

WEST DUNBARTONSHIRE COUNCIL

At a Meeting of West Dunbartonshire Council held by video conference on Wednesday, 3 March 2021 at 2.10 p.m.

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

Attending: Joyce White, Chief Executive; Angela Wilson, Chief Officer – Supply, Distribution & Property; Richard Cairns, Strategic Adviser; Beth Culshaw, Chief Officer, Health & Social Care Partnership; Peter Hessett, Chief Officer – Regulatory and Regeneration (Legal Officer); Stephen West, Chief Officer – Resources; Victoria Rogers, Chief Officer – People & Technology; Peter Barry, Chief Officer – Housing & Employability; Gail MacFarlane, Chief Officer – Roads and Neighbourhood; Malcolm Bennie, Chief Officer – Citizen, Culture & Facilities; Laura Mason, Chief Education Officer; Pamela Clifford, Planning, Building Standards & Environmental Health Manager; Nigel Ettles, Principal Solicitor; George Hawthorn, Manager – Democratic & Registration Services and Craig Stewart, Committee Officer.

Apology: An apology for absence was intimated on behalf of Provost William Hendrie.

STATEMENT BY CHAIR

Depute Provost Conaghan advised that the meeting was being audio streamed and broadcast live to the internet and would be available for playback.

URGENT ITEM OF BUSINESS

Depute Provost Conaghan advised that she had received a request from Councillor McColl for an urgent motion on Election Posters to be considered. The Depute Provost agreed to accept the motion and advised that it would be dealt with after the business shown on the agenda.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Council agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

WP98/076: REVIEW OF MINERALS PERMISSION (ROMP) AND DC02/447: EXTENSION TO QUARRY, SHEEPHILL QUARRY, MILTON, DUMBARTON

A report was submitted by the Chief Officer – Regulatory & Regeneration advising that the Review of Minerals Permission application (ROMP) and the extension application had been considered at a the special meeting of the Planning Committee in January 2021. The Chief Executive had deemed that both applications required to be reconsidered by Council under the Council's Standing Orders.

The Planning, Building Standards & Environmental Health Manager was then heard in further explanation of the report. After discussion, the Planning, Building Standards & Environmental Health Manager and the Legal Officer were heard in clarification of certain matters including in answer to Members' questions.

Depute Provost Conaghan, Chair, then invited Mr Brian Mooney, Mr Nicola Zuelli and Ms Frances Walker to address Council. All were heard in respect of their representations.

The Chair then invited Mr Willie Booth, agent for the applicant, to address Council and he was heard in respect of the applications.

After consideration and having heard the Planning, Building Standards & Environmental Health Manager, the Legal Officer and the Principal Solicitor in clarification of certain matters, including in answer to questions in relation to a potential compensation claim, and in answer to Members' other questions, Council agreed to proceed to deal with the two matters separately with a decision on the Extension application being taken first, then a decision being taken in relation to the ROMP.

Councillor Bollan moved:-

To affirm the decision of the Special Planning Committee (*26th January 2021*) on the Extension Application. He then clarified that this was as recorded in the minutes, taken on 26 January 2021 regarding Sheephill Quarry, Baillie Agnew seconded the motion.

As an amendment, Councillor McColl, seconded by Councillor McLaren, moved:-

That Council grants full planning permission for an extension to the existing operational extraction area of the quarry as outlined in the papers, and delegates

authority to the appropriate officer to issue the decision subject to the recommended conditions set out in the papers. This is subject to wording being added to conditions whereby Council confirms that a wheel and undercarriage cleaning facility is required within the site, and subject to the satisfactory conclusion of a legal agreement in terms of the restoration bond.

On a roll call vote being taken 10 Members voted for the amendment, namely Councillors Brown, Casey, Conaghan, Dickson, Docherty, Caroline McAllister, McBride, McColl, McLaren and Page and 11 Members voted for the motion, namely Bailie Agnew, Councillors Bolla, Finn, Lennie, Douglas McAllister, McNair, Millar, Mooney, O'Neill, Rooney and Walker. The motion was accordingly declared carried.

With regard to the Review of Minerals Permission (ROMP), Councillor Bolla, seconded by Bailie Agnew, moved:-

That Council upholds the Planning Committee decision, as recorded in the minutes, taken on the 26th January 2021 regarding Sheephill Quarry.

As an amendment, Councillor McColl, seconded by Councillor McLaren, moved:-

That Council agrees to authorise officers to issue the ROMP with the recommended conditions. This is subject to wording being added to conditions whereby Council confirms that a wheel and undercarriage cleaning facility is required within the site.

On a roll call vote being taken 12 Members voted for the amendment, namely Councillors Brown, Casey, Conaghan, Dickson, Docherty, Finn, Caroline McAllister, McBride, McColl, McLaren, Page and Rooney and 9 Members voted for the motion, namely Bailie Agnew, Councillors Bolla, Lennie, Douglas McAllister, McNair, Millar, Mooney, O'Neill and Walker. The amendment was accordingly declared carried.

ADJOURNMENT

The Council agreed to adjourn the meeting for a short period until 7.35 p.m.

The meeting reconvened at 7.40 p.m. with all those Members noted in the sederunt present, with the exception of Councillor Lawrence O'Neill.

GENERAL SERVICES BUDGET (CAPITAL/REVENUE) UPDATE

As agreed by the Council at its meeting on 24 February, it was noted this item would be considered at the Council budget setting meeting being held on 22 March 2021.

HOUSING REVENUE ACCOUNT (HRA) ESTIMATES AND RENT SETTING 2021/2022

A report was submitted by the Chief Officer – Housing & Employability seeking approval of the updated HRA capital programme; the HRA revenue budget for 2021/22 and agreement of the level of weekly rent increase for 2021/22.

After consideration, Councillor Docherty, seconded by Councillor McColl, moved:-

That Council agree:-

The recommendations in the report, but with respect to recommendation (x) and the second bullet at 4.4.8 of the report, while Council reserves the right to revisit the matter in the future (without the requirement for a suspension of standing order 20a), Council agrees not to use HRA monies to fund Building Services for work not done during the 2020/21 financial year.

Council is however happy to delegate authority to officers, in consultation with the Convener and WDTRO, to use the HRA reserves identified to be earmarked as described at paragraph 4.4.8 bullet 2 to fund backlog repairs during the 2021/22 financial year if required to meet tenants' needs.

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

Council rejects recommendation 2.1 (x) regarding the projected use of reserves identified at 4.4.8 of the report.

Council rejects the Scottish Government allowed financial flexibilities detailed in 4.4.7. Council believes this surplus should be earmarked to clear the Covid related repairs backlog.

Council does not believe WDC tenants should shoulder a higher cost of the Covid pandemic than every other resident of West Dunbartonshire.

On a roll call vote being taken 10 Members voted for the amendment, namely Councillors Bolland, Casey, Lennie, Douglas McAllister, McBride, Millar, Mooney, Page, Rooney and Walker and 10 Members voted for the motion, namely Bailie Agnew, Councillors Brown, Conaghan, Dickson, Docherty, Finn, Caroline McAllister, McColl, McLaren and McNair.

There being an equality of votes, the Depute Provost, Chair, used her casting vote in favour of the motion which was accordingly declared carried.

CAPITAL STRATEGY 2021/22 TO 2030/31

A report was submitted by the Chief Officer – Resources providing Members with the capital strategy for the period 2021/22 to 2030/31.

After discussion and having heard the Chief Officer – Resources in further explanation and in answer to Members’ questions, Council agreed to approve the capital strategy subject to any changes that may be made as part of the budget setting Council meeting on 22 March 2021.

TREASURY MANAGEMENT STRATEGY 2021/22

As agreed by the Council at its meeting on 24 February, it was noted this item would be considered at the Council budget setting meeting being held on 22 March 2021.

NOTICE OF MOTION

Motion by Councillor Douglas McAllister – Old Kilpatrick Hills

Councillor Douglas McAllister moved:-

This Council is concerned with the ongoing traffic congestion and associated parking issues created by the increase of people seeking access to the Old Kilpatrick Hills.

Council recognises that members of the public are choosing to access this area as a means of permitted daily exercise and social activity during these difficult times.

Council is not seeking to limit public access to our local hills and countryside but Council seeks to mitigate the effects of the increase in activity, not least the traffic and parking issues created as a result.

In particular, Council recognises and is concerned by the particular issues raised by residents of Old Kilpatrick and Hardgate who are greatly inconvenienced by this.

Council will consult with Police Scotland, Scottish Fire and Rescue and the Forestry Commission and thereafter prepare a report to come back to the next meeting of Council exploring all options open to each public body to tackle these issues, and in particular, the report should highlight where each organisation has responsibility and associated powers to take the necessary action to alleviate matters.

The Council agreed the motion noting that the requested report would be brought to the May Council meeting for consideration.

Note: Councillors Douglas McAllister and Marie McNair left the meeting at this point in the proceedings.

URGENT ITEM OF BUSINESS - ELECTION POSTERS

Councillor McColl, seconded by Councillor Docherty, moved:-

Given the limited opportunities for political campaigning due to COVID-19 restrictions, Council agrees to permit political posters on public street furniture for the upcoming Holyrood election, from the beginning of April 2021.

In agreeing this motion, Council requires Candidates/Agents to adhere to the following rules for posters on public street furniture, and in erecting any poster, Candidates/Agents agree to ALL of these terms:

- No poster shall interfere with the primary use of the street furniture.
- No poster shall obstruct pavements or roads.
- No poster shall reduce visibility/sightlines for drivers or pedestrians.
- All posters must be adequately stiff so as not to flap in the wind and be attached with cord/cable ties of sufficient strength to secure the poster. They must not be attached to street furniture using glue or any form of adhesive.
- Posters must not, in any circumstances, be attached to any traffic signal post or control box, or to street furniture in central reservations and pedestrian refuge islands.
- Posters may not be mounted upon any lighting column or post which is already fitted with permanent statutory or regulatory signs.
- For structural and electrical safety reasons, ladders should not be placed against lighting columns etc – free standing stepladders or other means of access should be used.
- Posters must not obscure any identifying marks/numbers on lighting columns.
- No poster shall be affixed to any part of the curtilage of any premise being used for voting.
- Only one poster per candidate (or two posters back-to-back), is allowed on each item of street furniture.
- No poster shall remain on public street furniture after Sunday 16th May 2021.
- All posters will comply with election rules, including bearing an imprint identifying the candidate, promoter (usually election agent) and printer and their respective contact details.
- Candidates/Agents will comply with all other restrictions imposed reasonably by the Returning Officer or her delegates in respect of polling places and the area immediately surrounding them.
- Candidates will comply with all instructions from the Council.

Any poster displayed in breach of these rules will be treated as illegal fly posting and the offending Candidate/Agent may face prosecution in terms of Section 100 of the Roads (Scotland) Act 1984. This carries a maximum fine of £1000 per offence.

Permission is granted on the understanding that those concerned indemnify the Council against any third-party claim arising from the attachment. The Council also accepts no liability for injury to persons erecting or removing posters.

The Council will issue election guidance to all candidates and election agents, which must be complied with. The guidance will include appropriate contact details for candidates to raise concerns regarding election posters, and candidates must not use this in a frivolous or vexatious manner.

The Council reserves the right to recover costs from candidates, agents and parties for action taken to enforce compliance with the rules or for time spent handling vexatious or frivolous complaints. Costs may include the cost of removing posters from inappropriate locations or after 16th May 2021.

Costs may also include staff time contacting candidates to resolve a breach. These examples are not exhaustive, and it will be the prerogative of the Chief Executive to determine what costs require to be recovered by the Council.

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

That the Council takes no action with regard to this matter.

During consideration of the motion, the Legal Officer was heard in clarification of certain matters and in answer to Members' questions.

On a roll call vote being taken 8 Members voted for the amendment, namely Councillors Casey, Lennie, McBride, Millar, Mooney, Page, Rooney and Walker and 10 Members voted for the motion, namely Bailie Agnew, Councillors Bolla, Brown, Conaghan, Dickson, Docherty, Finn, Caroline McAllister, McColl and McLaren.

The meeting closed at 9.13 p.m.