

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 26 October 2011 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, Lawrence O'Neill, Iain Robertson, Martin Rooney and May Smillie.

Attending: Joyce White, Executive Director of Corporate Services; David Amos, Interim Executive Director of Corporate Services; Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Jim McAloon, Head of Regeneration and Economic Development; Lorraine Coyne, Head of Audit, Performance & Strategic Planning; Andrew Fraser, Head of Legal, Democratic & Regulatory Services; Tricia O'Neill, Head of Human Resources & Organisational Development; Stephen West, Head of Finance & Resources; Peter Barry, Manager of Community Planning & Policy; Malcolm Bennie, Manager of Corporate Communications; Gillian McNeilly, Finance Manager; Anne Ritchie, Head of Children's Health, Care & Criminal Justice Services; Christine McCaffary, Senior Democratic Services Officer and Craig Stewart, Committee Officer.

Provost Denis Agnew in the Chair**CHAIR'S REMARKS**

Provost Agnew, Chair, advised that Joyce White, Executive Director of Corporate Services, would be standing in for the Chief Executive, who was currently on leave, prior to her officially taking over as Chief Executive from 1 November 2011.

The Chair also took the opportunity to welcome David Amos, Interim Executive Director of Corporate Services, to his first meeting of Council.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 28 September 2011 were submitted and approved as a correct record subject to the following corrections:-

- (1) With regard to the Item under the heading 'Committee Timetable – January 2012 to April 2012', it was noted that paragraph (3) be amended to read "that, meantime, officers investigate the availability of a sound system at Abbotsford Church and St. Margaret's Hospice and the suitability of the Hospice's Lecture Theatre; and
- (2) With regard to the Item under the heading 'HRA Capital Programme 2011/2012 Budgetary Control Report to 31 July 2011 (Period 4)', that a report on the potential underspend of the Housing Revenue Account (HRA), in relation to structural work to properties in South Drumry, would be submitted to the November meeting of Council for Members' consideration.

OPEN FORUM

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

MINUTES OF THE WEST DUNBARTONSHIRE COMMUNITY HEALTH AND CARE PARTNERSHIP HELD ON 21 SEPTEMBER 2011

The Minutes of the Meeting of the West Dunbartonshire Community Health and Care Partnership held on 21 September 2011 were submitted and noted.

MINUTES OF THE JOINT CONSULTATIVE FORUM HELD ON 22 SEPTEMBER 2011

The Minutes of the Meeting of the Joint Consultative Forum held on 23 June 2011 were submitted and all decisions contained therein were approved.

After discussion and having heard the Head of Human Resources & Organisational Development in further explanation and the Head of Legal, Democratic & Regulatory Services in clarification of certain matters, the Council agreed that a report be submitted to a future meeting of Council on the up-to-date position of employees who were on the Redeployment List, seeking confirmation that those employees were being given the first chance to apply for suitable vacancies within the Council.

MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE HELD ON 28 SEPTEMBER 2011

The Minutes of the Special Meeting of the Audit & Performance Review Committee held on 28 September 2011 were submitted and all decisions contained therein were approved.

PROGRESS REPORT ON THE RE-PROVISION OF AUCHENTOSHAN DAY CENTRE

A report was submitted by the Chief Executive providing an update on the re-provision of Auchentoshan Day Services.

After discussion and having heard Councillor J. McColl, the Council agreed:-

- (1) to note the contents of the report and thank officers for their work to date;
- (2) to note that at a Special Meeting of the Auchentoshan Steering Group yesterday (25th October 2011), carers were brought up to date and noted recent developments as follows:-
 - (a) the Aurora Buildings are no longer an option as Clydebank Rebuilt had informed the Council that the proposed use of the building would conflict with the conditions of funding of the premises;
 - (b) the Davie Cooper Centre was not a realistic option because:
 - (i) it has no funding for the part of the planned development that the Council would be interested in using; and
 - (ii) there would be significant issues around the compatibility of the two client groups that would need to be considered before the Centre could agree to working with the Council.
 - (c) the option proposed to use Westminster Government owned property in the Clydebank Business Park would take some time to investigate and develop with no guarantee that the premises would be suitable, affordable or even made available to the Council; and
 - (d) Skypoint in Faifley is owned by the Council and now has even more space available for use as a new Learning Disabilities campus and could be open within 12 months of a decision to proceed being made.
- (3) to note that while the Steering Group was unanimously behind a West Dunbartonshire dual campus service for Adults with Learning Disabilities, Council noted that the carers on the steering group are reluctant to make further decisions without a wider consultation of carers and service users;

- (4) that to facilitate this, Council instructs officers to arrange a consultation meeting in a suitable Clydebank venue and all West Dunbartonshire Adults with Learning Disabilities clients, carers, staff and all Councillors be invited to attend;
- (5) to note that the purpose of the consultation would be to inform all those present of the progress made to date and discuss what services people would like to see delivered across West Dunbartonshire. This would include potential new services and activities that the Steering Group have seen during their working visits to Centres in other Council areas;
- (6) to note that the consultation would also be an opportunity for carers and clients to give a steer as to whether the Council should proceed with plans for the redesign of Skypoint. The other option would be to continue looking for alternative accommodation; and
- (7) to note that new plans, showing potential use of the extra space at Skypoint, would be produced to give the consultation meeting something tangible to discuss.

KPMG LLP – 2010/11 AUDIT – FINAL REPORT TO MEMBERS

A report was submitted by the Executive Director of Corporate Services advising of the findings in relation to the external auditor's (KPMG LLP) final report to Members on the completion of their 2010/11 audit.

The Legal Officer was heard in relation to the information contained in the report on 'housing stock transfer' and confirmed that the substantive decision had been made in the last six months and therefore the suspension of Standing Orders was required to change that decision.

Councillor R. McColl moved Suspension of Standing Orders and, thereafter, Council unanimously agreed that Standing Orders be suspended.

After discussion and having heard the relevant officers in elaboration and in answer to Members' questions, the Council agreed:-

- (1) to note, with satisfaction, that the Council had received an unqualified audit opinion on the accounts for 2010/11;
- (2) to note the findings of the 2010/11 audit and that the auditor's report had been considered by Members of the Audit & Performance Review Committee at their meeting on 19 October 2011; and
- (3) that the Executive Director of Housing, Environmental and Economic Development would submit a report (referred to as Plan 'B') to a future meeting of Council, outlining an alternative plan of action in the event that the housing stock transfer ballot was not approved.

SECURITISATION OF THE COUNCIL'S NON-OPERATIONAL ESTATE'S PORTFOLIO

A report was submitted by the Executive Director of Housing, Environmental and Economic Development informing of the progress that has been made in relation to the Securitisation Project and seeking approval to take forward the recommendations contained in the report.

After discussion and having heard the Head of Regeneration and Economic Development in answer to Members' questions, the Council agreed:-

- (1) to note the good progress made within the Securitisation Project and in particular in the setting up of the Limited Liability Company, preparing the tender documentation and developing the detailed business cases for the investment projects, previously presented to Council in June 2011;
- (2) to note the Project Timeline at Appendix 1 and the timescales to meet an October 2012 start date for the Limited Liability Company and the Debt Finance Agreement;
- (3) that a briefing session be organised for late November 2011 to update Members on the detail of the Investment Projects being put to Council in December 2011 for decision;
- (4) that reports on the Detailed Business Cases would be presented for approval to Council from December 2011 and as soon as possible thereafter;
- (5) that a Members' Day be organised to cover all aspects of the governance arrangements relating to the setting up and running of the Limited Liability Partnership and the implementation and delivery of the investment projects selected for securitisation support;
- (6) to defer consideration of the recommendation that officers implement Option 3, i.e. the Funding Competition for the Securitisation of the Rental Income stream from the Council's Non-Operational Estate, until after the meeting of the Members' Day referred to at (5) above;
- (7) that the Funding Competition should seek to identify options for both an immediate draw-down and a phased draw-down facility from potential lenders and should be based on the finance required;
- (8) that the Financial Strategy be revised to take account of the Financial Implications of the above decisions.

**HRA CAPITAL PROGRAMME 2011/2012 BUDGETARY CONTROL REPORT TO
31 AUGUST 2011 (PERIOD 5)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council of the progress made on the Housing Revenue Account (HRA) Capital Programme 2011/12.

Note: Councillors McGlinchey and McAllister left the meeting at this point.

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

- (1) to note the position to date and as outlined in Appendices A, B and C of the report; and
- (2) to note that in relation to the award of grant funding to build 75 new houses, the Council would also contribute £5.44m towards this.

Note: Councillor McGlinchey re-entered the meeting at this point.

**HOUSING REVENUE ACCOUNT 2011/2012 - BUDGETARY CONTROL
STATEMENT TO 31 AUGUST 2011 (PERIOD 5)**

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 August 2011.

The Council agreed to note the contents of the report.

**GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT:
PERIOD 5 (2011/12)**

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 to 31 August 2011.

The Council agreed to note the contents of the report and the favourable variance reported.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT TO 31
AUGUST 2011 (PERIOD 5)**

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan for 2011/12.

The Council agreed to note the position to date as outlined in Appendices A and B of the report.

Note: Councillor McBride left the meeting and Councillor McAllister re-entered the meeting during consideration of the above item.

FINANCIAL STATEMENTS 2010/2011

A report was submitted by the Executive Director of Corporate Services presenting the audited financial statements for the year to 31 March 2011.

The Council agreed:-

- (1) to note that the Council had received an unqualified audit opinion in relation to the Financial Statements for the financial year 2010/11;
- (2) to note that the unearmarked reserve at 31 March 2011 of £4.711 million was above the target Prudential reserve of £4.200 million; and
- (3) otherwise to note the Financial Statements for the year to 31 March 2011.

TREASURY MANAGEMENT MID YEAR REPORT 2011/12

A report was submitted by the Executive Director of Corporate Services providing an update on treasury management and prudential indicators during 2011/12.

The Council agreed:-

- (1) to note the treasury management and prudential stewardship information within the report;
- (2) to approve the 2011/12 revised estimates of treasury and prudential indicators as advised within the report (Tables A, B, C, D, E, G and L); and
- (3) that a copy of this report would be submitted to Members of the Audit and Performance Review Committee to ensure further scrutiny takes place.

Note: Councillor McBride re-entered the meeting during consideration of the above item.

REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2011

A report was submitted by the Chief Executive advising on representations received in relation to the proposed Scheme of Polling Districts and Polling Places for parliamentary elections and recommending adoption of a final scheme.

After discussion and having heard the Head of Legal, Democratic & Regulatory Services, the Council agreed:-

- (1) to approve the preferred scheme of polling districts; and
- (2) to continue the approval of the proposed polling places detailed in Appendix 2 of the report to the next meeting of Council to allow officers to investigate alternative polling places within the Mountblow, Dumbarton Road and Whitecrook areas of Clydebank, which should include consideration of Centre 81 and Dalmuir C.E. Centre.

SIXTH REVIEW OF THE UK PARLIAMENTARY CONSTITUENCIES

A report was submitted by the Chief Executive informing on the Boundary Commission for Scotland's provisional proposals for the sixth review of UK Parliamentary Constituencies and making recommendations thereon.

The Council agreed to inform the Boundary Commission for Scotland that it supported the proposal to form a 'West Dunbartonshire and Bearsden Constituency', as described within the consultation paper, and otherwise there would be no requirement for this Council to make representations on the proposal at the public hearing on 22 November.

REPRESENTATION ON HMP LOW MOSS – VISITING COMMITTEE

A report was submitted by the Executive Director of Corporate Services requesting that the Council consider making two Elected Member nominations to Her Majesty's Prison (HMP) Low Moss – Visiting Committee.

After discussion, the Council agreed:-

- (1) that Councillor George Black be one of the two elected members to serve on the HMP Low Moss - Visiting Committee with the other member (Administration - SNP) being advised of in due course; and
- (2) that officers be instructed to place an advert in the local press for two non elected members to represent West Dunbartonshire Council on the Visiting Committee and report back to the Council with recommendations.

VARIATION OF ORDER OF BUSINESS

After hearing Provost Agnew, and with the agreement of Council, the order of business was varied as hereinafter recorded.

KNOWES HOUSING ASSOCIATION MANAGEMENT COMMITTEE

The Council agreed that Councillor Lawrence O'Neill be nominated to sit on the Knowes Housing Association's Management Committee.

QUESTION

Question by Councillor Willie McLaughlin – Community use of St Peter the Apostle Sports Fields

Could I have an update on the community use of St Peter the Apostle sports fields? What measures have been taken to tackle the reported disturbance problems for local residents and when will the sports fields be fully available to community groups?

Councillor Jonathan McColl replied as follows:-

Councillor Willie McLaughlin's question is a valid one and he deserves an answer.

Unfortunately, despite the papers for this Council meeting being publicly available for a fortnight and officers being aware of questions before the publication of these papers, as of the time of writing this (Tuesday evening), I had not yet been provided with a briefing on the matter.

In fact, when I chased this up on Monday afternoon, I was informed that officers had not even begun to look at the issue.

When I tried again on Tuesday, I was told that this was now being worked on by officers and that I would have a briefing by Tuesday evening.

Again, at the time of writing this, I have just received an email informing me that I would not be able to have a briefing until the Executive Director of Educational Services had met with the Chief Executive Designate.

I know that it was Mr McMillan who took decisive action in the interest of local residents and instructed the Director to end community lets while their concerns were being looked into, but I would have thought that officers would have been able to at least give me a background briefing without approval from the Chief Executive's office.

In any case, I will not in good conscience attempt to answer a Member's question without having had a briefing with time enough to ask my own questions and be satisfied with the answers.

This morning, I was told that officers would like me to respond to this question with a short answer saying that the issue was complicated and a report would come to a future Council meeting.

As far as I am concerned, that is not good enough. When an Elected Member asks a question, he or she should get an answer, especially if officers have had weeks to look into the issue!

I would like to thank the Chief Executive Designate for taking the time to call me and give me a verbal account of some of the issues and for alerting me to the existence of a briefing paper which I was subsequently sent this morning.

Full briefings that cover all the facts are often complex and lengthy, which is why Spokespersons answering questions need them in advance so we can ask any questions of our own before we write our answer.

As well as ensuring a report comes to the next full Council meeting, I have a copy of this briefing for every Elected Member this evening, which I will also forward by email. This will afford everyone the opportunity to ask the many questions which need answered.

NOTICES OF MOTION

(A) Motion by Councillor Gail Casey – Orthodontics

This Council notes the recent decision by the Scottish Government to introduce the '*Index of Orthodontic Treatment Need (IOTN)*' guidance in Scotland.

Council notes that the impact of this is that some children will no longer be entitled to orthodontics treatment in Scotland.

Council agrees that this is a retrograde step and one that will impact on the poorest families and middle income earners.

Council calls on the Leader of the Council to raise this matter at the next NHS Greater Glasgow & Clyde Health Board meeting and demand a reversal of this policy.

Council also instructs the Chief Executive to write to the Cabinet Secretary for Health & Wellbeing condemning this change. Additionally, the Chief Executive is instructed to write to all Local Authorities in Scotland asking them to raise this issue at Council and call on their representatives on NHS Boards to support this Campaign.

The Council agreed unanimously to approve the above motion.

(B) Motion by Councillor George Black – Procedure for appealing the refusal of information requested by an Elected Member

This Council agrees that where an officer refuses to respond to a Councillor's request for information that there will be an agreed procedure to allow the Councillor a fast track method of appealing the refusal.

The Council agreed unanimously to approve the above motion.

(C) Motion by Councillor Martin Rooney – Youth Unemployment

This Council notes with great concern the ever more worrying situation regarding youth unemployment within West Dunbartonshire.

Recent figures published of Job Seekers Allowance (JSA) Claimant Count for young people under 18 show that between July and August 2011 whilst the overall Scotland figures showed a 2.1% drop, within West Dunbartonshire, the count ROSE by 14.3%. Furthermore, in comparison with all other Local Authority areas in Scotland, only North Ayrshire with a youth unemployment rate of 6.9% exceeded the rate of 6.5% within West Dunbartonshire

What is of far deeper significance, however, is the trend over the last 3 years. For the last three years, the actual number of under 19 year olds registered for JSA has gone from 395 in Aug 2009 to 470 in August 2011, a percentage increase of 20.5%. Only the Scottish Borders with an increase of 28.6% has worse figures within Scotland.

It is clear that things are getting worse for young people in their attempts to join the working population. Whilst this Council would be justified in condemning the Con Dem coalition for axing the Future Jobs Fund, this alone will do nothing to assist our families and young people within West Dunbartonshire.

This Council believes that it is the role of governments, at all levels, to protect citizens and to do whatever possible in order to help them to achieve fulfilling lives. That is the implicit commitment expected of all elected representatives. Government is not just about delivering services.

Therefore, notwithstanding the limited resources at its disposal, this Council agrees that as a matter of principle, it will commit itself to create and provide as many Modern Apprenticeships, in as wide a scope of services as possible, commencing in April 2012.

In preparation for the launch of these new apprenticeships, this Council requests the Chief Executive to bring forward fully costed options prior to setting the budget for 2012 so that Council can select the options it wishes to support and allocate appropriate funds to support them.

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

As an amendment, Councillor Ronnie McColl, seconded by Councillor Craig McLaughlin, moved:-

This Council notes that West Dunbartonshire has among the worst youth unemployment figures in the Country. Council also notes that West Dunbartonshire has among the worst unemployment stats for all ages as well as a very poor new business start-up rate.

Over the past couple of months, the Leader of the Council has been working with officers to create a Strategic Advisory Board, which will be tasked to come up with a blueprint for West Dunbartonshire to increase training, apprenticeships, employment and business opportunities for the people of West Dunbartonshire.

Members for this Board have been drawn from the public, private and voluntary sectors plus trade unions and our two Constituency MSPs. The first meeting will be held in late November/early December.

Council instructs officers to prepare a report outlining the scale of the problems and to advise members how West Dunbartonshire residents can access the 25,000 new modern apprenticeships and the Scottish Government's Opportunities for All scheme for 16 to 19 year olds announced last Saturday.

Council further instructs officers that the report should include costs associated with the Council creating apprenticeships, which must have the prospect of a full time job at the end. The report must be delivered in time for the budget process to allow members to consider it as part of a strategic, affordable policy.

Note: Councillor McNair left the meeting during discussion of this item and returned prior to the vote being taken.

On a vote being taken, 12 Members voted for the amendment and 10 for the motion. Accordingly the amendment was declared carried.

The meeting closed at 8.01 p.m.