

## WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 29 September 2004 at 7.00 p.m.

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew, Jim Bollan, Margaret Bootland, Dennis Brogan, Geoff Calvert, Gail Casey, Tony Devine, Jack Duffy, James Flynn, Jackie Maceira, Douglas McAllister, James McCallum, Linda McColl, Duncan McDonald, Margaret McGregor, Craig McLaughlin, Marie McNair, Connie O'Sullivan, Martin Rooney and Andy White.

**Attending:** Tim Huntingford, Chief Executive; Eric Walker, Director of Corporate Services; Gerry McInerney, Head of Personnel Services; Dan Henderson, Director of Development and Environmental Services; Bob Cook, Director of Education and Cultural Services; Frank Newall, Head of Service, David McMillan, Director of Housing and Technical Services; John McKerracher, Head of Technical Services; Donald Findlay, Manager of Building Services; Cy Neil, Head of Housing Services; Jim Pow, Finance Manager, Alexis Jay, Director of Social Work Services; Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

**Also**

**Attending:** Eleanor McAlister, Managing Director of Clydebank Rebuilt.

### Provost Macdonald in the Chair

3731 At this point in the meeting Councillor McLaughlin, seconded by Councillor McGregor, moved that the meeting be adjourned immediately after the Presentation from Clydebank Rebuilt and relocated to the Lesser Town Hall in order to allow more of the large number of people, who were currently standing outside the building, to enter and hear the discussion.

3732 On a vote being taken, 16 Members voted for the meeting to remain in the Council Chamber and 4 for the meeting to be relocated immediately after the presentation. Accordingly, the meeting remained within the Council Chamber.

## CLYDEBANK REBUILT – PRESENTATION

- 3733 Eleanor McAlister, Managing Director of Clydebank rebuilt gave a presentation on progress being made by Clydebank Rebuilt and in particular outlined the design guidelines and some of the proposed developments, including the Titan Crane Project. It was noted that it was hoped that the developments would create approximately 1800 new jobs in the area and 1200 new homes, which would help to regenerate the local economy.
- 3734 The Provost, on behalf of the Council, thanked Eleanor McAlister for her very informative presentation and thereafter she left the meeting.

## OPEN FORUM

### **Mr Alex Doherty on behalf of Mr Lockhart H. Cameron, 13f Howcraigs Court, Clydebank - Removal of Asbestos Tiles**

- 3735 I signed for the tenancy of one of the high rise flats in Clydebank East. When I started to move my personal belongings into my new flat I noticed the floor tiles on the living room and the hall and the bathroom floors contained a certain amount of asbestos. I asked for them to be removed and this has been done by an asbestos removal company.
- 3736 Why is the Council not removing the tiles from the other flats or houses with similar tiles within West Dunbartonshire?

### **Councillor Flynn responded in the following terms:-**

- 3737 It is not Council Policy to remove all tiles of this type as best practice advice suggests that while some thermoplastic tiles have asbestos bound into the matrix of the tile the quality control in the manufacture was such that the content of asbestos fibres varies widely from tile to tile. Moreover the advice we have is that the asbestos content is so well bound into the tile matrix that they represent no health risk if undamaged.
- 3738 If the tiles are in fair to good condition we leave them in place as they are assessed as very low risk, if there are a few missing we will infill the gaps with self-levelling screed. Each such case would be considered on its merits.
- 3739 There is no intention for the Council to implement removal of all such thermoplastic tiles from properties as, given their very low risk rating, it is unnecessary and would be extremely expensive.
- 3740 The Leader of Council has raised this matter with the Chief Executive, who will investigate the matter and prepare a report for consideration at a future meeting of Council.

**Mr Doherty asked the following supplementary question:-**

- 3741 Given that a minute amount of asbestos fibre was found after testing the tiles in the flat and that even a minute amount can be harmful if ingested into the lungs, can the Council confirm that there is no danger to those persons residing in other flats with similar tiles?

**The Manager of Building Services responded in the following terms:-**

- 3742 The reading taken at the time showed that only one fibre was evident in the sample taken. It might have been an asbestos fibre but this has not been confirmed. As a percentage of the total sample taken, the reading showed that only 0.01% of the sample contained fibre, which is well below the safety levels recommended by the Health and Safety Executive, and therefore there is no reason to suggest that there is a risk to other tenants.

**Mrs Heather Graham, 9 Dixon Drive, Dumbarton  
Development at Keil School, Dumbarton: Protection of Trees**

- 3743 The tree survey carried out on behalf of the developers, Kirklee Developments, states that the trees are divided into three categories; (1) Trees to be retained; (2) Trees to be removed for development; (3) Trees which (*according to the survey*) need to be removed due to damage and disease. Other mature trees are earmarked for removal for a variety of insignificant and non-essential reasons.
- 3744 Although trees in the Kirktonhill Conservation Area are protected by a blanket TPO, how will the Council ensure that only **well-informed** and '**tree-friendly**' decisions are made concerning which trees really need to be removed?

**Councillor Duffy responded in the following terms:-**

- 3745 This matter has already been raised and addressed through the planning process. The Planning Committee agreed a condition that requires further tree survey information to be submitted by the developer prior to work commencing on the site.
- 3746 In addition – Mrs Graham correctly points out that the trees within the grounds of the former Keil School are covered by a Tree Preservation Order and this means that any additional work to trees that the developer may wish to carry out at the site that is outside the terms of the Planning Consent would require approval from the Council.

**Mrs Graham asked the following supplementary question:-**

- 3747 Will the Council make every effort to ensure that that the developer complies fully with all of the conditions and regulations required by the Planning Committee and the essence of the Tree Preservation Order? Also, in doing so, will the Council ensure that consultation takes place with a person who holds a professional qualification in agriculture and that any decisions made in respect of the proposed development should take into account the overall impact on the environment?

**At the request of Councillor Duffy, the Director of Development and Environmental Services responded as follows:-**

- 3748 Yes.

**Mr Brian Cairns, 108 Brown Avenue, Clydebank  
Building Our Future Programme**

- 3749 The report agreed by Council "Building Our Future" cited a projected 24.7% drop in population of 5-15 year olds in West Dunbartonshire as causing the secondary rolls of St. Andrew's and St. Columba's to be too low to "offer a viable curriculum" on their own (Cllr McCallum's words to parents at public meetings in the Town Hall and Dalmuir CE Centre). Despite the fact that Dumbarton Academy has a smaller roll than either St. Columba's or St. Andrew's H.S. it is not earmarked to merge with a bigger school. Why?

**Councillor McCallum responded in the following terms:-**

- 3750 Dumbarton Academy serves the town of Dumbarton and any merger of that school would require to be with Vale of Leven Academy which serves Alexandria and the Vale of Leven. The projected roll in that situation would be for a school opening with a pupil roll of over 1900 and remaining well over 1600.
- 3751 The roll of Dumbarton Academy is at present 763 and is projected to fall by 2014 to 708.
- 3752 The projected combined roll for St Andrew's and St Columba's High Schools at the same time is 1293 and therefore divided into two would give two schools of around 646 pupils.
- 3753 On the statistical evidence alone the Dumbarton Academy situation with the roll remaining over 700 pupils represents a secondary school which does remain viable, even if it is on the small side.
- 3754 Besides the sizes of the projected rolls, the Clydebank situation is entirely different from that in Dumbarton.

- 3755 St Andrew's High School and St Columba's High School are less than 2 miles apart and are both situated within the relatively compact town of Clydebank. The projected size of the new merged school proposed is that it will open with a roll of just under 1500 and that roll will drop to under 1300.
- 3756 Clydebank denominational pupils attending the secondary school and others making use of the facilities would be accessing these in their local community, requiring to travel, in the main, relatively short distances.
- 3757 An amalgamated secondary school in Dumbarton and the Vale would not be a local school for many of the pupils and others in the community wishing to access the facilities there. The transport costs associated with bussing the pupils who would qualify for free school transport would place a heavy and ongoing burden on the Council for the long-term future.
- 3758 Our Lady and St. Patrick's High School is the only denominational school serving the Dumbarton and the Vale of Leven area and has been for some time. Although, this was intended to be an interim arrangement there has been no demand for change from parents.
- 3759 Finally, and not for the first time, the question from a representative of St Andrew's contains a misquote. The words attributed to me were never said. Quite the opposite. The only recorded discussion was on expansion and improvement of the curriculum resulting from the merger of St Andrew's with St Columba's. The minutes of the meetings referred to in the Town Hall, Clydebank and Dalmuir CE Centre were circulated to all School Boards and in the case of the Dalmuir CE Centre, to all those attending.

**Mr Cairns asked the following supplementary question:-**

- 3760 I would like comment from all political parties represented. What is the status and integrity of the first set of proposals which appear to be flawed as they were based on inaccurate school roles? How can the Council proceed to formal consultation when meetings are still ongoing with the school boards and there are still a number of issues outstanding?
- 3761 Provost Macdonald informed Mr Cairns that in terms of the Council's Standing Orders, his question could only be directed to the Convener or Spokesperson of the Service.

**At the request of Councillor McCallum, the Director of Education and Cultural Services responded in the following terms:-**

- 3762 The current status is that the department is currently holding informal consultation meetings with the relative school boards and is in the process of collating a large volume of information in response to requests from the school boards. The next stage would be to move to the formal statutory consultation process, if the report is approved, but it was hoped that most of the issues raised under the informal consultation would be dealt with ahead of the statutory process.

**Mr Robert Doherty, 63 North Elgin Street, Whitecrock, Clydebank**  
**Building Our Future Programme**

3763 Councillor White, can I please have a comment on this question from each of the other groups in the Council. If on consulting with parents and communities over the administration's proposals for schools you find that there is a strong rejection of parts of your plans, will you like other local authorities, listen to the people and change your proposals?

**Councillor White responded in the following terms:-**

3764 The Council has made it clear at every stage of the discussion over its proposals for schools, that it will listen carefully to the views of all users of the service, parents and other interested parties.

3765 Clearly, the Council is not going to hand back to the Scottish Executive the £100m we have secured. We can't stand still while everywhere else builds new, modern, fit for purpose schools.

3766 There is a responsibility for everyone who cares about education to help take this issue forward.

3767 If alternative proposals are put forward which would allow the Council to achieve these aims then I am sure, I speak for all of the Council by saying, that alternative proposals will receive the most careful consideration.

**Mr Doherty asked the following supplementary question:-**

3768 Councillor White was quoted in local press as saying that the Council would listen carefully to the views of all users and consider all alternatives. Furthermore, he is quoted as saying that parents should be an integral part of the decision making process. As far as I am concerned one choice is no choice. How will the Council ensure that parents will be an integral part of the decision making process?

**Councillor White responded in the following terms:-**

3769 There will be considerable involvement of parents in the decision making process. As stated earlier, a number of meetings have already taken place with school boards and, as part of the formal statutory consultation process, all parents involved will be fully consulted on the proposals and their views taken into account. However, this Council intends to go further than the statutory requirements and will fulfil all of its commitment under the parent's charter, thus ensuring that parents are fully consulted at every step of the process.

3770 In response to a question by Councillor McLaughlin, the Legal Officer confirmed that the order of the business on the Agenda was set by officers, in accordance with the procedures laid down in Council Standing Order No 6.

### MINUTES OF PREVIOUS MEETING

- 3771 The Minutes of Meeting of West Dunbartonshire Council held on 25 August 2004 were submitted and approved as a correct record.
- 3772 With reference to the item headed "General Services Budgetary Control Report: Period 3, 2004/05 (Pages 1022/33, paragraphs 3405 to 3411 refer), the Chief Executive informed the Council that he had received letters of support from the local MSP and MP in connection with the Council's motion on Supporting People and that he was currently engaging in correspondence with the Minister for Communities and awaited further details on the recent Scottish Executive budget announcement.
- 3773 The Council noted the position.

### URGENT ITEM OF BUSINESS

- 3774 The Provost, in terms of Section 50B(4) of the Local Government (Scotland) Act 1973, as inserted by the Local Government (Access to Information) Act 1985, decided that an item on "Council House Sales – Right of Council to carry out repairs without the consent of owners; Awarding of Contracts" which had been remitted from the Tendering Committee, be considered as the last item on the agenda as a matter of urgency on the grounds that the action to be taken required early consideration.

### BUILDING OUR FUTURE – REGENERATION OF THE SCHOOLS' ESTATE

- 3775 With reference to the Minutes of Meeting of Council on 25 August 2004 (Page 1020, paragraph 3381 refers), a report was submitted by the Chief Executive providing an update on progress made in implementing the Building Our Future Programme.
- 3776 Councillor McCallum, seconded by Councillor Rooney, moved that Council approves the recommendation of the report as follows:-
- 3777 The Council agrees:-
- (1) to approve that all of the formal consultation detailed at paragraph 4.3.1 of the Director's report be completed prior to the end of the current academic session;
  - (2) to approve the proposal that all of those Capital Receipts realised as a result of the sale of any part of the schools estate should be ring-fenced for reinvestment in the Schools Regeneration Programme;

- (3) to approve the proposals that a Project Board as outlined at paragraph 7 of the Director's report should be established; and
- (4) to approve that the Director of Education and Cultural Services in preparing his consultative documents in respect of the Building Our Future Programme should, where appropriate, present the variety of options consistent with those decisions already made by Council.

3778 Having heard the Director of Education and Cultural Services and the Chief Executive in answer to Members' questions, as an amendment Councillor McLaughlin, seconded by Councillor McGregor, moved as follows:-

3779 The Council notes the rising opposition to the current administration proposals for the regeneration of the schools estate. While all parties of the Council agree there is an urgent need to regenerate our schools estate it is critical for any regeneration plans to succeed that pupils, parents and teachers are supportive of the changes.

3780 It is clear at this time that the Administration, despite issuing glossy brochures, are failing to convince the majority of the parents and pupils affected that this is the best way forward.

3781 It is extremely disconcerting that the Labour Administration is being selective on who it consults with during the process which is against the spirit of the parents charter.

3782 Therefore the Council agrees to note the report and before any further action is taken on the proposals that the Council agrees to hold a public meeting in all affected schools at which both the Director and the Convener of Education should attend.

3783 At these meetings the Convener should hold a ballot with all parents of affected schools and that vote should be brought back to the first available Council meeting. After which point the Council will decide the appropriate way forward with a true valid mandate from the public.

3784 On a vote being taken, 4 Members voted for the amendment and 17 for the motion, which was accordingly declared carried.

### **ADJOURNMENT**

3785 The Council agreed to adjourn for a short period while Members of the public left the gallery. The meeting reconvened at 8.35 p.m. with all those Members on the list of those present in attendance.



**REMIT FROM THE SOCIAL JUSTICE COMMITTEE –  
RESIDENTIAL RESPITE SERVICES FOR ADULTS WITH LEARNING  
DISABILITIES**

- 3786 In terms of remit from the Meeting of the Social Justice Committee held on 8 September 2004 (Page 1054, paragraph 3474(2) refers), the relevant excerpt minute and report were submitted by the Director of Social Work Services concerning the redesign of Marelen House from a residential care service to provide a five person respite unit.
- 3787 Having heard Councillor Rooney in further explanation, the Council agreed to approve the capital expenditure required to refurbish the accommodation, as referred to in Section 6 of the report.

**DRAFT ANNUAL ACCOUNTS 2003/2004 – OFFICER EMOLUMENTS**

- 3788 With reference to the Minutes of Meeting of Council on 25 August 2004, a report was submitted by the Director of Corporate Services providing the Council with further information in relation to the increase in the number of employees whose emoluments exceeded £40,000 per annum during the last financial year.
- 3789 The Council agreed to note the contents of the report.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT:  
PERIOD 4, 2004/05**

- 3790 A report was submitted by the Director of Corporate Services advising of progress of the General Services Capital Programme to 15 August 2004 and updating members on Prudential Indicators.
- 3791 Having heard the Director of Corporate Services in answer to Members' questions, the Council agreed to note the contents of the report.

**GENERAL SERVICES BUDGETARY CONTROL REPORT: PERIOD 4,  
2004/2005**

- 3792 A report was submitted by the Director of Corporate Services advising of the performance of the General Services Budget for the period to 15 August 2004.
- 3793 Having heard the Director of Housing and Technical Services and the Finance Manager in answer to Members' questions, the Council agreed to note the terms of the report.

**HRA REVENUE ACCOUNT 2004/2005 BUDGETARY CONTROL  
STATEMENT TO 15 AUGUST 2004 (PERIOD 4)**

- 3794 A report was submitted by the Director of Housing and Technical Services advising of the financial performance of the Housing Revenue Account to the period ended 15 August 2004.
- 3795 Having heard the Director of Housing and Technical Services and Finance Manager in answer to Members' questions, the Council agreed to note the terms of the report.

**HRA CAPITAL PROGRAMME 2004/2005 BUDGETARY CONTROL  
REPORT TO 15 AUGUST 2004 (PERIOD 4)**

- 3796 A report was submitted by the Director of Housing and Technical Services advising of progress on the HRA Capital Programme to 15 August 2004.
- 3797 Having heard the Director of Housing and Technical Services in answer to Members' questions, the Council agreed to note the terms of the report.

**HOUSING MAINTENANCE TRADING OPERATION 2004/2005  
FINANCIAL PERFORMANCE TO 15 AUGUST 2004 (PERIOD 4)**

- 3798 A report was submitted by the Director of Housing and Technical Services providing interim cumulative financial information for the period ending 15 August 2004.
- 3799 The Council agreed to note the terms of the report.

**PROPOSED PURCHASE OF COMMERCIAL PREMISES AT 4/6  
AND 8 ELM ROAD, DUMBARTON**

- 3800 A report was submitted by the Director of Housing and Technical Services outlining proposals that the Council purchases commercial offices/depot property at 4/6 and 8 Elm Road, Dumbarton for use by the Housing and Technical Services Department in providing housing and non-housing property maintenance services.
- 3801 Councillor Flynn, seconded by Councillor Calvert, moved:-
- 3802 That the Council agrees to approve the recommendations of the report as follows:-
- (1) to approve the acquisition of 4/6 and 8 Elm Road, Dumbarton through voluntary termination of the two ground leases in line with the information given in Section 4 Financial Implications; and

- (2) to instruct the Director of Housing and Technical Services to refer the proposed acquisition of 4/6 and 8 Elm Road, Dumbarton to the Head of Legal Services to conclude this transaction subject to such Legal terms and conditions as are considered appropriate.

3803 As an amendment, Councillor Bollan, seconded by Councillor McLaughlin, moved that capital monies be transferred from slippage in the Capital Account to the Housing Revenue Account to fund the position of an Estates Officer to operate in the Ward 17 area.

3804 On a vote being taken, 4 Members voted for the amendment and 17 for the motion, which was accordingly declared carried.

### **COMMITTEE TIMETABLE TO DECEMBER 2005**

3805 A report was submitted by the Director of Corporate Services requesting the Council to approve the programme of Council and Committee Meetings from October 2004 to December 2005.

3806 The Council agreed to approve the timetable of main meetings from October 2004 to December 2005 as contained in the Appendix to this minute and, in so doing, noted the following changes to the timetable:-

- (1) the meetings of the Planning Committee and the Community Safety and Environmental Services Committee due to be held on 1 December 2004 in the Town Hall, Clydebank would now be held in the Municipal Buildings, Station Road, Dumbarton;
- (2) the Planning Committee which is held on the first Wednesday of the month will be rescheduled to commence at 9.30 a.m., which would allow for the increased numbers of hearings that have become a regular feature of the Planning Committee at recent meetings; and
- (3) the Audit and Performance Review Committee will meet in March 2005, June 2005, September 2005 and December 2005.

### **CLYDEBANK CREMATORIUM – REQUEST TO VIRE CAPITAL FUNDS**

3807 A report was submitted by the Director of Development and Environmental Services requesting that capital funds allocated to the Clydebank Crematorium for the purpose of re-lining cremators be vired to other projects at the crematorium.

3808 The Council agreed to approve the virement of capital funds in the sum of £30,000 from “Crematorium – reline cremators” to “Crematorium – Upgrade Facilities”.

**PROPOSED CONCERT AT BALLOCH CASTLE COUNTRY  
PARK – JUNE 2005**

3809 A report was submitted by the Director of Development and Environmental Services advising of progress to date in staging a major pop concert at Balloch Castle Country Park event site on Saturday 18 June 2005.

3810 Having heard Councillor Agnew in answer to Members' questions, and following discussion, the Council agreed to note and endorse the contents of the report.

**Declaration of Interest**

3811 Councillor Flynn declared a non-financial interest in the following item of business and took no part in the deliberation of the matter.

**SHAPING THE FUTURE – NHS ARGYLL & CLYDE CLINICAL STRATEGY**

3812 A report was submitted by the Director of Social Work Services advising of the contents of the NHS Argyll & Clyde Clinical Strategy and its potential implications for the people of West Dunbartonshire and making recommendations thereon.

3813 Councillor Rooney, seconded by Councillor Calvert, moved:-

3814 That the Council agrees to approve the recommendations of the report as follows:-

- (1) that, a detailed model of "intermediate care", retaining as much service capacity as possible within the Vale of Leven Hospital, should be made available for discussion;
- (2) that Argyll and Clyde NHS Board should work further with Greater Glasgow NHS Board to pursue the provision of all possible acute and specialist services north of the river using the Gartnavel site;
- (3) the Minister for Health and Community Care, in his response to the Clinical Strategy, should be asked to encourage the use of capacity within the National Golden Jubilee Hospital to address local needs;
- (4) the Council requires of NHS Argyll and Clyde that issues of resource transfer and a full financial framework be clearly set out with a timescale and agreed amongst all partners before any alteration in service provision takes place; and

- (5) the Council hosts a debate on health service redesign, to which key stakeholders would be invited, and requests that Professor David Kerr should address the meeting.

3815 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved as follows:-

3816 The Council agrees that the NHS Argyll & Clyde Strategy Review does not represent the best health care model for the people of this area.

3817 While north of the river is a preferable option to Paisley for this area it still does not fully protect the services at the Vale of Leven Hospital.

3818 This Council calls all members to rally their parties' support for the motion by Jean Turner, MSP calling for a suspension to all planned re-organisations while a national strategy is determined.

3819 The Council further agrees that the provision of a blue light facility at the Vale of Leven Hospital is critical step in protecting the lives of the people we represent.

3820 In addition, the Council also calls upon the Health Minister to assist Argyll and Clyde with a more realistic approach to the current deficit.

3821 On a vote being taken, 3 Members voted for the amendment and 16 for the motion, which was accordingly declared carried.

#### **DISPOSAL OF COUNCIL OWNED SITE AT STONYFLATT ROAD AND WHITEFORD AVENUE, BELLSMYRE, DUMBARTON**

3822 A report was submitted by the Director of Housing and Technical Services seeking approval to market the above site for private housing development.

3823 Having heard Councillor Calvert, the Council agreed:-

- (1) that the Director of Development and Environmental Services and Director of Housing and Technical Services be authorised to advertise this site for sale on the open market, subject to a closing date and to accept the most economically advantageous offer received taking into account the development brief;
- (2) that the original development brief be expanded to include:-
  - (a) the installation of drainage at St Peter's Primary School football pitch; and
  - (b) the refurbishment of the pavilion at Merkins Football Pitch; and

- (3) thereafter, the Head of Legal and Administrative Services be authorised to conclude the sale of this land subject to such legal conditions as are considered appropriate, and, if required, the consent of the Scottish Executive.

### **DEMOLITION OF 27 & 29 STEELE CRESCENT, HALDANE**

- 3824 A report was submitted by the Director of Housing and Technical Services seeking retrospective approval of the demolition of two properties at 27 and 29 Steele Crescent, Haldane.
- 3825 The Council agreed to give retrospective approval to demolish 27 and 29 Steele Crescent, Haldane and to re-house the tenants.

### **Declaration of Interest**

- 3826 Provost Macdonald declared an interest in the following item of business and took no part in the deliberation of the matter.

### **PROVOST MACDONALD – 3X LTD VISIT TO HUNAN PROVINCE, CHINA**

- 3827 Correspondence was submitted from 3X Ltd informing the Council that Provost Macdonald had been invited to visit China as part of a delegation from 3X Ltd, who would be there to discuss issues of mutual interest with the Chinese Government.
- 3828 Following discussion, the Council agreed to approve Provost Macdonald's visit to China.

### **QUESTIONS**

- 3829 Councillor Craig McLaughlin submitted the undernoted questions on behalf of the SNP Group and the SSP:-

#### **Questions to Councillor Duncan McDonald**

- 3830 (1) When was first contact made with No Graffiti Ltd and did any officer from the HATS department contact them?
- 3831 (2) How many discussions, including telephone, did you have and officers from within HATS with councillors about graffiti removal contracts? When did you have them?
- 3832 (3) The Dept selected six companies to tender. Why was none of them on the list of approved contractors?

- 3833 (4) Did you have any meetings, including telephone, with any reps from No Graffiti Ltd? How many, where and when did they take place?
- 3834 (5) Who did the department seek authority from to invite tenders for the additional graffiti work?
- 3835 (6) Given that no company who bid is on the council's approved contractors list, what assessments/evaluations were made of companies before submitted the tenders to the tendering committee?
- 3836 (7) When did you become aware that the Company which was going to be handed the Graffiti Contract was in ownership of a fellow councillor?

**Councillor Duncan McDonald responded in the following terms:-**

- 3837 Having been advised that I will be called as a witness at the Standard Commission Inquiry, should the inquiry progress further, I feel that it would be inappropriate for me to make public comment on this matter at this time.

**Questions to Mr Tim Huntingford**

- 3838 (1) The approval of a Contractor not on the list of approved Contractors is at odds with the Council Standing Orders. Why did you not intervene and investigate?
- 3839 (2) Why was the contract not advertised?

**The Chief Executive responded in the following terms**

- 3840 Given that these questions have been submitted on behalf of both the SNP and SSP Group, I am surprised that this question has been submitted as I have responded to them in a letter, which I sent to Councillor Bollan on 24 August 2004. I am happy to make a copy of the letter available to Councillor McLaughlin, if Councillor Bollan is so willing.
- 3841 This aside, my response is that it is often the case with specialist contracts that the Council needs to use specialist contractors who do not appear on the approved list. If I believe that there is something to investigate, then I will carry out an investigation.

**Questions to Legal Officer**

- 3842 (1) Is the Council required by law to observe its financial standing orders?
- 3843 (2) Which senior officer is responsible for ensuring compliance with the council financial regulations when dealing with contracts?

**The Head of Legal and Administrative Services responded in the following terms:-**

- 3844 (1) Yes, the local authority is required by law to observe its Standing Orders and Financial Regulations.
- 3845 (2) The primary responsibility for ensuring compliance with these rules rests with the relevant Departmental Director.

**Questions to Councillor Flynn**

- 3846 (1) Did you play any part in setting up the demonstration from No Graffiti?
- 3847 (2) Did you have any discussions, including telephone, with any reps from Stainbusters or No Graffiti Ltd concerning their potential bid to the council?
- 3848 (3) Did you or any other Labour Cllr introduce the matter of graffiti work into Labour Group discussions/agendas? When did you do so?
- 3849 (4) Did you support the outsourcing of the graffiti work in Labour Group discussions?
- 3850 (5) When did you disclose the connection between your franchise owners, Stainbusters, and the other franchise owners No Graffiti Ltd to the Labour Group or to senior officers?

**Councillor Flynn responded in the following terms**

- 3851 As I am in correspondence with the Standards Commission and might be part of an investigation, I am not prepared to answer these questions at this time.

**Questions to Councillor White**

- 3852 (1) Can you detail your involvement in this matter. What discussions have you had with Cllr Flynn, any other Labour councillors and departmental Directors or the CEO on this matter and when? What was the nature of the discussions?
- 3853 (2) When did the Labour Group first discuss the Tendering Committee report to tender the graffiti removal contract?

**Councillor White responded in the following terms**

- 3854 (1) None.
- 3855 (2) The Labour Group did not discuss this as we do not group on Tendering Committee items and I would be concerned if the previous Administration did group on such matters.



### **Declarations of Interest**

- 3856 Provost Macdonald, Depute Provost McColl, Councillors McGregor and McLaughlin declared an interest in the following item of business and left the meeting during deliberation of the matter.

### **ELECTION OF CHAIR**

- 3857 In the absence of Provost Macdonald and Depute Provost McColl, the Council agreed that Councillor White should take the Chair during deliberation of the following item of business.

### **COUNCIL HOUSE SALES – RIGHT TO CARRY OUT REPAIRS WITHOUT CONSENT OF OWNERS; AWARDING OF CONTRACTS**

- 3858 With reference to the Minutes of Meeting of the Tendering Committee held on 22 September 2004 (Pages 1080/81, paragraphs 3605 and 3607 refer), a report was submitted by the Director of Corporate Services advising of the position of owners affected by HRA Capital Programme projects in light of that information to enable them to determine whether to award contracts for the re-roofing and external painterwork to houses at Duntocher, Clydebank and the re-roofing and external painterwork to houses at Dalmonach and Tontine. It was noted that the two reports by the Director of Housing and Technical Services making recommendations on the awarding of these contracts were appended to the report for Members' consideration.
- 3859 Having heard Councillors Devine and Agnew in further explanation and having heard the Head of Legal and Administrative Services in answer to Members' questions, the Council agreed:-
- (1) to note the current powers given to Council as detailed within the report; and
  - (2) to note the contents of the reports by the Director of Housing and Technical services submitted to the Tendering on 22 September 2004;
  - (3) that, in respect of the contract on the Re-roofing and External Painterwork to Houses, Duntocher, to approve the awarding of the contract to WDC Housing and Technical Services DLO in the amount of £282,879.42, as the most economically advantageous tender; and
  - (4) that, in respect of the contract on the Re-roofing and External Painterwork to Houses, Dalmonach and Tontine, to approve the awarding of the contract to WDC Housing and Technical Services DLO in the amount of £395,370.14, as the most economically advantageous tender.

3860 At this point, Provost Macdonald, Depute Provost McColl, Councillors McGregor and McLaughlin returned to the meeting and Provost Macdonald took the Chair.

### **VALEDICTORY**

3861 Provost Macdonald informed the Council that this would be the last meeting that Mr Eric Walker, the Director of Corporate Services would attend as he would retire from Council Service with effect from Thursday 30 September 2004. Provost Macdonald, on behalf of the Council, took the opportunity to thank Mr Walker for his exceptional service as the Chief Financial Officer of West Dunbartonshire Council and the former Clydebank District Council.

3862 Thereafter Councillor Devine, Convener of the Corporate Service Committee, thanked Mr Walker for his excellent advice over the years, both in relation to matters affecting this Council and COSLA. Councillor McGregor, on behalf of the SNP Group, thanked Mr Walker for his excellent work as Director of Finance of West Dunbartonshire Council and previous local authorities.

3863 In response, Mr Walker thanked everyone for their kind remarks; in particular, he thanked all elected members, the Corporate Management Team and his four Heads of Service for their support during his time as Director of Corporate Services with this Council.

3864 At this point Provost Macdonald, on behalf of the Council, presented Mr Walker with some gifts and wished him a long and happy retirement.

The meeting closed at 10.10 p.m.