

WEST DUNBARTONSHIRE COUNCIL

At the Meeting of West Dunbartonshire Council held in the Council Chamber, Town Hall, Dumbarton Road, Clydebank on Thursday, 14 February 2019 at 2.03 p.m.

Present: Provost William Hendrie, Bailie Denis Agnew and Councillors Jim Bollan, Jim Brown, 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 and Martin Rooney.

Attending: Joyce White, Chief Executive; Angela Wilson, Strategic Director – Transformation & Public Service Reform; Richard Cairns, Strategic Director – Regeneration, Environment & Growth; Beth Culshaw, Chief Officer, West Dunbartonshire Health & Social Care Partnership; Peter Hessett, Strategic Lead – Regulatory (Legal Officer); Stephen West, Strategic Lead – Resources; Laura Mason, Chief Education Officer; Victoria Rogers, Strategic Lead – People & Technology; Malcolm Bennie, Strategic Lead – Communications, Culture & Communities; Jim McAloon, Strategic Lead – Regeneration; Peter Barry, Strategic Lead – Housing & Employability;; Gillian McNeilly, Finance Manager; and Christine McCaffary, Senior Democratic Services Officer.

Also Attending: Carol Hislop, Senior Audit Manager and Zahrah Mahmood, Senior Auditor, Audit Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey and Brian Walker.

Provost William Hendrie in the Chair

STATEMENT BY CHAIR – AUDIO STREAMING

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

URGENT ITEM OF BUSINESS

The Provost advised that he had received and accepted a request from Councillor McColl for an urgent item of business to be considered in connection with Balloch Road West Phase 1 works and that this would be considered after the last item of business 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.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of West Dunbartonshire Council held on 19 December 2018 were submitted and approved as a correct record.

MINUTES OF AUDIT COMMITTEE

The Minutes of Meetings of the Audit Committee held on (a) 26 September 2018; and (b) 12 December 2018 were submitted and approved as correct records.

OPEN FORUM

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

GLASGOW CITY DEAL CITY REGION - UPDATE

A report was submitted by the Strategic Lead – Regeneration advising of the progress with the implementation of the Glasgow City Region, City Deal.

After discussion and having heard the Strategic Director – Regeneration, Environment & Growth, the Council agreed:-

- (1) to note the progress of the Glasgow City Region (GCR) City Deal; and
- (2) to note the draft Glasgow City Region – Regional Skills Investment Plan (RSIP).

REVIEW OF PLANNING AUTHORITY SCHEME OF DELEGATION

A report was submitted by the Strategic Lead – Regulatory seeking approval of a

revised Scheme of Delegation.

Councillor Docherty, seconded by Councillor McColl moved:-

That the first and third references to Committee in paragraph (4) of Appendix 3, Planning Hearing – Procedure for Planning Committee, be changed to Chair.

As an amendment Councillor Bolland, seconded by Councillor Douglas McAllister moved the recommendation contained in the report.

Following discussion and with Councillors Docherty and McColl's agreement, the motion was withdrawn.

The Council then agreed to approve the recommendation in the report that the proposed new scheme of delegation, as shown as Appendix 2 to the report, be referred to the Scottish Ministers for approval.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO 31 DECEMBER 2018 (PERIOD 9)

A report was submitted by the Strategic Lead – Resources advising on the General Services revenue budget and the approved capital programme to 31 December 2018 (Period 9).

The Council agreed:-

- (1) to note that the revenue account currently shows a projected annual favourable variance of £0.044m (0.02% of the total budget); and
- (2) to note that the capital account shows that planned expenditure and resource for 2018/19 is lower than budgeted by £27.062m (32.32% of the budget), made up of £27.365m relating to project slippage, partially offset by £0.302m relating to an in year overspend.

HOUSING REVENUE ACCOUNT BUDGETARY CONTROL REPORT – TO 31 DECEMBER 2018 (PERIOD 9)

A report was submitted by the Strategic Lead – Housing & Employability providing an update on the financial performance to 31 December 2018 (Period 9) of the HRA revenue and capital budgets.

The Council agreed:-

- (1) to note the contents of the report which shows a projected favourable revenue variance of £0.061m (0.1%); and

- (2) to note the net projected annual position in relation to relevant capital projects which is highlighting a variance of £8.044m (24.6%) due to projected slippage of £8.637m (25.9%) and an overspend of £0.593m (-1.8%).

COUNCIL TAX SETTING 2019/20 AND BUDGET UPDATE 2019/20

A report was submitted by the Strategic Lead – Resources providing an update in relation to the budget process for 2019/20 to 2021/22 and seeking Members' approval to set the Council Tax for 2019/20.

Councillor Dickson, seconded by Councillor McColl moved:-

Council notes the current estimates and agrees the recommendations at 2.1 of the report.

Council further agrees to set a Council Tax band D level of £1,233.83, which represents a 3% increase.

Council recognises the on-going budget challenges in future years and officers will continue to present members with options to reduce our costs going forward, however

Council notes that thanks to an increased settlement from the Scottish Government and excellent work from our officers across departments, West Dunbartonshire Council will be in a position to set a balanced budget on 27th March 2019, without implementing any of the savings options from the officers' savings options list.

Council would like to particularly thank our Resources Strategic Lead, Stephen West and our Finance Manager, Gillian McNeilly, and their team for their continuing work on finalising the revenue estimates in 2019/20.

With no savings options required to balance the budget, Council agrees that there is no need to hold a public consultation and agrees that officers will continue to work on finalised figures for the March 27th budget setting meeting.

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

This Council thanks officers for the report at Item 11 of the Council which sets out the various changes that have taken place since the December Council meeting and the various options now open to elected members.

Council also notes that as a result of Barnett consequential the Scottish Government will receive a budget increase in 2019/20 of around £950m from the UK Government.

At the same time the Scottish Government is failing to properly fund Scottish Councils.

As a consequence, The Scottish Government Grant to West Dunbartonshire will be reduced by 1.56% in 2019/20. If inflation is taken into account this is a real terms cut of between 3% and 4%.

West Dunbartonshire Council does not accept another year of SNP cuts and agrees the only way that this Council's financial situation will improve is through fair funding from the SNP Government.

In November opposition councillors called on the Leader of the council to go back to the Scottish Government for a fair deal for West Dunbartonshire.

In December, the SNP Councillors called on the Council Leader to hold "high level discussions" with the Scottish Government.

Excerpt from SNP Motion 19th December 2018:

"The Scottish Government budget consultation remains open until January 11th 2019, and Council notes that while COSLA lobbying continues, the Leader of the Council will also be having high level discussions with the Scottish Government on behalf of West Dunbartonshire Council; Council fully supports the Leader of the Council to lobby on our behalf and asks Council officers and other members to provide appropriate assistance when required."

As can be seen below, the Leader of the council failed to act upon the Council instruction.

SCOTTISH PARLIAMENT WRITTEN ANSWER, 5 February 2019, Index Heading: Education, Communities and Justice

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government whether the Cabinet Secretary for Finance, Economy and Fair Work has met Councillor Jonathan McColl of West Dunbartonshire Council in the last six weeks to discuss the budget and, if so, when; what was discussed, and what additional funds he has agreed to commit to the local authority.

Kate Forbes: The Cabinet Secretary for Finance, Economy and Fair Work has not met Councillor Jonathan McColl, Leader of West Dunbartonshire Council, to discuss the budget in the last six weeks. Negotiations on the annual local government finance settlement are conducted between the Scottish Government and COSLA, on behalf of all 32 local authorities, including West Dunbartonshire Council.

Given the above this council agrees:

- To reject the Management Adjustments presented to the November Council meeting totalling £2.239m;

- To reject the savings options presented to the December Council totalling £1.717m; and
- To agree to set the 2019/20 Council Tax at **3%** as per the November 2018 assumption resulting in a Band D council Tax of £1,233.83 for 2019/20.

Council notes that the updated projected cumulative funding gap for 2019/20 is now £4.173m which takes account of the new Management Adjustment to save £150k through the better management of the costs of overtime. This Council accepts the new £150k overtime saving which has a full year effect of £300k.

In rejecting the November Management Adjustments the budget gap is increased by £2.239m to £6.412m. However, the Change Fund is restored to £1.5m which could be used to help close the budget gap.

The Council notes that there are a number of variables and that we still have a responsibility to close the budget gap in 2019/20 and in order to do so this Council agrees the following:

ITEM	AMOUNT	TOTAL	BALANCE
Revised Gap	0	0	-£6,412,000
Change Policy on Treatment of Capital Receipts in 2018/19	£1,700,000	£1,700,000	-£4,712,000
Change Policy on Treatment of Capital Receipts in 2019/20	£3,000,000	£4,700,000	-£1,712,000
Use of £2.8m balance of Sinking Fund monies to Offset Principal Repayments.	£445,000	£5,145,000	-£1,267,000
Use of previously un-earmarked reserves in excess of Prudential Reserve target	£426,000	£5,571,000	-£841,000
Use free un-earmarked reserves	£182,000	£5,753,000	-£659,000
Loans Fund Review 2018/19	£2,000,000	£7,753,000	£1,341,000
Loans Fund Review 2019/20	£2,000,000	£9,753,000	£3,341,000

The above means that the budget gap for 2019/20 is closed and we have over £3m available for future years.

At this point in the meeting Councillor Page, seconded by Bailie Agnew moved that the meeting be adjourned to allow consideration of Councillor Rooney's amendment.

On a vote being taken, 7 members voted to adjourn and 11 voted against an adjournment. The adjournment was not agreed therefore the meeting continued.

At the request of Councillor O'Neill the Council proceeded by way of a roll call vote.

On a vote being taken 8 members voted for the amendment, namely Councillors Bollan, Lennie, Douglas McAllister, McBride, Millar, Mooney, O'Neill and Rooney, 11 members voted for the motion, namely Provost Hendrie, Bailie Agnew and Councillors Brown, Conaghan, Dickson, Docherty, Finn, Caroline McAllister, McColl, McLaren and McNair, and 1 member abstained, namely Councillor Page. The motion was accordingly declared carried.

HOUSING REVENUE ACCOUNT (HRA) ESTIMATES AND RENT SETTING 2019/20

A report was submitted by the Strategic Lead – Housing & Employability seeking approval of the updated HRA capital programme; the HRA revenue budget for 2019/20 and the level of weekly rent increase for 2019/20.

The Council agreed:-

- (1) to note the outcome of the tenant consultation process, as detailed in Appendix 1 to the report;
- (2) to note the progress made, per Appendix 2 to the report, in the HRA capital programme for 2018/19 as approved by Members at the Council meeting of 5 March 2018;
- (3) the updated five year capital programme of work set out in Appendix 3 to the report inclusive of the Council's new house building programme and the overall resources to fund the programme;
- (4) the revenue budget for 2019/20 as detailed in Appendix 4 to the report;
- (5) the weekly rent increase for 2019/20 at an average £1.56 on a 52 week basis (£1.73 on a 47 week basis), equating to 2% to meet the planned revenue HRA budget as detailed in Appendix 4 to the report;
- (6) to increase rents at the Gypsy Travellers site by the 2%;
- (7) to maintain the existing level of lock-up rent levels at £5.55 per week on a 52 week basis (£6.14 on a 47 week basis) at the same levels as for 2018/19; and
- (8) to note the increase in the prudential reserve target for 2018/19 (from £0.864m to £0.850m).

Note:- Councillor Finn left the meeting at this point.

NOTICE OF MOTIONS

- (a) **Motion by Councillor Jim Bollan – Request for Information**

Council agrees to provide a suitably redacted full copy, to any Councillor requesting one, of the joint Police/Internal Audit report into allegations of contract Fraud and Corruption by senior Council officers. If agreed, the full suitably redacted report should be made available within 7 days of today's meeting.

During discussion, the Legal Officer reminded Councillor Bollan of the Standards Commission's Code of Conduct regarding public criticism of Council officers.

The motion was agreed.

ADJOURNMENT

Having heard the Provost, the Council agreed to adjourn the meeting for a period of 10 minutes. The meeting reconvened at 4.40 p.m. with all Members listed in the sederunt present, with the exception of Councillor Finn.

(b) Motion by Councillor Jim Bollan – Referral to Audit Scotland

Council agrees that the joint Police/Internal Audit report into the allegations of Fraud and Corruption by senior council officers will be referred to Audit Scotland and no officer implicated in the report will be allowed to leave the Council's employment voluntarily with any type of a package until Audit Scotland have reached a conclusion.

The Council agreed the motion.

(c) Motion by Councillor Sally Page - Passivehaus Standard

Councillor Page moved:-

This Council will support the future building of social and affordable homes to a Passivehaus standard.

It is understood that the current Council building programme to 2021 builds to a Scottish Silver Active Standard.

The Passivehaus standard will exceed this with the dual benefits of lower carbon emission and affordable, comfortable living.

Having heard Councillor Page agree to accept an amendment and addendum to her motion from Councillor McBride, the following adjusted motion was agreed by Council:-

This Council will explore the future building of social and affordable homes to a Passivehaus standard.

It is understood that the current Council building programme to 2021 builds to a Scottish Silver Active Standard.

The Passivehaus standard will exceed this with the dual benefits of lower carbon emission and affordable, comfortable living.

Council requests that a report on the pros and cons of the proposal be submitted to a future meeting of the Housing & Communities Committee. The report should include the financial implications and should be subject to consultation with WDTR0.

(d) Motion by Councillor Sally Page – Fairer Settlement for Councils in Scotland

Councillor Page moved a motion on the above.

Councillor Dickson, seconded by Councillor McLaren moved:-

Council agrees that we could always use more money and we will continue to lobby the Scottish Government for the resources Council needs.

Council does however note that the Scottish Government could do much more for Councils and public services across Scotland, if they did not have to keep mitigating against damaging policies from the Tory Government in Westminster; policies deliberately targeted at the poorest and most vulnerable in our society.

Council calls on Cllr Sally Page, as Leader of the Conservative group on the Council, to write to her colleague Prime Minister Theresa May asking the UK Government to live up to its publicly stated promise to end austerity and provide Councils and devolved governments across the UK with the resources they need to provide vital local services and grow the UK economy.

Councillor McBride asked if Councillor Page was willing to accept an addendum to her motion. Councillor Page declined to accept the addendum and in view of her motion having failed to obtain a seconder it fell.

As an amendment, Councillor McBride, seconded by Councillor O'Neill then moved Councillor Page's original motion with his addendum, as follows:-

West Dunbartonshire Council acknowledges the increase in money for Scotland through the Barnett consequential; strongly condemns the amount awarded to Local Government in the Holyrood Budget and agrees to write to the Finance Secretary to request a fairer settlement for Council's across Scotland.

In addition Council notes the Tory Government has attached public services in almost a decade of austerity. Council rejects Tory/SNP austerity and calls on both Governments to fund all public services fairly.

On a vote being taken 7 members voted for the amendment and 11 for the motion, which was accordingly declared carried.

Note:- Councillor McBride left the meeting at this point.

URGENT ITEM OF BUSINESS BALLOCH ROAD PHASE 1 CARRIAGEWAY WORKS

Councillor McColl moved:-

Council notes that a number of genuine concerns have been raised with Ward 1 members by local residents and businesses, regarding the work being undertaken under the Regeneration title of 'Balloch Road West Phase 1'.

For members' reference, the budget for this work was agreed by the Infrastructure, Regeneration and Economic Development Committee at its meeting in August 2017 but the design and implementation was carried out under delegated authority and did not require planning permission due to permitted development rights applying.

The concerns raised include:

1. Removal of space for approximately 4 vehicles picking up and dropping off of patrons at the Lomond Park Hotel/Glenroy Bar/Raffles Lounge/The Back Room by narrowing the road.
2. Plans to move a bus stop closer to the Roundabout at the west end of Balloch Road, which residents and local members feel may not be optimal due to a tight swept path analysis.
3. Removal of space used for on street parking outside residential properties to narrow the road at the junction with Drumkinnon Gate Residential Estate.

After considering these concerns Officers, under delegated authority, have agreed to amend the scheme to resolve these issues as follows:

1. Discussions are taking place with taxi operators with a view to formalising a taxi rank in the vicinity to allow safe pick up and drop off of licensed premises' patrons, particularly in relation to the operation of late night entertainment venues.
2. The bus stop will be more appropriately located, further back from the roundabout but still adjacent to the build-out to meet new disability access requirements.

These amendments to the original scheme will not incur any additional costs as no construction changes are required.

Council thanks the officers involved for their positive engagement with local elected members to understand local concerns and for having a shared vision of delivering the best outcome for local residents and potential visitors to Balloch village.

The outstanding issue cannot be resolved under delegated authority, therefore Council agrees to authorise £16.5k spend from free reserves for the following work:

3. Removal of the road narrowing build-outs at the junction with Drumkinnon Gate Residential Estate, and reinstatement of the original road/footpath layout.

Council further agrees that local elected members must be given the opportunity to be consulted on the detail of certain construction work (to be defined by Committee in the future) in their ward that will be carried out under delegated authority, prior to any report being brought to Committee for a funding decision. Officers will bring a report to a future Infrastructure, Regeneration and Economic Development Committee with a view to agreeing a protocol/process for this to happen.

The Council agreed the motion.

The meeting closed at 5.20 p.m.