

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road on Wednesday 30 April 2008 at 7.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar, Iain Robertson, Martin Rooney and May Smillie.

Attending: David McMillan, Chief Executive; Bill Clark, Executive Director of Social Work and Health; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Joyce White, Executive Director of Corporate Services; David Connell, Head of Finance and ICT; Irving Hodgson, Head of Housing and Regeneration; Liz Cochrane, Principal Policy Officer; Lorraine Coyne, Manager of Audit; David Webster, Section Head (Performance Management); Stephen Brown, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

Apologies: Apologies for absence were submitted on behalf of Councillors Jim Finn and James Bollan.

Provost Denis Agnew in the Chair

URGENT ITEM OF BUSINESS VALE OF LEVEN MATERNITY CONSULTATION

After hearing Councillor J. McColl, Provost Agnew agreed to accept a motion by Councillor J. McColl on the Vale of Leven Maternity Consultation process as a matter of urgency in terms of Standing Order No 7. Provost Agnew stated that the motion should be debated as it necessitated that an early decision be taken by the Council.

Provost Agnew informed the Council that the motion would be taken at the end of the meeting.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meeting of West Dunbartonshire Council held on 26 March 2008 were submitted and approved subject to a correction to the wording of the item under the heading “Urgent Item of Business – Remit from Corporate and Efficient Governance Committee – Carrying of Offensive Weapons – Motion by Inverclyde Council” (Page 1004 refers), whereby it was noted that Councillors Rooney, Bootland, Millar McGlinchey, Calvert and McBride had left the meeting before the aforementioned motion from Inverclyde Council had been discussed.

With reference to the item under the heading “Renton Community Education Centre, Renton” (Page 994 refers), the Council noted that the meeting between both parties’ legal representatives had not yet taken place because the Trust’s representatives were not available but that Councillor Smillie would endeavour to arrange it as soon as possible.

With reference to the item under the heading “Motion by Councillor Ronnie McColl – Greater Glasgow & Clyde Health Board” (Pages 1002/3 refer), the Council noted that the Leader of the Council had written to the Cabinet Secretary in connection with this matter and was awaiting notification of a date for the proposed meeting.

OPEN FORUM

The following questions were submitted to the Council for consideration:-

(a) **Sheila Urquhart on behalf of Dumbarton East & Central Community Council – Customer Service Standards**

The West Dunbartonshire Council Customer Services Standard – as per leaflet and website – states that “*one of the core values of our corporate plan is “Putting Customers First”.*”

In support of this it states: **When you write** – *we will respond to your correspondence within 10 working days from receipt or if more time is required, we will acknowledge receipt within 5 working days. You will get a full reply within 20 working days. Some issues may take longer than 20 working days to resolve in which case we will keep you up to date on our progress.*

We will monitor our standards and publish our performance.

Why then has this Community Council received no written replies from WDC in respect of letters sent to two different departments, as undernoted:-

- **5 March 2008** letter to Planning Department Enforcement Officer asking for an update on matters referred to in previous correspondence – no reply or acknowledgment received. **25 March 2008** further letter to Planning Dep’t Enforcement Officer asking for an update as per request in letter dated 5 March 2008 so that members of the Community Council could be updated –

no reply or acknowledgement received. (In telephone call to Enforcement Officer on 8 April 2008 regarding another matter the letters were mentioned and a full response within a week was assured – no letter received).

- **13 March 2008** letter to Head of Land and Environmental Services regarding issues in building sites in Castle Road & Castlegreen Street area – no reply or acknowledgement received. **25 March 2008** further letter to Head of Land & Environmental Services asking for an update as per request in letter dated 13 March 2008 so that Members of the Community Council could be updated – no reply or acknowledgement received. (Telephone call was received on 8 April 2008 from Roads Dep't to say that the matter had been referred to site owner and a written update would be forthcoming – no letter as yet received).

And, what percentage of correspondence to WDC is responded to within the timeframes promised by the Customer Services Standards and how is the monitoring of this achieved?

Councillor Hendrie responded in the following terms:-

We apologise for the late responses. In both cases input from private organisations was required and this has caused a delay in responding fully. We should have written to the Community Council to inform them of the delay.

We are in the process of developing corporate procedures to provide more robust monitoring across the Council.

Once again, I apologise for the delay and thank you for bringing this to my attention.

Ms Urquhart asked the following supplementary question:-

Would it not be more efficient for officers to respond by e-mail in cases where an e-mail address had been supplied on the correspondence?

Councillor Hendrie replied in the following terms:-

I would be happy for that to happen in future.

(b) Mr J. Gillespie, Dumbarton – Sandpoint Marina

I would like to ask West Dunbartonshire Council why it has continually ignored the public's complaints against Sandpoint Marina, who continually are in breach of planning regulations laid down by the Council 12 years ago?

Rock armour should have been installed with geo-textile membrane which should have been put in place before any dumping occurred. We have yet to see a sample of stone which was proposed to be used for the rock armour.

The material which was deposited should be clean, inert, non-putrescible.

The reason for this was to protect the water courses from pollution and this was certainly not the case.

The total lorries which were allowed to run was a maximum of 60 per day.

All details can be found on WP 98/289.

There is also other numerous Planning Applications which were laid down with conditions attached, which the applicant has shown total disregard for.

Why should the Council or any other person trust this man to abide by any rules and regulations laid down in future applications?

I would like to know when this illegal infilling is going to be put to an end?

Councillor Hendrie responded in the following terms:-

Over recent years a number of concerns have been received and investigated.

The site has been visited on many occasions by Council staff and external agencies including SEPA and the FRS Marine Lab.

The infilling work is covered by a number of planning conditions and the work itself is close to completion.

Over the period of infill there has been contact with the developer and monitoring of conditions. This will continue to ensure that the work is completed in a satisfactory manner.

Mr Gillespie asked the undernoted supplementary question:-

Can the Council inform me when the works have been completed to its satisfaction and explain why is there no rock armour in place as per the conditions of the original planning approval?

Councillor Hendrie responded in the following terms:-

I would like to investigate the matter further and will write to you with my findings.

PROVOST'S REMARKS

At this point in the meeting, Provost Agnew reminded all Members that the Chief Executive had written to them concerning their conduct within Chambers and asked them to comply with the Council's Code of Conduct.

MINUTES OF THE JOINT CONSULTATIVE FORUM ON 20 MARCH 2008

The Minutes of Meeting of the Joint Consultative Forum held on 20 March 2008 were submitted and all decisions contained therein were approved.

The Head of Legal, Administrative and Regulatory Services was heard in answer to Members' questions.

MINUTES OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE ON 16 APRIL 2008

The Minutes of Meeting of the Audit and Performance Review Committee meeting held on 16 April 2008 were submitted and all decisions contained therein were approved.

The Chief Executive was heard in answer to Members' questions.

REMIT FROM THE AUDIT AND PERFORMANCE REVIEW COMMITTEE ON 16 APRIL 2008 – CONSULTATION PROCESS ON PHASE 2 OF THE REGENERATION OF THE SCHOOLS' ESTATE

With reference to the Minutes of Meeting of the Audit and Performance Review Committee held on 16 April 2008 (Page XXX refers), there were submitted for consideration a copy of the relevant excerpt from the Minutes together with a report by the Executive Director of Educational Services on the consultation process on Phase 2 of the Regeneration of the Schools' Estate.

Councillor McGlinchey, seconded by Councillor Rooney, moved:-

This Council notes with concern that the Executive Director of Educational Services has insufficient resources to implement the Council's decision to consult with every educational establishment.

Therefore this Council agrees to provide the Executive Director with adequate resources in order to comply with the Council's decision of 30 January 2008.

As an amendment, Councillor Smillie, seconded by Councillor R. McColl, moved:-

Council has set up a working group to look at Phase 2 Schools.

It will be for the Working Group to recommend a consultation strategy to Council.

Council reaffirms its decision to consult with all affected schools and Communities and it will be for Council to decide how to resource the consultation process, when it receives proposals from the Phase 2 Schools Working Group.

The Chief Executive, Executive Director of Educational Services and Councillor Calvert, Chair of the Audit and Performance Review Committee, were heard in answer to Members' questions.

On a vote being taken, 10 Members voted for the amendment and 10 for the motion. There being an equality of votes, Provost Agnew used his casting vote in favour of the amendment which was accordingly declared carried.

BEST VALUE IMPLEMENTATION PLAN

With reference to the Minutes of Meeting of Council held on 27 February 2008 (Page 889 refers), a report was submitted by the Chief Executive on the progress of the development of the next stage of the Council's Best Value Improvement Plan.

Having heard the Chief Executive in answer to Members' questions, the Council agreed:-

- (1) that the Members of the Improvement & Efficiency Executive should review and comment on the progress of the Best Value Improvement Plan;
- (2) that Members of the Council should contact the respective Executive Directors should they require further details on the progress of work being carried out in the various workstreams;
- (3) that a more detailed action plan and progress report be scrutinised by the Improvement & Efficiency Executive and submitted to Council in June; and
- (4) that progress reports be submitted to the Council thereafter on a quarterly basis.

BUDGET 2008/09 – ADDITIONAL DEPARTMENTAL SAVINGS

With reference to Minutes of Meeting of Council held on 26 March 2008 (Page 993 refers), a report was submitted by the Chief Executive providing further details on the way in which the Chief Executive and the Council's Corporate Management Team proposed to address the budget decision to identify a further 1% efficiency savings by April 2009.

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

- (1) to note that current activity (particularly the NSS Diagnostics work) should play a major role in identifying the savings without an adverse impact on service and that the full effects of these savings would not be achieved until 2009/10 and beyond. The priority would be to identify approaches which would inform the budget settings process for 2009/10;

- (2) to approve the strategic approach to development and monitoring of efficiency savings through the Improvement & Efficiency Executive, as outlined in paragraphs 3.5 – 3.8 of the report;
- (3) to approve the use of external support, if required, on a 'spend to save' basis; and
- (4) that, as previously agreed, further reports on progress should be made to the Council on a monthly basis.

SUPPORTING PEOPLE FUND

With reference to the Minutes of Meeting of Council held on 27 February 2008 (Page 903 refers), a report was submitted by the Executive Director of Social Work and Health providing information on Supporting People Fund.

Having heard the Director of Social Work and Health in answer to Members' questions, the Council agreed:-

- (1) to note the expected carry-forward position from 2007/08 into 2008/09 and the utilisation of this carry-forward in setting the revenue budget for 2008/09;
- (2) to note that the ongoing management actions of both the Social Work and Health Department and the Housing Service have allowed a gradual reduction in contract values since 2003/04 to date and would continue into 2008/09 and onwards;
- (3) to note the position regarding the Concordat and the change in direction of government policy regarding the composition of the Council's financial settlement which means it is no longer possible to compare Supporting People costs with a finite grant figure;
- (4) to note that Supporting People services now require to be integrated fully into the Council's mainstream budgetary processes;
- (5) that the ongoing approach to service review and other management actions to reduce costs is appropriate and that management should continue to proceed in this way; and
- (6) that where management action is taken in service reviews that this is managed to ensure minimal impact on service users.

DRUG AND ALCOHOL REHABILITATION - PROPOSALS

With reference to the Minutes of Meeting of Council held on 26 March 2008 (Page 995 refers), a report was submitted by the Executive Director of Social Work and Health providing a response to Councillor J. McColl's motion at the March 2008 Council meeting, seeking a proposal to "increase resources and capacity within our addiction services".

Councillor J. McColl, seconded by Councillor R. McColl, moved:-

That the Council approves the recommendations of the report (as undernoted):-

- (i) to approve the proposed service development on the basis of the costs identified within Appendix 1;
- (ii) to authorise the development as outlined within this report under the direction of the Joint Manager of Addiction Services;
- (iii) to provide guidance on the permanence of the proposed service development and on the issue around long term funding, if required; and
- (iv) to instruct the Executive Director of Social Work and Health to provide an update report after 6 months of the development starting.

In addition, the report referred to at (iv) above should identify if this method of providing the service has been successful in order to assess whether it should be included in future mainline funding.

As an amendment, Councillor Rooney, seconded by Councillor Calvert, moved:-

This Council agrees recommendations (i), (ii) and (iv) and that funding for this Service be included in mainline Departmental Budgets for the future.

On a vote being taken, 10 Members voted for the amendment and 10 for the motion. There being an equality of votes, Provost Agnew used his casting vote in favour of the motion which was accordingly declared carried.

CLYDEBANK LEISURE CENTRE DEVELOPMENT – SALE OF PLAYDROME SITE

With reference to the Minutes of Meeting of Council held on 27 June 2007 (Page 165 refers), a report was submitted by the Chief Executive informing the Council of Internal Audit's findings with relation to the proposed supermarket/leisure developments in Clydebank.

The Head of Legal, Administrative and Regulatory Services, the Executive Director of Housing, Environmental and Economic Development, the Chief Executive and Manager of Audit were heard in answer to Members' questions.

Councillor Calvert, seconded by Councillor Rooney, moved:-

This Council thanks the Manager of Audit for her comprehensive report and is extremely concerned at the management failings described therein. This Council seeks an assurance from the Chief Executive that there will be no recurrences of this nature.

Furthermore, this Council is very concerned at references in the report that imply that future development could be conditional on planning permissions being granted for unrelated developments. This Council believes that such inferences place unacceptable pressures on both Planning Officers and members of the Planning Committee.

That, having being said, Council agrees the recommendation at paragraph 8.1 (as undernoted).

- 8.1 Given that negotiations were on-going with all interested parties, the Chief Executive should prepare a report on the current position for the May Council meeting in order that Members could make an informed decision about whether or not to proceed with the entire project.

As an amendment, Councillor C. McLaughlin, seconded by Councillor R. McColl, moved:-

Council agrees that there is a need to separate out the two issues.

Firstly, the Council agrees to approve paragraph 8.1 of the report (see above) and that the report should include additional information addressing the issues and questions raised by Members at this meeting.

Secondly, the Chief Executive should refer the Internal Audit report to Audit Scotland for further investigation to clarify elected member involvement, the decision making process and to ensure there were no irregularities.

It was noted that the word “now” in paragraph 6.3 of the report should have read “not”.

On a vote being taken, 10 Members voted for the amendment and 10 for the motion. There being an equality of votes, Provost Agnew used his casting vote in favour of the amendment which was accordingly declared carried.

ADJOURNMENT

Having heard Provost Agnew, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 8.55 p.m. with all those Members shown on the Sederunt in attendance.

NOTICES OF MOTION

The Council noted that the undernoted motions had been submitted in accordance with Standing Order No 8.

(a) Motion by Councillor John Millar – Specialist Music Provision

Council notes that the SNP Administration budget for 2008/2009 includes a savings option to remove specialist music teachers.

Council also notes that some Members of the SNP Administration were completely unaware that this cut was contained in the SNP budget. This was demonstrated by the fact that Depute Provost Ronnie McColl commented on the merits of retaining specialist music teachers and the positive impact that they had on getting younger pupils interested in music. Yet he supported the removal of specialist music teachers.

This Council recognises that it would be a mistake to stick with the SNP budget cut to Specialist Teachers and therefore agrees to rescind this particular decision with immediate effect.

The Council noted that, in terms of Standing Order No 24, the suspension of Standing Order No 15 was required prior to consideration of the above motion as a period of six months had not passed since a decision had been taken in respect of this matter.

In accordance with Standing Order No 24, the above motion was not considered by the Council as the proposal to suspend Standing Orders failed to receive the support of two-thirds of those Members present and voting.

(b) Motion by Councillor George Black – School Transport

This Council requests a report on the cost of providing transport for those primary school children who attend half day only at the start of term. This lack of provision has been an appalling omission on the part of the Council in previous years and has impacted unfavourably on primary school children who cannot by virtue of distance that they have to travel be expected to walk to school.

This Council recognises that the regeneration of the schools' estate contributes to this problem and will in future endeavour to make proper provision for all school transport especially for primary school pupils. The intention of this report would be to evaluate the cost of providing lunch time arrangements which should be made for small children during the first month or 6 weeks in order that they will in fact have transport arrangements made for them and not be abandoned at the school site that they attend. We have a responsibility to ensure that travel provision is adequate and this glaring omission is unacceptable and therefore a report will be brought forward to Council by adoption of this motion.

Having heard Councillor Black in support of his motion, the Council agreed to approve the above motion.

(c) Motion by Councillor George Black – Data Protection Registration – Community Councils

This Council notes with satisfaction that Glasgow City Council has assisted all Community Councils within its area by appointing an Officer to co-ordinate the registration of Community Council Data controllers to comply with the terms of the Data Protection Act. This Council recognises this action as being a progressive step, which assists Community Councils and would wish to lend this type of support to Community Councils in our area.

The Council will also ensure that each Community Council in our area will receive an additional £35.00 per annum to defray the cost of registration.

The Council agreed to approve the above motion.

(d) Motion by Councillor Patrick McGlinchey – Modern Apprenticeships 2014

This Council notes that with the 2014 Commonwealth Games coming to Glasgow, Councillor Steven Purcell – Labour Leader of Glasgow City Council – has announced that from next year every school-leaver in the city who qualifies for a modern apprenticeship will be offered one.

This Council notes the above national average number of young people in West Dunbartonshire not entering Education, Employment or Training after school and believes that enhanced access to apprenticeships would be of great benefit to many young people from West Dunbartonshire.

This Council therefore requests the Leader of the Council and the Chief Executive to approach Glasgow City Council and 'Glasgow2014' with the specific aim of:-

- exploring the viability of becoming partners in the scheme;
- building direct links with the construction companies which will be carrying out the contracted work on 2014 projects;
- lobbying for West Dunbartonshire young people to have the right to apply for all apprenticeships open to Glasgow-City school-leavers on even terms;

and report their success back to a future meeting of the Council.

The Council agreed to approve the above motion.

**URGENT ITEM OF BUSINESS
ST MARGARET OF SCOTLAND HOSPICE**

The Council noted that the undernoted motion by Councillor Gail Casey was not received in accordance with the timescales specified in the Council's Standing Order but that, in accordance with Standing Order No 7, Provost Agnew had agreed that the motion be considered as a matter of urgency.

Thereafter, the Council agreed to approve the undernoted motion by Councillor Casey:-

This Council recognises the importance to the whole community of West Dunbartonshire of the outstanding care provided at St Margaret of Scotland Hospice.

This Council fully supports the hospice in its campaign to retain fully funded continuing care beds for frail elderly patients nearing the end of their lives, alongside its palliative care for terminally ill patients for which the hospice has to raise 50% of the costs through fundraising and voluntary contributions.

This Council believes that the hospice is an appropriate setting in which specialist nursing and medical care can be provided, and urges Greater Glasgow and Clyde Health Board to reconsider its proposals which would mean the removal of funding from April 2009.

This Council will work with neighbouring authorities and Parliamentarians to secure the future of the St Margaret of Scotland Hospice.

DECLARATION OF INTEREST

Councillor McNair declared an interest in the following item of business and left the meeting during the deliberation thereon.

**URGENT ITEM OF BUSINESS
VALE OF LEVEN MATERNITY CONSULTATION**

The Council approved the undernoted motion by Councillor J. McColl:-

The Council's support for community health and care facilities is well stated.

We find it extraordinary that Greater Glasgow and Clyde Health Board have claimed in a press statement this week that there is no public appetite for an open, accessible consultation meeting as part of the Clyde Maternity consultation process.

With this in mind, Council agrees that it fully supports an open public consultation meeting held after office hours in an accessible venue near public transport links.

Given the timescales involved, Council instructs the Leader of the Council and the Spokesperson for Health to pursue this as a matter of urgency and gives them permission to offer an appropriate Council owned venue to facilitate such a meeting.

The meeting closed at 9.00 p.m.