

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Council : 24 September 2008

Subject: Investigation regarding calling of the Special Council Meeting on 19 August 2008

1. Purpose

- 1.1** The purpose of this report is to update the Council on the progress of the report requested by the Council on 10 September 2008.

2. Background

- 2.1** On 10 September 2008 the Council agreed that the Head of Legal, Administrative and Regulatory Services, in consultation with the Leader of the Opposition, should appoint an external organisation to investigate the apparent conflicts between the differing claims concerning the decision to call the Special Council Meeting on 19 August 2008 and to bring forward a report with recommendations to the next Council Meeting. In bringing forward the report the external organisation was requested to consult with the Council's external auditors, KPMG and the Head of Legal Services and to comment on all risks to the Council concerning its implementation of the decision of Council on 19 August in light of its investigative findings.
- 2.2** Following consultation with the Leader of the Opposition, Brodies Solicitors were appointed to undertake the investigation. All relevant correspondence has been forwarded to the firm and on 15 September a solicitor in the firm's Public Sector Services Group interviewed Provost Agnew, Councillor Calvert, the Director of Social Work, the Senior Administrative Officer and Head of Legal, Administrative and Regulatory Services. Unfortunately due to the Chief Executive's illness she was unable to meet with the Chief Executive on that day, but hopes that she will be in a position to interview him by 18 September.

3. Main Issues

- 3.1** Given the need to interview the Chief Executive before completing the report, the report has not been completed in time to include with Committee Papers. Once the investigative findings are pulled together there will be a need, in terms of the Council resolution, to consult with KPMG and the Head of Legal Administrative and Regulatory Services. This notwithstanding it is hoped that the final report will still be available to table at the Council Meeting.

4. Personnel Issues

- 4.1** In advance of knowing the final findings of the report it is premature to indicate whether there are any personnel issues.

5. Financial Implications

- 5.1** In advance of knowing the final findings of the report it is premature to indicate whether there are any financial issues.

6. Conclusions

- 6.1** This report updates the Council on progress of the investigation into the apparent conflicts between the differing claims concerning the decision to call the meeting on 19 August 2008. It is hoped that the report will be available to table at Council.

7. Recommendations

- 7.1** Council is asked to note the contents of this report.

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Appendices: None

Background Papers: None

Wards Affected: All