

WEST DUNBARTONSHIRE COUNCIL

At a Special Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank, on Wednesday, 17 January 2007 at 2.10 p.m.

Present: Provost Alistair Macdonald, Councillors Denis Agnew, George Black, Jim Bolla, Margaret Bootland, Dennis Brogan, Geoff Calvert, Gail Casey, Tony Devine, James Flynn, Jackie Maceira, James McCallum, Margaret McGregor, Craig McLaughlin, Marie McNair, Iain Robertson, Martin Rooney and Andy White.

Attending: David McMillan, Chief Executive; Ronnie Dinnie, Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services); Irving Hodgson, Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services); Liz McGinlay, Director of Education and Cultural Services; Bill Clark, Director of Social Work Services; David Connell, Head of Finance; Stephen Brown, Head of Legal and Administrative Services; Terry Lanagan, Head of Service - Schools Estate; John McKerracher, Head of Housing and Property Services; Anne Ritchie, Head of Social Work (Operations); Stephen West, Manager of Resources, Social Work; Margaret Caldwell, Manager of Housing Operations; Jeff Stobo, Manager of Strategy, Housing, Regeneration and Environmental Services; Dave Clarke, Manager, Schools Estate; Liz Cochrane, Principal Policy Officer and George Hawthorn, Senior Administrative Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Linda McColl, Duncan McDonald, Douglas McAllister and Connie O'Sullivan.

Provost Alistair Macdonald in the Chair

ACCOUNTS COMMISSION AUDIT OF BEST VALUE AND COMMUNITY PLANNING – WEST DUNBARTONSHIRE COUNCIL – FINDINGS

11221 A report was submitted by the Chief Executive requesting the Council to consider the Accounts Commission's recommendations:-

- (a) to review the following decisions in light of Best Value Guidance on corporate decision making:-
 - (i) Allocation of Schools Improvement Fund;

- (ii) Partial Housing Stock Transfer; and
- (iii) Closure of facilities in Renton.

(b) to prepare and formally adopt an improvement plan to address immediate and medium term priorities outlined in the report.

11222 Councillor Rooney, seconded by Councillor Maceira, moved as follows:-

11223 That the Council agrees:-

- (1) to accept all of the recommendations contained in the letter from the Accounts Commission dated 14 December 2006;
- (2) to approve, in principle, the draft Improvement Plan with a finalised report to be submitted to the Council Meeting on 28 February 2007;
- (3) to endorse the decision by the Chief Executive to recruit the five new posts referred to in paragraph 9.1 of the report;
- (4) to delegate authority to the Chief Executive to engage appropriate external assistance as required;
- (5) to form a cross-party working group consisting of six Members (four from the Administration and two from the Opposition) and appropriate officers of the Council to develop the Plan and monitor progress and report back to Council in July 2007; and
- (6) to note that the membership of the working group would need to be reviewed after the elections in May 2007.

11224 The Chief Executive was heard in further explanation of the report and draft improvement plan and the Section Head – Performance Management in answer to Members' questions.

11225 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-

11226 That this Council recognises that the Best Value Audit identified key weaknesses in how this Council is run. It is clear that the Council needs to take a fresh direction and can only achieve this by a review by an independent organisation.

11227 This Council therefore agrees to instruct the Monitoring Officer to approach independent bodies such as Caledonian University or the Joseph Rowantree Trust to assist in the production of a draft improvement remedial plan.

11228 On a vote being taken, 6 Members voted for the amendment and 12 for the motion, which was accordingly declared carried.

**ACCOUNTS COMMISSION CONSULTATION - REVIEW OF THE AUDIT OF
BEST VALUE AND COMMUNITY PLANNING**

11229 A report was submitted by the Chief Executive presenting a draft response to the Accounts Commission paper entitled "Review of the Audit of Best Value and Community Planning" for consideration by the Council.

11230 Councillor Calvert, seconded by Councillor Maceira, moved:-

11231 That the draft response, as appended to the report, be approved subject to the undernoted changes:-

1.2 Delete the second paragraph and replace with the undernoted wording:-

This is not intended as a criticism of individual auditors – but is rather a criticism of the fact that Community Planning has been the subject of audit before the development of any agreed measures of how the effectiveness of Community Planning can be assessed.

It is because this is in its early stages that we believe that the auditors have not had the opportunity to develop an in-depth knowledge of the different dynamics at work in community planning – as opposed to within a single public sector organisation.

1.3 That the second paragraph be amended to read as follows:-

This method of surveying staff can lead to selection bias, where staff with the greatest motivation respond and those with less motivation do not. This in turn can lead to an over-representation of extreme views, so that the results may give an unrepresentative depiction of the views of a minority. It is our view that in order to produce reliable results any future surveys would need to be more carefully designed. It would need to adhere to a more robust sampling strategy such as a stratified random sampling approach with response rate quotas linked both to service departments and grade of response groups.

2.6 Delete last sentence.

6.4 Insert the word "presented" at the end of the first sentence.

11232 The Chief Executive was heard in answer to Members' questions and confirmed that the original deadline date of 12 January 2007 had been extended to allow the Council's response to be taken into account as part of the consultation.

11233 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-

11234 That this Council does not submit the report and the appendix as this Council's response to the consultation. It is a highly politicised document which criticises the audit process and the Audit Team. The comments it contains do not offer any constructive criticism of the best value review and the hearing process.

11235 Political groups should make their own individual submissions to the review.

11236 On a vote being taken, 6 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

APPLICATION TO JOIN THE COMMUNITY OWNERSHIP PROGRAMME

11237 A report was submitted by the Chief Executive:-

- (a) informing the Council of the decision by Communities Scotland that the Council's application to join the Community Ownership Programme (COP) is not acceptable in its current form; and
- (b) advising that the Council has until 30 January 2007 to make comments concerning this matter.

11238 Councillor Flynn, seconded by Councillor Rooney, moved:-

11239 That the recommendations of the report be approved, as follows:-

11240 The Council agrees:-

- (1) to note that Communities Scotland have rejected the Council's application to join the Community Ownership Programme on the basis of a partial stock transfer; and
- (2) to instruct the Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services) to submit a report to a future Council meeting setting out options and recommendations with respect to a further application to the Community Ownership Programme.

11241 The Manager of Strategy (Housing, Regeneration and Environmental Services) was heard in response to Members' questions.

11242 As an amendment, Councillor McLaughlin, seconded by Councillor Black, moved:-

- 11243 That this Council has grave concerns on the future of the Housing Stock Transfer which will have a clear impact on all of the stakeholders involved. This Council therefore agrees to establish a working group comprising tenants, trades unions, members and officers to discuss the future of the housing stock transfer and all of the options available to the Council which will enable it to comply with the Scottish Housing Quality Standard by 2015.
- 11244 The Working Group should seek independent advice including that of the original consultants and report back to the Council in 6 months time or request an extension if necessary.
- 11245 On a vote being taken, 6 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

ADJOURNMENT

- 11246 Having heard Provost Macdonald, the Council agreed to adjourn for a short period.
- 11247 The meeting reconvened at 4.00 p.m. with all those Members on the Sederunt in attendance with the exception of Councillors McCallum and Devine who arrived during the discussion on the undernoted item.

COMMUNITIES SCOTLAND INSPECTION OF HOUSING MANAGEMENT SERVICES

- 11248 A report was submitted by the Chief Executive informing the Council of the decision by Scottish Ministers which indicated that they were minded to require West Dunbartonshire Council to provide Communities Scotland with a remedial plan under Section 74 of the Housing (Scotland) Act 2001 concerning housing and related services.
- 11249 Councillor Flynn, seconded by Councillor Rooney, moved:-
- 11250 That the Council approves the recommendations of the report as follows:-
- (1) the Council adopts Option 3 as set out in paragraph 3.9 of the report and responds to Communities Scotland in the terms set out in the letter attached (Appendix 2) to the report, indicating that it is willing to prepare a remedial plan in a voluntary arrangement with Communities Scotland and that it requests that the formal notice under Section 74 of the Housing (Scotland) Act 2001, be withdrawn; and

- (2) that an Officer/Member Working Group be established to facilitate the preparation of the remedial plan and that the Council nominate six members to sit on this Working Group.

11251 Councillor Flynn and the Head of Housing and Property were heard in response to Members' questions.

11252 As an amendment, Councillor Bollan, seconded by Councillor Robertson, moved:-

11253 This Council notes with concern the decision of the Scottish Minister and the report by Communities Scotland following the inspection of the Council's Housing Management Services. Given the severity of the report and the weaknesses identified, this Council agrees that the positions of the Convener of Housing Services and the Chief Executive (former Director of Housing, Regeneration and Environmental Services) are untenable.

11254 This Council therefore agrees that the Convener of Housing Services should resign and calls on the Chief Executive to be suspended pending the outcome of an independent investigation into the running of the Housing Department.

11255 In addition, the Council agrees that the remedial plan requires to be drafted with an independent perspective. To that end the Council agrees to instruct the Monitoring Officer to approach housing research organisations and invite them to undertake a study on the housing department. The Monitoring Officer should report back to the February Council Meeting on which organisations have indicated a willingness to undertake such work.

11256 At this point the Head of Legal and Administrative Services advised the Council:-

- (i) that, should the amendment be approved, there may be certain difficulties with employment procedures relating to the suspension of a Chief Executive, which would need to be adhered to in order to comply with the relevant employment law; and
- (ii) that the Councillors' Code mentions that Councillors should not raise matters relating to the conduct or capability of employees in public and that the Council's Standing Orders now included a section from the Standard's Commission Guidance on Conduct in Chamber or Committee which states that Members should respect all Council employees and treat them with courtesy at all times.

11257 After hearing Councillor White, the Council agreed to proceed by way of a roll call vote.

- 11258 On a vote being taken, 6 Members voted for the amendment (namely Councillors George Black, Jim Bollan, Dennis Brogan, Margaret McGregor, Craig McLaughlin and Iain Robertson) and 12 for the amendment (namely Provost Alistair Macdonald and Councillors Denis Agnew, Margaret Bootland, Geoff Calvert, Gail Casey, Tony Devine, James Flynn, Jackie Maceira, Jim McCallum, Marie McNair, Martin Rooney and Andy White).
- 11259 Accordingly, the motion was declared carried.

THE SCHOOLS FUND 2006/2007 - ADDITIONAL ALLOCATIONS

- 11260 A report was submitted by the Director of Education and Cultural Services:-
- (a) informing the Council of the second additional allocation of funds made available by the Scottish Executive Education Department (SEED) for school building improvements in 2006-07; and
 - (b) seeking the approval of Council for proposals for the disbursement of these additional funds.
- 11261 Councillor Agnew informed the Council that the comments made in paragraph 3.8 of the report should not be taken into consideration as issues relating to St Joseph's Primary School had been dealt with elsewhere in the report.
- 11262 After hearing the Head of Service, Schools' Estate and the Manager, Schools' Estate, in answer to Members' questions, the Council agreed:-
- (1) to approve the allocation of the additional School Fund grant for 2006-07 of £407,000 to the projects outlined in paragraphs 3.4 – 3.7 and 3.9 to 3.12 of the report and to instruct officers to commence the planning, tendering and implementation of these projects as a matter of urgency to ensure that the full grant was spent by 31 March 2007; and
 - (2) to delegate authority to the Director of Education and Cultural Services, in consultation with the Chief Executive, Head of Finance and the Convener of Education and Cultural Services, to approve the expenditure of the provisional projects listed above in the event that the Scottish Executive does not approve the carry forward of £200,000 for the underspend on the St Joseph's Primary windows replacement contract.

**DECISION MAKING PROCESSES RELATING TO THE CLOSURE OF
RENTON LIBRARY, RENTON COMMUNITY EDUCATION CENTRE AND
LEVEN COTTAGE CARE HOME**

- 11263 A report was submitted by the Chief Executive presenting to the Council the findings of the Chief Executive's investigation into decision making processes prior to the closures of Renton Library, Renton Community Education Centre and Leven Cottage Care Home and, as a result, allow the Council to review those decisions.
- 11264 Councillor Agnew, seconded by Councillor Rooney, moved:-
- 11265 That the recommendations of the report be approved as follows:-
- (1) that the closure of Renton Library, based on usage figures, the availability of alternative provision and the need to make savings within the Council's revenue budget, was justified and stands;
 - (2) that the closure of Renton Community Education Centre, based on usage figures, the availability of alternative provision and the need to make savings within the Council's revenue budget, was justified and stands; and
 - (3) that the closure of Leven Cottage was justifiable, however, the Health Improvement and Social Justice Partnership governance arrangements are subject to a review and would be reported to a future Council meeting.
- 11266 As an amendment, Councillor Bollan, seconded by Councillor McGregor, moved:-
- 11267 Given the Audit Commission's criticism of WDC for the lack of consultation with the community, this Council agrees to arrange a 28 day period of extensive consultation with the Renton community to firstly explain the reasons and the process behind the closure of the Renton Library and CE Centre and to allow the community to question and comment on these proposals.
- 11268 The results of the consultation exercise should be tabled at the first available full Council meeting to allow a final decision to be made on both services.
- 11269 On a vote being taken, 6 Members voted for the amendment and 12 for the motion which was accordingly declared carried.

**CHANGES TO SERVICE SPOKESPERSONS, COMMITTEES AND
OUTSIDE BODIES**

- 11270 The Council was invited to consider making changes to Service Spokespersons, Committees and Outside Bodies in light of recent changes to the political leadership of the Council.
- 11273 At this point Councillor Rooney circulated a list of proposed changes for consideration.
- 11274 After hearing Councillor McLaughlin explain that the Opposition did not wish to nominate an Opposition Member to be the Chair of the Audit and Performance Review Committee as they would prefer to wait for the outcome of the review of the Council audit and scrutiny structures, the Council agreed to approve the changes as detailed in the Appendix to these Minutes.

The meeting closed at 6.00 p.m.

CHANGES TO SERVICE SPOKESPERSONS, COMMITTEES AND OUTSIDE BODIES

PART 1 COUNCIL SPOKESPERSONS

- Social Work Spokesperson – Delete Councillor Martin Rooney and insert Councillor Gail Casey
- Audit and Performance Review Committee – Delete Councillor Jackie Maceira. To be nominated by the Labour Administration at a later date.

PART 2 COMMITTEE MEMBERSHIP

- Health Improvement & Social Justice Partnership – Delete Councillor Martin Rooney and insert Councillor Gail Casey.

PART 3 STRATEGIC PARTNERSHIPS

- Argyll, Bute and Dunbartonshires' Criminal Justice Partnership Joint Committee – Delete Councillor Martin Rooney and insert Councillor Gail Casey. Councillor Martin Rooney to take up the vacant substitute position.
- Community Health Partnership – Delete Councillor Andrew White and insert Councillor Martin Rooney. Substitute members, delete Councillor Martin Rooney and Councillor James Flynn and insert Councillor Jackie Maceira and Councillor Gail Casey.
- Community Justice Authority – Delete Councillor Martin Rooney and Councillor James Flynn, and Insert Councillor Gail Casey and Councillor Jackie Maceira.

PART 4 MEMBERSHIP OF OUTSIDE BODIES

- Clydebank Rebuilt – Delete Councillor Andrew White and insert Councillor Martin Rooney.
- Note that the Clydebank Unemployment Resource Centre Management Committee has changed its title to Clydebank Independent Resource Centre.
- NCH Action For Children – Preparation for Life Project – Advisory Committee – delete Councillor Martin Rooney and insert Councillor Gail Casey.

- One Plus Executive Committee – Delete Councillor Martin Rooney. No nomination at this stage.
- Strathleven Regeneration Company – Delete substitute member Councillor Andrew White and insert Councillor Martin Rooney.
- West Dunbartonshire Community Planning Partnership – Delete Councillor Andrew White and insert Councillor Martin Rooney.

PART 5 WORKING GROUPS

- Working Group on the Local Government Boundary Review and the Single Transferable Vote – Delete Councillor Andrew White and insert Councillor Martin Rooney.
- PPP Project Board – Delete Councillor Andrew White and insert Councillor Martin Rooney.
- Community Justice Authority – delete the reference to this in the Working Groups as it is covered in Part 3 Strategic Partnerships.

PART 6 SCOTTISH LOCAL GOVERNMENT

- COSLA Convention – Delete Councillor Andrew White and insert Councillor Martin Rooney. Delete Councillor James Flynn and insert Councillor Jackie Maceira.
- COSLA Social Work and Health Improvement Executive Committee – Delete Councillor Martin Rooney and insert Councillor Gail Casey.
- COSLA West Dunbartonshire Older People’s Champion – Delete Councillor Martin Rooney and insert Councillor Gail Casey.
- COSLA Urban Affairs Executive Group – Delete Councillor Andrew White and insert Councillor Martin Rooney.