

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday 25 April 2007 at 2.00 p.m.

Present: Provost Alistair Macdonald and Councillors Denis Agnew, George Black, Margaret Bootland, Dennis Brogan, Geoff Calvert, Gail Casey, James Flynn, Jackie Maceira, James McCallum*, Linda McColl, Duncan McDonald, Margaret McGregor, Marie McNair, Connie O'Sullivan, Iain Robertson, Martin Rooney and Andy White.

*Arrived later in the meeting.

Attending: David McMillan, Chief Executive; Ronnie Dinnie, Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services); Liz McGinlay, Director of Education and Cultural Services; Bill Clark, Director of Social Work Services; David Connell, Head of Finance; Stephen Brown, Head of Legal and Administrative Services, Vincent Gardiner, Manager of Exchequer; John McKerracher, Head of Housing and Property Services; David Webster, Section Head, Performance Management; Willie Gibson, Section Head (Estates) and Craig Stewart, Administrative Assistant.

Apologies: Apologies for absence were submitted on behalf of Councillors Tony Devine, Douglas McAllister and Craig McLaughlin.

Provost Alistair Macdonald in the Chair

OPEN FORUM

12238 The following question was submitted to Council for consideration:-

Iain McDermid, 156 Main Street, Alexandria

12239 Given that the Council is committed to treat everyone equally. Does the Council support its own estates department in subsidising the rent of one newsagent to compete against another in Alexandria Town Centre?

Councillor Connie O'Sullivan responded in the following terms:-

12240 Before answering Mr McDermid's question directly it is necessary to give some background.

- 12241 The Council has established a working group involving Members, local business and community representatives and Community Plan partners to prepare a plan to regenerate Alexandria Town Centre. Masterplanners are being appointed and their findings will be reported to the working group and the relevant Council committee once the exercise has been completed.
- 12242 The working group considers that options to develop Mitchell Way Shopping Precinct in whole or in part should be considered. A particular issue has been identified concerning the future viability of 22-38 Mitchell Way from Farm Foods to the community advice centre. It is considered that opportunities to free up properties at this location should be taken where these and the Estates Section has discussed the position with existing tenants in these units.
- 12243 One tenant at this location is Young's Newsagents who have a 13 year lease remaining. This tenant has been encouraged to relocate to Main Street and an offer of a relocation to 150 Main Street has been made though not legally concluded. The offer requires payment of a commercial rent but a rent free period reflecting the costs of relocation has been offered. The precise details are commercially confidential.
- 12244 Arising from the above, it is considered that the Estates Section has acted properly within its delegated powers and it is not considered that this relocation would offer unfair or subsidised competition to Mr McDermid.
- 12245 Mr McDermid has indicated his unhappiness at the relocation of Young's Newsagents to 150 Main Street as he presently operates a newsagents business at 156 Main Street. Other options for this relocation are being considered but it will be appreciated that any relocation of Young's business is likely to be to the Main Street and only a limited number of appropriately sized units exist.
- 12246 It will be appreciated that regeneration efforts in Alexandria are aimed at securing the viability of this important town centre as a whole.
- 12247 Having heard Provost Macdonald, it was noted that Mr McDermid had no supplementary question to ask in relation to this matter.

WEST DUNBARTONSHIRE COMMUNITY PLANNING PARTNERSHIP – KEY DEVELOPMENTS

- 12248 A report was submitted by the Chief Executive providing an update on key developments within West Dunbartonshire Community Planning Partnership (CPP). Progress and key issues are reported to the Council on a quarterly basis, following CPP Board meetings, and the most recent Board meeting took place on 19 February 2007.

- 12249 It was noted that Mr. Phil White, Interim Manager of the CPP, had been invited to attend this meeting of Council in order to answer questions from Members.
- 12250 The Council agreed to note the contents of the report including the draft Community Plan for 2007 – 17.

MINUTES OF PREVIOUS MEETINGS

- (a) Ordinary Meeting held on 28 February 2007
- 12251 The Minutes of the Ordinary Meeting of West Dunbartonshire Council held on 28 February 2007 were submitted and approved as a correct record.
- (b) Requisitioned Meeting held on 12 March 2007
- 12252 The Minutes of the Requisitioned Meeting of West Dunbartonshire Council held on 12 March 2007 were submitted and approved as a correct record.
- (c) Requisitioned Meeting held on 28 March 2007
- 12253 The Minutes of the Requisitioned Meeting of West Dunbartonshire Council held on 28 March 2007 were submitted and approved as a correct record.
- (d) Special Meeting held on 11 April 2007
- 12254 The Minutes of the Special Meeting of West Dunbartonshire Council held on 11 April 2007 were submitted and approved as a correct record.

MINUTES OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE

- 12255 The Minutes of the Audit and Performance Review Committee held on 14 March 2007 were submitted and all decisions contained therein were approved.

MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE

- 12256 After discussion and having heard the Chief Executive and the Head of Legal and Administrative Services in clarification of certain matters, Councillor Casey, seconded by Councillor Rooney, moved:-

12257 That the Minutes of the Community Participation Committee held on 21 March 2007 be submitted for information, and where necessary ratification.

12258 As an amendment, Councillor Black, seconded by Councillor Brogan, moved:-

12259 That, in respect of the item concerning the appointment of Convener of the Committee, the Minutes should be amended to reflect that he (Councillor Black) had been the mover of a motion, which was properly seconded, and this should appear as a correction to the Minutes of that Committee.

12260 On a vote being taken, 10 Members voted for the amendment and 6 for the motion. Accordingly, the amendment was declared carried.

MINUTES OF THE JOINT CONSULTATIVE FORUM

12261 The Minutes of the Joint Consultative Forum held on 1 March 2007 were submitted and all decisions contained therein were approved.

MINUTES OF OTHER COMMITTEES

(a) Licensing Committee held on 7 March 2007

12262 The Minutes of the Licensing Committee held on 7 March 2007 were submitted and approved as a correct record.

(b) Social Justice Committee held on 14 March 2007

12263 The Minutes of the Social Justice Committee held on 14 March 2007 were submitted and approved as a correct record.

(c) Corporate Services Committee held on 28 March 2007

12264 The Minutes of the Corporate Services Committee held on 28 March 2007 were submitted and approved as a correct record.

(d) Planning Committee held on 4 April 2007

12265 The Minutes of the Planning Committee held on 4 April 2007 were submitted and approved as a correct record.

(e) Community Safety & Environmental Services Committee held on 4 April 2007

12266 The Minutes of the Community Safety & Environmental Services Committee held on 4 April 2007 were submitted and approved as a correct record.

- (f) Children's Services Committee held on 18 April 2007

12267 The Minutes of the Children's Services Committee held on 18 April 2007 were submitted and approved as a correct record.

REMIT FROM CORPORATE SERVICES COMMITTEE: CUSTOMER QUESTIONNAIRES – CORPORATE BUILDINGS AND RECEPTION SERVICES

12268 In terms of remit from the Meeting of the Corporate Services Committee held on 28 March 2007 (Page 3146, paragraph 11929), an excerpt minute and report by the Chief Executive was submitted providing costs for the provision of a reception service in Clydebank Town Hall and detailing proposals on how parking at the Municipal Buildings, Dumbarton could be improved.

12269 The Council agreed:-

- (1) to note the progress with the direction sign to the Municipal Buildings, Dumbarton;
- (2) that given the loss of open space ground and additional costs which would be incurred, no additional car parking should be provided in the grounds of the Municipal Buildings; and
- (3) to otherwise note the contents of the report.

DECLARATION OF NON-FINANCIAL INTEREST

12270 Councillor Casey declared a non-financial interest in the following item of business and left the meeting whilst the item was considered.

REMIT FROM CORPORATE SERVICES COMMITTEE: RELEASE OF RETROSPECTIVE EUROPEAN REGIONAL DEVELOPMENT FUNDING TO COMM-IT

12271 In terms of remit from the Meeting of the Corporate Services Committee held on 28 March 2007 (Page 3151, paragraph 11956), an excerpt minute and further report by the Chief Executive was submitted seeking approval for providing retrospective European Regional Development Funding (ERDF) to Comm-it, a not for profit social economy organisation that provides IT support and services to other social economy organisations in the West Dunbartonshire area.

12272 The Council agreed to approve the release of the retrospective ERDF funding to Comm-it on the basis outlined in the report.

GENERAL SERVICES CAPITAL GRANT 2007/08: SPEND TO SAVE PROJECT BIDS

- 12273 A report was submitted by the Chief Executive providing Members with a list of the bids recommended by the CMT for approval in connection with the 'spend to save' grant allocated by the Scottish Executive.
- 12274 The Council agreed the 'spend to save' bids put forward by the CMT to the value of £1.011m, as detailed in Appendix II to the report.

NEW COUNCILLOR REMUNERATION SCHEME

- 12275 A report was submitted by the Chief Executive providing an update on the new remuneration scheme that would come into effect for West Dunbartonshire on 3 May 2007.
- 12276 The Council agreed to note the impact of the new remuneration regulations.

PROGRESS OF BEST VALUE IMPROVEMENT PLAN

- 12277 A report was submitted by the Chief Executive providing an update on the progress made on the Best Value Improvement Plan.
- 12278 Councillor Rooney, seconded by Councillor Calvert, moved:-
- 12279 Council notes with approval the progress being made in developing and implementing the Best Value Improvement Plan.
- 12280 Council in its commitment to delivering the Improvement agenda, stresses the importance of Elected member support, training and development alongside a robust and comprehensive Leadership and Management Development Programme for officers.
- 12281 This Council notes with approval the key commitment in the Labour Party Manifesto for the forthcoming election to dedicated and professional leadership; highly motivated, respected, fulfilled and rewarded staff and comprehensive and personalised career development opportunities for all members of staff.
- 12282 This Council invites all political Parties and candidates to embrace these same commitments to our staff within their own political agendas.
- 12283 As an amendment, Councillor Agnew, seconded by Councillor Black, moved:-
- 12284 That Members note the progress made to date.
- 12285 On a vote being taken, 11 Members voted for the amendment and 6 for the motion. Accordingly, the amendment was declared carried.

**HEARING OF THE STANDARDS COMMISSION FOR SCOTLAND INTO AN
ALLEGED BREACH OF THE COUNCILLORS' CODE OF CONDUCT BY
COUNCILLOR JAMES BOLLAN**

- 12286 A report was submitted by the Chief Executive providing information on the decision made by the Standards Commission into a complaint made against Councillor James Bollan.
- 12287 Councillor Calvert, seconded by Councillor Rooney, moved:-
- 12288 This Council notes with extreme distaste the proven misconduct of Councillor James Bollan towards a female member of staff. The detail of the findings as published by the Standards Commission whereby Councillor Bollan shouted and verbally abused this staff member, in the view of the Standards Commission went beyond acceptable behaviour, even when Councillor Bollan's own version of events was taken into account.
- 12289 In suspending Councillor Bollan's entitlement to attend all meetings of the Council, this Council notes with extreme disappointment that he will not serve his full term of punishment before the election. This Council believes that its commitment to all Codes of Conduct and to our staff should not be undermined by the technicality of the timing of an election.
- 12290 In consideration of the findings of the Standards Commission, this Council would expect that Councillor Bollan would wish to make a full, personal and public apology for his outrageous behaviour to the member of staff concerned and calls on him to do so.

ADJOURNMENT

- 12291 After hearing Provost Macdonald, the Council agreed to adjourn for a short period.
- 12292 The meeting reconvened at 2.55 pm with all those Members on the Sederunt present, with the exception of Provost Macdonald who left the meeting at this point in the proceedings. Depute Provost Linda McColl took the Chair.
- 12293 The Head of Legal and Administrative Services advised Council that, following advice he had given to Councillor Maceira on the terms of an amendment which he had proposed to move, Councillor Maceira had decided to withdraw his proposed amendment and, subsequently, Councillor Maceira left the meeting during further consideration of this item.
- 12294 As an amendment, Councillor White, seconded by Councillor O'Sullivan, moved:-

- 12295 This Council expresses concern regarding the Standards Commission's findings into the complaint against Councillor Bollan and fully supports the sanctions imposed.
- 12296 Council expects the highest possible standards from all elected members and agrees the appropriate action should be taken against those who breach the Councillor's code of conduct.
- 12297 In addition, Council expresses no confidence in Councillor Calvert's and/or the Labour Group's credibility in these matters given their track record in West Dunbartonshire.
- 12298 Council is astonished that no action has been taken by the Labour Party against Councillor Calvert and his discriminatory and humiliating behaviour towards Councillor Maceira.
- 12299 Finally, this Council fully supports Councillor Maceira in his pursuit of justice in response to the discrimination he has had to endure from Councillor Calvert and the Labour Party.
- 12300 After discussion and having heard Depute Provost McColl and the Head of Legal and Administrative Services in clarification of certain matters, on a vote being taken, 10 Members voted for the amendment and 4 for the motion. Accordingly, the amendment was declared carried.

NOTE: Councillor McCallum entered the meeting at this point. Provost Macdonald and Councillor McGregor both left the meeting at this point in the proceedings.

**PROPOSAL TO ADMIT PROVOST ALISTAIR MACDONALD AND
COUNCILLOR MARGARET MCGREGOR AS HONORARY FREEMEN OF
WEST DUNBARTONSHIRE**

- 12301 A report was submitted by the Chief Executive on a proposal to admit Provost Alistair Macdonald and Councillor Margaret McGregor as Honorary Freemen of West Dunbartonshire.
- 12302 After discussion and having heard Depute Provost McColl and Members pay handsome tribute to Provost Macdonald and Councillor McGregor for their many years of distinguished service, the Council agreed:-
- (1) to admit Provost Alistair Macdonald and Councillor Margaret McGregor as honorary Freemen of West Dunbartonshire, as both are retiring at this Election, and given their long and outstanding commitment to the local area; and

- (2) that arrangements for the official ceremony or ceremonies be remitted to the new Provost following the Election.

NOTE: Provost Macdonald and Councillor McGregor both re-entered the meeting at this point, along with Councillor Maceira.

- 12303 Provost Macdonald took the Chair at this point in the proceedings and, thereafter, thanked Members for their kind words and support and paid particular tribute to Depute Provost McColl who had deputised for him so willingly and who had provided invaluable assistance, for which he was most grateful.

COMMUNITIES SCOTLAND INSPECTION OF HOUSING MANAGEMENT SERVICES

- 12304 A report was submitted by the Chief Executive seeking approval of the remedial plan for housing management services (Appendix A) which was required by Scottish Ministers under Section 74 of the Housing (Scotland) Act 2001.
- 12305 Councillor Calvert, seconded by Councillor Rooney, moved:-
- 12306 This Council notes that Communities Scotland has not seen the need to submit a formal notice on the Council under section 74 of the Housing (Scotland) Act 2001. This Council notes, also, that acceptance by Communities Scotland and the Minister for Communities of a robust remedial plan is an absolute requirement in order to prevent a formal notice being served.
- 12307 In approving the submission of the Remedial Plan for Housing Management Services as shown in Annex A to the Council papers, this Council is keen to re-emphasize the importance it places on Tenant and Resident Consultation as outlined in para.8 of the Plan.
- 12308 Furthermore, this Council notes with approval the commitment to more intensive estate management with regard to cleanliness, condition and the provision of resources as stated in the Labour Party Manifesto for the 2007 Local Elections and believes that this commitment brings added value to the Remedial Plan.
- 12309 This Council invites all political Parties and candidates to embrace these same commitments to estate management and support for our tenants and residents within their own political agendas.
- 12310 As an amendment, Councillor Flynn, seconded by Councillor Black, moved:-

12311 That the Council approve the submission of the Remedial Plan for Housing Management Services as shown at Appendix A of this report to Communities Scotland.

12312 On a vote being taken, 11 Members voted for the amendment and 7 for the motion. Accordingly, the amendment was declared carried.

BLOCKS OF FLATS AT 7 AND 9 MILLER ROAD, HALDANE

12313 A report was submitted by the Acting Director of Housing, Regeneration and Environmental Services (Housing & Regeneration Services) seeking approval to take the necessary action to dispose of two tenement properties at 7 and 9 Miller Road, Haldane and adjacent land.

12314 After discussion, the Council agreed:-

- (1) that the tenants of 7 Miller Road be re-housed as part of a redevelopment programme;
- (2) that the land and tenement properties at 7 and 9 Miller Road, Haldane along with land adjacent to it as shown in the plan, attached to Appendix 1 to the report, be sold to a registered social landlord at a price to be agreed with the Council and subject to the following conditions:-
 - (a) The sale price should meet the cost of home loss and disturbance payments to the residents of 7 Miller Road and be sufficient to write off the HRA debt for 7 & 9 Miller Road;
 - (b) The purchasers shall meet all Estates Section fees and VAT;
 - (c) The purchasers shall meet all the Council's legal fees, expenses, outlays, VAT, together with Stamp Duty and Registration dues;
 - (d) The property enquiry certificates to be paid by the purchasers;
 - (e) Any disposals shall require the necessary Scottish Ministers' consents;
 - (f) The purchase dates to be agreed between the Council's Estates Surveyor and the purchasers' agents; and
 - (g) All demolitions shall be carried out by the purchasers entirely at their expense and to the satisfaction of the Council; and
- (3) that, in the event that the conditions listed at (2) above cannot be met, then Option 3 contained in the report be adopted.

NOTICES OF MOTION

(a) **Motion by Councillor George Black**

- 12315 This Council agrees to suspend all discussions regarding best value reviews which are currently taking place between management and Unions. The impact of these reviews is reducing agreed working practices, conditions and operating hours amongst others.
- 12316 Any further discussions regarding these best value reviews should be held over until the Trades Unions can meet with the new Council who will be elected on 3rd May 2007.
- 12317 Councillor Black was heard in support of his motion, which was seconded by Councillor Brogan.
- 12318 As an amendment, Councillor Rooney, seconded by Councillor Calvert, moved:-
- 12319 Council notes that the Local Government in Scotland Act 2003 is the statutory framework for best value. This duty requires local authorities to make arrangements to secure continuous improvement in performance, while maintaining an appropriate balance between quality and cost; and in making arrangements and securing that balance, to have regard to economy, efficiency, effectiveness, the equal opportunities requirements, and to contribute to the achievement of sustainable development.
- 12320 Council is required to make the best use of public resources, including employees, contractual agreements, ICT, land, property and financial resources. No areas of work should be protected from review.
- 12321 Council services are expected to remain competitive and provide good quality services. Therefore we must conduct our business in a manner which demonstrates competitive practice.
- 12322 This Council has developed Best Value Review Guidance which conforms to legislation setting out the statutory duties of local authorities under Best Value.
- 12323 In addition the Trade Unions are invited to be part of the project team for each service review. All complete service reviews are reported to Committee for approval.

12324 There are currently 13 service reviews taking place in West Dunbartonshire Council these include:

HRES	-	Roads, Architects, Tenancy Services, Homelessness
Social Work	-	Community Equipment, Youth Justice, Older People's Services, Out Of Hours Service
Education	-	School Transport
Chief Executive's	-	Policy, Public Relations

12325 Council also notes that we are currently in the process of introducing changes following best value service reviews in Leisure and Community Wardens in consultation with Trade Unions.

12326 Council therefore agrees that it would not be appropriate to suspend work on our best value service reviews.

12327 On a vote being taken, 11 Members voted for the amendment and 4 for the motion. Accordingly, the amendment was declared carried.

(b) Motion by Councillor Andy White

12328 This Council notes with concern that the 07/08 revenue budget does not include a real terms increase to the older people's grants budget. Council notes that this is contrary to previous manifesto commitments. Council therefore instructs the Chief Executive to bring a report to the next appropriate Council meeting. The report should provide options that will deliver a real terms increase to this budget in line with previous years budgets.

12329 Councillor White was heard in support of his motion which was seconded by Councillor Black.

12330 As an amendment, Councillor Calvert, seconded by Councillor Rooney, moved:-

12331 This Council notes with satisfaction and approval that the commitment in the Labour Party Manifesto of 2003, 'Raising the Game', to deliver a real term increase to the older people's grant budget has not been met in full over every financial year since the last election.

- 12332 This Council notes with satisfaction and approval also, that this real term increase is set against the background of substantial growth in the number of new Older People's groups that have been formed since 2003 and that now receive funds from the same budget. This growth in the number of new groups would not have been achieved but for the tireless efforts of Councillor Rooney as the Council's Older People's Champion.
- 12333 This Council recommends to the incoming administration that it commits itself to build on Labour's success in delivering real term increases to this budget each year since 2003 and to continue with this policy throughout the full term of the new Administration until 2011.
- 12334 After discussion and having heard the Head of Finance in answer to Members' questions, on a vote being taken, 6 Members voted for the amendment and 11 for the motion, which was accordingly declared carried.

VALEDICTORY REMARKS

- 12335 As this was the last scheduled meeting of Council, Provost Macdonald took the opportunity to pass on his best wishes and good luck to those Members who were either standing down or who were seeking re-election.
- 12336 Finally, Provost Macdonald thanked all the officers of the Council at every level for their hard work and assistance over many years and extended his best wishes to the new Administration on its formation.
- 12337 Members warmly concurred with Provost Macdonald's remarks and passed on their own appreciation to him and officers for all their best efforts and endeavours, which had seen the Council through a sometimes difficult period.

The meeting closed at 4.21 p.m.