

WEST DUNBARTONSHIRE COUNCIL

At a Meeting of West Dunbartonshire Council held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday 28 June 2006 at 2.00 p.m.

Present: Provost Alistair Macdonald, Councillors Denis Agnew, George Black, Jim Bolland, Margaret Bootland, Geoff Calvert, Gail Casey, Tony Devine, Jackie Maceira, Douglas McAllister, James McCallum, Linda McColl, Margaret McGregor, Craig McLaughlin, Marie McNair, Connie O'Sullivan, Iain Robertson, Martin Rooney and Andy White.

Attending: Tim Huntingford, Chief Executive; David McMillan, Director of Housing, Regeneration and Environmental Services; Bob Cook, Director of Education and Cultural Services; Bill Clark, Acting Director of Social Work Services; John McKerracher, Head of Housing and Property; Ronald Dinnie, Head of Land Services; Jeff Stobo, Strategy Manager; Don Findlay, Manager of Building; David Connell, Head of Finance; Liz McGinley, Head of Service, Education and Cultural Services; Terry Lanagan, Head of Service for the Schools' Estate; Tricia O'Neill, Head of Personnel; Stephen Brown, Head of Legal and Administrative Services and George Hawthorn, Senior Administrative Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Dennis Brogan, James Flynn and Duncan McDonald.

Provost Alistair Macdonald in the Chair

VARIATION IN ORDER OF BUSINESS

9420 Having heard Provost Macdonald, the Council agreed to vary the order of business as hereinafter minuted to allow the inclusion of an additional item on the forthcoming retirement of Bob Cook, Director of Education and Cultural Services to be considered after the Open Forum, and for the Notice of Motion from Councillor White concerning Asbestos to be considered immediately after the additional item.

9421 Provost Macdonald also indicated that he might have to leave the meeting early due to a personal matter.

RESULTS OF BY-ELECTION HELD ON 15 JUNE 2006 AND VACANCIES ON COMMITTEES, OUTSIDE BODIES, ETC

- 9422 A report was submitted by the Chief Executive:-
- (a) informing the Council of the results of the recent by-election held on 15 June 2006 to elect a Councillor to represent Ward 16 – Dumbarton West; and
 - (b) seeking nominations of elected members to fill vacancies on various committees, outside bodies etc.
- 9423 Having heard Provost Macdonald and Councillor White, the Council agreed:-
- (1) to welcome Councillor Iain Robertson, the newly elected member for Ward 16 – Dumbarton West, to his first meeting of the Council;
 - (2) that the responsibilities of the position of Convenor of Personnel be transferred to the Convenor of Corporate Services, thus reducing the number of Special Responsibilities Allowances paid by the Council;
 - (3) to note that the Administration intended to review the membership on Council Committees during the summer recess and that, with the exception of the Children's Services Committee, the membership of the Committees would reflect the political balance of the Council; and
 - (4) that, in accordance with (3) above, the issue of vacancies on Committees, outside bodies etc. be continued to the next meeting of Council for consideration.
- 9424 At this point Councillor White was heard in response to a question by Councillor McLaughlin.

OPEN FORUM

(a) **Christine Fyffe (on behalf of the Vale of Leven Academy School Board) Running Track at the Vale of Leven Academy**

9425 As an integral part of the PPP process can the authority provide a running track and associated facilities as part of the package? If the answer is no, can any intended sale of land on the site of the Vale of Leven Academy take into consideration retention of enough land to build a running track?

9426 Having heard Provost Macdonald and the Head of Legal and Administrative Services, the Council agreed that, as Ms Fyffe was not present, a copy of the undernoted responses to her questions be sent to Ms Fyffe and all elected members.

Response to question:-

9427 This is not possible at this stage in the process. Specifications for sports facilities for each of the school sites were drawn up at a much earlier stage. Council approved the outdoor sporting facilities when it approved the Revised Outline Business Case. To add a running track at this stage would simply not be affordable. No plans for the sale of any land on the Vale of Leven Academy site have been included in the Council's PPP project. While the sale of land currently occupied by schools elsewhere in the Council has been factored into the affordability of the project, no such provision has been made for any land within the present Vale of Leven Academy campus.

Supplementary question:-

9428 If neither of the above is possible, can the Council give a commitment to negotiate the provision of this type of facility with any planning consent given to prospective builders?

Response to supplementary question:-

9429 Since the answer to question 2 is that there are no plans at present to sell any of the land on the current campus, the question of planning consent and negotiations with prospective builders does not apply. However, the Council is in the process of formulating its Sports Strategy with the hope that external funding from SportScotland will be secured to improve sports facilities across the Council. The views of the Vale of Leven Academy School Board will be conveyed to the Council Officers who are involved in finalising the strategy.

**(b) Wendy Hutchison (on behalf of Age Concern, Dumbarton)
Parking Restrictions, Dumbarton High Street**

9430 In view of the new parking restrictions implemented in Dumbarton High Street recently, preventing disabled drivers parking between the hours of 4.00 a.m. and 5.00 p.m., does the Council consider these measures to be conducive to accommodating disabled access as per the 'Access for All' Act? And why was there no consultation as previously promised before these measures were put in force?

9431 If businesses and public buildings, including Garshake have to provide disabled access and adhere to the law why does the Council think it can pick and choose where it complies?

Councillor O’Sullivan responded in the following terms:-

9432 New Traffic Management arrangements for Dumbarton Town Centre and associated car parks were the subject of extensive public consultation and exhibitions during 2004. The final proposals were subsequently approved by the Community Safety and Environmental Services Committee on 4 August 2004.

9433 During the consultation periods (both formal and informal) for the required Traffic Regulation Order, meetings were held with local organisations and, particularly relevant to the subject matter in this case, with the West Dunbartonshire Access Panel. Detailed discussions also took place at the West Dunbartonshire Transport Forum.

9434 The Council does not have a duty to provide access for all vehicles to all public roads, especially where restricted access is required to protect public safety.

9435 However, additional spaces have been provided as close as possible to High Street and will be enforceable by the Police with a fixed penalty being appropriate for improper use of such bays.

9436 Furthermore, I have requested the relevant officers of the Council to meet with your group to discuss the issues you have raised.

Mrs Hutchison asked the following supplementary question:-

9437 There are a numbers of disabled persons in West Dunbartonshire who are non-ambulant and are therefore unable to walk any distance to the shops. What is the Council going to do about it?

Councillor O’Sullivan responded in the following terms:-

9438 As I said before, officers of the Council will meet with your group to discuss the issues that you have raised concerning non-ambulant persons.

BOB COOK, DIRECTOR OF EDUCATION AND CULTURAL SERVICES

9439 Provost Macdonald informed the Council that this would be the last meeting which Bob Cook, Director of Education and Cultural Services, would attend as he was retiring from Council service.

9440 Provost Macdonald remarked upon the immense contribution which Mr Cook had made to the education of children in West Dunbartonshire during his time as a Head of Service and as Director of Education and Cultural Service.

- 9441 On behalf of the Administration, Councillor Agnew, Convenor of Education and Cultural Services, praised Mr Cook for his contribution to the advancement of education in West Dunbartonshire and on a personal level thanked him for all his support and advice.
- 9442 Councillor McGregor, on behalf of the Opposition, thanked Mr Cook for all his good work during his time with the Council and for the support and advice which he gave her during her time as Convenor of Education.
- 9443 In response, Mr Cook thanked everyone for their kind words and informed the Council that although his duties had been very challenging and at times stressful, he had enjoyed his time working in West Dunbartonshire.
- 9444 Provost Macdonald thanked Mr Cook and wished him a long and happy retirement.

NOTICE OF MOTION

- 9445 The Council considered the undernoted notice of motion which had been submitted in accordance with Standing Order 8:-

Motion by Councillor Andrew White

- 9446 This Council reaffirms our long standing commitment to achieving justice for asbestos victims and their families.
- 9447 Council notes with regret that currently very few Mesothelioma sufferers live to see compensation awards or to benefit from the improved quality of life this money can achieve. Currently, in Scotland, there is a distinction between claims made before or after death. This places asbestos sufferers and bereaved relatives with unnecessary difficult decisions to make. Council supports the efforts of those MSPs who are campaigning at Holyrood to address an anomaly in Scottish damages legislation which allows our citizens to be treated in this way. Council also notes, with the backing of Clydebank Asbestos Group and other campaigners, Des McNulty MSP is placing a private members bill before the Scottish Parliament to protect asbestos sufferers and bereaved relatives and ensure that this flaw in the legal system is nullified. This bill will secure a better deal for people suffering illness and hardship as a result of asbestos-related disease.
- 9448 Furthermore, in 2002, in the Fairchild case, the House of Lords decided that any employer who had made a material contribution to the risk of mesothelioma was liable in full.
- 9449 In a recent judgement (Barker v Corus), the House of Lords reversed this decision. By a majority of 4-1 the judges held that a defendant who had contributed, for example, 20 per cent to the risk of mesothelioma developing was liable for only 20 per cent of the damages resulting

from that disease. In a powerful dissent, Lord Rodger accused the majority judges of rewriting the key decision in Fairchild. Until Barker, a mesothelioma victim who identified an existing employer or existing insurers recovered the full value of their claim.

9450 Council believes that as the primary lawmaker Parliament can reverse the effect of this decision through an amendment to the Compensation Bill currently under discussion in Westminster. Clydebank Asbestos Group is campaigning to achieve this outcome.

9451 This Council supported successful campaigns around Fairchild and Chester Street. Council now agrees to repeat the actions we took then. In addition Council pledges financial support, if required, to Clydebank Asbestos Group to assist their efforts to change the damages law in Scotland and to reverse the effects of the House of Lords decision mentioned in this resolution.

9452 Finally, Council agrees to work in partnership with Clydebank Asbestos Group and jointly facilitate an event in Clydebank on International Workers Memorial Day on 28 April 2007 to focus on occupational and environmental cancers as a theme.

9453 At the request of Councillor White, the Council agreed to hear Mr Bob Dickie, Clydebank Asbestos Group (in attendance for this item only). Mr Dickie spoke in support of the private member bill which Des McNulty MSP intended to present to the Scottish Parliament concerning compensation for families of persons who had died as a result of Mesothelioma and the action being taken to amend the Compensation Bill currently under discussion in Westminster.

9454 Councillor White thanked Mr Dickie and thereafter was heard in support of his motion.

9455 The Council agreed unanimously to support the above motion.

MINUTES OF PREVIOUS MEETING

9456 The Minutes of Meeting of West Dunbartonshire Council held on 26 April 2006 were submitted and approved as a correct record, subject to:-

(a) the wording of paragraph 8815 being amended to read as follows:-

“After hearing the Chief Executive in answer to Members’ questions, Councillor White, seconded by Councillor Flynn, moved:-“; and

(b) the wording of paragraph 8821 being amended to read as follows:-

“On a vote being taken, 5 Members voted for the amendment and 14 for the motion which was accordingly declared carried.”

MINUTES OF JOINT CONSULTATIVE FORUM

- 9457 The Minutes of the Meeting of the Joint Consultative Forum held on 25 May 2006 were submitted for information and all decisions contained therein were approved.
- 9458 In response to a question by Councillor McLaughlin, the Council agreed that the Head of Personnel would provide Councillor McLaughlin with further information on:-
- (1) the trades unions concerns on delays in the length of time management take to deal with early stages of grievance procedures; and
 - (2) the issue of the Maximising Attendance Policy being applied to cases of domestic violence.

MINUTES OF THE RECRUITMENT COMMITTEE

- 9459 The Minutes of the Meetings of the Recruitment Committee held on 19 May 2006 and 8 June 2006 were submitted and noted.

REMIT FROM THE COMMUNITY OWNERSHIP PROGRAMME/HOUSING STOCK TRANSFER COMMITTEE: COMMUNITY OWNERSHIP PROGRAMME – REVISED STOCK TRANSFER PROPOSALS

- 9460 With reference to the Minutes of Meeting of the Community Ownership Programme/Housing Stock Transfer Committee held on 19 June 2006 (Page 2508, paragraph 9301 refers), when that Committee had under consideration reports on the Community Ownership Programme and agreed to refer consideration of the matter to Council, the undernoted reports were submitted by the Director of Housing, Regeneration and Environmental Services:-
- (a) Community Ownership Programme – Revised Stock Transfer Proposals (19 June 2006); and
 - (b) Community Ownership Programme (7 June 2006).
- 9461 It was noted that copies of the above reports had been circulated previously under separate covers.
- 9462 Councillor Rooney, seconded by Councillor Agnew, moved:-
- 9463 This Council supports the Community Ownership Programme as agreed by the Council in December 2005.

- 9464 Furthermore this Council supports the Early Action Fund bid for up to £20m of investment to enhance the environment for tenants and all the community.
- 9465 Council recognises the significant investment in housing made by the Labour Administration through capital spending and prudential borrowing and welcomes the plans for further improvement.
- 9466 As an amendment, Councillor McLaughlin, seconded by Councillor McGregor, moved:-
- 9467 This Council reconsiders the Community Ownership Programme and agrees that in order to maximise the likely success of tenants agreeing to transfer is when they are involved from the start of the process.
- 9468 Therefore this Council agrees that the process should involve tenants from the start and a ballot of tenants should take place to decide whether or not this council enters the programme and what format that entry should take – i.e. partial or whole transfer.
- 9469 On a vote being taken, 5 Members voted for the amendment and 14 for the motion which was accordingly declared carried.

REMITTS FROM AUDIT & PERFORMANCE REVIEW COMMITTEE

(a) Remit, Timetable & Membership of the Audit & Performance Review Committee

- 9470 With reference to the Minutes of Meeting of the Audit and Performance Review Committee held on 21 June 2006 (Page 2511, paragraph 9309 refers), when it had been agreed to refer the above item to Council for consideration, a report was submitted by the Chief Executive on issues relating to the remit of the Audit and Performance Review Committee in order to meet the requirements identified in the Council's draft Best Value Improvement Plan.
- 9471 Councillor Maceira, seconded by Councillor O'Sullivan, moved:-
- 9472 This Council instructs the Chief Executive to work out a programme of consultation on the role of scrutiny and wider involvement in that scrutiny that will involve elected members, the public and all other interested parties and report back to a future meeting of the Council.
- 9473 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-

9474 In addition to the motion by Councillor Maceira, the Council instructs the Chief Executive to explore the possibility of introducing a free vote on the Audit and Performance Review Committee, similar to the way in which the existing Planning and Licensing Committees operate. The Chief Executive should also look at the possibility of splitting the investigation and the performance role of the Committee. Finally, the Council should support the involvement of people from outwith the Council to assist in the scrutiny process.

Note: Councillor Devine left the meeting during the debate on the above.

9475 On a vote being taken, 5 Members voted for the amendment and 13 for the motion which was accordingly declared carried.

(b) Asset Management Plan 2006

9476 With reference to the Minutes of Meeting of the Audit and Performance Review Committee held on 21 June 2006 (Page 2512, paragraph 9314 (2) refers), when it had been agreed to refer the above item to Council for consideration, a report was submitted by the Director of Housing, Regeneration and Environmental Services seeking approval of the Council's Asset Management Plan 2006.

9477 The Council agreed to approve the Asset Management Plan 2006, as shown in the Appendix to the report.

Note: Councillor Devine returned to the meeting at this point.

CHARGING FOR THE REMOVAL AND DISPOSAL OF WASTE ARISING FROM WORKS OF IMPROVEMENT, REPAIR OR ALTERATION OF HOUSES

9478 With reference to the Minutes of Meeting of Council held on 26 April 2006 (Page 2406, paragraph 8892 refers), a report was submitted by the Director of Housing, Regeneration and Environmental Services providing details of the policy on charging householders for the removal and disposal of waste arising from works of improvement, repair or alteration of houses.

9479 Councillor O'Sullivan, seconded by Councillor Agnew, moved:-

9480 That the Council agrees to note the charging policy for the removal and disposal of waste arising from works of home improvement, repair or alteration.

9481 As an amendment, Councillor McLaughlin, seconded by Councillor Robertson, moved:-

9482 That the Council should review the charging policy with a view to charging only for waste arising from works undertaken by a commercial

company and should not charge for waste arising from works carried out by a resident.

9483 The Director of Housing, Regeneration and Environmental Services was heard in answer to a Member's question.

9484 On a vote being taken, 5 Members voted for the amendment and 14 for the motion which was accordingly declared carried.

ADJOURNMENT

9485 Having heard Provost Macdonald, the Council agreed to adjourn for a short period of time.

9486 The meeting resumed at 3.57 p.m. with all those Members on the sederunt in attendance, with the exception of Provost Macdonald. In the absence of Provost Macdonald, Depute Provost Linda McColl assumed the Chair.

Depute Provost Linda McColl in the Chair

UPDATE ON THE SCHOOLS' PPP PROJECT

9487 With reference to the Minutes of Meeting of Council held on 26 April 2006 (Page 2601, paragraph 8859 refers), a report was submitted by the Chief Executive providing the Council with a further report on space standards and costings for the West Dunbartonshire Schools' PPP Project.

9488 Having heard the Head of Service for the Schools' Estate in answer to Members' questions, the Council agreed to approve the undernoted motion by Councillor Agnew:-

9489 This Council welcomes the Administration's plan for education and the investment of £102,507,000 that it represents. We further welcome the fact that the Council's Schools' PPP project is making excellent progress and also the significant developments in the bidding process.

9490 This Council shares the excitement of parents, teachers and pupils in the prospect of what the new schools will provide. Furthermore, Council welcomes the recent approval of the Scottish Executive for the relocation of St Eunan's Primary School.

9491 Council is pleased that space standards compare favourably with a number of our neighbouring Councils and that our proposal for a 64 square metre classroom size is larger than the current average general classroom size in West Dunbartonshire secondary schools.

9492 Council recognises that these space standards are target figures. However, Council agreement must be sought within the overall timetable if any significant alteration is contemplated to these targets in the future.

PROPOSED REVISION OF WEST DUNBARTONSHIRE COUNCIL'S BYE-LAW FOR THE PROHIBITION OF THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES AND THE MANAGEMENT RULES FOR THE ADMINISTRATION OF PUBLIC PARKS AND OPEN SPACES

9493 Reference was made to the Minutes of Meeting of the Community Safety & Environmental Services Committee held on 3 May 2006 (Page 2439, paragraph 9039 refers), when that Committee had agreed that the above issue be remitted to Council for a further report.

9494 A report was submitted by the Chief Executive:-

- (a) seeking approval to take steps to amend the current byelaw prohibiting the consumption of alcohol in designated public places within West Dunbartonshire to cover Balloch Castle Country Park and the surrounding area;
- (b) seeking approval to revise the current Management Rules for the Administration of Public Parks and Open Spaces; and
- (c) providing further information on issues raised at the meeting of the Community Safety & Environmental Services Committee held on 3 May 2006.

9495 Councillor O'Sullivan, seconded by Councillor Agnew, moved:-

9496 That the Council should not change the Byelaw and Management Rules as described within the report.

9497 After hearing Councillor McLaughlin, Councillor O'Sullivan agreed to accept the following addendum to her motion:-

9498 That a report be submitted to a future meeting of the Council on the feasibility of altering the Management Rules to help deal with the problems of anti-social behaviour caused by alcohol consumption, illegal camping, etc. in parks and open spaces.

9499 That the issues of alcohol consumption by young people and the sale of alcohol to young people be raised at a meeting of the Licensing Forum.

9500 As an amendment, Councillor Rooney, seconded by Councillor Bollan, moved:-

9501 That the recommendations of the report, that is, the amendment of the Byelaw to include Balloch Park and its surrounding area and the proposed changes to the Management Rules, be approved.

9502 On a vote being taken, 1 Member voted for the amendment and 17 Members for the motion (including addendum) which was accordingly declared carried.

SCOTTISH EXECUTIVE CONSULTATION – A NATIONAL STRATEGY FOR SHARED SERVICES

9503 A report was submitted by the Chief Executive providing a draft response to the Scottish Executive consultation on 'A National Strategy for Shared Services'.

9504 The Council agreed to the submission of the response, as detailed in the Appendix to the report, to the Scottish Executive by 28 July 2006.

WEST DUNBARTONSHIRE COMMUNITY PLANNING PARTNERSHIP – KEY DEVELOPMENTS

9505 A report was submitted by the Chief Executive providing an update on key developments within West Dunbartonshire Community Planning Partnership (CPP).

9506 Having heard the Acting Director of Social Work Services in answer to a Member's question, the Council agreed to note the contents of the report.

WDC CONSULTATION STRATEGY AND POLICY AND PROCEDURES

9507 A report was submitted by the Chief Executive seeking approval for the West Dunbartonshire Council Consultation Strategy and Policy and Procedures and associated resources.

9508 Having heard Councillor Casey in further explanation, the Council approved the Consultation Strategy and Policy and Procedures, as detailed in the Appendices to the report.

LOCAL GOVERNMENT BOUNDARY REVIEW

9509 A report was submitted by the Chief Executive providing an update on progress with the Local Government Boundary Review for West Dunbartonshire and proposing actions to be taken to progress the designation of polling districts.

9510 Having heard Councillor White in further explanation and following discussion, the Council agreed:-

- (1) to note the timescale for the completion of final recommendations for its boundaries;
- (2) to delegate the consideration and designation of polling districts to the Chief Executive in consultation with the Working Group on Local Government Boundaries and the Single Transferable Vote, subject to the proviso that all elected members be provided with copies of all relevant reports;
- (3) to set an achievable timescale for the notification of polling district boundaries and the Assessor and Electoral Registration Officer of the Dunbartonshire and Argyll and Bute Valuation Joint Board; and
- (4) that the Chief Executive should write to the Local Government Boundary Commission expressing concerns on the timing issues highlighted within the report.

CORPORATE PLAN: PERFORMANCE REPORT

9511 A report was submitted by the Chief Executive on the review of the performance of the Council's Corporate Plan.

9512 Having heard Councillor White in response to Members' questions, the Council agreed:-

- (1) that a copy of the report which was submitted to the meeting of the Corporate Services Committee held on 31 August 2005 on the Regeneration of West Dunbartonshire and in particular the work of the Strathleven Regeneration Company, together with the relevant excerpt from the minutes, be sent to Councillors Bollan and Robertson for their information;
- (2) to note that Councillor Calvert would provide Councillor Robertson with copies of documents issued by the Walker Group concerning proposed changes to A82; and
- (3) to note the content of the Corporate Plan Performance Report, as shown in the Appendix to the report.

GENERAL SERVICES CAPITAL PROGRAMME 2006/2007 UPDATE

9513 A report was submitted by the Chief Executive providing the Council with an update on the General Services Capital Plan for 2006/2007.

9514 Having heard Councillor Devine and following discussion, the Council agreed:-

- (1) to continue consideration of the report to the next meeting; and
- (2) to note that the Chief Executive would write to all Members providing the additional information requested in respect of the differences between the original and revised estimates shown under Schools Regeneration.

FINANCIAL REGULATIONS

9515 A report was submitted by the Chief Executive seeking approval of amendments to the Financial Regulations.

9516 The Council approved the amendments to the Financial Regulations as set out in paragraphs 3.2 and 3.3 of the report.

IMPLEMENTATION OF THE 'SINGLE STATUS' AGREEMENT OF THE SJC FOR LOCAL GOVERNMENT SERVICES APRIL 2000

9517 A report was submitted by the Chief Executive:-

- (a) informing Council of the progress made towards implementation of the 'single status' agreement; and
- (b) detailing the ongoing risk to the organisation with regard to equal pay claims and the likelihood of equal value claims being lodged through the Employment Tribunal System.

9518 Having heard the Head of Legal and Administrative Services in answer to Members' questions, the Council agreed:-

- (1) to prioritise all activities necessary to achieve implementation of the 'single status' agreement; and
- (2) to confirm its commitment to the implementation of Single Status, as outlined in paragraph 9.3 of the report.

NOTICES OF MOTION

(a) Motion by Councillor Craig McLaughlin

9519 This Council agrees that with the current proposals being brought forward for the early action funding and the possibility of the transferring additional stock.

9520 We agree that the membership of the Community Ownership Programme/ Housing Stock Transfer Committee should be increased to include all councillors whose areas are currently being considered as part of the transfer process.

9521 Councillor McLaughlin was heard in support of his motion, which was seconded by Councillor McGregor.

9522 As an amendment, Councillor Rooney, seconded by Councillor O'Sullivan, moved:-

9523 That this Council re-affirms its earlier decision to review the membership of committees following the summer recess.

9524 On a vote being taken, 13 Members voted for the amendment and 5 for the motion. The amendment was accordingly declared carried.

(c) Motion by Councillor George Black

9525 This Council expresses concern at the further inability to attract a suitable candidate to the post of Director of Education.

9526 While it is no reflection on the person, the Council agrees that the continuation of interim management proposals is not the best way to provide the education service for this area.

9527 Therefore this Council agrees to instruct the Chief Executive to appoint an external recruitment agency to assist to draft criteria and seek to identify a suitable candidate for the post.

9528 Councillor Black was heard in support of his motion, which was seconded by Councillor Bollan.

9529 As an amendment, Councillor Agnew, seconded by Councillor McNair, moved:-

9530 The Council has undergone a thorough process in the recruitment of a new Director of Education and Cultural Services, but the Recruitment Committee unanimously agreed that they were unable to identify a suitable candidate for appointment.

9531 The Committee therefore agreed to other actions as detailed in the Minutes which were before the Council earlier in the agenda.

9532 These actions included asking the Chief Executive "to explore the possibility of inviting alternative candidates to apply for the post".

9533 The Chief Executive carried out this instruction, and in liaison with the Leader of the Council, determined that this avenue was unlikely to produce an alternative candidate of the required standing at this stage.

9534 In these circumstances the decision was taken to appoint Mrs Liz McGinley, Head of Services, Education and Cultural Services, as Acting Director for the next year. This will provide continuity, strong leadership, and will ensure that the Council continues vigorously to pursue the attainment agenda, which, along with the regeneration of the schools' estate, remains the Council's highest educational priority.

9535 It is disingenuous of Councillor Black to state that his motion is "no reflection" on Mrs McGinley, since it is just that – an implicit criticism of her ability to carry out the task. This is unfortunate at a time when Members should be doing all they can to support the new Director in carrying forward the excellent track record of the Department and the Council in recent years.

9536 On a vote being taken, 13 Members voted for the amendment and 5 for the motion. The amendment was accordingly declared carried.

(d) Motion by Councillor George Black

9537 This Council agrees that the closure of the rent collection service of the Dumbarton Area Office has caused considerable upheaval and disruption to our tenants.

9538 Given these unforeseen knock effects the Council should give serious consideration to reconsidering the closure of this service.

9539 Depute Provost McColl informed the Council that it required to suspend Standing Order 16 prior to consideration of the above motion by Councillor Black, as a period of six months had not passed since the decision referred to therein had been taken.

9540 In response to Members' questions, the Head of Legal and Administrative Services confirmed that the suspension of standing orders was required.

9541 On a vote being taken, 5 Members voted in favour of the suspension of standing orders and 13 against. The necessary majority not being attained standing orders were not suspended and accordingly the motion was not considered by the Council.

(e) Motion by Councillor Jim Bollan

9542 This Council agrees that water is a fundamental resource that should not be considered a tradable commodity.

9543 It is important for any fair and open society that the control of the provision of water services should be held by public accountable democratically elected bodies.

9544 This Council agrees that should the view or consideration be expressed about the possibility of the privatisation of Scottish Water that this Council unanimously agrees to oppose it.

9545 The Council agreed unanimously to approve the above motion.

(f) Motion by Councillor Craig McLaughlin

9546 In recent years there has been an explosion in the number of companies conducting telesales and unsolicited cold calling.

9547 Most of these calls are causing undue stress and concern to elderly and vulnerable members of our community.

9548 Therefore this Council agrees to write to the Scottish Executive to call on MSPs to draft legislation for the regulation of telesales calls made to any Scottish line, regardless of point of origin.

9549 The regulation should look at the creation of an opt-in rather than opt-out preference list for telesales calls that we currently operate.

9550 Having heard Councillor McLaughlin and the Chief Executive, the Council agreed unanimously:-

- (1) to approve the above motion; and
- (2) that the matter be raised with the Community Safety Partnership and the Council's Trading Standards Section.

(g) Motion by George Black

9551 This Council notes with concern that the policy of allocating 30 minutes for the services at our crematoria is woefully inadequate and leaves no scope for delays.

9552 This policy has led to the disgraceful situation where mourners have been ushered out the door as another funeral is coming in.

9553 This Council then calls for a further report on the impact to the services from moving to a 45 minute service schedule.

9554 Councillor Black was heard in support of his motion, which was seconded by Councillor Bollan.

9555 Having heard Councillor O'Sullivan, Councillor Black agreed that the last sentence of his motion be amended in order that the report be referred to the Community Safety and Environmental Services Committee for consideration.

9556 Thereafter, the Council agreed unanimously to approve the above motion, as amended.

SUMMER RECESS

9557 Depute Provost McColl wished everyone present a peaceful and relaxing time over the summer recess period.

The meeting closed at 5.25 p.m.