

## **WEST DUNBARTONSHIRE COUNCIL**

At the Meeting of West Dunbartonshire Council held in the Council Chamber, Council Offices, Garshake Road, Dumbarton on Wednesday, 30 August 2017 at 5.00 p.m.

**Present:** Provost William Hendrie, Bailie Denis Agnew and Councillors Jim Bollan, Jim Brown, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Caroline McAllister, Douglas McAllister, David McBride, Jonathan McColl, Iain McLaren, Marie McNair, John Mooney, Lawrence O'Neill, Sally Page, Martin Rooney and Brian Walker.

**Attending:** Joyce White, Chief Executive; Angela Wilson, Strategic Director – Transformation & Public Service Reform; Richard Cairns, Strategic Director – Regeneration, Environment & Growth; Beth Culshaw, Chief Officer, West Dunbartonshire Health & Social Care Partnership; Peter Hessel, Strategic Lead – Regulatory; Stephen West, Strategic Lead – Resources; Peter Barry, Strategic Lead – Housing & Employability; Malcolm Bennie, Strategic Lead – Communications, Culture & Communities; Victoria Rogers, Strategic Lead – People & Transformation; Laura Mason, Chief Education Officer; Gillian McNeilly, Finance Manager; Craig Jardine, Programme Manager and Christine McCaffary, Senior Democratic Services Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Gail Casey and John Millar.

### **Provost William Hendrie in the Chair**

#### **DECLARATIONS OF INTEREST**

Councillor Jonathan McColl declared an interest in Items 6a and 6b – Equal Pay, stating that a family member may benefit financially depending on the Council's decision and that he would leave the meeting and take no part in consideration thereof.

#### **VARIATION IN THE ORDER OF BUSINESS**

Having heard the Provost, the Council agreed to vary the order of business as hereinafter minuted.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of meeting of West Dunbartonshire Council held on 28 June 2017 were submitted and approved as a correct record, subject to the minute for the adjournment being corrected to show that the Provost agreed to the 10 minute recess and not Council.

### **OPEN FORUM**

Provost Hendrie advised that an open forum question had been received from Ms Susan Dick concerning a 5.5 acre greenbelt status field belonging to her that had been earmarked for relief road routes for A82.

The Provost invited Ms Dick to come forward and join the meeting, and she proceeded to read out the following question:-

This is a field in private ownership which I do not wish to sell or lose, I have owned it for over 20 yrs, I use it for my horses, one of which is buried there, wildlife and conservation projects and as an informal venue for children and special needs adults with no other access to countryside/wildlife or horses where they can come and help and learn about horses and help with the field itself. I intend to live there in future and run this place as a more formal venue for those with special needs or mental health issues. A lifetime's work has been poured into this field and it is needed by myself and my horses. Planning permission has been given for the equestrian buildings currently on site.

Just for information purposes and so as you all know what has been happening so far, I received a letter threatening compulsory purchase If I did not willingly sell my land – this was later retracted as was sent out prematurely and several different types of contractors have been on my land without my knowledge or permission, some have cut down tree branches, left spikes in the field, left tools behind and caused damage. They made it impossible for me to use my field at latter part of 2016 for safety reasons. These contractors were hired by west Dunbartonshire council.

I have attended meetings to discuss why I need my land and been promised all this would be taken into consideration and an indication everything was up for debate was stated by your representatives. I have also attended your public meeting/consultation at bowling hall in may despite attempts to dissuade me from doing so. As a result of that I handed in 363 comment sheets 1 from myself and the rest from the general public asking you to consider a re-route of your planned roads, an on line petition was also handed in containing a further 225 signatures all asking the same thing. I have also provided maps of a few alternative and possibly money saving routes using other nearby ground and I know there are many other alternative routes that could be thought of which would save all of or certainly more of my land.

The latest plans I have seen from yourselves are to put 4 roads through my land splitting it into several small and practically unusable parts. This is greenbelt land currently sown as a wildflower and wildgrasses meadow and contains a large wildlife pond, several hundred trees and a foraging area. Your plans will hinder the movement of wildlife and render the remaining land more or less unusable/unsuitable for the current uses to which it is put namely wildlife/conservation/biodiversity/pony grazing and social inclusion activities for the wider community. All of these you are promoting within your council town plans and some of these reasons have been used by yourselves to protect the fields at Duntiglennan.

**Question:-**

Have you exhausted each and every possible other route or routes which would avoid altogether or at least not fragment this continuous piece of greenbelt land into several unusable areas?

Councillor Iain McLaren provided the following response:-

I'd like to thank Mrs Dick for her contribution and question, and give her my apologies for the mistakes that were made in the past regarding the compulsory purchase order and problems with contractors.

The City Deal project is going to be discussed further in item 5 on the agenda, which Mrs Dick is welcome to stay to hear, but in answer to the question:

I am satisfied that alternatives for other routes have been properly examined and exhausted.

The proposed junction design and road route has been prepared and verified by independent experts, and is the only deliverable option that complies with the statutory requirements of Transport Scotland, SEPA, and Network Rail. The fact that this was likely to impact on other landowners was noted in a report to 26 April Council. However our consultants are considering the feedback from the public consultation in respect of which areas of land will be required for the project.

I would also like to point out that section 6.12 of the report makes reference to land that is part of the Exxon site, and has been verified as uncontaminated by external independent assessors. We believe that this may be an enhanced alternative to Mrs Dick's current field, and I'd be happy to explore this possibility with her.

As a supplementary question, Ms Dick asked if she could be advised of the other discounted alternative routes and the reasons why these had been discounted.

The Strategic Director – Regeneration, Environment & Growth advised that he would arrange for Ms Dick to be provided with this information.

The Provost thanked Ms Dick for her contribution, advising that she would receive a written response to her supplementary question within 7 days.

### **REQUEST FOR DEPUTATION – UNITE**

The Provost advised that a late request had been received to hear a deputation from Unite regarding employee relations at NuStar Terminals, Clydebank.

Following consideration, Council agreed to hear the deputation.

The Provost invited the delegation, namely Elaine Dougal, Paul McGranaghan and Jer Nash forward to join the meeting.

Mr McGranaghan thanked the Council for the opportunity of being heard. He and Ms Dougal then spoke of the difficulties some employees of NuStar were currently experiencing in connection with changes to their terms and conditions and that NuStar was refusing to meet the employees for discussions. They advised that the purpose of the deputation was to seek support from the Council.

Following questions to the delegation and further discussion by Members, Councillor Douglas McAllister, seconded by Councillor Bollan moved:-

This Council fully supports the local workers from Clydebank engaged in an industrial dispute with their employer NuStar. This Council supports the workers fight against their employers attempt to impose unwanted shift changes on employees. This Council fully supports Unite, the union's attempts to negotiate on behalf of their members. This Council is dismayed to hear of the intransigence and refusal of the company to meaningfully consult with the workers. This Council is disappointed to note that the employer has dismissed the offer of ACAS to assist; this Council understands this approach is completely unprecedented. This Council condemns the Company in their attempts to intimidate the workers by allegedly investigating them under spurious charges and creating a culture of intimidation and bullying in the workplace. West Dunbartonshire Council offers to stand in solidarity with the workers involved in this industrial dispute and offers to help the NuStar workers in any way we can in their attempts to fight against the imposition of the unfair and new working conditions.

The Council agreed to approve the above motion.

The Provost thanked the delegation for their contributions and they returned to the public gallery.

## **GLASGOW CITY REGION CITY DEAL – UPDATE**

A report was submitted by the Strategic Lead – Regeneration on the progress with the implementation of the Glasgow City Region, City Deal and Council's City Deal project.

Councillor McColl, seconded by Councillor Rooney moved that Council agree to:-

- (1) note the progress of the Glasgow City Region City Deal;
- (2) note progress with the Council's project for the Exxon site; and
- (3) note that discussions have taken place at the City Deal Cabinet concerning educational improvement and collaborative regional structures for the governance of Education. This will be the subject of a separate report to Council.

The Strategic Director – Regeneration, Environment & Growth was heard in answer to a Member's questions.

Councillor Bollan, having failed to obtain a seconder for a proposed amendment, asked that his dissent be recorded in respect of this item.

Accordingly, the Council agreed the motion.

## **COLLABORATION TO DELIVER EXCELLENCE AND EQUITY IN EDUCATION**

A report was submitted by the Strategic Director – Transformation & Public Service Reform seeking agreement of additional governance arrangements for education in the Glasgow City Region.

Councillor Conaghan, seconded by Councillor McColl moved:-

Council agrees to delegate authority to the Educational Services Committee to consider the report and its recommendations. Should the Committee agree to use the City Deal body as its vehicle for regional education collaboration then any future reports should go directly to the Educational Services Committee.

As an amendment, Councillor O'Neill, seconded by Councillor McBride moved:-

That this matter must be dealt with as part of the City Deal and by Council.

On a vote being taken 9 members voted for the amendment, and 11 for the motion which was accordingly carried.

Note:- Councillor McColl, having declared an interest earlier in the meeting, left the meeting at this point.

## EXCLUSION OF PRESS AND PUBLIC

A resolution under Section 50A(4) of the Local Government (Scotland) Act, 1973 to exclude press and public from the meeting during consideration of the following item of business was submitted for consideration.

Councillor Rooney, seconded by Councillor McBride moved that press and public not be excluded from the meeting during consideration.

Following clarification from the Strategic Lead – Regulatory, the Council agreed not to exclude press and public from the meeting.

## EQUAL PAY

A report was submitted by the Strategic Lead – People & Technology on the above.

Councillor Rooney, seconded by Councillor McBride moved:-

This Council thanks all those involved in preparing the report for consideration by Councillors today but notes that the recommendations do not match the intent of the original motion. There is a significant number of employees who believe that they lost out on second wave equal pay claims.

**First Wave Claims:** The Council settled historic equal pay claims in 2006 and 2008/9 through compensation payments. In 2009 implemented the nationally agreed job evaluation scheme and revised terms and conditions and paid a compensation to all affected employees to buy out previous terms. The particular solution was implemented by the SNP Administration and opposed by the Labour Group of Councillors and the SSP. Some individual employees refused to accept the compensation deal and instead opted to pursue their claims through the employment tribunal process. The outstanding first wave equal pay claims concluded.

**Second Wave Claims (Pay Protection Claims):** Although the SNP Councils imposition addressed historic equal pay issues, the pay preservation meant that some individuals were placed at the top of the grade while others were placed at the bottom. It would therefore take three years of incremental pay rises to achieve parity. As a result 600 employees initiated second wave equal pay claims seeking compensation for the unequal treatment between 2009 and 2012. The three years of pay inequality.

**Second Wave Claim Period:** Second wave equal pay claims had to be submitted within 5 years of the three years of pay inequality, so all claims had to be submitted by 31<sup>st</sup> March 2017 to be eligible. Any Claims received after this date would be time barred. Of the 600 claims, 400 were deemed valid and 200 were either struck out or withdrawn.

**Implications of the Motion of 28<sup>th</sup> June** The Council can look at all groups of employees<sup>h</sup> with successful Employment Tribunal Claims and a settlement (the 400 identified above) and identify others in the workforce who would have been eligible for compensation had they submitted a claim.  
**This is the moral argument made at the June Council meeting.**

**Financial Implications:** The financial implications within the report suggest that the options would cost between £1m and £4m. Option 3 appears to best relate directly to second wave claims, affects 1,082 employees who did not lodge a claim and would cost circa **£1.5m.**

This Council therefore calls on the Chief Executive to develop detailed costings for this option and to explore potential payment methods, with a report to come to a future Council meeting for decision.

Councillor Bollan asked if Councillor Rooney would include as an addendum that Option 5 of the report be added to the last paragraph of his motion.

Councillor Rooney confirmed his acceptance to the addendum.

As an amendment Councillor Caroline McAllister, seconded by Councillor Dickson moved the recommendations in the report:-

That Council notes the progress and actions taken to date and agrees that no further action should be taken in respect of this matter.

Having sought external, independent legal counsel the advice given was that any proposed payments would be “irrationally generous”. There is no legal or financial duty to make payments as any historical legal obligation has been extinguished through prescription.

The Council would be making payment to a group it could not be confident has ever suffered a breach of the Equal Pay duty. In addition senior union officials have expressed concern as it cuts across the established legal process.

Following discussion and at the request of Councillor O’Neill, the Council agreed to proceed by way of a roll call vote.

On a vote being taken 11 Members, namely Provost Hendrie, Bailie Agnew and Councillors Brown, Conaghan, Dickson, Docherty, Finn, Caroline McAllister, McLaren, McNair and Page voted for the amendment and 8 Members voted for the motion, namely Councillors Bollan, Lennie, Douglas McAllister, McBride, Mooney, O’Neill, Rooney and Walker.

The amendment was accordingly carried.

## **ADJOURNMENT**

The Provost adjourned the meeting for a period of 5 minutes.

The meeting reconvened at 6.45 p.m. with all those Members noted in the sederunt present.

### **GENERAL SERVICES – BUDGETARY CONTROL REPORT PERIOD 4**

A report was submitted by the Strategic Lead – Resources on the progress of both the General Services revenue budget 2016/17 and the approved capital programme.

After discussion and having heard the Finance Manager in answer to a Member's question the Council agreed:-

- (1) to note that the revenue account currently shows a projected annual favourable variance of £0.056m (0.03% of the total budget);
- (2) to note that the capital account shows a projected annual favourable variance of £20.917m (23% of the budget) and a projected project life adverse variance of £1.629m (0.55% of project life budget);
- (3) to approve the capital virements as detailed in Appendix 9 of the report, with the exception of the virement of £0.064m from Aids & Adaptations to Replace Elderly Care Homes and Day Care for purchase of beds for Dumbarton Care Home; and
- (4) to action the spend to save proposals and the additional capital budgets required, as noted in Appendix 10 of the report.

### **HOUSING REVENUE ACCOUNT – BUDGETARY CONTROL REPORT – PERIOD 4**

A report was submitted by the Strategic Director – Regeneration, Environment & Growth providing an update on the financial performance of the HRA revenue and capital budgets.

The Council agreed:-

- (1) to note the projected favourable revenue variance of £0.220m (0.5%); and
- (2) to note the position advised in relation to the capital budget which is currently projecting an in-year favourable variance of £7.624m (24.9%), of which £6.051m (19.8%) relates to project re-phasing and an in-year underspend of £1.573m (5.1%).



## **TREASURY MANAGEMENT ANNUAL REPORT 2016/17**

A report was submitted by the Strategic Lead – Resources providing an update on treasury management during 2016/17.

The Council agreed:-

- (1) to note the treasury management stewardship information within the report;
- (2) to note the 2016/17 actual prudential indicators as advised within the report (Tables 2, 3, 4 and 5 within Appendix 1); and
- (3) that a copy of the report be remitted the Audit and Performance Review Committee to ensure further scrutiny takes place.

## **ANNUAL REPORT AND YEAR-END PERFORMANCE 2016/17**

A report was submitted by the Strategic Lead – Communications, Culture & Communities summarising the Council's progress in meeting strategic priorities and objectives and the year-end performance.

The Council agreed:-

- (1) to note the contents of the report and that the value for *planning applications (major developments) – number of weeks to decision* should read 23.4 weeks and not 30.5 as shown in Appendix 2 of the report;
- (2) to note that the annual report and suite of performance information will be published as part of annual public performance reporting by the end of September 2017; and
- (3) to thank the officers involved in the preparation of the annual report.

## **AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

A report was submitted by Strategic Lead – People & Technology providing an update on the current provision of AEDs across West Dunbartonshire.

Councillor McNair moved:-

This Council welcomes the report on the allocation of Automatic External Defibrillators in Council establishments.

The report correctly highlights that heart disease is one of the UK's biggest killers, and Council stresses the need to respond to this in a cross party manner.

We commend the approach to this so far but need to do more to raise awareness of the importance of this issue and all the resources available.

Council therefore agrees that a public awareness campaign is launched in West Dunbartonshire and that all interested parties are involved.

As well as the location of the Council's AEDS we should also compile a list of all AEDs in others facilities across West Dunbartonshire.

Furthermore, Council agrees to explore options to promote general first aid training in our schools, community groups and the wider public.

Councillor Lennie asked if Councillor McNair would accept as an addendum to her motion that officers locate an AED in Dalmuir Community Centre and look into putting one in Council buildings where people gather.

Councillor McNair confirmed her acceptance of the addendum.

Having heard officers seek clarification of the terms of the motion, Councillor McColl confirmed that the intention of the motion and addendum was that an AED be located in Dalmuir Community Centre as soon as possible, and a report brought back to Council, hopefully in October, with a comprehensive list of AED locations across West Dunbartonshire, that included any that may currently be unregistered by external organisations.

The Council agreed to approve the motion.

### **CLYDEBANK COMMUNITY SPORTS HUB – UPDATE**

A report was submitted by the Strategic Lead – Environment & Neighbourhood providing an update on the progress of the delivery of the Clydebank Community Sports Hub.

After discussion and having heard the Programme Manager in further explanation of the report and in answer to Members' questions, the Council agreed:-

- (1) to note the progress of Clydebank Community Sports Hub project;
- (2) to approve additional capital funding up to a maximum of £850,000 to allow the project to proceed with the current scope of deliverables, with a clear understanding that every effort will be made to minimise costs, where possible; and
- (3) to note that the contract will be awarded to the preferred bidder, under the delegated authority noted at 3.1 of the report.

## **NOTICE OF MOTION**

### **Motion by Councillor Jonathan McColl – Universal Credit (CAB Led Strategy)**

Council notes that Universal Credit will be rolled out in August by the UK Department for Work and Pensions.

Among the numerous issues with Universal Credit, Council further notes that in an effort to reduce footfall at their diminishing Job Centre Plus public office estate, the DWP will be requiring scores of claimants to maintain their benefits online on a regular basis; many of these individuals will not have easy access to the internet.

West Dunbartonshire Citizen's Advice Bureau are keen to lead in the development of a cross agency strategy to ensure that West Dunbartonshire's statutory and 3rd sector bodies are able to work cohesively and respond effectively to the needs of our residents who will be adversely affected by these changes.

Council agrees to work with WDCAB (the lead organisation), the Independent Resource Centre, WDCVS and other appropriate bodies to develop the strategy. Officers should use the monthly members' briefings to keep members informed as the strategy develops, and reports should be brought to Council for decisions as required.

The Council approved the above motion.

The meeting closed at 7.15 p.m.