

## WEST DUNBARTONSHIRE COUNCIL

At a Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 30 March 2005 at 7.00 p.m.

**Present:** Depute Provost Linda McColl and Councillors Denis Agnew, George Black, Jim Bolland, Margaret Bootland, Dennis Brogan, Geoff Calvert, Gail Casey, Tony Devine, James Flynn, Jackie Maceira, Douglas McAllister, James McCallum, Margaret McGregor, Craig McLaughlin, Marie McNair, Connie O'Sullivan, Joe Pilkington, Martin Rooney and Andy White.

**Attending:** Tim Huntingford, Chief Executive; Gerry McNerney, Director of Corporate Services; Dan Henderson, Director of Development and Environmental Services; Bob Cook, Director of Education and Cultural Services; David McMillan, Director of Housing and Technical Services; Jim Pow, Manager of Finance (Housing and Technical Services); David Connell, Head of Finance; Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

**Apologies:** Apologies for absence were intimated on behalf of Provost Alistair Macdonald and Councillor Duncan McDonald.

**Depute Provost Linda McColl in the Chair**

### RESULTS OF BY-ELECTION

5543 A report was submitted by the Returning Officer informing the Council of the results of the Local Government By-Election held in Ward 16 – Dumbarton West on Thursday, 17 March 2005.

5544 The Council noted that Joseph Pilkington (Labour) had been elected to serve in Ward 16 – Dumbarton West and thereafter Depute Provost McColl, on behalf of the Council, welcomed Councillor Pilkington to his first meeting of West Dunbartonshire Council.

## REQUEST FOR DEPUTATION

- 5545 The Council noted that, in accordance with Standing Order No. 14, Mr Tony Coultas, 8 Dean Street, Clydebank and Mr Robert Doherty, 63 North Elgin Street, Clydebank, had requested that they be permitted to address Council to raise concerns on the future of the schools' estate.
- 5546 Following discussion and having heard the Head of Legal and Administrative Services in answer to Members' questions, on a vote being taken, 5 Members voted in favour of the deputation to be heard and 15 against.

## OPEN FORUM

**(a) Donald McDonald, 36 North Elgin Street, Whitecrook, Clydebank Community School Authority**

- 5547 West Dunbartonshire is a "Community School" Authority. Its vision is to spread integrative community education throughout the region. What better opportunity to implement this vision than when new schools are to be constructed. And, sure enough, it is obvious from the specifications for the proposed non-denominational secondaries under the Regeneration of the Schools' Estate, that all 3 are community education establishments.
- 5548 However, it is equally clear that the proposed new denominational secondary is not. There is no mention of any community learning facility in the specifications for this school.
- 5549 To the casual observer, this might seem like discrimination against the Catholic population of West Dunbartonshire.
- 5550 Why was it considered so inappropriate to have the same degree of community learning facilities put in place on the denominational site?

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

- 5551 It is true that West Dunbartonshire is a Community School authority and that it intends to remain so.
- 5552 All current schools are community schools and all future schools will be the same.
- 5553 Mr McDonald is wrong to believe that there are specifications for new schools. These are not yet prepared. The Council is still in formal consultation on schools' regeneration but there will be no differences between denominational and non-denominational schools in their roles in the community.

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

- 5554 Why does the Council feel it is so inappropriate to consider the possibility of a shared campus as an option?

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

- 5555 Mr McDonald seems to be inferring that the Council is biased in some way, a suggestion which I refute.

**(b) Tony Coultas, 8 Dean Street, Whitecrook  
Early Retirement of Head of Service**

- 5556 Who (i.e. which individual) took the decision to offer the Head of Service with responsibility for the PPP project early retirement, and does the Council agree that, since this is a critical time in the life of the PPP project, the decision to make such a change in personnel at this time can only be seen as an indication of a crisis of leadership in the Department of Education and Cultural Services?

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

- 5557 Matters which affect the terms and conditions of senior members of staff are the responsibility of the Chief Executive.
- 5558 The Council does not agree with the remainder of your comments. We believe that the leadership of the Education Department are providing the knowledge, experience and commitment – as well as quality leadership – to take forward the Council's plans for the regeneration of our schools successfully.
- 5559 Furthermore, in my personal opinion your comments are tasteless.

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

- 5560 I do not understand why you might think that my comments are tasteless. Those of us who are affected by these changes are concerned about the management of the Education Department. This Council has failed twice to appoint a permanent Director of Education and Cultural Services. The Council is losing good staff and now at a critical point in time has changed horse for the PPP project i.e. you have brought in Terry Lanagan, Head Teacher from the Vale of Leven academy to run the project.
- 5561 On what basis was this appointment made? Was there a person specification drawn up? Does this person have the competence to oversee a complex procurement? Has consideration been given to a risk assessment?

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

5562 The answer to all your questions is 'Yes'.

**(c) Paul D Kearns, 109A Millburn Avenue, Clydebank**  
**Regeneration of the Schools' Estate**

5563 I am a parent of a child in primary 6 at OHR primary (and also one in primary 2 at OHR, one at Whitecrook nursery and one who is one year old). I am concerned at the Council's proposals for the regeneration of the Schools' Estate. The Scottish Executive has listed a number of issues as being of "principal consideration", information on which should be available to parents during the public consultation when a change to schooling is being considered by the Council. Among these are:-

Travel Distances and Time  
 Community Planning  
 Community Use  
 Urban Communities and Regeneration  
 Financial Considerations  
 OTHER ALTERNATIVES  
 Unique local factors for each of the areas affected.

5564 Having read the package the Council have sent to me via my children at OHR, I would like to know if the Council can indicate to me where I can find this information and what it will reveal.

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

5565 Your quotation from the Scottish Executive Guidance Note dated September 2004 is selective and therefore misleading and inaccurate.

5566 The full guidance note states as follows, and I quote from paragraph 27:-

5567 The Scottish Executive does not rank its issues for consideration save only to say that "the educational case will always be the key" and this Administration has always put the educational needs of our children before any other consideration and we are proud to stand on that record.

5568 The Director of Education and Cultural Services has followed the guidance carefully and this is reflected in his proposals to the Children's Services Committee. All the documents are available to any one of the interested parties. If further information is required by parents then I would encourage them to take full part in the formal consultation process which includes the public meetings being held throughout the council area.

5569 Finally, if you are serious about a debate and want to be taken seriously in that debate then it is important that you are not seen to have omitted two very important issues just because they do not suit your argument. It undermines your case in the long run if you selectively avoid:-

1. Future pupil and population projections; and
2. The educational case – the key issue for the Scottish Executive, this Council, the pupils and the parents of West Dunbartonshire.

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

5570 At the Council Meeting in December, Mr Coultas asked a question which was very similar to my own. He asked if the Council would take into consideration all the criteria outlined by the Scottish Executive when making decisions on the future of the schools' estate? Councillor McCallum confirmed that the Council would do so. However, it is evident from Councillor McCallum's response today that the Council will only consider one or two of the criteria and will ignore the rest. Is that true?

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

5571 No.

**(d) Brian A. Cairns, 108 Brown Avenue, Clydebank  
Consultation Document – Regeneration of Schools' Estate**

5572 Can the Council confirm that the consultation document issued by the Acting Director of Education to parents in Clydebank gives details of roll projections based on the Land Supply document covering the period March 2003 – March 2004?

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

5573 The Housing Land Supply document, which was used to provide the data for the roll projections, takes as its base date 31<sup>st</sup> March 2004. It provides information on the following seven years from that date and is updated annually.

5574 The document was published in November 2004 following consultation with the house building industry and therefore represents the most up to date and accurate analysis.

5575 At this point Mr Cairns sought clarification on the date of the document to which Councillor McCallum referred. Councillor McCallum confirmed that the document used was published in November 2004.

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

- 5576 The latest Housing Land Supply document published in March 2005, now shows that it is anticipated that there will be 2705 new houses built in the St. Columba's High School and St. Andrew's High School catchment area. That is 1355 more houses than the figure used in the consultation document. Therefore, it can be assumed that there will be an increase in the number of pupils not a decrease as shown in the consultation document. In light of this up to date information, what plans does the Council have to include this up to date information in the consultation process, and if the updated figures are accurate, what contingency plans does the Council have to take account of the additional number of pupils?

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

- 5577 I do not have any information about a report published in March 2005. However, I am confident that the projected school roll figures in the consultation paper prepared by the Director of Education and Cultural Services are accurate.

**(e) Wendy Hutchinson, on behalf of Dumbarton East & Central Community Council - Disabled Parking Restrictions**

- 5578 Is it true the Council intend to restrict Disabled Drivers from parking in Dumbarton Town Centre between the hours of 11.30 a.m. and 5.00 p.m? If yes, this contravenes the Disabled Access code and we demand a public consultation should be entered into regarding these proposals.

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

- 5579 You will be aware following the letter from the Chief Executive dated 14 March 2005 that the proposed changes to the Dumbarton High Street have been developed in response to an overwhelming demand from local people for restrictions to be introduced to reduce congestion caused by through traffic and parking.
- 5580 Proposals exist to restrict access from 11.00 a.m. to 5.30 p.m., Monday to Saturday to ALL VEHICLES except buses, taxis and pedal cycles. This restriction also applies to disabled drivers. However, outwith these hours there will be no restrictions.
- 5581 We have considered the Department for Transport guidance and relevant British Standards and the increased number of disabled parking bays being proposed in the Quay Street area meets the range of distances required for disabled people in relation to off-street parking.
- 5582 Although initial discussions have taken place with the Access Panel, I can assure you that full public consultation will take place during April/May 2005. This consultation process will include, amongst others, the Access Panel, Disability Working Group, Community Councils, Motoring Organisations, etc.

5583 The principal objective of the proposed Traffic Regulation Order is to provide a congestion-free, safe pedestrian environment in the centre of Dumbarton to encourage retail activity.

5584 I have been asked to make a commitment, on behalf of Councillor Duncan McDonald, that he and the Director of Housing and Technical Services will meet with your Community Council at some point in the future to discuss any issues which arise from the consultation on these proposals.

**Ms Hutchinson asked the following supplementary question:-**

5585 I am pleased that the Council intends to consult over these issues. However, these restrictions will mean that disabled persons who are local residents will not be able to access the shops as they are unable to walk the distances from the car parks to the shops. This is against the law. How can disabled persons have the same rights as able-bodied persons when they will be denied the right of access to the shops?

5586 Councillor O'Sullivan informed Ms Hutchinson that she would receive a written reply to her supplementary question.

Note: Councillor McCallum and Councillor Calvert left the meeting at this point.

**MINUTES OF PREVIOUS MEETING**

5587 The Minutes of Meeting of West Dunbartonshire Council held on 23 February 2005 were submitted and approved as a correct record, subject to the undernoted amendment on Page 21 under the heading "(J) Motion by Councillor McLaughlin":-

5588 The word 'advise' in paragraph 8 (Page 1477, paragraph 5289 refers), should be replaced with the word 'accept'.

**DECLARATION OF NON-FINANCIAL INTEREST**

5589 Councillors Bootland and McAlister declared a non-financial interest in the following item of business.

### **OPTIONS FOR THE FUTURE MANAGEMENT OF SKYPOINT, FAIFLEY**

- 5590 With reference to the Minutes of Meetings of West Dunbartonshire Council held on 23 February 2005 (Page 1465, paragraph 5167 refers), a report was re-submitted by the Director of Development and Environmental Services advising of the recommendations of the Report on the 'Skypoint Centre Faifley – Development of a New Management Structure' and making recommendations thereon.
- 5591 Having heard Councillor O'Sullivan, the Council agreed to continue the matter to the next meeting as the issues raised in sections 6.2 and 6.3 of the report had still to be resolved. It was noted that the Director of Development and Environmental Services would include the information requested by Councillor Black in respect of the costs involved in an updated report to Council.

### **FUTURE OF LEVENFORD HOUSE**

- 5592 With reference to the Minutes of Meeting of West Dunbartonshire Council held on 23 February 2005 (Page 1464, paragraph 5153 refers), a joint report was submitted by the Director of Development and Environmental Services and Director of Education and Cultural Services on the future of Levenford House.
- 5593 Councillor Agnew, seconded by Councillor Rooney, moved:-
- 5594 That the Council agrees that the sale of Levenford House on the open market should be pursued.
- 5595 As an amendment, Councillor Black, seconded by Councillor McGregor, moved:-
- 5596 The Council should support the community proposal that a Trust be set up to administer Levenford House and that the property be leased to the Trust at a peppercorn rent, in perpetuity.
- 5597 On a vote being taken, 5 Members voted for amendment and 13 for the motion which was accordingly declared carried.

### **TWINNING LINKS WITH ARGENTEUIL – 2005**

- 5598 With reference to the Minutes of Meeting of West Dunbartonshire Council held on 23 February 2005 (Page 1466, paragraph 5172 (5) refers), Council was requested to reconsider the invitation by the Mayor of Argenteuil to the Provost, his wife and two representatives to attend a Medieval Festival from 18 – 20 June 2005.



- 5599 Having heard Councillor Agnew, the Council agreed that there would be no delegation from the Council to Argenteuil in June but that the Council would continue to build on the outcome of meetings with officials from Argenteuil, which took place during the recent visit.

### **LINKS WITH WOLOMIN, POLAND**

- 5600 A report was submitted by the Director of Corporate Services advising of contacts between West Dunbartonshire and Wolomin in Poland and seeking authorisation for the Provost to visit the area.
- 5601 Following discussion, the Council agreed:-
- (1) to note the educational links being established between the two areas;
  - (2) to consider whether it would be feasible to extend the links between schools to links between the two councils;
  - (3) to authorise a visit by the Provost to Wolomin at a future date to be agreed; and
  - (4) that a report be submitted to the next meeting of Council detailing the costs of sending some school children from West Dunbartonshire to accompany the Provost on his visit to Wolomin.

### **VACANCIES ON COMMITTEES, OUTSIDE BODIES, ETC.**

- 5602 A report was submitted by the Director of Corporate Services seeking nomination of elected members to fill vacancies on various committees, outside bodies, etc.
- 5603 Having heard Councillors Rooney and Councillor McLaughlin, the Council agreed
- (1) that Councillor McAllister be appointed as Chair of the Planning Committee and the Licensing Committee and as Spokesperson for Planning and Licensing;
  - (2) to make nominations to those committees with vacancies, as detailed in Appendix 1 to these minutes;
  - (3) to nominate the undernoted Councillors to serve on the following outside bodies:-
 

West Dunbartonshire Town Centre Initiative – Councillor McColl  
 West of Scotland Archaeology Joint Committee – Councillor Agnew  
 West Dunbartonshire Amateur Soccer Council – Councillor Brogan

- (4) to note that nominations to the remaining outside bodies with vacancies would be made by the Administration to the Chief Executive in due course.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT:  
PERIOD 10, 2004/05**

- 5604 A report was submitted by the Director of Corporate Services advising of progress of the General Services Capital Programme to 15 February 2005 and providing an update on Prudential Indicators.
- 5605 Having heard the Head of Finance and the Director of Housing and Technical Services in answer to Members' questions, the Council agreed to note the terms of the report.

**GENERAL SERVICES BUDGETARY CONTROL REPORT: PERIOD 10,  
2004/05**

- 5606 A report was submitted by the Director of Corporate Services advising of the performance of the General Services Budget for the period to 15 February 2005.
- 5607 The Council agreed to note the terms of the report.

**PRUDENTIAL INDICATORS FOR 2005/2006 TO 2007/2008 AND  
TREASURY MANAGEMENT STRATEGY**

- 5608 A report was submitted by the Director of Corporate Services seeking approval of:-
- (a) Prudential Indicators for 2005/2006 and 2007/2008; and
  - (b) Treasury Management Strategy for period 1 April 2005 to 31 March 2006.
- 5609 Having heard the Head of Finance in answer to Members' questions, the Council agreed:-
- (1) to adopt the Prudential Indicators and Limits set out within Appendix 1, Part A of the report:-
    - Capital Expenditure and Capital Financing Requirements (Table 1)
    - Authorised Limits and Operational Boundaries (Table 3)
    - Actual and estimates of the ratio of financing costs to Net Revenue Stream (Table 4)
    - Incremental impact of capital investment decisions on the Band D Council Tax (Table 5)

- Incremental impact of capital investment decisions Housing Rent levels (Table 6)
- (2) to approve the statement by the Head of Finance regarding the external borrowing level in comparison to the Capital Financing Requirement (Appendix 1, Part A, Point 12 of the report);
  - (3) to approve the Treasury Management Strategy 2005/06, within Appendix 1, Part B of the report; and
  - (4) to adopt the Treasury Prudential Indicators and Limits set out within Appendix 1, Part B (Table 8) of the report.

### **GENERAL SERVICES CAPITAL PROGRAMME 2005/2006**

- 5610 A report was submitted by the Director of Corporate Services presenting the Council with the General Services Capital Plan for 2005/2006, as recommended by the Corporate Management Team (CMT).
- 5611 Having heard the Director of Housing and Technical Services in answer to Members' questions, the Council agreed to the bids, recommended by CMT for members' approval, as detailed in Appendix III of the report (shown as Appendix 2 to these minutes).

Note: Councillor Devine left the meeting at this point.

### **COUNCIL MEETING ARRANGEMENTS**

- 5612 A report was submitted by the Chief Executive on the operation of the Council and its Committees since the current structure was adopted in 2003.
- 5613 Councillor White, seconded by Councillor Flynn, moved:-
- 5614 That the Council agrees:-
- (1) to note that the themed committee structure was working well but that there was some scope for improvement;
  - (2) that the Council Committee structure, as shown on Page 107 of the Agenda, be amended to give a greater emphasis to Cultural Services' links with Social Justice;
  - (3) that a report be submitted to a future meeting of Council on the operation of the Regulatory and Appeals Committees and Joint Consultative Forum, presenting options on alternative ways to undertake the Council's statutory obligations which these committees currently fulfil;

- (4) that a report be submitted to a future meeting of Council that explores and details the links between the Community Planning Partnership and the Community Participation Committee.
- (5) to note that the majority of other Councils in Scotland meet every two months during daytime and therefore it is proposed that with effect from April onwards, this Council will meet on the last Wednesday of every second month at 2 p.m.; and
- (6) that officers be instructed to amend the Council Standing Orders and timetable of meetings in accordance with the above and submit a report thereon to the next meeting of Council for consideration.

5615 As an amendment, Councillor McLaughlin, seconded by Councillor Bollan, moved:-

5616 That the proposals within the reports together with the Administration's proposals be continued until comments have been sought from community councils, the Citizens' Panel, the Community Participation Committee and individual councillors, and thereafter a report be submitted to Council for consideration.

5617 On a vote being taken, 5 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

Note: Councillor Devine returned to the meeting.

### **ARBUTHNOTT COMMISSION CONSULTATION – INQUIRY INTO BOUNDARIES, VOTING AND REPRESENTATION IN SCOTLAND**

5618 A report was submitted by the Chief Executive seeking the views of the Council on questions posed in the consultation document issued by the Arbuthnott Commission as part of its Inquiry into Boundaries, Voting and Representation in Scotland.

5619 Councillor White, seconded by Councillor Flynn, moved:-

5620 That the Council approves the response to the questions raised in the consultation as detailed in the Appendix to the report, subject to the following addition to question on the election of MSPs:-

5621 That all MSPs be elected by the "first past the post" system; that there should be two MSPs for each constituency reflecting the Westminster Parliamentary constituency boundaries; and that the system be changed to ensure that within each of the new constituencies one MSP would be male and the other female, thus ensuring gender balance within the Scottish Parliament.

5622 As an amendment, Councillor Black, seconded by Councillor McLaughlin, moved:-

5623 That this Council should adopt a neutral position on these matters and allow political parties to submit their own political views to the Commission.

5624 On a vote being taken 5 Members voted for the amendment and 13 for the motion, which was accordingly declared carried.

### **HOUSING MAINTENANCE TRADING OPERATION 2004/2005 FINANCIAL PERFORMANCE TO 15 FEBRUARY 2005 (PERIOD 10)**

5625 A report was submitted by the Director of Housing and Technical Services providing interim cumulative financial information for the period ending 15 February 2005.

5626 Councillor Flynn, seconded by Councillor Agnew, moved that the Council should note the contents of the report.

5627 As an amendment Councillor Bolland, seconded by Councillor McLaughlin, moved:-

5628 That the additional surplus of £332,000 referred to in paragraph 3.3 of the report, should be re-allocated to the HRA and used to deal with pending housing repairs.

5629 On a vote being taken, 5 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

### **HOUSING REVENUE ACCOUNT 2004/2005 BUDGETARY CONTROL STATEMENT TO 15 FEBRUARY 2005 (PERIOD 10)**

5630 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 ending 15 February 2005.

5631 Councillor Flynn, seconded by Councillor Agnew, moved that the Council should note the contents of the report.

5632 As an amendment Councillor Black, seconded by Councillor McLaughlin, moved:-

5633 That officers should not include the wording in paragraph 3.5 of the report in future reports to the Council.

5634 On a vote being taken, 5 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

**HRA CAPITAL PROGRAMME 2004/2005 BUDGETARY CONTROL  
REPORT TO 15 FEBRUARY 2005 (PEROD 10)**

- 5635 A report was submitted by the Director of Housing and Technical Services advising of progress on the HRA Capital Programme to 15 February 2005.
- 5636 Having heard the Director of Housing and Technical services in answer to Members' questions, the Council agreed to note the contents of the report.

The meeting closed at 9.15 p.m.

**APPENDIX 1****Nominations to Committees**

|  |  |
|--|--|
| Appeals Committee  | Councillor Black                               |
| Community Participation Committee                        | Councillor Pilkington<br>Councillor Black      |
| Community Safety and Environmental<br>Services Committee | Councillor McNair<br>Councillor McLaughlin     |
| Corporate Services Committee                             | Councillor Agnew<br>Councillor Brogan          |
| Licensing Board  | Councillor Bootland<br>Councillor Brogan       |
| Licensing Committee                                      | Councillor McAllister<br>Councillor McLaughlin |
| Planning Committee                                       | Councillor McAllister<br>Councillor McLaughlin |
| Tendering Committee                                      | Councillor Maceira<br>Councillor Bolla         |
| Joint Consultative Forum                                 | Councillor Pilkington                          |