

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, on Wednesday 29 October 2008 at 7.10 p.m.

Present: Provost Denis Agnew and Councillors George Black, James Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, 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; Liz Cochrane, Head of Service, Policy and Performance; Jim McAloon, Head of Housing and Regeneration; Tricia O'Neill, Head of Human Resources; David Clarke, Head of Service (Resources), Educational Services; Jeff Stobo, Manager of Strategy, Housing, Environmental and Economic Development; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

Provost Denis Agnew in the Chair

PROVOST'S REMARKS

Provost Agnew informed the Council that he had received a request to change the venue of the meeting due to the large number of members of the public who wanted to observe the meeting. He informed the Council that as there was no other venue available, he had agreed that additional seats be brought into the Chamber to allow all members of the public to access the meeting. Consequently, the meeting was delayed by 10 minutes to allow this to happen.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on 19 August 2008 (Special), 27 August 2008 (Ordinary) and 10 September 2008 (Requisitioned) were submitted and approved as a correct record of those meetings.

Councillor Millar was heard in response to a question by Councillor J. McColl.

OPEN FORUM

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

(a) William Rooney, Geared Up Club – Suitable Premises

The Geared Up Club was evicted from Alexandria Community Resource Centre 12 weeks ago. We still don't have a suitable venue with computer access to allow the club to continue with its activities. We are also facing the possibility of losing a ten thousand pound grant from the lottery.

When will we have suitable premises where we can access computers and get back to recruiting more members for our Club?

Provost Agnew informed the Council that Mr Rooney had withdrawn his question as the matter had now been resolved.

(b) Sephton MacQuire, Board Member of Social Enterprise Clydebank, T/A DCCS – Leasing of Vehicles

In January 2008, DCCS applied to The Community Planning Partnership - The Business Growth & Employability Strategy Group for £77,230 to purchase 3 new vehicles and plant & equipment to carry out £250k of new contract works in Renfrewshire. These new works would enable DCCS to employ an additional 6 full time employees from the West Dunbartonshire New Deal and Skill Seeking Programmes and provide an additional 8 training placements.

The Business Growth & Employability Strategy Group awarded DCCS £77,230 of funding week of 11 February 2008.

On the 21 February 2008 West Dunbartonshire Partnership instructed DCCS to cancel their vehicles order, as David McMillan Chief Executive of West Dunbartonshire Council had decided that in their responsibility to ensure the best use of public resources the Council had made arrangements to buy the vehicles and lease them to DCCS on appropriate terms. To date no terms and conditions for leasing vehicles from the Council have been received. The new DCCS contracts would commence on the 17 March 2008 and the Council would arrange to lease vehicles as an interim measure.

The DCCS Board of Directors asked the Council how this action could be perceived as following the Scottish Government directive of Building Community Assets. No adequate response was received.

A meeting was held on the 12 March 2008 between DCCS, Community Planning Partnership and the Council. The question of developing Community Assets was raised again. The Council responded that they could save £16k by purchasing the vehicles. £11k of the £16k being the Value Added Tax.

As of Wednesday 17 September 2008 DCCS has still not received the vehicles that the Council drew down Scottish Government funding to purchase in March 2008. The cost to the Council for hiring vehicles for DCCS up to the end of August is £7300.

The Council has failed in its obligation to provide DCCS with the specified vehicles approved to be purchased by the publicly elected Business Growth & Employability Strategy Group.

Will the Council now return the original grant funding, awarded to DCCS, for the approved specified vehicles to be purchased?

Councillor Robertson responded in the following terms:-

In February 2008, the Community Planning Partnership Business Growth and Employability Strategy Group, (BGESG) agreed to support DCCS with funding of £77,230 from a 'Workforce Plus' underspend. However, the Group had some concerns about the tensions around the need to spend quickly, while at the same time making the process open and fair, and also about the 'value for money' and 'competitiveness' issues which the award raised.

In addition, although the BGESG made this decision, West Dunbartonshire Council, as the legal grant recipient for Workforce Plus monies, also has a responsibility to ensure Best Value and that the award is spent in accordance with the 'Formal Offer of Grant'. (This Formal Offer of Grant includes particular requirements around the purchase of assets.)

For these reasons, there were then discussions about the purchase of the vehicles, which accounted for £62,200 of the total amount requested. It was noted that West Dunbartonshire Council could purchase equivalent vehicles at a significantly lower cost, (a saving of £11,935, even when taking account of the cost of leasing temporary vehicles to cover the start of the contract with Renfrewshire). It was then agreed that the Council would purchase the vehicles and lease them back to DCCS. This alleviated some of the concerns of the BGESG.

In addition, this matter was discussed with Communities Scotland (as the Government Agency then responsible for these issues), and they did not disagree with this approach.

£12,030 from the award was paid directly to DCCS to enable the purchase of other plant and equipment.

There was some delay in the delivery of the vehicles, (from end June to 24 July). The later delivery was due to a change in the specification by DCCS for the 'cages' on the back of the vehicles. DCCS also raised a further issue regarding the colour of the 4x4 which is to be used for transporting staff.

The vehicles have now been with the Council since the end of July. However, the legal documentation regarding the leasing arrangements is currently being finalised. The draft lease has been sent to DCCS for consideration on 23 October 2008 and once agreed the transfer of the vehicles is expected to take place.

Although there have been some delays in this process, and the savings achieved have not been quite as great as envisaged, the key issue is the grant recipient's, (i.e. the Council's), responsibility for the assets, as set out in the formal offer of grant. Value for money is the 1st priority. This is the basis of the Council's position. The additional leasing costs, (which amount to £6,426 for 18 weeks), will be covered by the initially agreed award – with a saving of around £5,509 still realised.

Mr Sephton asked the undernoted supplementary question:-

I understand that the term of the lease of the vehicles is for only 2.5 years and not for the whole life of the vehicles as in the original specification on the application. Will the Council confirm that it will honour the terms of the original pledge, as agreed? And, if not. Why not?

Councillor Robertson responded in the following terms:-

This is a matter for the Community Planning Partnership to consider and therefore the matter will need to be discussed with the full group of partners before a final answer can be given.

At this point, the Provost welcomed back to Council, David McMillan, Chief Executive.

MINUTES OF THE AUDIT & PERFORMANCE REVIEW COMMITTEE

The Minutes of the Meeting of the Audit & Performance Review Committee held on 10 September 2008 (Ordinary) and 24 September 2008 (Special) were submitted and all decisions contained therein were approved.

MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE

The Minutes of the Meeting of the Community Participation Committee held on 17 September 2008 were submitted and all decisions contained therein were approved.

It was noted that Councillor McElhill's name should be removed from the list of apologies and that Councillor Rooney's name should be included on the list of those present.

MINUTES OF THE JOINT CONSULTATIVE FORUM

The Minutes of the Meeting of the Joint Consultative Forum held on 25 September 2008 were submitted and all decisions contained therein were approved.

MEMBER/OFFICER WORKING GROUP: REGENERATION OF THE WEST DUNBARTONSHIRE SCHOOLS' ESTATE - PHASE 2 – PROGRESS REPORT

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 28 May 2008 (Pages 1191/1192 refer), a report was submitted by the Executive Director of Educational Services providing the Council with an update on progress of the Member/Officer Working Group Phase 2 of the Regeneration of the West Dunbartonshire Schools' Estate.

The Council agreed to note the terms of the report.

COMMITTEE TIMETABLE – JANUARY TO DECEMBER 2009

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 27 August 2008 (Page 1330 refers), a report was submitted by the Executive Director of Corporate Services providing Council with a timetable of meetings from January 2009 to December 2009.

The Head of Legal, Administrative and Regulatory Services recommended to the Council that although the proposed timetable indicated that meetings of Council should commence at 7.00 p.m., that if approved, this would be subject to any decision taken to the contrary later in the meeting under the item headed "Review of Parts 1 and 2 of the Standing Orders."

The Council agreed to approve the timetable of main meetings from January to December 2009, as contained in the Appendix to the report, subject to:-

- (1) meetings of the Planning Committee in Dumbarton being held in the Municipal Buildings, Station Road, Dumbarton;
- (2) meetings of the Planning Committee in Clydebank being held in the Council Chambers, Clydebank Town Hall, with the option of moving to the Lesser Town Hall when contentious applications were being considered; and
- (3) an adjustment to the timings of the Licensing Committee to either 11.00 am or 12 noon instead of 2.00 p.m.

A copy of the revised timetable is shown as Appendix 1 to these minutes.

INVESTIGATION REGARDING CALLING OF THE SPECIAL MEETING ON 19 AUGUST 2008

With reference to the Minutes of Meeting of West Dunbartonshire Council held on 10 September 2008 (Page 1378 refers), a report was submitted by the Executive Director of Corporate Services updating Council on the outcome of the investigation by Brodies LLP into the arrangements for calling the Special Meeting of Council on 19 August 2008.

After hearing the Head of Legal, Administrative and Regulatory Services, the Council noted that the word "impartiality" in Paragraph 3.2 of the report (Bullet Point 1, Line 7) should have read "partiality".

Provost Agnew and the Chief Executive were heard in response to questions by Councillor Calvert.

During discussion, Provost Agnew asked Councillor Bollan to withdraw a remark regarding the honesty of statements made by Mr Clark, Executive Director of Social Work and Health and the Provost. Councillor Bollan refused to withdraw the remarks.

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

That the Council should note the report and move on.

As an amendment, Councillor Black, seconded by Councillor Bollan, moved:-

The Council should note the report and comment on the fact that the Executive Director of Social Work and Health has misled elected members.

On a vote being taken, 2 Members voted for the amendment and 20 for the motion which was accordingly declared carried.

BEST VALUE IMPROVEMENT PLAN

A report was submitted by the Acting Chief Executive providing the Council with an update on the Council's Best Value Improvement Plan (BVIP).

Having heard Councillor Rooney, the Council agreed:-

- (1) to welcome the progress made to date in implementing the Plan; and
- (2) otherwise to note the contents of the report.

BUDGET 2008/09 – ADDITIONAL DEPARTMENTAL SAVINGS

A report was submitted by the Chief Executive providing an update on developments to address the budget decision to identify a further 1% efficiency savings by April 2009.

The Council agreed to note the terms of the report.

MASTER PLANNING: PRIORITISATION OF HOUSING REGENERATION AREAS

A report was submitted by the Executive Director of Housing, Environmental and Economic Development asking the Council to agree a proposed programme for master planning and housing redevelopment plans, as detailed within the report.

Councillor C. McLaughlin, seconded by Councillor Hendrie, moved:-

This Council agrees that housing-led investment will make a major contribution towards the overall regeneration of West Dunbartonshire and is also necessary to deliver the Scottish Quality Housing Standard.

It is critical that local communities are key strategic partners in developing the economic transformation of areas within West Dunbartonshire through community-led housing investment.

Local people must be in control of shaping how the regeneration process is not only developed & delivered but also by whom.

There are, however, also communities that have indicated that they wish to remain with the Council and this Council must ensure they are not adversely affected by those areas that may choose to leave. This means both in financial terms and by ensuring that communities are kept together.

The Council accepts that there are 15 areas which are now identified through the asset management plan as requiring the highest levels of investment. It also accepts that of the 15 areas a large number have underlying and deep-rooted regeneration challenges in terms of anti-social behaviour, health, employment, educational attainment & addictions to name a few.

Whilst housing-led investment is essential, long term sustainable regeneration will not be realised unless equal emphasis is given to redressing these issues.

Time is also of critical importance. To this end, the Council accepts the view that some areas are more prepared and developed than others and will be able to commence sustainable regeneration initiatives within a strategic framework faster than others.

Master plans should ideally form the building blocks that should determine the needs, wants and aspirations of the communities as well as solutions to them.

Areas like Whitecrook, Salisbury Place, Haldane and Castlehill for example all suffer from horrendous anti-social behaviour & poor housing to name but two and these areas have already indicated that they are ready to move forward for regeneration.

Further to the decision of Council in December 2007 and given the number of potential regeneration initiatives and the level of available resources, we need to refine the criteria in order to prioritise areas. To this end the Council agrees to establish a criteria approach to area prioritisation using the following:-

- Areas must be within the 15 selected regeneration areas and identified under the Asset Management Plan (AMP).
- Areas with existing master plans or who have the basis of master plans will be prioritised.
- Levels of poverty, deprivation, anti-social behaviour & poor health.
- Deliverability of the projects – This means in terms of how quickly the projects could be delivered on the ground and their financial viability.
- Projects must be community driven & regeneration led incorporating all aspects of the community (This means there must be extensive wider community participation and consultation must be an integral part of the process).
- Potential housing association partners must be supported by the local community and have a track record in addressing the regeneration challenges defined earlier. (A further report developing a partnership framework should be prepared for members).
- Offset of any residual debt on transferring properties is essential. (A further report will be required on how this will be achieved).
- Potential projects must complement the delivery of the SHQS.
- Asset Management plan should be taken into consideration.

As there are 15 areas identified, it is accepted that resources are finite and a partnership approach with potential housing associations with a track record in addressing the wider regeneration challenges will be essential to maximise the number of initiatives that can be delivered.

To begin this process the Council will invite expressions of interest from Regeneration, Tenants and Residents groups and use the above criteria to assess the expression interest. Since it is agreed that time is important, the expressions of interest should be returned by 10 December 2008.

To progress these interest the Council also agrees to re-establish the Housing Regeneration WG which should assess these expressions of interest in conjunction with housing officers and tenants representatives. (Membership should be increased to 8 members (2 SNP, 2 Opposition, 2 DDHF & 2 ACRG)).

This group in conjunction with the Scottish Government's Regeneration Division and the partnership framework should develop a key issues checklist that all area master plans must follow. The findings of this group will be reported to the Council meeting no later than February 2009.

Where there are areas that have no recognised regeneration or tenants led group to express any interest the Council instructs officers to include in a future report how the council will develop long term plans in conjunction with local communities and providers to act as the catalyst to help them develop and grow future master plans.

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

That the Council approves the recommendations of the report (as undernoted) and that a progress report be submitted to the meeting of the Housing, Environment and Economic Development Committee in February 2009.

Recommendations of the report:-

- i) Agree to the proposed programme for master planning and housing re-development plans as stated at paragraphs 3.4 and 3.5 which has been prepared in consultation with the Scottish Government and to accelerate this programme where practicable as outlined in paragraph 3.7.
- ii) Acknowledge that progressing master planning is dependant on agreement with the Scottish Government based on partnership funding and approval of the Standard Delivery Plan.
- iii) Delegate authority to the Executive Director of Housing, Environmental and Economic Development to progress masterplanning and housing redevelopment plans in partnership with relevant stakeholders.

On a vote being taken, 9 Members voted for the amendment and 12 for the motion which was accordingly declared to be carried.

ADJOURNMENT

After hearing the Provost, the Council agreed to adjourn for a short period.

The meeting reconvened at 8.43 p.m. with all those Members shown on the Sederunt in attendance.

DRAFT STANDARD DELIVERY PLAN

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council of the results of consultation on the Draft Standard Delivery Plan (SDP) and seeking approval to submit a Standard Delivery Plan to the Scottish Government in accordance with the recommendations of the report.

Councillor C. McLaughlin, seconded by Councillor Hendrie, moved:-

This Council accepts that it cannot deliver the Scottish Housing Quality Standard and arrive at an achievable and affordable Standard Delivery Plan without the input and investment of the Scottish Government and local housing associations.

The Council recognises that unless it arrives at a decision on this issue now, then there will be an immediate effect on rent levels in February 2009.

As mentioned in the previous report regeneration led housing delivery plan is the key to making substantial positive changes to our communities, across West Dunbartonshire.

In addition to the physical properties it is important that the impact to the service provision in terms of jobs and long term sustainability of the DLO is also closely examined. All of which require being a key element of any future department service planning and discussions with potential providers.

As was mentioned in the previous item it is a critical policy decision of this Council that where there are communities that have chosen through a transparent ballot process to transfer that they should do so without detriment to those tenants who wish to remain under council control.

It is also important that transfers are tenant led and the Council also expresses the view that a single receiving landlord is NOT a favoured option.

The Council also accepts that doing nothing is not an option as the standard delivery plan is an essential element of allowing areas who seek regeneration to move forward.

The Council accepts that the status quo option would in effect stop any potential regeneration works from taking place and result in the loss of millions of pounds of inward investment and therefore is not a viable option for the Council to pursue.

This Council therefore agrees that the acceptance of option 5 with the inclusion of the 15 regeneration areas is the preferred option of this Council along with recommendation C on page 162 (of the agenda).

Tenant ballots will be critical and tenants will ultimately determine the final result on the numbers of units that will transfer.

The Executive Director of Housing, Environment and Economic Development was heard in answer to Members' questions. The Chief Executive informed the Council that a briefing note had been issued to all Members earlier that day and asked the Clerk to circulate copies of the briefing note to all Members of the Council for their information.

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

This Council is committed to ensure that the condition of all its housing meets the Scottish Housing Quality Standard (SHQS) by 2015 at the latest.

This Council is not supportive of Government policy that allows write-off of Housing Debt on properties only if they are transferred out of the Council's ownership. This Council believes that options that are 'loaded' in this way do not give tenants a balanced opportunity to decide on the best option that suits them.

That having been said, and even with this 'unbalanced' situation, the report indicates that there is no overwhelming appetite for stock transfer. Indeed, when the Status Quo and Options 1 and 2, all relating to the Council retaining its own stock, are considered in total, the report indicates a majority of tenants in favour of retention.

Therefore, this Council will achieve the SHQS 2015 by retaining its stock and will give consideration to selective demolition as described in Options 1 and 2, without specifying a number of properties to be demolished at this stage. The exact number of properties to be demolished, if there is justification, will be determined as the Delivery Plan progresses.

Notwithstanding the Council's decision to deliver the SHQS 2015 within the Standard Delivery Plan by the retention of its stock, the Council will continue to adopt a flexible approach to the delivery of wider regeneration opportunities, including consideration of localised stock transfers if appropriate, in partnership with Communities, RSLs and the Housing and Regeneration Division of the Scottish Government. The Council is committed to build on existing achievements in master planning and in support of existing community groups in, for example, Castlehill/Westcliff and Haldane.

However, it is to be understood by all Partners that such regeneration opportunities, insofar as they relate to the Council's function as housing provider, must underpin and add value to the Standard Delivery Plan, rather than seek to change it. Furthermore, any localised transfer of stock will only take place following a ballot of all tenants within the proposed area for regeneration resulting in favour of the proposal and that full debt write-off is achieved for all transferring properties.

Finally, this Council believes that extensive and continuing engagement with tenants throughout the coming years in the delivery of the SHQS 2015 is imperative. Council agrees that the Tenant Participation Strategy has to make adequate provision for such consultation and engagement. To that end, this Council agrees that the forthcoming consultation on the Tenant Participation Strategy will include as a proposal the creation of a Tenants Participation Committee of the Council, along the lines of the current Community Participation Committee. The Chief Executive is requested to bring forward a report to the November Council meeting as part of the Tenant Participation Strategy consultation proposals.

On a being taken, 11 Members voted for the amendment and 11 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.

HOUSING REVENUE ACCOUNT (HRA) 2008/2009 BUDGETARY CONTROL STATEMENT (PERIOD 5)

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with an update on the financial performance of the HRA to the period ended 15 September 2008.

The Council agreed to note the terms of the report.

HRA CAPITAL PROGRAMME 2008/2009 BUDGETARY CONTROL REPORT (PERIOD 5)

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with information on the progress of the HRA Capital Programme 2008/2009 as at 15 September 2008.

Having heard Councillor C. McLaughlin, the Council agreed to note the terms of the report.

REVIEW OF PARTS 1 AND 2 OF THE STANDING ORDERS

A report was submitted by the Executive Director of Corporate Services asking the Council to approve changes to Parts 1 and 2 of the Standing Orders which relate to the Standing Orders for Meetings of Council, Committees and other bodies.

Councillor Robertson, seconded by Councillor McElhill, moved:-

In terms of Part 2 of the Standing Orders, specifically Standing order 28(a), Council agrees that a No Detriment Sub-Committee of Council will be formed.

This Sub-Committee will be charged with removing those employees who are red circled from detriment. The Sub-Committee will be chaired by the Convener of Appeals and will run for the full three year no detriment period.

The Convener, in consultation with the Leader of the Council and Leader of the Opposition will agree the political make up of the Sub-Committee.

With this alteration, Council agrees that all Standing Orders will remain unchanged for a period of three months to allow political groups and independent Councillors to discuss the proposed changes to Standing Orders and reach agreement where possible.

A further report will be brought to the January meeting of the Council for discussion and decision.

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

This Council agrees to continue this extensive report for consideration to a future meeting of the Council, subsequent to the convening of a seminar for all Elected Members at which each proposed change can be explained and understood.

By continuing this report, Council agrees that continuation in itself is not prejudicial to any Motion that may relate to Standing Orders coming before the Council for consideration prior to the successful completion of the seminar and any decisions being taken thereafter, arising out of this report.

On a vote being taken, 12 Members voted for the amendment and 10 for the motion. The amendment was accordingly declared carried.

FINANCIAL STATEMENTS 2007/2008

A report was submitted by the Executive Director of Corporate Services on the audited financial statements for the year to 31 March 2008.

The Council agreed to note the abstract of accounts for the year to 31 March 2008.

GENERAL SERVICES REVENUE BUDGETARY CONTROL STATEMENTS 2008/2009 (PERIOD 5)

A report was submitted by the Executive Director of Corporate Services advising the Council of the performance of the General Services Revenue Budget for the period to 15 September 2008.

The Council agreed to note the contents of the report.

GENERAL SERVICES CAPITAL PROGRAMME BUDGETARY CONTROL REPORT (PERIOD 5)

A report was submitted by the Executive Director of Corporate Services providing the Council with an update on the General Services Capital Plan for 2008/2009.

The Council agreed to approve the updated capital plan and noted the position to date as outlined in Appendices I and II to the report (shown as Appendix 2 to these minutes.)

ADJOURNMENT

After hearing the Provost, the Council agreed to adjourn for a short period.

The meeting reconvened at 9.55 p.m. with all those Members shown on the Sederunt in attendance with the exception of Councillors Bollan and Casey.

CORRESPONDENCE

(a) Reading Borough Council – Motion to support the campaign for Gurkha Rights

Correspondence was submitted from Reading Borough Council asking the Council to support a resolution in support of the Campaign for Gurkha Rights as detailed below:-

This Council notes and welcomes the opening in Reading of the first UK office of the United British –Gurkha Ex-Servicemen’s Association.

This Council thanks the former Mayor of Reading, Councillor Chris Maskell, for hosting a reception during which representatives of the Gurkhas explained the background to the campaign for Gurkha Rights to members of the Reading community.

This Council notes that Gurkhas have played an active front line part in the British Army’s activities in times of war and peace for nearly 200 years. In this period approximately 300,000 have fought alongside United Kingdom soldiers, with 45,000 of them being killed or wounded.

This Council notes that the Government announced in September 2004 a change in immigration rules that allowed Gurkhas who had served in the British Army to settle in the United Kingdom with their families.

This Council notes with concern however that this offer has only been extended to cover those Gurkhas who had served at least four years and been discharged after 1 July 1997.

This Council believes that, given the exceptional service they have given to the United Kingdom, Gurkhas and their families should be given fast track eligibility for either the right to remain or citizenship.

This Council:-

- 1) Urges Reading MP’s to support early day motions that seek to extend Gurkha rights.
- 2) Instructs the Chief Executive to write to the Local Government Association asking them to lobby the Government on this matter.

- 3) Instructs the Chief Executive to write to all other Councils in the United Kingdom asking them to support the campaign for Gurkhas Rights.
- 4) Instructs the Chief Executive to write to the Prime Minister demanding that all retired Gurkhas who fought in the British Army, get the right to citizenship, as well as a fair deal on pensions.
- 5) Asks the Chief executive to view sympathetically any request from Reading Gurkhas for a street collection in aid of Gurkhas living in Reading who are suffering financial hardship.

Note: Councillor Bollan re-entered the meeting at this point.

The Council agreed to support the campaign for Gurkhas Rights and instructed the Chief Executive to write a letter of support to Reading Borough Council

(b) COSLA Community Safety Executive Group – Invitation to Nomination

Correspondence was submitted from COSLA seeking a nominee from this Council to serve on the Community Safety Executive Group. The Council is asked to note that, with the prior agreement by the Leader of the Council and the Leader of the Opposition, Councillor Jonathan McColl was nominated to attend the first meeting of the Group on 6 October 2008, as an interim arrangement.

Councillor Robertson, seconded by Councillor McElhill, moved:-

That the Council agrees to nominate Councillor Finn to serve on the COSLA Community Safety Executive Group.

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

That the Council agrees to nominate Councillor Millar to serve on the COSLA Community Safety Executive Group.

On a vote being taken, 9 Members voted for the amendment, 10 for the motion and 2 Members abstained. The motion was accordingly declared carried.

Note: Councillor Casey re-entered the meeting at this point.

QUESTION

Question to the Convener of Educational Services from Councillor Patrick McGlinchey

Council notes that there is potential shortfall in the capital programme of £5m for next year. Council further notes the parental concern regarding the unexplained delay in the rebuild of Bonhill Primary School.

Parents believe that construction work was due to begin in July 2008 in order to meet the deadline of delivering the new build school by April 2010. This would suggest a potential extension of four months to the indicative delivery date.

Can the Convener of Educational Services provide clarification of the reasons for the delay and give parents an absolute assurance that the new build Bonhill Primary School, as previously specified, remains on track and within budget? Furthermore can the Convener of Education give an absolute assurance that the new build Goldenhill Primary School, as previously specified remains on track and within budget?

Councillor Smillie responded in the following terms:-

Tenders were returned on 5 August 2008.

The proposed contract for the new build of Bonhill Primary and Goldenhill Primary, originally programmed to commence on July 2008 was scheduled for completion of Bonhill Primary in June 2009.

The best tender received was approximately £4.5 million over budget and so the design team has been involved in identifying excess costs, designs and potential savings in order to make the project affordable to the Council.

In agreement with the Chief Executive, Officers are now proceeding with re-issuing tenders with a view to achieving savings due to the recent considerable turnaround in market conditions.

Designs have not been compromised.

In order to achieve affordability, officers are now considering:-

- Re-Prioritising the existing capital programme.
- Re-Profiling the project in programming terms.

This means that, assuming the project can be made affordable, delivery of both schools will be delayed.

- Bonhill Primary will be completed around April 2010; and
- Goldenhill Primary will be completed around August 2010.

I also note that Councillors McGlinchey and Millar sent out a factually incorrect press statement saying that decisions had already been taken by the SNP Administration. It can only be assumed that these statements were designed to cause stress and upset to parents and pupils. I would ask the aforementioned Councillors to apologise to the parents, pupils and staff of Bonhill and Goldenhill Primary Schools.

NOTICES OF MOTION

(a) Motion by Councillor Jim Bollan – Re-decoration Allowances

This Council agrees to exclude re-decoration allowances, which are funded from the HRA, from being set off against Council tax arrears.

The Council agreed to approve the above motion.

(b) Motion by Councillor Jim Bollan – Webpage for Trades Unions

This Council agrees to allocate a free full page, with a front page link, on the Council's website to the joint trades unions on WDC for their exclusive use to provide their members with information/advice, subject to compliance with all relevant legislation. The joint trades unions will have full editorial control over the content on the page. The facility, with appropriate professional advice and back up, should be made available to the trades unions as an urgent priority.

Councillor Bollan was heard in support of his motion which was seconded by Councillor Black.

As an amendment, Councillor Robertson, seconded by Councillor McElhill, moved:-

Council agrees that it is important for Trades Unions to be able to communicate effectively with staff and agrees to allow a links page on the Council website where Trades Unions can link to their own web space.

In answer to Members' questions, the Head of Legal, Administrative and Regulatory Services advised that the motion, in referring to 'compliance with all relevant legislation' adequately covered all legal issues; namely that the unions would have to agree to abide by the Council's ICT policy, and not publish any 'political publicity' contrary to legislation and guidance.

Thereafter Councillor Robertson, with the consent of the Council withdrew his amendment.

The motion was accordingly declared carried.

(c) Motion by Councillor David McBride – Proposed Changes to Governance of the Council.

This Council notes that the present SNP-led Administration has been the catalyst for a substantial breakdown in the hitherto positive and productive relationships between the Council, Trade Unions and staff. This SNP-led breakdown has been exacerbated by its financial incompetence that leaves the Council facing a budget deficit of £7million.

Therefore, this Council has no confidence in the present SNP-led Administration and is duty bound to take steps to rectify this appalling situation.

This Council agrees that the following changes to positions of responsibility are to take immediate effect.

- Leader of the Council: Councillor Martin Rooney
- Depute Leader of the Council: Councillor Margaret Bootland
- Convenor of Corporate and Efficient Government and Spokesperson for Corporate Services: Councillor David McBride
- Convenor of Social Work and Health Improvement and Spokesperson for Social Work and Health: Councillor Gail Casey
- Convenor of Education and Lifelong Learning and Spokesperson for Educational Services: Councillor Patrick McGlinchey
- Convenor and Spokesperson of Housing, Environment and Economic Development: Councillor John Millar
- Convenor of Planning and Licensing Committees: Councillor Marie McNair
- Convenor of Community Participation: Independent/SSP Councillor
- Convenor of Appeals Committee: Independent/SSP Councillor
- Leader of the Opposition: SNP nomination
- Convenor of Audit and Performance Review: SNP nomination.

Furthermore, the Council agrees that the following positions will be considered to be the 'Senior Councillor' appointments in accordance with current legislation.

- Convenor of Corporate and Efficient Government
- Convenor of Social Work and Health Improvement
- Convenor of Education and Lifelong Learning
- Convenor of Housing, Environment and Economic Development
- Convenor of Planning and Licensing Committees
- Convenor of Community Participation
- Leader of the Opposition
- Convenor of Audit and Performance Review

This Council is confident that these changes to the governance of the Council will result in a more equitable resolution to the Single Status impasse consequent to the SNP-led Motion that has been the cause of so much recent anguish among Council staff. In addition, this Council believes that an Administration with the courage to challenge the SNP Government for its woeful lack of provision of adequate resources to West Dunbartonshire is in the best interests of all our residents.

Councillor McBride was heard in support of his motion and informed the Council that with regard to the positions of “Convener of Community Participation” and “Convener of Appeals Committee” the words “Independent/SSP Councillor” should have read “Independent/SSP Councillors to nominate”.

Having failed to receive a seconder, the motion by Councillor McBride fell.

Councillor Rooney, seconded by Councillor McGlinchey, moved:-

That the Council approves the above motion as amended to reflect the undernoted change of wording:-

With regard to the positions of “Convener of Community Participation” and “Convener of Appeals Committee” the words “Independent/SSP Councillor” should be replaced with “Independent/SSP Councillors to nominate”.

As an amendment, Councillor Robertson, seconded by Councillor J. McElhill, moved as follows:-

Council notes that the SNP Administration has been the catalyst for positive change in West Dunbartonshire.

The SNP budget which we are currently operating is the first ever budget in the history of West Dunbartonshire to have been the subject of full consultation with staff, unions and the general public.

Council further notes that under the SNP, West Dunbartonshire Council is in the process of consulting parents and staff on their vision for a new primary schools’ estate.

Council reaffirms its confidence in the SNP Administration and agrees the following positions of responsibility:

| Position | Nomination | Senior Councillor (Yes/No) |
|--|-------------------|-----------------------------------|
| Leader of the Council | Iain Robertson | Yes |
| Deputy Leader of the Council | James McElhill | Yes |
| Convener of Corporate & Efficient Governance and Spokesperson for Corporate Services | Craig McLaughlin | Yes |
| Convener of Social Work & Health Improvement and Spokesperson for Social Work & Health | Jonathan McColl | Yes |

| | | |
|---|-----------------|-----|
| | | |
| Convener of Education & Life Long Learning and Spokesperson for Educational Services | May Smillie | Yes |
| Convener and Spokesperson for Housing, Environment & Economic Development | William Hendrie | Yes |

| | | |
|--|--|-----|
| Convener of Planning and Licensing Committees | James Finn | Yes |
| Convener of Community Participation | James Brown | Yes |
| Convener of Appeals | George Black | Yes |
| Leader of the Opposition | This will be for the largest opposition group to determine | Yes |

Given the increased workload of the Licensing Board with the new 2009 act coming into effect and given the Chair's pro-active ethos with the board undertaking more out of hours visits, Council agrees that the Chair of the Licensing Board will be considered a Senior Councillor in terms of the relevant legislation and remunerated at the appropriate level.

In Addition, Council agrees that the Convener of Audit & Performance Review will be the Leader of Opposition.

On a vote being taken, 13 Members voted for the amendment and 9 for the motion. The amendment was accordingly declared carried.

ADJOURNMENT

After hearing the Provost, the Council agreed to adjourn for a short period to allow members of the public to leave the public gallery.

The meeting reconvened at 11.00 p.m. with all those Members shown on the Sederunt in attendance.

(d) Motion by Councillor David McBride – Proposed vote of no confidence

This Council notes that the present SNP-led Administration has been the catalyst for a substantial breakdown in the hitherto positive and productive relationships between the Council, Trade Unions and staff. This Council notes

with disappointment that Provost Denis Agnew has played a decisive role in this breakdown.

This Council is aware that at least three complaints have been made to the Standards Commission for Scotland by members of staff concerning Provost Agnew's alleged behaviour.

Whilst in no way presuming the outcome of these investigations, it is clear that the Council will be subject to more negative public publicity resulting from these investigations during the coming months, to the detriment of the reputation of West Dunbartonshire Council. This Council does not believe that the interests of this Council are being served whilst Councillor Denis Agnew holds the prestigious appointment of Provost of West Dunbartonshire.

Therefore, this Council has no confidence in Councillor Agnew as Provost of West Dunbartonshire and calls on him to act with honour and resign his appointment with immediate effect.

Councillor McBride was heard in support of his motion which was seconded by Councillor McGlinchey.

As an amendment, Councillor R. McColl, seconded by Councillor Robertson, moved as follows:-

Council notes that Provost Denis Agnew has been exonerated from any wrong doing in his calling of the Special Council Meeting on the 19 August 2008.

Council notes that Labour's Leader, Cllr Martin Rooney, appointed Brodies to conduct the investigation.

Given that the Labour appointed investigator found nothing wrong, Council can only presume that Labour's motion here today is a personal attack on Provost Agnew.

Council agrees that personal attacks such as this have no place on a Council agenda and instructs every Councillor who votes for motion 22 tonight to write an apology to Councillor Agnew.

Council reaffirms that it has full confidence in the integrity of its Chair.

In response to question by Councillor McAllister, the Head of Legal, Administrative and Regulatory Services informed the Council that although, in his opinion, the amendment was competent, it would be difficult to enforce the requirement for Members to write a letter of apology to the Provost.

On a vote being taken, 13 Members voted for the amendment and 9 for the motion. The amendment was accordingly declared carried

(e) Motion by Councillor David McBride – Standing Orders

This Council agrees the following change to its Standing Orders:

Standing Order 1 (b)

To delete all after "Standing Order 8".

Councillor McBride was heard in support of his motion which was seconded by Councillor Rooney.

As an amendment, Councillor J. McColl, seconded by Councillor Robertson, moved as follows:-

The Council agrees to retain the status quo.

On a vote being taken, 12 Members voted for the amendment, 9 for the motion and 1 Member abstained. The amendment was accordingly declared carried

(f) Motion by Councillor Bollan - Council Tax Payments

The new payment date of the 1st of the month for Council Tax payments is causing difficulty for many claimants who receive their state benefits on or immediately after the 28th of each Month.

This Council therefore agrees to either revert to Council taxpayers being able to make Council Tax payments on or before the 28th of each month or introduce flexibility into the current arrangements to allow those Council Tax payers who receive benefits via bank payments scheduled to arrive on the 28th day an additional 7 days to make the necessary payment to WDC.

A report to the November Council meeting indicating how the new system will operate is required with a start date for the more flexible payment method being 1/4/2009.

Councillor Bollan was heard in support of his motion which was seconded by Councillor Millar.

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

The Council asks for a report to the November meeting of the Council to look at how the issues raised in Councillor Bollan's motion can be addressed.

On a vote being taken, 10 Members voted for the amendment and 12 for the motion which was accordingly declared carried

The meeting closed at 11.40 p.m.