

## **WEST DUNBARTONSHIRE COUNCIL**

At a Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 30 August 2006 at 2.00 p.m.

**Present:** Provost Alistair Macdonald, Councillors Denis Agnew, Jim Bollan, Dennis Brogan, Geoff Calvert, Tony Devine, James Flynn, Jackie Maceira, James McCallum, Linda McColl, Duncan McDonald, Craig McLaughlin, Marie McNair, Iain Robertson, Martin Rooney and Andy White.

**Attending:** Tim Huntingford, Chief Executive; David McMillan, Director of Housing, Regeneration and Environmental Services; Liz McGinley, Director of Education and Cultural Services; David Connell, Head of Finance; Jim Pow, Manager of Finance (Housing, Regeneration and Environmental Services); Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors George Black, Margaret Bootland, Gail Casey and Margaret McGregor.

### **Provost Alistair Macdonald in the Chair**

#### **PROVOST'S REMARKS**

9769 Provost Macdonald expressed his sincere condolences to Councillor Margaret McGregor on the recent death of her husband Barrie (George). He then informed the Council that he had visited Councillor McGregor and that she had confirmed that the Funeral Service would be held in Jamestown Parish Church on Friday, 1 September 2006 at 11.45 a.m. and that the burial would take place immediately after the service in the Vale of Leven Cemetery.

9770 The Council noted that places had been reserved for elected members and officers to attend the service.

#### **OPEN FORUM**

9771 The Council noted that no open forum questions had been received from members of the public.

### **MINUTES OF PREVIOUS MEETING**

- 9772 The Minutes of the Meeting of West Dunbartonshire Council held on 28 June 2006 were submitted and approved as a correct record.
- 9773 In response to a question by Councillor McLaughlin in connection with the future of the football pitches at the Vale of Leven Academy, the Chief Executive agreed to provide Councillor McLaughlin with the relevant information outwith the meeting.

### **MINUTES OF THE RECRUITMENT COMMITTEE**

- 9774 The Minutes of Meetings of the Recruitment Committee held on 20 June 2006 and 11 July 2006 were submitted and noted.

### **MINUTES OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE**

- 9775 The Minutes of Meeting of the Audit and Performance Review Committee held on 21 June 2006 were submitted and all decisions contained therein were approved with the exception of those items under the headings of "Remit, Timetable & Membership of the Audit & Performance Review Committee" and "Asset Management Plan 2006" as these items had been considered separately at the meeting of Council on 28 June 2006.

### **COMMUNITY PARTICIPATION COMMITTEE**

- 9776 The Minutes of Meeting of the Community Participation Committee held on 21 June 2006 were submitted and all decisions contained therein were approved.

### **HEARING OF THE STANDARDS COMMISSION FOR SCOTLAND INTO AN ALLEGED BREACH OF THE COUNCILLORS' CODE OF CONDUCT BY COUNCILLOR CONNIE O'SULLIVAN**

- 9777 A report was submitted by the Chief Executive providing the Council with a note of the written decision made by the Standards Commission into a complaint made against Councillor O'Sullivan.
- 9778 Councillor White, seconded by Councillor Flynn, moved:-
- 9779 This Council notes the findings of the Standards Commission regarding the alleged breach of the Councillors' Code by Councillor Connie O'Sullivan.
- 9780 Council reaffirms its full confidence in Councillor O'Sullivan to carry out her duties as Council spokesperson for Development and Environmental Services.

- 9781 Having heard the Head of Legal and Administrative Services Councillor Bolla confirmed that he intended to move, as an amendment, the motion which he had submitted by notice as shown at item 22 (a) on the Agenda.
- 9782 As an amendment Councillor Bolla, seconded by Councillor Iain Robertson, moved:-
- 9783 In light of the findings of the Standards Commissioner into the investigations concerning Councillor O'Sullivan's breaches of the code of conduct:
- 9784 This Council expresses concern at the clear lack of judgement shown by Councillor O'Sullivan during the licensing process.
- 9785 Given that councillors must act with impeccable probity and integrity at all times this Council feels that given the findings of the commissioner, that Councillor O'Sullivan's high profile position as Convener is untenable.
- 9786 Therefore this Council calls for Councillor O'Sullivan to reconsider her position as Convener.
- 9787 On a vote being taken, 4 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

#### **REVIEW OF COMMITTEE MEMBERSHIPS, OUTSIDE BODIES, ETC**

- 9788 With reference to the Minutes of Meeting of Council held on 28 June 2006, (Page 2550, paragraph 9423 (4) refers) a report was submitted by the Chief Executive asking the Council to review the current committee memberships and the list of representatives on outside bodies, etc.
- 9789 Having heard Councillor Rooney, the Council agreed to approve those changes to the Council's committees, outside bodies, etc as detailed in the paper circulated by Councillor Rooney (shown as Appendix I to these Minutes).

#### **PROPOSED REVISION OF WEST DUNBARTONSHIRE COUNCIL'S MANAGEMENT RULES FOR THE ADMINISTRATION OF PUBLIC PARKS AND OPEN SPACES**

- 9790 With reference to the Minutes of Meeting of Council held on 28 June 2006 (Page 2559, paragraph 9498 refers), a report was submitted by the Chief Executive seeking the Council's approval to revise the current Management Rules for the Administration of Public Parks and Open Spaces.
- 9791 Having heard the Head of Legal and Administrative Services in answer to a Members' question, the Council agreed:-

- (1) to approve, in principle, the proposed changes to the Management Rules for Administration of Public Parks and Open Spaces; and
- (2) that the relevant statutory consultation should take place with a further report being submitted to Council in due course.

### **COMMITTEE TIMETABLE**

- 9792 A report was submitted by the Chief Executive seeking the Council's approval of the proposed Committee timetable for January 2007 to April 2007.
- 9793 The Council agreed the timetable of main meetings from January 2007 to April 2007 as contained in the Appendix to the report (shown as Appendix II to these Minutes).

### **BOUNDARY REVIEW – FINAL RECOMMENDATIONS BY THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND**

- 9794 A report was submitted by the Chief Executive outlining the recommendations of the Working Group on the Local Government Boundary Review and the Single Transferable Vote in response to the final recommendations of the Boundary Commission.
- 9795 Councillor White, seconded by Councillor Flynn, moved that:-
- 9796 The Council agrees:-
- (1) to note the Final Recommendations prepared and published by the Local Government Boundary Commission for Scotland;
  - (2) to note the issues arising as a result of these proposed arrangements; and
  - (3) to submit the alternative arrangements, as detailed in Appendix 2 to the report, to Scottish Ministers for consideration, as set out in the draft letter shown as Appendix 3 to the report.
- 9797 The Head of Legal and Administrative Services was heard in answer to a Member's question.
- 9798 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-
- 9799 That, we accept that the proposed boundaries are not the ideal scenario and do not follow natural boundaries. In order to allow officers sufficient time to progress with the necessary preparations and work to run the elections properly, this Council agrees to accept the Boundary Commission's proposals and takes no further action.

- 9800 On a vote being taken, 4 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

### **UPDATE ON PREPARATIONS FOR 2007 ELECTIONS**

- 9801 A report was submitted by the Returning Officer providing an update on preparations for the combined Scottish Parliament and local government elections.
- 9802 The Council agreed:-
- (1) to make representations to Ministers on the desirability of holding a next day election count and that the West Dunbartonshire count should be held in Clydebank and not in a central location in Scotland;
  - (2) to acknowledge that additional financial and staffing resources would have to be committed to the elections and to note further reports would be submitted to Council when the financial and staffing implications became clear; and
  - (3) otherwise to note the contents of the report.

### **REVIEW OF STANDING ORDERS**

- 9803 A report was submitted by the Chief Executive requesting the Council to approve a revised set of Standing Orders.
- 9804 Councillor White, seconded by Councillor Flynn, moved:-
- 9805 That the Council agrees to approve the revised set of Standing Orders as detailed in the Appendix to the report, subject to the addition of a further appendix which details the Guidance issued by the Standards Commission for Scotland issued in November 2005 (shown as Appendix III to these Minutes). Furthermore, failure to comply with this guidance may lead to the matter being referred to the Standards Commission.
- 9806 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-
- (1) That, while there are no objections to the guidance notes from the standards commissioner being included in the Standing Orders, clarification is required on the mechanism for referrals to the Standards Commission for any breaches of the guidance, as it is essential that the mechanism for referral is both fair and open;

- (2) That the amount of expenditure which officers can authorise without the consent of the Council or a Committee be reduced from £60,000 to £25,000; and
- (3) That the quorum for meetings of the Planning Committee and Licensing Committee should be increased to 3 elected members given the important regulatory function which these committees undertake.

9807 On a vote being taken, 4 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

### **SCOTTISH EXECUTIVE CONSULTATION – TRANSFORMING PUBLIC SERVICES**

9808 A report was submitted by the Chief Executive seeking approval of a draft response to the Scottish Executive consultation document – Transforming Public Services: The Next Phase of Reform.

9809 After discussion, the Council agreed:-

- (1) to submit the final response, as detailed within the Appendix to the report to the Scottish Executive, by 30 September 2006; and
- (2) to invite Tom McCabe, Minister for Finance and Public Sector Reform, to a future meeting of Council to discuss the issue of public sector reform.

### **WEST DUNBARTONSHIRE COMMUNITY PLANNING PARTNERSHIP – KEY DEVELOPMENTS**

9810 A report was submitted by the Chief Executive providing an update on key developments within the West Dunbartonshire Community Planning Partnership (CPP).

9811 Having heard Councillor White in answer to Members' questions, the Council agreed:-

- (1) that the Council should receive a presentation on the CPP's new structures at an appropriate future meeting of Council; and
- (2) otherwise to note the contents of the report.

### **DRAFT ANNUAL ACCOUNTS 2005/2006**

- 9812 A report was submitted by the Chief Executive providing the Council with a copy of the draft annual accounts for 2005/2006 and highlighting matters of interest.
- 9813 At this point, Councillors Devine and McLaughlin thanked all officers involved in the preparation of the accounts for their work.
- 9814 Having heard the Head of Finance in answer to Members' questions, the Council agreed:-
- (1) to note that the Head of Finance would provide Councillor McLaughlin with the various items of detailed information that he requested, outwith the meeting; and
  - (2) otherwise to note the contents of the report and the draft accounts.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT 2006/2007 (PERIOD 3)**

- 9815 A report was submitted by the Chief Executive on the progress of the General Services Capital Programme to 15 July 2006.
- 9816 The Council agreed:-
- (1) to approve the updated Capital Plan as outlined in Appendices I, II and III of the report; and
  - (2) to approve the additional expenditure in relation to schools regeneration/other as outlined in Appendix IV of the report and the funding source as outlined in paragraph 3.7 of the report.

### **GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT 2006/2007 (PERIOD 3)**

- 9817 A report submitted by the Chief Executive on the performance of the General Services Revenue Budget for the period to 15 July 2006.
- 9818 The Council agreed to note the contents of the report.

### **GENERAL SERVICES CAPITAL PLAN 2007/2008 AND 2008/2009**

- 9819 A report was submitted by the Chief Executive providing information on capital resources and bids for 2007/08 and 2008/09.
- 9820 Having heard the Chief Executive in answer to Members' questions, Councillor Devine, seconded by Councillor Flynn, moved:-

9821 That the Council approves the recommendations of the report as follows:-

9822 The Council agrees:-

- (1) to the principle of a longer term capital planning approach;
- (2) that, in relation to 2007/2008:-
  - (a) to note that, at present, the funds available for uncommitted capital bids total £0.170m;
  - (b) to note that, at present, no other bids will be considered until (and if) additional resources/sources of funding are identified;
  - (c) to note that departments are reviewing asset disposals and expenditure needs and that an updated report would be brought back to Council in due course;
- (3) that, in relation to 2008/2009:-
  - (a) to note the position as stated within the report; and
  - (b) to note that, at present, no uncommitted bids will be considered until the position regarding additional resources/sources of funding in 2007/08 is updated.

9823 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-

9824 This Council notes with extreme concern that there is a projected shortfall in the capital programme for 2007/08 and 2008/09 and instructs officers to submit a report to the next meeting of Council detailing all of the options available to Council to meet the projected shortfall including the options referred to paragraph 3.3 of the report.

9825 On a vote being taken, 4 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

## **ADJOURNMENT**

9826 Having heard Provost Macdonald, the Council agreed to adjourn for a short period.

9827 The meeting resumed at 3.55 p.m. with all those Members shown on the sederunt in attendance.



**HOUSING REVENUE ACCOUNT 2006/2007 – BUDGETARY CONTROL  
STATEMENT TO 15 JULY 2006 (PERIOD 3)**

- 9828 A report was submitted by the Director of Housing, Regeneration and Environmental Services containing information on the progress of the Housing Revenue Account 2006/2007.
- 9829 Having heard the Manager of Finance (Housing, Regeneration and Environmental Services) in answer to Members' questions, the Council agreed to note the contents of the report.

**HRA CAPITAL PROGRAMME 2006/2007 – BUDGETARY CONTROL  
REPORT TO 15 JULY 2006 (PERIOD 3)**

- 9830 A report was submitted by the Director of Housing, Regeneration and Environmental Services on the progress of the HRA Capital Programme 2006/2007 up to 15 July 2006 (Period 3).
- 9831 Having heard the Director of Housing, Regeneration and Environmental Services in answer to Members' questions, the Council agreed to note the contents of the report.

**NOTICES OF MOTION**

**(a) Motion by Councillor Jim Bollan**

- 9832 It was noted that Councillor Bollan had moved his proposed motion in respect of the findings of the Standards Commission for Scotland into the breach of the Code of Conduct by Councillor Connie O'Sullivan, earlier in the meeting.

**(b) Motion by Craig McLaughlin**

- 9833 That given the recent Channel 4 Dispatches programme on PPP/PFI this Council expresses deep concern over the findings of the programme.
- 9834 It became clear during the programme that not only is PPP the most expensive form of borrowing; it is also the method with the most risk to the stability of the service.
- 9835 Tactics used by the large companies such as refinancing, sweating the contract and selling the contract on to third parties; have all led to a drastic reduction in the quality of the service.
- 9836 Therefore this Council agrees to a further report analysing these identified risks in a West Dunbartonshire context.

- 9837 Councillor McLaughlin was heard in support of his motion which was seconded by Councillor Brogan.
- 9838 As an amendment, Councillor Agnew, seconded by Councillor Flynn, moved:-
- 9839 This Council reaffirms its support for the £102 million investment in our schools programme through PPP. We reject attempts to stymie investment or stall the process towards the completion of the regeneration programme. We congratulate the efforts of staff in bringing the project this far.
- 9840 This Administration's plans to build eight new schools, six through the PPP scheme and two by the more conventional route, shows that Labour is investing in the priorities that parents, teachers and pupils share with this Administration. Our commitment to educational needs contrasts strongly with the paltry £2 million a year that the Opposition were prepared to spend on our children's education.
- 9841 It is clear that the Opposition have lost the argument over how our schools are to be funded and, as we enter into the final phase whereby a contractor will be appointed, they must not be allowed to prevent the financial closure of this important scheme which is due to start in 2007.
- 9842 This Council notes that PPP is providing real and very practical benefits and that the PFI programme is delivering brand new schools and effective services. Therefore this Administration is totally committed to ensuring our children reap the benefits of this major investment for decades to come.
- 9843 On a vote being taken, 12 Members voted for the amendment and 4 for the motion. Accordingly, the amendment was declared carried.

**(c) Motion by Craig McLaughlin**

- 9844 Over the years there have been a number of reports regarding the condition of the war memorials throughout West Dunbartonshire.
- 9845 Given that Remembrance Sunday will soon be upon us, this Council agrees to instruct officers to review all war memorials and issue repair orders for any work required.
- 9846 Councillor McLaughlin was heard in support of his motion which was seconded by Councillor Bollan.
- 9847 As an amendment, Councillor McDonald, seconded by Councillor Agnew, moved:-
- 9848 This Council recognises the supreme sacrifice made by the fallen in West Dunbartonshire through the two World Wars and in other conflicts.

9849 Council notes that considerable work is ongoing to bring our war memorials up to standard. Furthermore, Council notes that a report will be submitted to the next meeting of the Community Safety and Environmental Services Committee on Wednesday 4 October 2006 comprehensively dealing with the issue.

9850 Following discussion, Councillor McLaughlin withdrew his motion with the consent of Council, and thereafter the amendment was approved.

The meeting closed at 4.35 p.m.