

## WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday, 27 October 2010 at 6.00 p.m.

**Present:** Provost Denis Agnew and Councillors George Black, Jim Bollan, Margaret Bootland, Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, William Hendrie, Douglas McAllister, David McBride, Jonathan McColl, Ronnie McColl, Jim McElhill, Patrick McGlinchey, Craig McLaughlin, Willie McLaughlin, Marie McNair, John Millar\*, Iain Robertson, Martin Rooney and May Smillie.

\*Arrived later in the meeting.

**Attending:** David McMillan, Chief Executive; Joyce White, Executive Director of Corporate Services; Elaine Melrose, Executive Director of Housing, Environmental and Economic Development; Terry Lanagan, Executive Director of Educational Services; Keith Redpath, Director of West Dunbartonshire Community Health and Care Partnership; David Connell, Head of Finance and ICT; Jim McAloon, Head of Regeneration and Economic Development; Lorraine Coyne, Head of Audit, Performance and Strategic Planning; Colin McDougall, Manager of Risk and Performance; Peter Barry, Manager, West Dunbartonshire Community Planning Partnership; Andrew Fraser, Head of Legal, Administrative and Regulatory Services and George Hawthorn, Senior Administrative Officer.

### Provost Denis Agnew in the Chair

### GEORGES FRÊCHE

The Council stood for one minute in silence in remembrance of Georges Frêche, President of the Languedoc-Roussillon Region (France) who died suddenly on 24 October 2010.

### DECLARATIONS OF INTEREST

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

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of West Dunbartonshire Council held on Wednesday, 29 September 2010 were submitted and approved as a correct record subject to the undernoted correction to the item under the heading "Urgent Motion by Councillor Ronnie McColl – Behaviour of Councillor Rooney and the Labour Group" (Page 3114 refers):-

Amend the second last paragraph of the item to reflect that the letter from Fiona Logan addressed to Provost Agnew, dated 6 July 2010, was part of the motion by Councillor David McBride (the letter is shown as Appendix I to these minutes).

## **OPEN FORUM**

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

## **URGENT ITEM OF BUSINESS**

At this point in the meeting Provost Agnew informed the Council that he had received a request from Councillor David McBride that the Council should consider an urgent motion in connection with the Scottish Living Wage.

Provost Agnew informed the Council that he would decide on the matter of urgency at an appropriate point later in the meeting.

## **MINUTES OF THE SOCIAL WORK AND HEALTH IMPROVEMENT COMMITTEE HELD ON 11 AUGUST 2010**

The Minutes of the Meeting of the Social Work and Health Improvement Committee held on 11 August 2010 were submitted and approved as a correct record.

After hearing Councillor R. McColl in response to a question by Councillor Rooney, it was noted that the further report on how the Scottish Government Guidance on Social Care Procurement would shape the Council's Social Care Procurement Policy and Procedures, would be submitted to a future meeting of the West Dunbartonshire Community Health and Care Partnership (Page 3005 refers).

## **MINUTES OF THE COMMUNITY PARTICIPATION COMMITTEE HELD ON 15 SEPTEMBER 2010**

The Minutes of the Meeting of the Community Participation Committee held on 15 September 2010 were submitted and all decisions contained therein were approved.

With reference to the item under the heading "Community Day Review 2010" (Page 3093 refers), Councillor Rooney informed the Council that he was disappointed that the Council would no longer run the Community Day in its current format and thanked all officers, who had been involved in the organisation of the event in previous years, for their hard work.

### **MINUTES OF THE SPECIAL MEETING OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE HELD ON 29 SEPTEMBER 2010**

The Minutes of the Special Meeting of the Audit and Performance Review Committee held on 29 September 2010 were submitted and all decisions contained therein were approved.

### **VENUES FOR COUNCIL MEETINGS IN 2011**

A report was submitted by the Executive Director of Corporate Services asking the Council to consider possible venues for Council meetings in Clydebank in 2011.

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

That, in the interim, meetings should take place in the Council Offices, Garshake Road, Dumbarton.

As an amendment, Councillor W. McLaughlin, seconded by Provost Agnew, moved;-

Council officers should continue to seek alternative venues for meetings in Clydebank.

As a second amendment, Councillor C. McLaughlin, seconded by Councillor J. McColl, moved:-

That, in the interim, meetings should take place in the Council Offices, Garshake Road, Dumbarton but officers should continue to look at alternative venues including those in the Alexandria area.

After hearing the Head of Legal, Administrative and Regulatory Services explain that the Council would be required to suspend Standing Order 19 (a) in order to consider Councillor C. McLaughlin's amendment as a period of six months had not passed since the Council had agreed to instruct officers to seek alternative accommodation in the Clydebank area, Councillor C. McLaughlin, with the permission of the Council, withdrew his motion.

As a second amendment, Councillor McElhill, seconded by Councillor McNair, moved:-

That this matter be continued to the next meeting in order that officers can report on the suitability of the other venues which had been suggested at the meeting.

On a vote being taken between the second amendment (Councillor McElhill) and the first amendment (Councillor W. McLaughlin), 7 Members voted for the second amendment and 4 for the first amendment.

On a vote being taken between the amendment (Councillor McElhill) and the motion (Councillor R. McColl), 11 Members voted for the amendment and 6 for the motion. The amendment was accordingly declared carried.

Note: Councillor John Millar entered the meeting during discussion on the above item.

### **PROPOSAL FOR A PETITIONS COMMITTEE**

A report was submitted by the Executive Director of Corporate Services informing the Council of the various options available to deal with petitions from members of the public and making recommendations thereon.

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

That the Council retains the status quo and does not put in place any new mechanism to consider petitions at this time.

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

That the Council agrees to implement Option 4 of the report: Receive petitions at Council and Service Committees.

On a vote being taken, 10 Members voted for the amendment and 12 voted for the motion which was accordingly declared carried.

### **BEST VALUE IMPROVEMENT PLAN 2010/11**

A report was submitted by the Chief Executive presenting an update on the Best Value Improvement Plan for 2010/11.

After hearing the Chief Executive and the Manager of the Community Planning Partnership in answer to Members' questions, the Council agreed:-

- (1) to note the decision made at the Council meeting on 30 June 2010 in relation to the Improvement and Efficiency Executive holding meetings on a quarterly basis; and
- (2) otherwise to note the contents of the report.

## **SHARED RISK ASSESSMENT - ASSURANCE AND IMPROVEMENT PLAN**

A report was submitted by the Chief Executive presenting an updated Assurance and Improvement Plan scorecard report.

The Council agreed to thank officers for the report and note the progress made in respect of the Assurance and Improvement Plan.

## **ROLES AND WORKING RELATIONSHIPS**

A report was submitted by the Chief Executive advising the Council of the Audit Scotland report on 'Roles and Working Relationships: are you getting it right?'

After hearing the Chief Executive in answer to Members' questions, the Council agreed:-

- (1) to note that a Business Day, to be facilitated by Colin Mair, Improvement Service, had been arranged for Members on 17 November 2010 to assist with the completion of the questionnaire (shown as Appendix 2 to the Audit Scotland paper); and
- (2) otherwise to note the contents of the report.

## **SINGLE OUTCOME AGREEMENT ANNUAL REPORT 2009/10 AND PROGRESS WITH THE COMMUNITY PLANNING PARTNERSHIP**

A report was submitted by the Chief Executive seeking Council approval for the Single Outcome Agreement Annual Report 2009/10 prior to its submission to the Scottish Government.

After hearing the Leader of the Council, the Chief Executive, the Manager of the Community Planning Partnership and the Head of Regeneration and Economic Development in answer to Members' questions, the Council agreed to note the report and approve the submission of the Single Outcome Agreement Annual Report 2009/10 to the Scottish Government.

## **ADJOURNMENT**

After hearing Provost Agnew, the Council agreed to adjourn for a short period of time.

The meeting reconvened at 8.35 p.m. with all those Members shown on the sederunt in attendance.

### **FINANCIAL STATEMENTS 2009/10**

A report was submitted by the Executive Director of Corporate Services asking the Council to note the audited financial statements for the year to 31 March 2010.

The Council agreed:-

- (1) to note that the Council had received an unqualified audit opinion in relation to the Financial Statements for the financial year 2009/10;
- (2) to note that the unearmarked reserve at 31 March 2010 of £3.376 million was less than the target prudential reserve of £4.100 million but that the Council had plans to restore this balance to a prudential level; and
- (3) otherwise to note the Financial Statements for the year to 31 March 2010.

### **GENERAL SERVICES REVENUE BUDGETARY CONTROL REPORT 2010/11 (PERIOD 5)**

A report was submitted by the Executive Director of Corporate Services informing the Council of the performance of the General Services Revenue Budget for the period to 31 August 2010.

The Council agreed to note the terms of the report.

### **GENERAL SERVICES CAPITAL BUDGETARY CONTROL REPORT 2010/11 (PERIOD 5)**

A report was submitted by the Executive Director of Corporate Services updating the Council on the General Services Capital Plan for 2010/2011.

The Council agreed to approve the updated Capital Plan and noted the position to date as outlined in Appendices I and II of the report.

### **BUDGET TIMETABLE**

A report was submitted report by the Executive Director of Corporate Services seeking approval to the budget timetable proposed for the finalisation of the 2011/12 General Fund Revenue Estimates timetable.

The Chief Executive and the Head of Legal, Administrative and Regulatory Services were heard in answer to Members' questions.

During the discussion on this item, the Council agreed to suspend Standing Order 19 (a).

Thereafter, the Council agreed:-

- (1) that the Council meeting scheduled to be held on 22 December 2010 at 6.00 p.m. should now be held on 15 December 2010 at 6.00 p.m.;
- (2) to note that Provost Agnew would arrange for a Special Meeting of the Council to take place in December to discuss the Administration's budget proposals, subject to the outcome of the Scottish Government financial settlement being finalised in sufficient time; and
- (3) to approve the budget timetable (as shown as Appendix II to these minutes).

#### **HOUSING REVENUE ACCOUNT 2010/11 - BUDGETARY CONTROL STATEMENT TO 31 AUGUST 2010 (PERIOD 5)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development providing the Council with an update on the financial performance of the Housing Revenue Account (HRA) to the period ended 31 August 2010.

The Council agreed to note the terms of the report.

#### **HRA CAPITAL PROGRAMME 2010/11 BUDGETARY CONTROL REPORT TO 31 AUGUST 2010 (PERIOD 5)**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising the Council on progress of the HRA Capital Programme 2010/11 as at 31 August 2010.

The Council agreed to note the terms of the report.

#### **CORPORATE ASSET MANAGEMENT STRATEGY**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development outlining a strategy for the management of the Council's assets, aligned to future service delivery over the next 10 years and seeking approval for that strategy as well as the associated Property Asset Management Plan.

It was noted that a revised copy of Page 201 of the Agenda papers (Page 7 of the Plan) had been circulated to everyone present.

Councillor Ronnie McColl moved the undernoted motion:-

Council thanks officers for the report and their work to date on the Asset Management Strategy.

Council agrees to approve the recommendations of the report as shown on Page 193 of the Agenda, subject to changes which have been included below, as follows:-

- (a) to approve the Corporate Asset Management Strategy 2010 – 2020;
- (b) to approve the Asset Management Plan for Property 2010 – 2020;
- (c) to delegate authority to the Chief Executive to ensure the effective implementation of the Asset Management Strategy and Property Asset Management Plan;
- (d) to note that future report(s) on key projects outlined within the Property Asset Management Plan would be brought to Council for consideration;
- (e) to agree that future reports on the remaining 5 asset bases be reported through Council in accordance with the strategy; and
- (f) to note that an annual review of the Asset Management Strategy and associated Asset Plans would be reported to the Council

Council further agrees to incorporate the Schools' Estate Team, within the Asset Management Team, placing them under the Housing, Environment and Economic Development Directorate, to secure efficiencies and a more strategic Council approach to Asset Management.

Council instructs officers to bring a report to the meeting of Council on 27 January 2011, to include a feasibility study and business case, which will outline asset securitisation proposals.

Following discussion, the Council agreed to approve the above motion.

### **CORRESPONDENCE FROM WEST LOTHIAN COUNCIL**

Copies of correspondence received from West Lothian Council in connection with motions which that Council had approved in respect of (a) Winter Fuel Payments and (b) Future Jobs Fund, were submitted for consideration.

After hearing Councillor J. McColl provide the Council with an update on the Winter Fuel Payments, the Council agreed to support the terms of both motions by West Lothian Council and agreed that letters be sent to the Chancellor of the Exchequer in the appropriate terms.



**NOTICES OF MOTION****(a) Emergency Motion by Councillor David McBride – Scottish Living Wage**

At this point, Provost Agnew invited Councillor McBride to read out his motion on the Scottish Living Wage.

After hearing the terms of the motion, Provost Agnew, having taken advice from the Head of Legal, Administrative and Regulatory Services, ruled that the motion was not urgent and therefore should not be considered by the Council.

At this point Councillor McBride informed the Council that he intended to call for a Requisitioned Meeting of Council to consider the matter and he then presented the Clerk with a printed copy of the motion which had been signed by six Members of the Council.

**(b) Motion by Councillor Jim Bollan – Partial Housing Stock Transfer**

The Head of Legal, Administrative and Regulatory Services confirmed that the Council would need to suspend Standing Order No 19 (c) prior to consideration of the above motion, as approval of the above motion required Standing Orders to be altered.

Thereafter, Councillor Bollan agreed to withdraw his motion.

**(c) Motion by Councillor Jonathan McColl – Patrick Okoroafor**

Members will recall that the Council has offered its support to the local branch of Amnesty International over a number of years, endorsing and encouraging action on behalf of the Prisoners of Conscience adopted by the local group.

Council notes that the group has been assigned a new prisoner. His name is Patrick Okoroafor who is now 30 years old and is a victim of a miscarriage of justice in Nigeria.

When he was 14 he was charged with robbery and following an unfair trial was sentenced to death at the age of 16.

International standards state that children under the age of 18 should not be sentenced to death. Despite his sentence being commuted to life imprisonment and then, following a successful campaign by Amnesty International and Nigerian organisations, further commuted to 10 years he has still not been released. Patrick has already spent 15 years in prison and it is believed that he has been tortured. He suffers from asthma and his long stay in prison has exacerbated his condition.

Council agrees to support campaigning activities undertaken on behalf of Patrick Okoroafor by the local Amnesty International Group and agrees that the Council Leader will write to the relevant authorities to request his release.

The Council agreed unanimously to approve the above motion.

The meeting closed at 9.15 p.m.