

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 29 February 2012 at 6.00 p.m.

Present: Provost Denis Agnew and Councillors George Black, Jim Bolland, Jim Brown, Gail Casey, Jim Finn, William Hendrie, John Millar, Douglas McAllister; David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Lawrence O'Neill, Iain Robertson, Martin Rooney and May Smillie.

Attending: Joyce White, Chief Executive; David Amos, Interim Executive Director of Corporate Services; Terry Lanagan, Executive Director of Educational Services; Elaine Melrose, Executive Director of Housing, Environmental & Economic Development; Keith Redpath, Director of West Dunbartonshire Community Health & Care Partnership; Andrew Fraser, Head of Legal, Democratic & Regulatory Services; Tricia O'Neill, Head of Human Resources & Organisational Development; Stephen West, Head of Finance & Resources; Peter Barry, Manager of Community Planning & Policy; and Craig Stewart, Committee Officer.

Apology: An apology for absence was intimated on behalf of Councillor Marie McNair.

Provost Denis Agnew in the Chair**CHAIR'S REMARKS**

Provost Agnew, on behalf of Council, passed on condolences to Councillor Marie McNair following the recent bereavement of a family member.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

MINUTES OF PREVIOUS MEETINGS

The Minutes of the Special Meeting of West Dunbartonshire Council held on 25 January 2012 and the Special Meeting of West Dunbartonshire Council held on 26 January 2012 were submitted and approved as correct records.

MINUTES OF WEST DUNBARTONSHIRE COMMUNITY HEALTH & CARE PARTNERSHIP

The Minutes of the Meeting of the West Dunbartonshire Community Health and Care Partnership held on 25 January 2012 were submitted and noted.

Having heard the Director of West Dunbartonshire Community Health & Care Partnership, the Council noted that a Members' Briefing Note would shortly be issued on WDC Residential Care Homes for Older People.

OPEN FORUM

The Council noted that no open forum questions had been submitted by members of the public.

PROPOSED CHANGE TO SUBMISSION DATE FOR CORPORATE PLAN 2012-17

A report was submitted by the Chief Executive seeking approval for a proposed change of submission date for the Corporate Plan 2012-17 and associated Departmental Plans.

Having heard the Interim Executive Director of Corporate Services in further explanation of the report, the Council agreed:-

- (1) to delay the submission of the Corporate Plan 2012-17 and associated Departmental plans until June or August 2012; and
- (2) to note that subsequent years' plans for 2013-17 onwards will be submitted in March of each subsequent year, as per the normal timescale.

HUB WEST TERRITORY – APPOINTMENT OF A PRIVATE SECTOR DEVELOPMENT PARTNER, ESTABLISHMENT OF THE WEST TERRITORY HUBCO AND IDENTIFICATION OF COUNCIL PROJECTS

A report was submitted by the Chief Executive seeking approval for the appointment of a private sector development partner; establishment of West Territory hubco and the identification of a potential Council project.

After discussion and having heard the Head of Finance & Resources and the Legal Officer in elaboration and in answer to Members' questions, the Council agreed:-

- (1) to the selection of Wellspring Partnership Limited as the private sector development partner in hubco as recommended by the West hub Territory Programme Board;
- (2) to approve the establishment of hubco;

- (3) to the investment in hubco shareholding of a maximum of £30 and the provision of working capital of a maximum of £300,000. There shall be an equal shareholding for those Participants who elect to take a shareholding, and the provisions of working capital shall be split in the same proportions – with funding for both shareholding and working capital being provided by Scottish Future Trust enabling funds;
- (4) to the Council becoming a Participant in the West territory hubco by the entering into of the Territory Partnering Agreement, Shareholders Agreement and Participants' Agreement, summary details of which were narrated in the Briefing Note referred to in the report, with delegated authority to Andrew Fraser, Head of Legal, Democratic and Regulatory Services, or Alan Douglas, Manager of Legal Services, or Sally Michael, Section Head – Contracts and Property or Nigel Ettles, Section Head – Litigation and Support Services to execute the same on behalf of the Council and to grant delegated authority to them to agree on behalf of the Council any further non-material amendments to the Territory Partnering Agreement, Shareholders Agreement and Participants' Agreement prior to the date of execution of the said documents;
- (5) to the appointment of Anthony Curran, Chair of the West hub Territory Programme Board and Head of Capital Planning and Procurement at Greater Glasgow Health Board as the B Shareholders' Director on the Board of hubco;
- (6) to the appointment of Neil Harris, hub West Territory Programme Director as the B Shareholders' Representative;
- (7) to the appointment of Neil Harris, hub West Territory Programme Director as the Lead Participants' Representative under and in terms of the Participants' Agreement with delegated authority to take any action, grant any approval or consent or sign any notice required in terms of the Shareholders Agreement and Territory Partnering Agreement;
- (8) to the appointment of Stephen West as West Dunbartonshire Council's representative on the Territory Partnering Board with delegated authority to make any decisions on its behalf which require to be taken by the Territory Partnering Board pursuant to its constitution;
- (9) that the Bellsmyre schools project be identified to the hubco as a qualifying project and Council agrees to proceed with this project when appropriate; and
- (10) otherwise to note the concerns raised by some Members in respect of the issue of delegated authority and the assurances given by officers in relation thereto.

**APPOINTMENT OF DEPUTE CLERK OF WEST DUNBARTONSHIRE
LICENSING BOARD**

A report was submitted by the Interim Executive Director of Corporate Services asking Council to formally appoint a Depute Clerk of West Dunbartonshire Licensing Board.

Having heard the Head of Legal, Democratic and Regulatory Services, the Council agreed that Raymond Lynch, Senior Solicitor, be appointed as Depute Clerk to West Dunbartonshire Licensing Board.

SINGLE OUTCOME AGREEMENT 2009/11 – FINAL PROGRESS REPORT

A report was submitted by the Interim Executive Director of Corporate Services on the progress made in meeting the Local Outcomes set out in the 2009/11 Single Outcome Agreement (SOA).

After discussion and having heard the Manager of Community Planning & Policy in answer to Members' questions, the Council agreed to note the contents of the report and the SOA Annual 2009/11 Final Progress Report.

**GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT:
PERIOD 10 (2011/12)**

A report was submitted by the Interim Executive Director of Corporate Services providing an update on the General Services Revenue budget for 2011/12.

After discussion and having heard the relevant officers in answer to Members' questions, the Council agreed to note the contents of the report.

**GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT:
PERIOD 10 (2011/12)**

A report was submitted by the Interim Executive Director of Corporate Services providing an update on the General Services Capital plan for 2011/12.

The Council agreed to note the contents of the report.

**HOUSING REVENUE ACCOUNT 2011/12 BUDGETARY CONTROL
STATEMENT TO 31 JANUARY 2012-02-17**

A report was submitted by the Executive Director of Housing, Environmental & Economic Development providing an update on the financial performance of the HRA to the period ended 31 January 2012.

The Council agreed to note the contents of the report.

HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2011/12 BUDGETARY CONTROL REPORT TO 31 JANUARY 2012 – (PERIOD 10)

A report was submitted by the Executive Director of Housing, Environmental & Economic Development advising on the progress of the HRA Capital Programme 2011/12.

After discussion and having heard the Executive Director of Housing, Environmental and Economic Development in answer to a Member's question, the Council agreed to note the contents of the report.

PROGRESS REPORT ON THE REPROVISION OF AUCHENTOSHAN DAY CENTRE

A report was submitted by the Chief Executive providing an update on the reprovision of Auchentoshan Day Services.

After discussion, the Council agreed:-

- (1) to note the views of both service users and carers as outlined in the report; and
- (2) that the capital monies earmarked for the replacement of the Auchentoshan Centre be redirected towards the development of Learning Disability Services throughout West Dunbartonshire, including the development of services based at the Dumbarton Centre.

PROGRESS REPORT ON MEMBERS ADVISORY COMMITTEES (MACs) ASSOCIATED WITH THE FORMER COMMUNITY LEARNING & DEVELOPMENT COMMUNITY CENTRES

A report was submitted by the Interim Executive Director of Corporate Services advising of funds accumulated by Members Advisory Committees (MACs) and making recommendations in regard to their future use.

After discussion Council agreed the recommendations contained in the report, as follows:-

- (1) Work be completed to secure the use of these funds by contacting signatories to sign release documents that can be submitted to the relevant banks;
- (2) MACs be encouraged and supported to individually discuss and agree an appropriate future role;
- (3) All monies identified in these funds be made available by the Council in response to a request from the appropriate MAC, management committee, or user group from the centres identified, to enable them to further the objectives of the community centre in accordance with their constitution or rules; and

- (4) Where no formal MAC or management committee is in existence, the views of the community centre users be sought on how the identified funds could be best used to further the objectives of their centre.

Having heard the Legal Officer in clarification, it was noted that Councillor Bollan's motion on the same subject later on the agenda could be moved forward and be discussed along with this item, subject to Councillor Bollan being in agreement. Councillor Bollan indicated his consent to this and indicated that he would be withdrawing his motion, having obtained the assurances he had been looking for in respect of this matter.

SINGLE STATUS UPDATE

A report was submitted by the Interim Executive Director of Corporate Services advising of the number of employees who will still be in detriment at March 2012.

Councillor Black, seconded by Councillor Bollan, moved:-

This Council is determined that no external recruitment shall take place without all employees who are in detriment being given the first opportunity to apply, retrain and accept any such vacancy which would remove or mitigate their detriment. Any exception to this policy must be referred back to Council for consideration.

Any additional costs for retraining would be funded from the £2.8 million employability scheme provided for within the current budget.

Corporate Management Team (CMT) are also instructed in consultation with the trades unions to revisit the regradings which resulted from internal departmental regrading which took place post single status implementation and bring a report back to Council as a matter of urgency.

This report should be based on a strategy which will eliminate detriment to our staff who are in detriment at present.

The Legal Officer confirmed that in his view Standing Orders would require to be suspended prior to considering the motion by Councillor Black. Accordingly, and having heard Provost Agnew, it was noted that Standing Orders would require to be suspended as a period of 6 months had not passed since consideration took place on the matter of setting the Council budget.

On a vote being taken, 9 Members voted for the suspension of Standing Orders and 9 against. As two-thirds of those present and voting did not vote in favour of the suspension, Standing Orders were not suspended and accordingly the motion could not be considered by the Council.

Councillor Rooney, seconded by Councillor R. McColl, moved:-

That the Council was disappointed that despite previous assurances given, the position of detriment still existed, affecting 322 employees.

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

This Council is determined that no external recruitment shall take place without all employees who are in detriment being given the first opportunity to apply, retrain and accept any such vacancy which would remove or mitigate their detriment. Any exception to this policy must be referred back to Council for consideration.

Corporate Management Team (CMT) are also instructed in consultation with the trades unions to revisit the regradings which resulted from internal departmental regrading which took place post single status implementation and bring a report back to Council as a matter of urgency.

This report should be based on a strategy which will eliminate detriment to our staff who are in detriment at present.

On a vote being taken between the motion (Councillor Rooney) and the amendment (Councillor Bollan), 9 Members voted for the amendment and 9 for the motion, and 2 abstained. There being an equality of voting, the Chair's casting vote was cast in favour of the motion which was accordingly declared carried.

QUESTIONS

Question by Councillor Jim Bollan to the Convener of Housing, Environmental & Economic Development Committee

To ask the housing spokesperson to advise the total exact overall amount to date spent, from the approximate £2m allocated, on the Stock Transfer proposals. This should include all monies taken from the HRA, and any other account money has been sourced from. The figure should include internal staff costs.

Councillor Willie Hendrie replied as follows:-

To date, that is period 10, we have spent a total of £749,716 of the £2 million the SNP has budgeted to give the tenants in West Dunbartonshire the choice of transferring to a Housing Association in a democratic ballot, to be held later this year.

NOTICES OF MOTION

(a) Motion by Councillor Jim Bollan – Leisure Trust

It was noted that this motion had been considered earlier in the agenda.

(b) Motion by Councillor George Black – Playing Fields at St Peter the Apostle High School, Clydebank

Council notes that in terms of its decision of 21 December 2011, it is committed to ensuring that noise levels arising from community lets at St. Peter the Apostle High School are fairly and adequately monitored and that supervision will be a condition of future lets. During the pilot 6 months officers are instructed to work closely with users and noise consultants to minimise noise nuisance to the neighbours of the nearby Morar Estate.

The Council agreed unanimously to approve the above motion.

(c) Motion by Councillor Martin Rooney - Unfunded Services and Budget Gaps

This Council notes that the Corporate Management Team had identified a significant underfunding of key budget areas as part of a review in advance of the Council setting the 2012/13 Budget.

Despite the Corporate Management Team's concerns about the unfunded services and the risk to jobs, the SNP Administration failed to include any of the Corporate Management Team's proposals in the budget.

Given the Corporate Management Team's concerns, this Council calls for a report to the April Council meeting explaining how the identified budget gaps will be bridged and the key projects will be progressed.

The detail of the Corporate Management Team's projects is outlined below:

CORPORATE MANAGEMENT TEAM BUDGET GROWTH PROJECTS AND IDENTIFIED FUNDING GAPS

Rent Rebates and Allowances £167,540: Increase to provision for discretionary housing payments due to changes to benefits regime. The Department of Works & Pensions currently provides the Council with funds to award Discretionary Housing Benefit payments to claimants who are experiencing either personal or financial hardship. Changes to Department of Works & Pensions regulations have resulted in reduced payments of Housing Benefit to certain categories of claimants. The Council will receive £67,016 from the Department of Works & Pensions to fund Discretionary Housing Payments and the Council is allowed to enhance this budget by a maximum of a further £167,540.

Learning Disability £152,000: The provision of funding to maintain and develop appropriate employment support for adults with learning disability, mental health issues and addiction issues. Funding was reduced following reduction in Community Planning Partnership funding in 2011/12. Between 1 August 2008 and 31 March 2011 Work connect engaged with 440 clients, assisted 145 into employment and training, supported 70 in paid employment and supported 22 in volunteer placements. The funding would allow for the current level of staff to be maintained.

Asset Management £100,000: This proposal is to undertake rolling programme of condition surveys to inform the decision making process and prioritise capital spend in line with the Asset Management Strategy.

Roads and Transportation £96,000: Roads Operations re winter overtime - based on average since 2008/09. £150k budgeted at present inadequate. The present budget has proved inadequate given the winter weather experienced since 2008/09. Additional resources would bring the 2012/13 budget to the average level incurred since 2008/09.

Roads and Transportation £60,000: Street lighting asset condition works. The current condition of the street lighting asset as identified in our asset management plan is very poor following years of under investment. To assist in life cycle planning and planned maintenance it is necessary to further develop our understanding and knowledge of the existing assets. Detailed structural and electrical testing is required to inform our future life cycle planning for this service.

Roads and Transportation £50,000: Structural maintenance programmed works. The Roads related structures Life Cycle Asset Management Plan has identified that there is a requirement for additional funding to facilitate early small scale interventions to ensure that the West Dunbartonshire Council Structural Asset is maintained in a safe condition. This includes coastal defences that have been damaged recently.

Libraries & Museums £27,000: This proposal is for the employment of a temporary Early Year Liaison Officer for a period of 3yrs. This post will coordinate activities aimed at 0-4yrs liaising with libraries, museums and nurseries using reading, music and play to support learning and foster nurturing and family learning. To ensure sustainability the officer will provide extensive training for libraries, museums and nursery staff and families ensuring a skills base is established on completion of the project. The project will provide savings through reducing the need for assisted learning, and demand/pressure on psychological services by working with children at the earliest opportunity. The cost is 1 x Grade 5 officer at £27,000 p/a (including employer costs).

Planning & Building £17,000: Legal expenditure should be based on average since 2008/09. The present budget has proved inadequate given the level of planning appeals in recent years. Additional resources would bring the 2012/13 budget to the average level incurred since 2008/09.

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

As an amendment, Councillor Ronnie McColl, seconded by Councillor Jonathan McColl, moved:-

Council notes that the motion from Councillor Rooney is inaccurate and misleading.

Council notes that the growth options identified by the CMT were not identified as budgetary shortfalls or underfunding as stated in the motion; these were in fact a list of options for potential budgetary enhancements.

The Administration's budget took cognisance of this report, along with the main revenue estimates report, comments from Independent Councillors who contributed to the process and the six public and eight staff budget consultations.

Council notes that since the budget was set, the Community Planning Partnership is now projecting in year savings and underspends, and agrees that up to £152,000 of this be added to the £198,000 already budgeted to fund the Learning Disabilities Work Connect programme, which supports the employment and training of adults with learning disabilities.

Officers are also instructed to bring a report to the relevant Committee outlining how the Council can support the Work Connect group to open a Café Connect style facility in Garshake.

The remainder of the excess CPP monies will be the subject of further reports to the CPP who will decide on how best to allocate these funds for the benefit of West Dunbartonshire's communities.

Councillor Rooney, with the consent of Councillor McBride and Council, agreed to withdraw his motion, if the first paragraph of the amendment was removed.

Councillor R. McColl indicated his agreement to this and thereafter, the amendment was seconded by Councillor Jonathan McColl and declared carried subject to an addendum by Councillor Black, as follows: Council affirms that this money be injected into this scheme to benefit the programme and increase the number of adults supported in order that it is not merely aspirational.

VALEDICTORY – DAVID AMOS

After hearing Provost Agnew, the Council thanked David Amos, Interim Executive Director of Corporate Services, for his hard work, commitment and effort over the last 6 months and took the opportunity to wish him well in the future.

The meeting closed at 8.15 p.m.