

WEST DUNBARTONSHIRE COUNCIL

At a Meeting of West Dunbartonshire Council held by video conference on Wednesday, 26 May 2021 at 10.07 a.m.

Present: Provost William Hendrie, Bailie Denis Agnew and Councillors Jim Bollan, Jim Brown, Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Caroline McAllister, Douglas McAllister*, David McBride, Jonathan McColl, Iain McLaren, Marie McNair, John Millar*, John Mooney, Lawrence O'Neill, Sally Page, Martin Rooney and Brian Walker.

Attending: Joyce White, Chief Executive; Peter Hissett, Chief Officer – Regulatory and Regeneration (Legal Officer); Angela Wilson, Chief Officer – Supply, Distribution & Property; Beth Culshaw, Chief Officer, Health & Social Care Partnership; Stephen West, Chief Officer – Resources; Victoria Rogers, Chief Officer – People & Technology; Peter Barry, Chief Officer – Housing & Employability; Gail MacFarlane, Chief Officer – Roads and Neighbourhood; Malcolm Bennie, Chief Officer – Citizen, Culture & Facilities; Laura Mason, Chief Education Officer; George Hawthorn, Manager – Democratic & Registration Services and Christine McCaffary, Senior Democratic Services Officer.

Provost William Hendrie in the Chair

STATEMENT BY CHAIR

Provost Hendrie advised that the meeting was being audio streamed and broadcast live to the internet and would be available for playback.

DECLARATIONS OF INTEREST

Councillor Bollan declared an interest in Item 13(a) – Leamy Foundation, being a member of the Leamy Foundation and advised that he would leave the meeting and take no part in the discussion on the item.

RECORDING OF VOTES

The Council agreed that all votes taken during the meeting would be by roll call vote to ensure an accurate record.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on (a) 24 February 2021 (Special), (b) 24 February 2021 (Ordinary), (c) 3 March 2021 (Ordinary), and (d) 22 March 2021 (Ordinary) were submitted and approved as correct records.

MINUTES OF AUDIT COMMITTEE

The Minutes of Meeting of the Audit Committee held on 18 November 2020 were submitted and approved as a correct record.

OPEN FORUM

The Provost advised that the undernoted Open Forum questions had been received from Mrs Susan Dick and Mr Graham Parton. He then invited Mrs Dick to put her question to Council:-

Mrs Susan Dick – Land owned by Susan Dick

I would like to know what actual steps are being taken to come to an amicable solution to the situation in regards to removal of land from my ownership.

I don't want to know what you are saying you are doing I want to know what you are actually doing as up to now these have been very different activities and nothing has moved on in the last 8 yrs - since our knowledge of these plans came to light.

I'd like the answer to include what has been and what will be done to source suitable alternative land, visits to potential suitable sites and testing/preparation of suitable sites. I do not wish to be told of the offering of unsuitable land on a leased basis as that's not an attempt to come to an amicable solution.

The answer should also include what do you intend to do to resolve amicably the issue of the graves and bodies of the 2 deceased ponies on site.

Timescales should also be included in the answer.

The main but not the only concerns I have are the provision of a suitable forever home for my chronically ill ponies, the safeguarding of the graves of the 2 ponies buried on site and the provision of a suitable venue which will allow me to continue with the pony therapy business.

Councillor McLaren provided the following response:-

I understand the frustration Mrs Dick is experiencing in trying to continue with her pony therapy business with the uncertainty around the Exxon project and the requirement for the use of her land.

I can confirm that by the 31st May 2021 (this Monday coming) Mrs Dick's agent will receive confirmation of the valuation that has been obtained for the area of ground to endeavour to come to an amicable arrangement to suit both parties.

To try and bring matters to a close this will be a time limited offer in relation to the proposed purchase and future negotiations will be carried out via the Council's agents and Mrs Dick's agents.

Regarding alternative sites, over the past few years a number of sites have been discussed with Mrs Dick none of which has been deemed suitable by Mrs Dick due to the requirements for her business.

A more recent site visit took place to an area of ground known as "Sheepfold" to see if a transfer of that land would be suitable. However, due to the nature of the wider development works this site will not be available until 2026.

Mrs Dick has advised that she would be looking for occupancy of any land earlier than this timeframe, so therefore this is no longer a suitable option.

West Dunbartonshire Council is happy to have further discussions via Mrs Dick's agents. Mrs Dick has also requested a further Site Investigation of this area but as the timeframe mentioned is not suitable this has not been discussed further or instructed.

In addition, another piece of land which is commercially sensitive and cannot be mentioned in this forum has been valued and will be also be discussed with Mrs Dick's agents. There has been a delay in this due to COVID19 restrictions in line with Scottish Government guidelines.

Finally Provost, the Corporate Asset Management team is happy to work with Mrs Dick to find an additional piece of council-owned land to accommodate the graves referred to in line with Government guidelines for fallen stock which would have to be adhered to.

Mrs Dick then asked the following supplementary question:-

Is the piece of land you are referring to the land I have already identified?

Councillor McLaren restated that Mrs Dick's agents would receive the details of the land on 31 May 2021.

The Provost then invited Mr Parton to put his question to Council:-

Graham Parton – Land at Milton as part of Exxon Deal

I am the partner of Susan Dick who is the owner of the land you wish to acquire. Land at Milton as part of Exxon deal.

Susan and myself have been nothing other than accommodating over this issue, we have always answered promptly and supplied all information asked for.

A few weeks ago and not for the first time more contractors have accessed our land seemingly under the impression that it belonged to West Dunbartonshire Council.

They have actually dug up our road, destroyed trees and fencing and dumped rubble onto the field. We have confirmation that this was caused by WDC.

There have as mentioned above been other occasions when either damage has been caused by your contractors or contractors have been on our land without prior notification and of course surveys have also been carried out without our prior knowledge or consent. The damage caused during soil testing by WDC contractors which I am not allowed to mention is a separate incident to this most recent one.

A partial flood survey was carried out without permission and damage was caused a few years ago, a tree survey carried out without permission and a bat survey again without permission. These are just the ones we know about. Either discovered due to the resultant damage caused or because we read the reports in the Exxon planning documents.

Why are we not notified of these excursions onto our land and why is the damage not owned up to and compensated for?

You all know our contact details and so I'd like to know why you don't notify us beforehand nor pay for the resultant damage.

Councillor McLaren provided the following response:-

Provost, I'd like to thank Mrs Dick and Mr Parton myself, and on behalf of our Corporate Asset Management, team for accommodating the Council's requests over the past two years. I'd also like to thank the officer in question for using her personal time to meet with Mr Parton on more than one occasion, and to walk around his various sites and meet his ponies.

Access to the site was granted by Mr Parton over a number of occasions, with permission, and details of these reports form part of the wider Exxon project and have been required for planning applications.

Provost, I do understand that following subsequent enquiries our Roads section has confirmed that whilst carrying out works to the National Cycle Network 7 in March/April this year their contractor did enter the site. I believe

Mr Parton has confirmed on behalf of Mrs Dick that their preferred option would be compensation or insurance as opposed to the offer of repair, and an insurance form has been sent to allow this to proceed. I'd like to offer my apologies that this.

Our Roads section have confirmed that this is the only time unauthorised access has taken place on Mrs Dick's land and they fully admit this was an error and are working with them in relation to the insurance claim. If there are additional incidents Mr Parton wishes to highlight to our Asset Co-ordinator, or the Exxon Project Manager, then a meeting can be arranged to discuss further.

With the Provost's agreement, Mrs Dick asked the following supplementary question on behalf of Mr Parton:-

Should compensation be offered at this stage rather than the gamble of an insurance claim?

Councillor McLaren replied that the offer is to make good the damage caused or the submission of an insurance claim.

The Legal Officer then advised Mrs Dick and Mr Parton that they would receive a copy of the responses in writing within 7 days of the meeting, and they both then left the meeting.

GLASGOW CITY REGION CITY DEAL - UPDATE

A report was submitted by the Chief Officer – Regulatory and Regeneration providing a progress report on the implementation of the Glasgow City Region, City Deal.

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

- (1) to note the progress of the Glasgow City Region (GCR);
- (2) to note progress of the Council's City Deal project for the Exxon site; and
- (3) that detail of what was presented to the GCR Cabinet at its meeting on 6 April would be presented to Council at its meeting on 23 June 2021.

Note:- Councillor Millar joined the meeting during consideration of the this item.

COVID-19 UPDATE

A report was submitted by the Chief Executive providing an update in relation to COVID-19 in West Dunbartonshire since the previous update report to Council in February 2021.

Following discussion and having heard officers in answer to Members' questions, the Council:-

- (1) to note the information provided on COVID-19 in West Dunbartonshire since the February update report;
- (2) to note the information provided in relation to the additional support and advice that the Council is providing to communities and businesses across West Dunbartonshire to help alleviate the impact of COVID-19;
- (3) to note the planned expenditure on education recovery during 2021/22 and the extended Summer Holiday Programme for 2021 as detailed in paragraph 4.3.3 of the report;
- (4) to agree the extension of contracts for the COVID-19 school cleaners as detailed in paragraph 4.3.4 of the report;
- (5) to agree the planned use of the further Tier 4 Support funding from Scottish Government as detailed in paragraph 4.3.10 of the report; and
- (6) to agree the planned use of the further Scottish Government funding to support those at financial risk as detailed in paragraph 4.3.10 of the report.

Note:- Councillor Douglas McAllister joined the meeting during consideration of this item.

RESPONSE TO MOTION TO COUNCIL – 3 MARCH 2021 KILPATRICK HILLS

A report was submitted by the Chief Officer – Shared Services Roads and Neighbourhood providing a response to the motion agreed at the meeting of West Dunbartonshire Council held on 3 March 2021 in relation to the use of Kilpatrick Hills.

After discussion and having heard the Chief Officer in answer to Members' questions, the Council agreed:-

- (1) to note the engagement activity that has taken place to date;
- (2) to note the measures that have been put in place and detailed in section 4.4 (paras i to viii) of the report;
- (3) that a report be brought to a future meeting of Council, possibly in November 2021, providing detail on how the measures have worked over the summer months; and
- ¹(4) that the TTRO in place at Cochno Road will be reviewed to include Cochno Road up to the radial barrier to the South of Wester Cochno Farm.

¹ As corrected by Council at its meeting on 23 June 2021

Note:- Councillor Douglas McAllister left the meeting at this point

USE AND PAYMENT OF CASUAL WORKERS

A report was submitted by the Chief Officer – People and Technology providing a summary of the use and payment of casual workers over the last year (2020/21).

After discussion and having heard the Chief Officer in answer to Members' questions, the Council agreed to note the contents of the report.

OLDER PEOPLE'S CHAMPION

A report was submitted by the Chief Officer – Citizens, Culture & Facilities advising of a request from the Scottish Older People's Assembly (SOPA) and Age Scotland for all local authorities to consider appointing an Elected Member as an Older People's Champion.

The Council agreed:-

- (1) to note the contents of the report; and
- (2) to appoint Councillor Diane Docherty as the Equalities Champion representing all disadvantaged groups and incorporating the remit of the Older People's Champion.

NOTICE OF MOTIONS

Councillor Bollan left the meeting at this point, having declared an interest in this item earlier in the meeting.

(a) Motion by Councillor Jim Bollan – Leamy Foundation

On behalf of Councillor Bollan, Councillor O'Neill moved:-

Council agrees in principle to accept the Leamy Foundation, a registered charity, No SC045684, as a "Strategic Partner" subject to successful negotiations between the relevant Council officers, the Leamy trustees, plus final approval by WDC. The Leamy Foundation currently works in partnership with WDC Greenspace on various projects and with Education on the "Learn & Grow" project across our Schools and Nurseries. Council agrees discussions between both parties should start as soon as practicable.

Following discussion, Councillor McColl asked if Councillor O'Neill would accept the following addendum to his motion:-

A report will be brought to June Council with details of the work that Leamy does with the Council, how that work is funded, and what benefits our schools

and our citizens could gain from forming a strategic partnership with the Leamy Foundation.

Councillor O'Neill confirmed his acceptance of the addendum, and the motion with addendum was agreed by the Council.

(b) Motion by Councillor Daniel Lennie - Proposed Memorials at Clydebank, Dumbarton and Vale of Leven

Councillor Lennie moved:-

The Council acknowledges the heartache, pain and suffering that the Covid19 pandemic inflicted upon local residents in both halves of the local authority area.

Council recognises the calls by our communities for some sort of memorial to allow us to recognise and commemorate the loss of loved ones.

The memorial could be in the form of a garden, a plaque, a public artwork or other physical representation where families could attend throughout the year at a time of significance to them such as a birthday, religious holiday or the date the family member died.

There could also be an option of an annual day of remembrance, where family and friends come together for a service of remembrance.

In addition, the commemoration could also make reference to all the key workers who provided help and support throughout the public health emergency and who often comforted families and loved ones in their time of need.

The location and type of memorial should be decided by the residents of Clydebank and Dumbarton and the Vale of Leven respectively.

The council should contribute to the costs but we should also open this up to public subscription so that individuals and groups can have an opportunity to contribute and so they can help to shape the final memorial for Clydebank and the one for Dumbarton and the Vale of Leven.

A full report should be brought to a future Council meeting for consideration by Councillors which should include feedback from our communities.

The report should be mindful that some vulnerable people may have died in the early pandemic in our communities and in care homes when testing was not readily available.

The Council agreed the motion.

(c) Motion by Councillor David McBride – Delivery of Services during Public Health Emergency

Councillor McBride moved:-

This Council acknowledges the challenges faced by all our staff in delivering effective services to residents during the public health emergency.

A concern highlighted by residents has been the difficulty in contacting the council, this has included the phones going unanswered; and for those who do get through they can find themselves being passed from pillar to post with no resolution.

In addition, tenants who have submitted enquires via email, have also highlighted that they have been unlikely to receive a response from Council staff.

There are issues of concern around claims that Occupational Therapy assessments now have waiting lists over a year long. This service is vital to vulnerable adults who have suffered health issues such as a stroke which has impacted on their mobility and independence. Without an OT assessment, they are unable to receive the aids and adaptation needed to allow them to live comfortably at home.

Another concern raised by residents are the delays for those who are awaiting notification about council housing or a move to another tenancy. It appears that these families have been significantly impacted during COVID. An example of this is that tenants are experiencing stress and anxiety as they have often all been stuck at home during the pandemic in housing which is overcrowded and have nowhere else to go to causing a detrimental effect on their mental health.

This Council is also concerned about the backlog in housing repairs. In particular tenants want to know how long it will take to clear the existing emergency repairs; they also want a timeline of when outstanding routine repairs that are already in the system will be completed; and finally, they want to know when the council will open up to taking on new repairs which they have been unable to report over the last year.

Given the above concerns, this Council calls for a full report to be presented to the June Council meeting for consideration by elected members.

As an amendment, Councillor McColl moved:-

This Council acknowledges the challenges faced by all our staff in delivering effective services to residents during the public health emergency, and again takes this opportunity to thank them for their efforts over the past year.

The Administration recognises the difficulties coronavirus and other pressures have caused for our staff in being able to deliver services and the impact that

this has had on some tenants and residents. We have been taking a proactive approach with Conveners and the Leader of the Council liaising closely with our management team to ensure that where improvement is needed, positive action is being taken.

A briefing obtained by the Administration on Occupational Therapy waiting times for low priority cases indicates that for the less complex but more common cases, that are assigned to an Occupational Therapy Assistant, the current waiting time is up to 9 months. For more complex but less common cases (such as those requiring therapeutic rehabilitation and major adaptations), that are assigned to an Occupational Therapist, the waiting list is up to 8 months. Council agrees that this is a significant wait for vulnerable people in need.

Council notes that the situation is being monitored and performance managed through the HSCP IJB and that waiting times will be highlighted in the next iteration of the Recovery and Renewal Plan to be presented to the HSCP IJB in June, alongside proposals to address the delays.

Council notes that unlike Council committees, Councillors do not receive papers from the HSCP IJB as a matter of course. Council therefore asks that officers send a briefing to all elected members with an up-to-date summary of the situation after the June IJB has considered officers' proposals and agreed a way forward. The briefing should include the latest available waiting time estimates and the action plan being implemented to address the problem.

All of the other issues raised have already been presented to the relevant committees and action plans agreed by Councillors. Performance monitoring information will come back to members in the mid-year delivery plan updates.

Residents are well aware of the challenges that have been faced by our staff and most are understanding, appreciative and complimentary of the efforts made by frontline staff to provide services to them in difficult circumstances. Where we fall short of expectations, West Dunbartonshire Council's staff will always act to rectify the situation as quickly as possible, and Councillors have a key role to play in bringing individual issues raised with us to the attention of the appropriate officers to get a positive outcome for our constituents.

On a roll call vote being taken 10 Members voted for the amendment, namely Provost Hendrie, Bailie Agnew and Councillors Brown, Conaghan, Dickson, Docherty, Finn, McColl, McLaren and McNair and 11 Members voted for the motion, namely Councillors Bollan, Casey, Lennie, Caroline McAllister, McBride, Millar, Mooney, O'Neill, Page, Rooney and Walker. The motion was accordingly declared carried.

The meeting closed at 2.21 p.m.