



SECTION 1 - Introduction

- 1.1 Brodies have been appointed to undertake an investigation pursuant to a motion passed at the Requisitioned Meeting of West Dunbartonshire Council that took place on 10 September 2008. The wording of the motion defines the remit of the investigation. This is discussed further in Section 2 of this Report. In short, the investigation concerns the events leading up to the setting of the date for the Special Council Meeting held on 19 August 2008 and the availability of certain members to attend that meeting.
- 1.2 Brodies have nominated Ms Jackie McGuire, Director of their Public Sector Services Group to undertake the investigation. Ms McGuire has over 20 years experience of working as a solicitor in local government. From April 1996 until December 2007 she was Head of Administration and Legal Services at Clackmannanshire Council where she was also the Council's Monitoring Officer. Of particular relevance to this investigation is Ms McGuire's former responsibility for Member's Services, and for Council and Committee Services.
- 1.3 The remit for this investigation does not involve the interpretation of the Standing Orders of West Dunbartonshire Council, nor does it involve any commentary on the law in so far as it relates to local authority meetings. For the sake of completeness, however, we would confirm that we are familiar with the Council's Standing Orders and with the relevant provisions of the Local Government (Scotland) Acts.
- 1.4 The investigation has been undertaken in accordance with the Council's desire to have a report tabled at the Council Meeting scheduled to take place on Thursday 24 September 2008. Whilst meeting this requirement has been a challenge we are satisfied that the investigation has been thorough. We are of course happy to provide answer any questions relevant to the remit for the investigation should the Council consider that necessary or appropriate.

SECTION 2 - Background and Remit

2.1 At the Requisitioned Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday 10 September 2008, the Council passed the following motion:-

“This Council notes from the supporting documentation and from statements made by the Provost to YOUR Radio that there is doubt surrounding the reason for the date of the Special Council meeting being chosen by the Provost as being 19 August 08.

This Council does not believe that these doubts can be allowed to remain unresolved. By not acting to resolve these doubts, the integrity of both the Provost and the Executive Director of Social Work and Health would be the subject of suspicion and speculation and such a situation is unacceptable to this Council.

This Council must also consider the possibility that if doubts regarding the calling of the meeting remain in question, it may be arguable that the decisions of that meeting are also under question. In this case, Council must also consider the risks of legal challenge to its decision.

Therefore this Council agrees to delegate to the legal manager in consultation with the Leader of the Opposition the power to swiftly appoint an external organisation to investigate the apparent conflicts between the differing claims concerning the decision to call the meeting on 19 August 2008. This report to be tabled at the next Council meeting.

In bringing forward this report the external organisation is requested to consult with the Council’s external auditors KPMG and the Head of Legal Services and to make comments on all risks to the Council concerning its implementation of the decision on 19 August 2008 in light of its investigative findings.”

(it was and clarified at the meeting that that the reference to “legal manager” above, should have read “Head of Legal, Administrative and Regulatory Services”)

2.2 Andrew Fraser, the Council’s Head of Legal, Administrative and Regulatory Services, has in consultation with the Leader of the Opposition, appointed Brodies LLP to carry out the investigation required by the Council. The investigation has been undertaken by Ms McGuire, Director of the Brodies Public Sector Services Group.

2.3 We understand that the remit for the investigation for the time being is to “investigate the apparent conflicts between the differing claims concerning the decision to call the meeting on 19th August 2008. We understand that, in essence, Brodies’ role is to consider the events leading up to the calling of the meeting by the Provost, solely in the context of the availability of elected members to attend that meeting, and the Provost’s understanding of these matters. In order to avoid any misunderstanding as to our role we would clarify that the investigation was not concerned with:-

- The need or requirement for a Special Meeting of the Council
- The matters that were to be considered at the Meeting

- The advisability of holding the Meeting on 19 August
- The requirements of Standing Orders, or
- The interpretation of the Local (Scotland) Government Acts in so far as they relate to the calling and conduct of Council Meetings

2.4 In the course of the investigation the following individuals were interviewed

- Andrew Fraser, Head of LARS
- Denis Agnew, Provost
- Geoff Calvert, Councillor
- Bill Clark, Director of Social Care and Health Services
- George Hawthorn, Senior Administrative Officer
- David McMillan, Chief Executive

2.5 With the exception of the Chief Executive, all parties were interviewed in person on Monday 15 September. The Chief Executive was unable, for health reasons, to be interviewed at that time and was subsequently interviewed by telephone on Thursday 18 September.

2.6 The interviews were relatively informal and were conducted in private.

2.7 Prior to the commencement of the interviews Andrew Fraser provided us with a timeline of events. This is attached as Appendix 1 to this report. This document proved to be a useful framework for the interview process. Our understanding of events and issues was informed initially by the time line and was augmented from the information provided by interviewees and by supplementary information in the form of emails, letters and a briefing note produced by the Chief Executive.

SECTION 3 - Key Dates

3.1 The following key dates are not disputed by any of the parties interviewed in the course of the investigation. They are in the main a matter of public record.

- 14 May 2008 - Council Meeting considers Single Status
- 25 June 2008 – Council Meeting considers Single Status
- 24 July 2008 – Notice of proposed Special Council Meeting of 20 August issued by George Hawthorn
- 27 August 2008, scheduled Council Meeting
- 5 August 2008 – Notice of proposed Special Council Meeting of 19 August issued by George Hawthorn
- 19 August – Special Council meeting to consider Single Status
- 20 August – Day of national strike action by local government employees

SECTION 4 - Summary of Evidence

The following summarises the evidence given by each individual when interviewed by us:-

- 4.1 **PROVOST DENIS AGNEW** - On or around 23 July 2008 the Provost considered advice from the Chief Executive and Head of LARS that there was a need for the Council to review its position with regard to single status, and that this necessitated a report to Council and consideration of that report at a Council Meeting. Initially the Provost considered three possible dates for the meeting, 13, 20 and 27 August.
- 4.2 Having taken the advice of the Chief Executive that to convene a meeting of Council on 13 August would not allow for sufficient time for the production of the requisite report and background papers, the Provost discounted this date.
- 4.3 There was an Ordinary Meeting of Council scheduled for 27 August, however the Provost was concerned that the agenda for this meeting, which would be the first meeting after the summer recess, was already likely to be on the long side without the addition of a weighty item on the subject of single status. He was also of the view that the discussion on single status was of critical importance and merited a meeting in its own right. In the circumstances the Provost decided to fix the date of the meeting as the 20 August. *(Subsequent to this the Chief Executive emailed Joyce White, Director of Corporate Resources to instruct Committee Administration to advise members of the proposed meeting. She did this on the morning of 24 July by way of an email to George Hawthorn. George Hawthorn thereafter intimated the meeting to elected members by email on 24 July).*
- 4.4 On 2 August, whilst attending a concert at Loch Lomond, the Provost was advised by Councillor William McLaughlin that neither he nor Councillor Gail Casey would be able to attend the Special Meeting scheduled for 20 August. The remark was made in passing and the matter was not discussed further. The Provost was not entirely certain that the remark was intended to be taken seriously. He did not know why the Councillors in question might have been unable to attend the meeting. Councillor McLaughlin did not request that the meeting should be rescheduled. The matter was not raised with the Provost at any time other than on this one occasion.
- 4.5 On the evening of August 4 the Provost received a telephone call from the Chief Executive who was on holiday in Gran Canaria. The conversation, which was brief, concerned the possibility of industrial action taking place on 20 August, the date of the Special Council Meeting. The Provost decided to change to date of the meeting to 19 August. It was agreed that the arrangements would be confirmed with Bill Clark (at that time Acting Chief Executive) the following day. It was also agreed that the Provost would contact George Hawthorn about the administrative arrangements.
- 4.6 On the following day the Provost telephoned George Hawthorn about the change of date. This telephone conversation took place between 0900 and 0930. He also discussed the matter with Bill Clark, in the course of a telephone conversation which also took place between 0900 and 0930.

- 4.7 The Provost recalls his telephone conversation with Bill Clark as being brief. He had already decided that the date of meeting was to be 19 August. There was a brief discussion about the reason for the change, being the anticipated strike action, which Bill Clark understood was now very likely to take place on 20 August. But the discussion entailed no more than that.
- 4.8 The Provost had a further telephone conversation with Bill Clark on 6 August during the course of which Bill Clark indicated that other dates (for the meeting) had been suggested. Bill Clark did not elaborate on the other dates. No mention was made by Bill Clark of the unavailability of elected members. The Provost took the reference to “other dates” as a reference to the earlier discussion about the meeting perhaps taking place on 27 August.
- 4.9 The Provost emphasised the following points:-
- At no time prior to, or after the issue of the notice that initially intimated the date of the Special Council Meeting as being 20 August did any elected member of the Council approach him with a view to discussing the date of the meeting. The same was true in respect of the meeting date of 19 August.
 - He was not advised by any officer of the Council, prior to the issue of the notice of Special Council Meeting, about the possibility of changing the date of the meeting due to the inability of elected members to attend the meeting. The same was true in respect of the meeting date of 19 August.
 - Had he received a request from an elected member of the Council, either directly or through an officer of the Council, regarding the possibility of changing the date of the meeting he would have declined the request. It is the prerogative of the Provost to set the dates of Special Council meetings. Accommodating the needs or requirements of individual members is not appropriate and might be construed as evidence of partiality.
 - It has not been the practice at West Dunbartonshire Council to check the availability of members when setting dates for Council or Committee meetings.
 - He did not have sight of the letter from Councillor McBride to the Chief Executive (Appendix 2 item (a)) regarding the date of the meeting until after the meeting had taken place.
- 4.10 **BILL CLARK** – Bill Clark was acting Chief Executive whilst David McMillan was on leave. This included the period between 5 and 8 August 2008.
- 4.11 On 5 August Bill Clark received a telephone call from Councillor G Calvert. Councillor Calvert asked Mr Clark to speak to the Provost about the date of the Council meeting. He was concerned about the meeting falling on a day on which strike action was being proposed. Bill Clark mentioned the matter of the strike action to the Provost in the course of their telephone conversation of 5 August. He believes that he mentioned some concerns about the rescheduled meeting taking place immediately prior to the day of strike action. He did not, however, labour the point because it became clear during the course of the telephone call that the Provost had made up his mind about the date of the meeting being changed to 19 August, and that he had done so during the course of his telephone conversation with the Chief Executive on the previous evening.

- 4.12 Bill Clark was very clear that the decision to set the date of the Council meeting was a matter for the Provost and he did not believe it was his place to seek to persuade the Provost of the suitability of an alternative date. He placed particular emphasis on this point.
- 4.13 On 5 August, after the notice amending the date of the Council meeting had been issued, Councillor G Calvert contacted Mr Clark. Councillor Calvert advised that the date of the meeting was an issue for the Labour Group in the sense that certain members of the Group were not able to attend the meeting. Mr Clark agreed to raise the matter at the Corporate Management Team (CMT) which was to meet on 5 August.
- 4.14 During the course of Bill Clark's interview it was not made clear why the matter of the date of the Council meeting should be referred by him to the CMT, as the decision on the matter fell to be made by the Provost, although one might understand the need for the CMT to be discussing the strike and the implications for service delivery and that the matter might therefore be on the CMT agenda. *(The minutes of the CMT meeting record that the viability of holding the Special Meeting on the 20 August (because of the likelihood of strike action) was discussed and it was noted that the Provost had agreed to change the date of the meeting. The minute states that "It was noted that other elected members had made representations for other dates but that the Provost's decision was for the 19th August date")*
- 4.15 Mr Clark advised that the matter of member availability was not raised at the CMT meeting.
- 4.16 On 8 August Councillor Calvert emailed Bill Clark on two occasions seeking an update. Mr Clark responded by way of an email sent at 15:57 in which he stated "I discussed your request with the Provost and was advised very clearly that he had been aware of your request but that the choice of the date was his to make and that he had decided against dates suggested by other people." (Appendix 2 item (b)).
- 4.17 Mr Clark emphasised that he did not raise the matter of member availability with the Provost after his discussion with Councillor Calvert. This was because he was of the view that this would have been inappropriate as the decision on the matter was for the Provost. When questioned about the content of his email he emphasised that the concerns of which the Provost had been made aware were in respect of the proximity of the date of the meeting to the date of the proposed strike action. He did, however, agree that his email was open to more than one interpretation but again emphasised that he did not at any time raise the matter of member availability with the Provost.
- 4.18 Bill Clark was subsequently made aware that Councillor David McBride had written to the Provost by letter dated 5 August suggesting that that the Special Meeting of the Council scheduled for 20 August be postponed and that the business intended for that meeting should be considered at the next scheduled meeting of the Council i.e. the meeting scheduled to take place on 27 August. In any event the letter made no mention of member availability on the evening of 19 August and did not arrive in the Chief Executive's office until the 6th of August.
- 4.19 Bill Clark emphasised that had the matter of member availability been raised in the course of his discussions with the Provost, then his advice to the provost would have been that to accede to a request to a change of date to accommodate individual elected members might leave the Provost open to challenge on the grounds of partiality, and that to guard against this the Provost should not

agree to any such request. However, the need for this advice did not arise as the matter was not discussed.

- 4.20 **GEORGE HAWTHORN** – Mr Hawthorn confirmed the account of the events of the morning of 5 August as related by the Provost and by Bill Clark.
- 4.21 He confirmed that when Council or Committee meetings were being arranged no check was made on member availability.
- 4.22 Mr Hawthorn was clear that the question of member availability for the 19 of August was not something that had been discussed with him and had not been discussed in his presence.
- 4.23 **ANDREW FRASER** – Mr Fraser provided a copy of the minute of the CMT meeting of 5 August Appendix 2 item(c)). He confirmed that the CMT had been made aware of elected members having made representations with regard to other dates, but that these had been made after the notice calling the meeting had been issued.
- 4.24 Mr Fraser advised that the Provost had not been furnished with a copy of Councillor McBride's letter of 5 August in advance of the date of the meeting having been changed. The letter was not received in the Chief Executive's Department until 6 August and was not responded to until the Chief Executive returned from leave.
- 4.25 Mr Fraser confirmed having had a discussion with Bill Clark about the content of his email of 8 August addressed to Councillor Calvert. He mentioned that Mr Clark was concerned that the email might have been misleading in that it might suggest that Mr Clark had mentioned the matter of member availability with the Provost when in fact he had not. Mr Clark had expressed concerns to Mr Fraser that he should have taken more care with the email.
- 4.26 Mr Fraser emphasised that he had made enquiries about custom and practice regarding the calling of meetings at West Dunbartonshire Council, having joined the Council only in August. He was certain that no checks were made on the availability of elected members in advance of meetings.
- 4.27 **DAVID MCMILLAN** - The Chief Executive provided a very helpful written briefing note which sets out the context for the events leading up to the discussion with the Provost regarding the need for a Special Meeting of the Council in August. In that note he confirms in terms similar to those described by the Provost, the detail of the 4th August telephone conversation between the Provost and himself
- 4.28 The Chief Executive confirmed (a) that the letter from Councillor McBride had not been brought to the attention of the Provost before the date of the Council meeting had been changed to 19 August (b) the letter was not received until after the notice of the change of the date of the meeting had been issued and (c) the letter makes no reference to the availability of Labour Group members.
- 4.29 The Chief Executive is unclear as to why Bill Clark advised Councillor Calvert that his concerns about the date of the meeting would be discussed at the CMT. The CMT has no locus in this matter.
- 4.30 The Chief Executive sought clarification from Bill Clark as to the terms of his email to Councillor Calvert. As with Andrew Fraser, Bill Clark advised the Chief Executive that the email had not been

worded with sufficient attention and that it was misleading in that it might suggest that he had had a discussion with the Provost about the availability of Labour Group members for attendance at the Council meeting on 19 August when, in fact, no such discussion had taken place.

- 4.31 The Chief Executive is of the view that Mr Clark should have advised Councillor Calvert that the date for the meeting had been set and the matter was concluded. To engage in further discussion had simply raised different expectations and the perception that more detailed discussion took place between Mr Clark and the Provost.
- 4.32 **COUNCILLOR GEOFF CALVERT** – The interview with Councillor Calvert was relatively brief. He explained that there were concerns within the Labour Group about member attendance on 19/20 August. The Group was concerned about their ability to participate fully in the debate on single status.
- 4.33 Councillor Calvert understood why the Provost might want to alter the date of the meeting from 20 August given the prospect of strike action.
- 4.34 Councillor Calvert is concerned that the Provost denies any knowledge of a request on the part of the Labour Group to have the date of the meeting rescheduled. In his opinion Bill Clark's email of 8 August confirms that the concerns of the Labour Group, including their concerns that certain of their members were not able to attend a meeting of Council on 19 August had been raised with the Provost.
- 4.35 He was not aware of any councillor having made a direct approach to the Provost regarding the date of the proposed meeting. Protocol (custom and practice) was that such matters were raised through senior officers of the Council.
- 4.36 He was not able to cite any previous occasion when the Provost might have been asked to schedule or change the date of a meeting to suit the availability of elected members.

SECTION 5 - Conclusions

5.1 There are relatively few differences of opinion regarding the events that took place immediately before and immediately after the Provost decided to change the date of the Council meeting from 20 to 19 August 2008. Those that exist are, in our view in our view, explicable and are also perhaps exacerbated by the political divide that exists within the Council. We are satisfied that the following facts have been established:-

- The Provost initially decided to set the date of the Special Council Meeting as 20 August 2008. He chose this date over 13 August because the earlier date was not realistic. The papers for the meeting would not be ready by the 13th. Also he did not want to add the paper on single status to what might be a long agenda on the 27th of the month. He therefore decided that the meeting should take place on the 20th. With regard to the circumstances the Provost's decision on this matter was both reasonable and sensible.
- The Provost decided to change the date of the meeting to 19 August 2008 during the course of his telephone conversation with the Chief Executive on the evening of 4 August 2008.
- In the course of his telephone conversation with the Provost on 5 August, Bill Clark did not specifically mention that members of the Labour Group had made representations about being unable to attend a meeting on either 19 or on 20 August. He also noted that the Provost had already decided to change the date of the meeting to the 19th of the month and did not believe that it was appropriate to engage in a discussion about alternative dates.
- Councillor McBride's letter of 5 August was not received in the office of the Chief Executive until 6 August by which time the Provost had already decided that the date of the Special Council Meeting was to be 19 August. Additionally this letter was not shown to the Provost until much later. The letter makes no mention of member availability. It seeks to have the item on single status considered at the Council meeting scheduled to take place on 27 August, something that the Provost had already discounted.
- Subsequent to the 5 August the Provost was not advised by Bill Clark that members of the Labour Group were concerned about being unable to attend the Special Council Meeting if it were to be held on 19 August, or that a request had been made that the date of the meeting be changed.
- The Provost was not approached directly by any other elected member with regard to the date of the Special Council Meeting either before or after 5 August.
- It is not common practice at West Dunbartonshire Council to check member availability when setting dates for Council or Committee meetings. The Chief Executive and the Head of LARS are in agreement that it is not good practice to do so. Their shared view is that it is for elected members to do what they can to ensure that they are able to attend meetings.
- The Provost would not have changed the date of the meeting on the basis of member availability. He would have refused to do so as to accede to such a request might imply partiality. In the event the question did not arise.

- Bill Clark's email of 8 August to Councillor Calvert is misleading. It suggests (wrongly) that Bill Clark may have made the Provost aware of concerns within the Labour Group that some of their number might be unable to attend the meeting on 19 August, and that because of this the Labour Group had requested that the date of the meeting should be changed. Bill Clark has emphasised no such discussion took place, as has the Provost.
- Bill Clark's email has undoubtedly, and not unreasonably, been interpreted by the Labour Group as meaning that he did raise with the Provost concerns that some of their number might be unable to attend the meeting on 19 August, and that because of this, the Labour Group had requested that the date of the meeting should be changed. This has undoubtedly caused misunderstanding and may have led to the suggestion that the Provost may have been disingenuous in his approach to setting and maintaining the date of the Council meeting. In our view, however, there is no reason to believe that the Provost acted in a disingenuous manner with regard to setting the date of the meeting or that in deciding to change the date of the meeting to 19 August was not acting in good faith.
- We are of the view that whilst Bill Clark's email may have been misleading it was not intended to mislead.

Finally, the motion passed by the Council at the Requisitioned Meeting of 10th September states that the "external organisation" [Brodies] is to make comments "on all risks to the Council concerning its implementation of the decision on 19th August", however, these comments are to be made "in light of its [our] investigative findings". Our investigative findings relate solely to our brief which was "to investigate the apparent conflicts between differing claims concerning the decision to call the meeting on 19th August 2008." Therefore for the sake of completeness, and keeping strictly to our brief, we would add that we are satisfied that the meeting of 19th August was properly convened and that the unavailability of certain elected members on that evening does not give rise to any concerns about the legality of the decisions taken at that meeting, nor do the differing claims concerning the decision to call the meeting on that date.

We understand that draft of this report has been considered by KPMG and we have noted their comments in the light of which we are able to confirm that we have nothing further to add to the conclusions set out above.

Jackie McGuire
Director, Public Sector Services Group
On Behalf of
Brodies LLP

24th September 2008

WEST DUNBARTONSHIRE COUNCIL

INVESTIGATION INTO CIRCUMSTANCES SURROUNDING CALLING OF SPECIAL COUNCIL MEETING ON 19 AUGUST 2008

TIMELINE PREPARED BY HEAD OF LEGAL, ADMINISTRATIVE AND REGULATORY SERVICES

The following details the events and correspondence that the Head of LARS is aware of, albeit that Brodies should obviously make up their own mind on both the veracity and timing of all incidents and correspondence;-

14 May 2008 – Council meeting considers Single Status.

25 June 2008 – Council meeting considers Single Status.

Early July (exact date uncertain) – Chief Executive David McMillan contacts Provost Denis Agnew to recommend that a special meeting be convened to consider the issue of Single Status and Equal Pay. He had concerns that the Council's decision of 14 May 2008 as amended by the decision on 25 June 2008 could not be implemented as to do so would be unlawful, it was not capable of implantation until funding had been determined and its terms were too imprecise to implement. He was of the view that the matter required to be considered as a matter of urgency. He felt that the matter could not be properly considered as part of the Council agenda on 27 August as there would be insufficient time available at that meeting. Council meetings often went on until nearly 1 am and the meeting on 27 August, coming after the summer recess would have more than sufficient business without this particular matter. The Chief Executive and Provost discussed dates of 13 or 20 August and the Chief Executive suggested 20 August as the report would not be finalised by 13 August. Consequently the Provost instructed the Chief Executive to set a Special Council Meeting for 7 pm on 20 August 2008.

In early July the Chief Executive spoke to the Leader of the Council, Councillor Iain Robertson and the Leader of the Opposition, Councillor Martin Rooney to advise that he would request the Provost to call a Special Meeting.

11 July 2008 - Letter from Councillor Martin Rooney, Leader of the Opposition to the Chief Executive.

24 July 2008 – Director of Corporate Services, Joyce White instructs Senior Admin Officer George Hawthorn to notify Members that a Special Meeting of the Council would be held on 20 August 2008 to discuss Single Status. Later that day an email and letter were issued to all members of the Council giving advanced notice of the Special Meeting to be held on 20 August 2008.

25 July 2008 – Reminder letter from Councillor Martin Rooney to Chief Executive referring to letter of 11 July 2008.

31 July 2008 – Councillor Gail Casey emailed Councillor Geoff Calvert (Labour Party Whip) raising concerns that both she and Councillor Willie McLaughlin would be on holiday on 20 August, as previously advised to Councillor Calvert and asking that every effort be made to have the date changed. This was advised to Council on 10 September 2008 by Councillor Martin Rooney.

2 August 2008 – Provost meets Councillor Willie McLaughlin at Loch Lomond concert and the Provost learns that Councillors McLaughlin and Casey will be on holiday on 20 August.

4 August 2008 – While formal notification of National strike was not yet received it was now known that the Unions intended to call the strike on 20 August.

Chief Executive (on holiday abroad) speaks to the Provost by telephone regarding the expected strike and the Provost instructs him to change the date of the Council meeting to 19 August 2008.

4 August – Evening – Labour group meeting instructs Councillor David McBride to write to the Chief Executive to ask that the Council meeting planned for 20 August be changed to 27 August at 5.30 pm.

5 August 2008 - 9 am – Provost phones George Hawthorn and instructs him that, subject to advising Bill Clark, Director of Social Work (and Acting Chief Executive during Chief Executives absence on leave) that having spoken to the Chief Executive, the Special Meeting should be rearranged to 19 August 2008. Provost and Bill Clark spoke and it was confirmed that the meeting would be called on 19 August.

5 August 2008 - 10.29 am George Hawthorn issues the invite for 19 August by email to Members.

5 August 2008 20.30 – Councillor Martin Rooney emails Members of the Labour group pointing out that while the Provost had already changed the meeting to 19 August prior to receipt of David McBride's letter, that he had asked Bill Clark to discuss with the Provost the prospect of moving the date to Wednesday 27 August.

6 August 2008 – Letter from Councillor David McBride requesting change of date, date stamped as received by Chief Executive.

8 August 2008 – Bill Clark emails Geoff Calvert indicating that “I discussed your request with the Provost and was advised very clearly that he had been aware of your request but the choice of the date was his to make and he had also decided against suggested dates from other people”.

8 August 2008 - 16.24 – Email from Geoff Calvert to Labour group urging 100% attendance at Special Meeting.

12 August 2008 – Andrew Fraser Head of LARS spoke to the Provost and advised him that;-

- a) the calling and rescheduling by him of the Special Council Meeting was in accordance with the Standing Orders.
- b) it was a good practice to call the date of meetings blind without checking the availability of Members - the Provost confirmed that this had occurred and that this was his practice.

- c) Once called the meeting should not be rearranged due to the absence of particular Members. To do so would invite accusations of partiality and political favouritism. The Provost indicated that he would not do so, regardless of what party requested rescheduling.

19 August 2008 – Special Council Meeting considers Single Status.

22 August 2008 – Your Radio News at 6 pm reports that “A furious Provost Agnew... denied that anyone had asked him to change the date of the Special Council Meeting”.

12 August 2008

AAF/NQR