

WEST DUNBARTONSHIRE COUNCIL

Council Offices, Garshake Road, Dumbarton G82 3PU

22 June 2006

MEETING: WEST DUNBARTONSHIRE COUNCIL

**WEDNESDAY 28 JUNE 2006
COUNCIL CHAMBERS
CLYDEBANK TOWN HALL
DUMBARTON ROAD
CLYDEBANK**

Dear Member,

Please attend a Meeting of **West Dunbartonshire Council** to be held in the **Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 28 June 2006 at 2.00 p.m.**

The business is as shown on the attached agenda.

Yours faithfully

TIM HUNTINGFORD

Chief Executive

Distribution:-

All Members of West Dunbartonshire Council.

Chief Executive

Director of Housing, Regeneration and Environmental Services

Director of Education and Cultural Services

Acting Director of Social Work Services

WEST DUNBARTONSHIRE COUNCIL

WEDNESDAY, 28 JUNE 2006

AGENDA

1. APOLOGIES

2. RESULTS OF BY-ELECTION HELD ON 15 JUNE 2006 AND VACANCIES ON COMMITTEES, OUTSIDE BODIES, ETC

Submit report by the Chief Executive:-

- (a) informing the Council of the results of the recent by-election held on 15 June 2006 to elect a Councillor to represent Ward 16 - Dumbarton West; and
- (b) seeking nominations of elected members to fill vacancies on various committees, outside bodies etc.

3. OPEN FORUM

The following question has been submitted in respect of the Open Forum:-

(a) Christine Fyffe (on behalf of the Vale of Leven Academy School Board)

As an integral part of the PPP process can the authority provide a running track and associated facilities as part of the package? If the answer is no, can any intended sale of land on the site of the Vale of Leven Academy take into consideration retention of enough land to build a running track?

Supplementary Question:-

If neither of the above is possible, can the Council give commitment to negotiate the provision of this type of facility with any planning consent given to prospective builders?

(b)/

(b) Wendy Hutchison (on behalf of Age Concern, Dumbarton)

In view of the new parking restrictions implemented in Dumbarton High Street recently preventing disabled drivers parking between the hours of 4.00 a.m. and 5.00 p.m., does the Council consider these measures to be conducive to accommodating disabled access as per the 'Access for All' Act? And why was there no consultation as previously promised before these measures were put in force?

If businesses and public buildings, including Garshake have to provide disabled access and adhere to the law why does the Council think it can pick and choose where it complies?

4. MINUTES OF PREVIOUS MEETING

Submit for approval as a correct record, the Minutes of Meeting of West Dunbartonshire Council held on 26 April 2006, subject to wording of paragraph 8821 being amended to read as follows:-

"On a vote being taken, 5 Members voted for the amendment and 14 for the motion which was accordingly declared carried."

5. MINUTES OF JOINT CONSULTATIVE FORUM

Submit for information and where necessary ratification, the Minutes of the Meeting of Joint Consultative Forum held on 25 May 2006.

6. MINUTES OF THE RECRUITMENT COMMITTEE

Submit for information, the undernoted Minutes of Meetings of the Recruitment Committee:-

- (a) Meeting held on 19 May 2006; and
- (b) Meeting held on 8 June 2006.

7./

7. REMIT FROM THE COMMUNITY OWNERSHIP PROGRAMME/HOUSING STOCK TRANSFER COMMITTEE: COMMUNITY OWNERSHIP PROGRAMME – REVISED STOCK TRANSFER PROPOSALS

With reference to the Minutes of Meeting of the Community Ownership Programme/Housing Stock Transfer Committee held on 19 June 2006, when that Committee had under consideration reports on the Community Ownership Programme and agreed to refer consideration of the matter to Council, submit the undernoted reports by the Director of Housing, Regeneration and Environmental Services:-

- (a) Community Ownership Programme – Revised Stock Transfer Proposals (19 June 2006); and
- (b) Community Ownership Programme (7 June 2006).

NOTE: Members are requested to bring the copies of the above reports which were issued in respect of the meetings of the Community Ownership Programme/Housing Stock Transfer Committee on 7 June and 19 June 2006 to this meeting.

8. REMITS FROM AUDIT & PERFORMANCE REVIEW COMMITTEE

- (a) **Remit, Timetable & Membership of the Audit & Performance Review Committee**

With reference to the Minutes of Meeting of the Audit and Performance Review Committee held on 21 June 2006 when it was agreed to refer the above item to Council for consideration, submit report by the Chief Executive on issues relating to the remit of the Audit and Performance Review Committee in order to meet the requirements identified in the Council's draft Best Value Improvement Plan.

- (b) **Asset Management Plan 2006**

With reference to the Minutes of Meeting of the Audit and Performance Review Committee held on 21 June 2006 when it was agreed to refer the above item to Council for consideration, submit report by the Director of Housing, Regeneration and Environmental Services seeking approval of the Council's Asset Management Plan 2006.

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9. CHARGING FOR THE REMOVAL AND DISPOSAL OF WASTE ARISING FROM WORKS OF IMPROVEMENT, REPAIR OR ALTERATION OF HOUSES

With reference to the Minutes of Meeting of Council held on 26 April 2006, submit report by Director of Housing, Regeneration and Environmental Services providing details of the policy on charging householders for the removal and disposal of waste arising from works of improvement, repair or alteration of houses.

10. UPDATE ON THE SCHOOLS' PPP PROJECT

With reference to the Minutes of Meeting of Council held on 26 April 2006, submit report by the Chief Executive providing the Council with a further report on space standards and costings for the West Dunbartonshire Schools' PPP Project.

11. PROPOSED REVISION OF WEST DUNBARTONSHIRE COUNCIL'S BYE-LAW FOR THE PROHIBITION OF THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES AND THE MANAGEMENT RULES FOR THE ADMINISTRATION OF PUBLIC PARKS AND OPEN SPACES

With reference to the Minutes of Meeting of the Community Safety & Environmental Services Committee held on 3 May 2006, when that Committee agreed that the above issue be remitted to Council for a further report, submit report by the Chief Executive:-

- (a) seeking approval to take steps to amend the current byelaw prohibiting the consumption of alcohol in designated public places within West Dunbartonshire to cover Balloch Castle Country Park and the surrounding area;
- (b) seeking approval to revise the current Management Rules for the Administration of Public Parks and Open Spaces; and
- (c) providing further information on issues raised at the meeting of the Community Safety & Environmental Services Committee held on 3 May 2006.

12. SCOTTISH EXECUTIVE CONSULTATION – A NATIONAL STRATEGY FOR SHARED SERVICES

Submit report by the Chief Executive providing a draft response to the Scottish Executive consultation on 'A National Strategy for Shared Services'.

13. WEST DUNBARTONSHIRE COMMUNITY PLANNING PARTNERSHIP – KEY DEVELOPMENTS

Submit report by the Chief Executive providing an update on key developments within West Dunbartonshire Community Planning Partnership, (CPP).

14. WDC CONSULTATION STRATEGY AND POLICY AND PROCEDURES

Submit report by the Chief Executive seeking approval for the West Dunbartonshire Council Consultation Strategy and Policy and Procedures and associated resources.

15. LOCAL GOVERNMENT BOUNDARY REVIEW

Submit report by the Chief Executive providing an update on progress with the Local Government Boundary Review for West Dunbartonshire and proposing actions to be taken to progress the designation of polling districts.

16. CORPORATE PLAN: PERFORMANCE REPORT

Submit report by the Chief Executive on the review of the performance of the Council's Corporate Plan.

17. GENERAL SERVICES CAPITAL PROGRAMME 2006/2007 UPDATE

Submit report by the Chief Executive providing the Council with an update on the General Services Capital Plan for 2006/2007.

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18. FINANCIAL REGULATIONS

Submit report by the Chief Executive seeking approval of amendments to the Financial Regulations.

19. IMPLEMENTATION OF THE 'SINGLE STATUS' AGREEMENT OF THE SJC FOR LOCAL GOVERNMENT SERVICES APRIL 2000

Submit report by the Chief Executive:-

- (a) informing Council of the progress made towards implementation of the 'single status' agreement; and
- (b) detailing the ongoing risk to the organisation with regard to equal pay claims and the likelihood of equal value claims being lodged through the Employment Tribunal System.

20. NOTICES OF MOTION

The Council is asked to consider the undernoted notices of motion:-

(a) Motion by Councillor Andrew White

This Council reaffirms our long standing commitment to achieving justice for asbestos victims and their families.

Council notes with regret that currently very few Mesothelioma sufferers live to see compensation awards or to benefit from the improved quality of life this money can achieve. Currently, in Scotland, there is a distinction between claims made before or after death. This places asbestos sufferers and bereaved relatives with unnecessary difficult decisions to make. Council supports the efforts of those MSPs who are campaigning at Holyrood to address an anomaly in Scottish damages legislation which allows our citizens to be treated in this way. Council also notes, with the backing of Clydebank Asbestos Group and other campaigners, Des McNulty MSP is placing a private members bill before the Scottish Parliament to protect asbestos sufferers and bereaved relatives and ensure that this flaw in the legal system is nullified. This bill will secure a better deal for people suffering illness and hardship as a result of asbestos-related disease.

Furthermore, in 2002, in the Fairchild case, the House of Lords decided that any employer who had made a material contribution to the risk of mesothelioma was liable in full.

In a recent judgement (Barker v Corus), the House of Lords reversed this decision. By a majority of 4-1 the judges held that a defendant who

had contributed, for example, 20 per cent to the risk of mesothelioma developing was liable for only 20 per cent of the damages resulting from that disease. In a powerful dissent, Lord Rodger accused the majority judges of rewriting the key decision in Fairchild. Until Barker, a mesothelioma victim who identified an existing employer or existing insurers recovered the full value of their claim.

Council believes that as the primary lawmaker Parliament can reverse the effect of this decision through an amendment to the Compensation Bill currently under discussion in Westminster. Clydebank Asbestos Group is campaigning to achieve this outcome.

This Council supported successful campaigns around Fairchild and Chester Street. Council now agrees to repeat the actions we took then. In addition Council pledges financial support, if required, to Clydebank Asbestos Group to assist their efforts to change the damages law in Scotland and to reverse the effects of the House of Lords decision mentioned in this resolution.

Finally, Council agrees to work in partnership with Clydebank Asbestos Group and jointly facilitate an event in Clydebank on International Workers Memorial Day 28 April 2007 to focus on occupational and environmental cancers as a theme.

(b) Motion by Councillor Craig McLaughlin

This Council agrees that with the current proposals being brought forward for the early action funding and the possibility of the transferring additional stock:

We agree that the membership of the Community Ownership Programme/ Housing Stock Transfer Committee should be increased to include all councillors whose areas are currently being considered as part of the transfer process.

(c) Motion by Councillor George Black

This Council expresses concern at the further inability to attract a suitable candidate to the post of Director of Education.

While it is no reflection on the person, the Council agrees that the continuation of interim management proposals is not the best way to provide the education service for this area.

Therefore this Council agrees to instruct the Chief Executive to appoint an external recruitment agency to assist to draft criteria and seek to identify a suitable candidate for the post.

(d) Motion by Councillor George Black

This Council agrees that the closure of the rent collection service of the Dumbarton Area Office has caused considerable upheaval and disruption to our tenants.

Given these unforeseen knock effects the Council should give serious consideration to reconsidering the closure of this service.

NOTE: The Council is asked to note that the suspension of Standing Order No 16 is required in respect of the above motion, as a period of six months has not passed since the decision referred to therein was made by the Social Justice Committee on 12 April 2006.

(e) Motion by Councillor Jim Bollan

This Council agrees that water is a fundamental resource that should not be considered a tradable commodity.

It is important for any fair and open society that the control of the provision of water services should be held by public accountable democratically elected bodies.

This Council agrees that should the view or consideration be expressed about the possibility of the privatisation of Scottish Water that this Council unanimously agrees to oppose it.

(f) Motion by Councillor Craig McLaughlin

In recent years there has been an explosion in the number of companies conducting telesales and unsolicited cold calling.

Most of these calls are causing undue stress and concern to elderly and vulnerable members of our community.

Therefore this Council agrees to write to the Scottish Executive to call on MSPs to draft legislation for the regulation of telesales calls made to any Scottish line, regardless of point of origin.

The regulation should look at the creation of an opt in rather than opt out preference list for telesales calls that we currently operate.

(g) Motion by George Black

This Council notes with concern that the policy of allocating 30 minutes for the services at our crematoria is woefully inadequate and leaves no scope for delays.

This policy has led to the disgraceful situation where mourners have been ushered out the door as another funeral is coming in.

This Council then calls for a further report on the impact to the services from moving to a 45 minute service schedule.

For information on the above agenda please contact George Hawthorn, Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton, G82 3PU on Tel: (01389) 737204 or e-mail: george.hawthorn@west-dunbarton.gov.uk