:”

Purpose – to make it clear that the methods and timescales within the Standing Orders are minimum requirements and that where legal requirements require longer or more extensively advertised opportunities, such requirements will be met.

3.2.19.2 Standing Order 32.4 (a) re-number and add a new paragraph (i) – (iv) as follows:-

“(a) Ad Hoc or Open Tenders

- i) Ad hoc tenders may be invited directly by advertisement or by utilising the processes established in any framework, consortium, partnership or collaborative agreement which the Council is a member of, or which the Council is legally entitled to access, including those operated by the Scottish Government, Scotland Excel, the Office of Government Commerce (OGC) or through the eProcurement Scotl@nd (ePS) Electronic Tendering Service. In all cases, no less than fourteen days notice of such tender opportunity will be given.
- ii) Where invited directly by the Council, or as lead authority for any collaborative agreement, public notice will if considered desirable, be given in at least one local newspaper and in any specialist journals providing sufficient details to identify the nature of the opportunity, identify the method of applying to tender, and indicating the final date for application.
- iii) For contracts having a value in excess of £50,000 but less than the EU Procurement Threshold for the time being in force, and not previously advertised as part of a framework agreement, the contract will additionally either be advertised through the Public Contracts Scotland Portal or through the Official Journal of the European Union (OJEU).
- iv) Contracts having a value in excess the EU Procurement Threshold for the time being in force, and not previously advertised as part of a framework agreement, will require to be advertised through the Official Journal of the European Union (OJEU).”

These changes make it clear that the methods and timescales within the Standing Orders are minimum requirements and that where legal requirements determine longer or more extensively advertised opportunities, such requirements will be met.

3.2.19.3 Standing Order 32.4(b) substitute the following for the existing paragraphs (i) to (iv)

- “i) Executive Directors have full powers to draw up and amend standing lists of Tenderers having regard to national and European requirements for publicity and procedure.
- ii) The list will indicate whether a person has been included in it for all contracts, or for certain contracts of specified values or amounts or categories and will confirm that his/her technical capability and financial standing have been satisfactorily investigated.
- iii) The list will be reviewed periodically by the Executive Director of the Department concerned and any review or renewal will likewise take account of national and European requirements for publicity and procedure.
- iv) Executive Directors will have full powers to permit any body, as may be approved by Council, to draw up a list of tenderers on terms similar to the foregoing provided always that such arrangement is compliant with National and European Law and provided that the appropriate Executive Director is satisfied that the arrangement represents Best Value.

These changes ensure that the use of standing lists of tenderers is compliant with national and European legislation.

3.2.19.4 Standing Order 35, delete the existing paragraph (c) and substitute the following:

- “(c) Between the closing date and time for the receipt of tenders and the date on which a decision is taken regarding acceptance thereof, the appropriate Executive Director may instruct members of his staff or consultants to contact any tenderer to clarify or verify the terms of the tender but not otherwise for any reason and in particular this provision shall not be used in any way to put other tenderers at a disadvantage or to distort competition. A full written record will be kept of all such contacts and will be retained with the original tender together with written confirmation from the tenderer regarding any changes. “

The change reflects the wording of the EU Procurement rules and clarifies that no discussion which could distort competition would be allowed.

3.2.19.5 Standing Order 36, delete the existing paragraphs (e) and (f) and substitute the following:

- “(e) Where the contract consists of repairs to or the supply of parts for existing proprietary plant or machinery and provided such repair or supply represents Best Value and is legally compliant.
- (f) Where tenders have been invited through any framework, consortium or partnership agreements of which the Council is a member or entitled to participate, in accordance with any method adopted by that body, provided always that such arrangement is compliant with National and European Law and provided that the appropriate Executive Director is satisfied that the arrangement represents Best Value.

These changes ensure that exceptions to Standing Orders under these provisions represent Best Value, that the full range of bodies through which we may seek contracts are represented and that National and European Legislation is complied with.

3.2.19.6 Standing Order 4), delete 37. (c)(iii), (e), (g) and (h) and substitute the following:

- “(c)(iii)The appropriate officers of such consortia, or collaborative partner as may be approved by Council, for issuing and receiving tenders on the Council’s behalf; or”
- “(e) Tenders invited through eProcurement Scotl@nd (ePS) Electronic Tendering Service will follow the rules and procedures provided for participation in the system, such rules to substitute for Standing Orders 37(a) to (d) hereof. Following receipt of tenders by such method, a Tender Record Sheet will be prepared containing the same information as would accord with Standing Order 37(d) above. No electronic auctions are to be permitted.”
- “(g) All successful tenders will be notified in writing by the relevant Executive Director following approval by Council, or the appropriate Committee or in exercise of prior existing, or specifically granted, delegated authority. “
- “(h) Subject to statutory requirements, any tender submitted after the specified time or not complying with these Standing Orders will not be considered and will be returned promptly to the tenderer by the Head of Legal, Administrative and Regulatory Services, save where it would, in the opinion of the of the Head of Legal, Administrative and Regulatory Services, be unreasonable not to accept such tender.”

These changes reflect the provisions of the scheme of delegation, new tendering methods, the requirement for approval of Committee or the existence of delegated authority and case law on the acceptance of late tenders.

3.2.20 The Standing Order seminar agreed with these changes which are largely technical. The only point which was raised was in relation to the proposed substitution of Standing Order 35.4(b)(i) (paragraph 3.2.19.3). This provided that:-

i) Executive Directors have full powers to draw up and amend list of tenderers having regard to national and European requirements for publicity and procedure.

3.2.20.1 Members were happy if this related to standing lists of tenderers and wished this to be made clear. The start of Standing Order 32.4(b) is not amended and this makes it clear that these sections apply to the list of contractors. Accordingly no change is needed but to avoid any doubt a change has been suggested that in the new paragraph (i) there is reference to standing lists of tenderers.

3.3 Areas where there were differing views on Standing Order changes:-

3.3.1 Time of Council Meetings – Standing Order 2(a) provides that Ordinary Council Meetings will start at 6 p.m. and Standing Order 6(c) provides that no business shall be introduced after 10 p.m. If any business remains, the Council Meeting will reconvene at 10 a.m. on the following day. At the seminar one Member proposed that a start time moved to 7 p.m. and that the 10 p.m. guillotine be removed. He had concerns that a 6 p.m. start was too early to accommodate members of the public who might have been at work during the day or having an evening meal. The remaining Members of the seminar were of the view that the 6 p.m. start and 10 p.m. guillotine had worked well and should remain in place. There was also discussion regarding adjournment of meetings and the effect of this on the 10 p.m. guillotine. At present the Provost does not have the power to adjourn Council Meetings and this requires to be the subject of agreement, which failing, a vote. A point was made that any Member can leave the Chamber for a toilet break etc with the exception of the Provost. Should the Provost be allowed to have say two adjournments not exceeding a certain time? Should periods of Adjournment be added on to the 10 p.m. as “injury time”? It is recommended that both of these suggestions could get overly complex, particularly the second one. It would be very difficult to any certainty as to when the guillotine would come into place. Accordingly no change is recommended.

3.3.2 Standing Order 2(d): Open Forum – there is also the issue as to whether motions, amendments and debate are competent at Open Forum sessions. Appendix 2 provides the procedure to be adopted during Open Forum sessions. From looking at Standing Order 2(d) and Appendix 2 it appears clear that the intention is that there is a question, an answer and a supplementary question with answer, but no debate or motions. However there is no specific prohibition of motions and as the Open Forum question is an item on the agenda, strictly speaking motions and debate are competent. It had been recommended that the Standing Orders were changed to specifically to exclude this possibility and to reflect the intention behind the present Standing Orders. The majority of Members present at the seminar agreed with this. The minority view was that Open Forum items should allow for motions and debate.

3.3.3 Urgent Motions - Over the last year there have been issues as to when urgent motions are considered. On the one hand there is an argument that as the urgent motion is the last item on the agenda it should therefore be considered at the end, thus avoiding any other item being subject to the guillotine due to consideration of the urgent item. On the other hand, if, as has happened on one occasion, the urgent item has not yet been accepted by 10 p.m. then it will not be capable of being carried over to the next day and could fall completely. To balance the competing issues the present advice from the Monitoring Officer is that:-

- a) Members are advised of the terms of the urgent motion at the beginning of the meeting. This means that they are aware of the terms of the motion and have some time to prepare for it. However as it is the last item on the agenda it is not considered at this stage.
- b) At the start of the motions the Provost considers whether the motion is urgent and if there are special circumstances which mean that it should be heard. If the Provost agrees then the motion goes onto the agenda. If there is subsequently a guillotine it will then carry forward into the next day.
- c) The motion, being the last item on the agenda, is then considered at the very end of the meeting.

3.3.3.1 It is appreciated that this three stage process is cumbersome for a motion where special circumstances and urgency obviously apply and which is uncontroversial. On the other hand, for a motion that is controversial it avoids this last item on the agenda getting undeserved precedence over items lodged on time, while still ensuring that the competence of the motion can hopefully be considered prior to the guillotine.

- 3.3.3.2 The majority of views of Members at the seminar was that all urgent motions should be submitted to the Provost in advance of a Council Meeting. There should be no urgent motions arising during a Council Meeting. The Provost should advise the Council at the start of the meeting if he was willing to accept the motion as Urgent and specify special circumstances. The reason for accepting this would have to be given to Council as this is required in terms of the Local Government (Scotland) Act 1973. The urgent motion would only be read out to Council by the Provost if he accepted it. It is recommended that Standing Orders are amended to provide for this.
- 3.3.4 Two Year Moratorium on changes to Standing Orders – Standing Order 19(c) provides that unless Council asks for a report to be brought back to Council on Standing Orders, that Standing Orders can only be changed within the next two years if Standing Orders are themselves suspended. The intention behind this was to introduce a measure of certainty and avoid opportunistic attempts to change Standing Orders to suit particular cases or political aims. While this is to be commended, current advice on good practice in governance reflected in, for example, the CIPFA/SOLACE “Delivering Good Governance Framework” recommends regular reviews of Standing Orders. Holding a once yearly Member/Officer meeting to consider Standing Orders also provides an opportunity to review Standing Order issues which have arisen during the year. It provides a training opportunity, as well as an opportunity to resolve any issues and if necessary change Standing Orders. Accordingly it is recommended that Standing Orders provide for a once a year opportunity to change Standing Orders in the spring of each year. Secondly, it is likely that Standing Orders will need to be changed within a one year period to accommodate a number of developments. If the Council proceed to further integration with the NHS which involves a joint Community Health Partnership (which is a Committee of the Health Board) and Council Sub-Committee with the same Members meeting at the same time, there will be a need for the Standing Orders of the CHP/Sub-Committee to be the same. This will mean that these Standing Orders will need to be brought back before Council. It is recommended that authority is given to allow this particular matter to come back before Council without requiring suspension of Standing Orders. There is also the proposal for a Petitions Procedure. There are proposals relating to membership of the Education Committee which are discussed later on in this report and which will be the subject of a report to the Education Committee. Fourthly, there are likely to be changes to the Councillor’s Code of Conduct which require amendment of Standing Orders. In addition, it might be preferable if the restriction on review of Standing Orders only applied to Parts I and II, allowing the less controversial Scheme of Delegation, Contract and Standing Orders to be reviewed as necessary. See also paragraph 3.20 and 3.22. There were different views on this. In general it was accepted that if there was to be restriction on review of Standing Orders it should only apply to Parts I and II allowing the less controversial Scheme of Delegation and Contract Standing Orders to be reviewed as necessary.

As regards Part I and II of the Standing Orders there were different views. One Member felt that there should be no restriction on reviewing Standing Orders other than the six month rule on altering or amending previous decisions. Others agreed with the recommendations of the report that there should be a once a year opportunity to review Standing Orders. The risk of allowing review of Standing Orders at any time was that these would be reviewed to meet the circumstances of individual cases, rather than to deal with issues of principle. Other Members were keen to debate the issue as a political group prior to expressing a view on the matter.

3.3.5 Standing Order 20: Order of Debate – 20(c) this provides that no Member, with the exception of the mover of the motion or amendment will speak supporting the motion or amendment until the same will have been seconded. Standing Order 21 provides that motions and amendments made but not seconded shall neither be discussed at the meeting nor recorded in the minutes. Standing Order 20(c) is quite clear and allows questions prior to a motion being seconded. This is logical as Members may wish to ask questions of the mover of a motion prior to deciding whether to second the motion. The wording of Standing Order 21 in referring to “discussed” is less clear and the two Standing Orders need to have similar wording.

3.3.5.1 It is appreciated that Members have sometimes delayed in seconding motions and amendments to see whether there will be any addendum. On the other hand it is good practice that motions are seconded as soon as possible. The issue is whether members wish to alter Standing Order 20(c) to ensure that motions or amendments are seconded prior to inviting further amendments. On balance it is felt that this results in as many problems as it was meant to resolve. As such the only proposed change is to Standing Order 21 which would now read “while persons moving a motion or amendment can answer questions on that motion or amendment prior to it being seconded, all motions and amendments must be seconded prior to their being any debate on them. A motion or amendment made but not seconded shall not be recorded in the minutes”.

3.3.5.2 There were different views on this. Some Members were of the view that motions should be seconded immediately. Others felt that to ask questions in advance and to allow addendums resulted in a greater chance of consensus and gave the Independent Members a greater opportunity of input.

3.3.6 Standing Order: Working Groups – There are conflicting arguments as to the degree of procedural formality that should apply to working groups. On the one hand, such meetings are intended to maximise cross-party working and consensus and to allow minority parties and other Councillors an opportunity to influence proposals. To do this, the working group needs to be outwith the spotlight of the public political debate. On the other hand there is a need to ensure that decision making is seen to be transparent and that future decisions based on the recommendations of a working group are not seen as rubber stamping. The key questions are:-

- 3.3.6.1 Should a Working Group require a minimum number of Councillors to be quorate? Should such Working Groups be open to the public to attend in the same way as Committees? If so, should they be publicised on the Council's Website and should reports and minutes appear on the Website. In some cases the recommendations and minutes of Working Groups are already reported back to the parent committee.
- 3.3.6.2 At the seminar there were differing views on this by Members. The majority view was that the Parent Committee which set up the Working Group should determine the remit of the Working Group. That would include determining whether the Working Group should be open to the public, whether all papers should be available to the public and whether minutes should appear on the Council website. They also noted that Working Group papers should be available to all Members, regardless of whether they served on the Working Group. They also raised the question as to whether every Elected Member should be able to attend a Working Group, even if they were not part of it. The minority view was that all Working Groups should be subject to the same degree of public accessibility as committees.
- 3.3.7 Appendix 3 (m) – Corporate Cultural Sub-Committee. The powers of the Corporate Cultural Sub-Committee are not immediately obvious from looking at Standing Orders. Paragraph 2.3 provides that the Sub-Committee will have such delegated powers as are determined by the Corporate and Efficient Governance Committee or Council as appropriate. On 28 May 2008 the Corporate and Efficient Governance Committee agreed that the Corporate Cultural Sub-Committee be given delegated authority over its own budget and all cultural events. It has also been agreed at the Committee on 25 February 2009 that consideration of reports on town twinning be dealt with by the Corporate Cultural Sub-Committee in future. The minute does not explicitly record whether the Sub-Committee was to be given delegated powers, albeit that is the implication in the minute. It is recommended that rather than the Sub-Committee being given ad-hoc powers by the parent Committee, that Council clearly sets out the extent of delegated powers which it wishes to give to the Sub-Committee thus providing transparent.
- 3.3.7.1 There were two competing views on this at the seminar, one being that the Standing Orders should remain as at present, the other that the delegations already made by the Corporate and Efficient Governance Committee should be consolidated and become the delegated powers of the Cultural Sub-Committee.
- 3.3.7.2 Unusually Appendix 3(m) details the political composition of the Corporate Cultural Sub-Committee as comprising two SNP (Administration), two Labour (Opposition) and one other and the Council's Ambassador for Culture. However in February 2009 Council agreed that the membership of the Sub-Committee should comprise two SNP, one Labour, two others (Councillors' Black and McNair) with the Ambassador for Culture as Chair.

It is recommended that, in common with the rest of Appendix 3, that Appendix 3(m) refers to the number of Members but not the political composition of the Sub-Committee.

- 3.3.8 Standing Orders for Contracts Part IV – the question was raised as to whether the £30,000 limit of officers delegated authority in relation to contacts should be raised. The Strategic Finance Working Group on 19 February 2010 had discussed the introduction of a local procurement policy. During that discussion it had been suggested that the £30,000 limit restricted the opportunities for local businesses to tender. This is an arguable point as tendering arrangements should be the same under Standing Orders, regardless of whether the tender needs to go to the Tendering Committee. However, this matter is put before Council for consideration.
- 3.3.9 Standing Order 12(d), Points of Order – this presently provides that Members raising a Question of Order shall state the Standing Order considered to be infringed (e.g. ‘17’). The intention behind this was to ensure that Members adequately considered the basis for their challenge prior to making it. However, it has been obvious over the last year that while Members are usually aware of the basis of their challenge and the terms of the relevant Standing Orders, it can be difficult to find the number at short notice. There were two views on this. One was that the existing provision should be retained. The other was that it should be deleted. A compromise would be that a Members should indicate the terms of the Standing Order considered to be infringed, rather than the number.

Other Matters

- 3.4 Since the seminar, a couple of further items have transpired which may require amendment of Standing Orders. These are:-
- 3.4.1 On 25 February 2010 Council considered a report regarding Integration of Social Work with the NHS Community Health Partnership. Council agreed to recommend that a change was made to Standing Order Appendix 3(i) the Recruitment and Individual Performance Management Committee. The recommendation of Council was that:-
- “A Recruitment Panel comprising of the NHS GG&C Chair, NHS GG&C Chief Executive, West Dunbartonshire CHP Chair, Leader of the Council, Leader of the Opposition and Spokesperson for Social Work and Health will be formed. This panel will be given the authority to appoint a joint director, through an open recruitment process to take on the roles of Director of the Community Health Partnership and Executive Director of Social Work and Health.”
- 3.4.1.1 It is recommended that Standing Orders are changed to implement this arrangement for this post, subject to one amendment.

- 3.4.1.2 The resolution of Council attempts to ensure equality of representation at the Recruitment Panel. In the case of an equality of votes the casting vote of the Chair would normally determine the appointment. However where the NHS and Council are in a partnership body with equal rights there is a good argument that the Chair should not have a casting vote. In the case of other joint NHS/Council appointments in other Councils, there has sometimes been a deadlock with NHS representatives voting for one candidate and Council representatives voting for another (not always for a candidate from their own area). To avoid any such deadlock the model applied elsewhere is that there is a seventh member of the panel who is an independent member, mutually chosen in advance by the Health Board and the Council. It is recommended that provision is also made for such an independent member.
- 3.4.2 At its meeting on 10 March 2010 the Education and Life Long Learning Committee will consider proposals to amend the representation of that Committee. The committee has been asked to consider whether it wishes to recommend to Council that Standing Orders be amended to include a requirement for two places to be allocated to parent representatives on the Education and Life Long Learning Committee from May 2010 onwards and, if so, whether it wishes to recommend to Council that Standing Orders be amended to create one or two additional places for Elected Members on this committee and, if so, to which political groupings such a place or placings should be allocated. Depending on the decision of the Education and LifeLong Learning Committee on 10 March 2010 it is recommended that Council also consider this matter.