

DUMFRIES AND GALLOWAY COUNCIL

Meeting of Thursday 25 June 2015
at 10.30am in Council Offices, English Street, Dumfries (Reports)

Present

Members

Ronnie Nicholson (Leader)	- North West Dumfries
Ted Thompson (Depute Leader)	- Lochar
Graham Bell	- North West Dumfries
Ian Blake	- Abbey
Richard Brodie	- Annandale South
Ian Carruthers	- Annandale South
Karen Carruthers	- Annandale East and Eskdale
Finlay Carson	- Castle Douglas and Glenkens
Rob Davidson	- Abbey
Jim H Dempster	- Mid and Upper Nithsdale
Iain Dick	- Stranraer and North Rhins
Peter Diggle	- Annandale North
Archie Dryburgh	- Annandale East and Eskdale
Gillian Dykes	- Mid and Upper Nithsdale
Andy Ferguson	- North West Dumfries
Grahame Forster	- Wigtown West
Patsy Gilroy	- Dee
Yen Hongmei Jin	- Lochar
Ivor A Hyslop	- Lochar
Jeff Leaver	- Lochar
Gail Macgregor	- Annandale North
Jane S Maitland	- Dee
Denis R Male	- Annandale East and Eskdale
Sean W Marshall	- Annandale South
John Martin	- Nith
Tom A McAughtrie	- Abbey
Jim McClung	- Wigtown West
Marion McCutcheon	- Stranraer and North Rhins
David J McKie	- North West Dumfries
Graham Nicol	- Mid Galloway
Ronnie E Ogilvie	- Annandale South
Craig Peacock	- Annandale East and Eskdale
George N Prentice	- Castle Douglas and Glenkens
Willie Scobie	- Stranraer and North Rhins
Davie Stitt	- Abbey
John Syme	- Mid and Upper Nithsdale

Graeme Tait - Annandale North
Stephen Thompson - Annandale North
Roberta Tuckfield - Wigtown West
Alastair Witts - Nith
Andrew S Wood - Mid and Upper Nithsdale

Apologies

Brian Collins - Castle Douglas and Glenkens
Alistair Geddes - Mid Galloway
Jack Groom - Nith
Jim McColm - Mid Galloway
Colin Smyth - Nith
Colin Wyper - Dee

Lorna Meahan
Director Corporate Services

1 SEDERUNT AND APOLOGIES

PROCEDURE - The Leader advised that copies of a report on an exempt item of business regarding DG One would be distributed to Members at an appropriate point in the meeting and asked Members to consider taking a short recess at that time in order to read the report. This was agreed.

40 Members present, 6 apologies, 1 not present

2 DECLARATIONS OF INTEREST

NONE declared

MINUTES FOR APPROVAL**3 MINUTE OF MEETING OF 26 MARCH 2015****Decision**

APPROVED

4 MINUTE OF MEETING OF 8 APRIL 2015**Decision**

APPROVED

5 UNAUDITED ACCOUNTS 2014/15 - REPORT BY HEAD OF FINANCE**Decision**

NOTED the Council's unaudited Annual Accounts and the Pension Fund's unaudited Annual Report and Accounts for the financial year ended 31 March 2015 which would be submitted to the Controller of Audit and reviewed by the Council's external auditors prior to further reports to Members.

6 DEVELOPING OUR COUNCIL'S ANTI-POVERTY STRATEGY - REPORT BY CHIEF EXECUTIVE**Decision**

6.1 **NOTED** the evidence and research undertaken to inform the development of the Strategy which was available on the Council's website;

AGREED

6.2 the Anti-Poverty Strategy 2015-20 with the addition of further details, particularly better definitions, to ensure clarity about the local statistical information presented, **NOTING** that Elected Members would be engaged in detailed analysis and briefings about the picture of poverty in localities as part of the implementation of the Strategy;

6.3 the Action Plan of the Strategy, with the additions of more innovative ways of getting feedback from people experiencing poverty about Council services under Objective One; and transitional support being investigated for people moving from employment into retirement to be included under Objective Four;

6.4 to receive six monthly reports to Full Council on progress of the Action Plan with updates on national developments and context being reported annually;

6.5 to commend the Strategy to Community Planning partners for their endorsement and contribution during the coming year;

6.6 to lobby through COSLA, Scottish Government and the UK Government to secure initiatives and investment that tackle rural poverty;

6.7 **NOTED** with pleasure that the Council had secured accreditation as a Living Wage Employer and was only the second Council Scotland to achieve such an important contribution to tackling poverty; and

6.8 **COMMENDED** Lindsay Smith, Graduate, for her work on the Anti-Poverty Strategy 2015-20.

MEMBERS – Iain Dick and Gillian Dykes left the meeting – 38 Members present

7 SERVICES FOR CHILDREN AND YOUNG PEOPLE - PROGRESS REVIEW FOLLOWING JOINT INSPECTION - REPORT BY CHIEF EXECUTIVE

Decision

NOTED

7.1 the positive findings of the Progress Review Report published by the Care Inspectorate, May 2015;

7.2 that the progress and improvement would continue to be delivered through the Children's Services Plan, agreed by the Council on 26 March and NHS Board on 13 April 2015; and

7.3 **AGREED** to receive update reports at appropriate Council Committees in due course.

MEMBERS – Ivor A Hyslop entered; Iain Dick and Gillian Dykes re-entered the meeting – 41 Members present

8 DUMFRIES AND GALLOWAY COUNCIL PRIORITIES AND COMMITMENTS - END OF YEAR REPORT FOR 2014/15 - REPORT BY CHIEF EXECUTIVE

MEMBERS - Karen Carruthers and Rob Davidson left the meeting during consideration of this item – 39 Members present

Decision

8.1 **ENDORSED** the progress made in delivering the Council's Priorities and Commitments in 2014/15 and **AGREED** to enhance the references to wider partners involved in health and social care integration;

8.2 **AGREED** to receive reports to appropriate Committees on the following:-

8.2.1 an update on the Broadband project, in particular to affirm that the project to deliver superfast Broadband to 95% of households across the region by 2017 was on track and provide details of national activity about improving communication and information [Policy and Resources Committee];

8.2.2 proposed improvements to our home care arrangements, with details of national and local activity about wage levels and in particular the roll out/accreditation of Living Wage [Social Work Services Committee];

8.2.3 recent national and local developments in supporting business and social enterprises and specifically reviewing the performance target [Economy, Environment and Infrastructure Committee];

8.2.4 support for community groups through the Community Learning and Development Strategy and the outcome of the Community Empowerment Service Review [Community and Customer Services Committee];

8.2.5 details of ongoing improvement work as part of the Scrutiny Review of town and village improvements [Scrutiny and Performance Committee];

8.3 **NOTED** that issues around educational attainment; clients supported in managing debt; home care hours; neighbourhood safety targets; Council customer satisfaction levels and derelict buildings would be brought to Members as part of Business Plan monitoring reports and Strategy development reports at Service and Area Committees; and

8.4 **COMMENDED** and **THANKED** all staff who delivered high quality services for the people of this Region.

MEMBERS – Rob Davidson and Karen Carruthers re-entered the meeting – 41 Members present

9 SHAPE OF THE COUNCIL - PROGRESS REPORT - REPORT BY CHIEF EXECUTIVE

MEMBERS - Graham Nicol, John Syme, Ian Carruthers, David Stitt and Graham Bell left the meeting during consideration of this item of business – 36 Members present

Decision

NOTED

- 9.1 the progress achieved in the period since March 2015;
- 9.2 the principles that had been developed to underpin our reshaping activity;
- 9.3 the outcome of the Director Communities recruitment process;
- 9.4 **APPROVED** the revised Head of Service structure;
- 9.5 **REVIEWED** and **APPROVED** the job descriptions and person specifications for the Head of Service posts;

NOTED

- 9.6 the completed job evaluation outcome for the Head of Service posts;
- 9.7 that the Directors would commence the process of Matching to these posts, using the Matching Policy;

AGREED

- 9.8 that the appointment process for the post of Head of Legal and Democratic Services should be subject to external and internal advertisement,
- 9.9 the timetable and key stages for the appointment to the post of Head of Legal and Democratic Services; and
- 9.10 to receive a further progress report from the Chief Executive, at Full Council on 29 September 2015, including providing information on the outcome of the Matching process, and proposals for any subsequent steps that may be required.

MEMBERS - David Stitt re-entered the meeting – 37 Members present

PROCEDURE - Gavin Stevenson left the meeting

10 APPOINTMENT OF RETURNING OFFICER - REPORT BY DIRECTOR CORPORATE SERVICES

MEMBERS – Ian Carruthers, Graham Nicol and John Syme re-entered the meeting – 40 Members present

Decision

10.1 **NOTED** the statutory obligation to appoint an officer of the Council to act as Returning Officer to ensure that the Council complied with the Representation of the People Act 1983, and related legislation;

AGREED

10.2 the appointment of Gavin Stevenson, Chief Executive, as the Returning Officer for Local Government and Parliamentary elections; and

10.3 to place on record the Council's appreciation of the significant contribution of the outgoing Returning Officer, Alex Haswell, and his Elections Team in ensuring the diligent administration of elections in this Region.

PROCEDURE - Gavin Stevenson re-entered the meeting

MEMBER – Graham Bell re-entered the meeting – 41 Members present

11 DESIGNATION OF MONITORING OFFICER - REPORT BY CHIEF EXECUTIVE**Decision**

11.1 **NOTED** the statutory obligation to designate an officer of the Council to act as Monitoring Officer, to ensure the Council complied with the Local Government and Housing Act 1989;

AGREED

11.2 that the Monitoring Officer role be designated to the person appointed as Head of Legal and Democratic Services, a post which was included within the new chief officer structure presented earlier today at item 9 above;

11.3 the designation of the Senior Manager – Legal and Regulatory Services, Rhona Lewis, as the Monitoring Officer until such time as a candidate was successful in securing and taking up the Head of Legal and Democratic Services post, and

11.4 **NOTED** that a protocol providing for the discharge of the Monitoring Officer's duties would be prepared and presented to Full Council, in conjunction with a revised Scheme of Delegation to Officers, and presented to Full Council in September 2015 for consideration.

12 INTERIM SCHEME OF DELEGATION TO OFFICERS AND STATUTORY APPOINTMENTS - REPORT BY PROPER OFFICER**Decision**

12.1 **APPROVED** the Interim Scheme of Delegation to Officers and Statutory Appointments which incorporated the delegations to the four new Directors; and

12.2 **NOTED** that the Ad Hoc Sub Committee Review of Schemes, at its meeting on 4 September 2015, would make its recommendations on revised Schemes of Delegation to the Full Council on 29 September 2015.

13 AMENDMENT OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY - REPORT BY DIRECTOR OF COMMUNITY AND CUSTOMER SERVICES

Decision

AGREED

13.1 that an amendment process confined to the areas set out in Appendix 1 of the report be undertaken in relation to the Scheme for the Establishment of Community Councils in Dumfries and Galloway, **APPRECIATING** the required amendment to reflect the inclusion of 16 year olds on the electoral register;

13.2 the proposed timetable and process for this amendment, with the proviso that consideration be given to the process for re-establishment of a Community Council in the event of multiple resignations/requirement for a by-election; and

13.3 **NOTED** that further report(s) to Full Council would be required to consider and agree the proposed amendments in due course.

14 STRANRAER WATERFRONT DEVELOPMENT - WEST HARBOUR SLIPWAY AND BOAT HOIST PROJECTS - REPORT BY MONITORING OFFICER

MEMBER – Andrew S Wood left the meeting during consideration of this item of business – 39 Members present

VOTE

14.1 **MOTION** by **CRAIG PEACOCK** seconded by **MARION McCUTCHEON** (1) to note that the Monitoring Officer had determined he had no locus in terms of Section 5 of the Local Government Housing Act 1989 in the matter of the slipway, boat hoist and gateway projects forming part of the Stranraer Waterfront redevelopment; (2) to note that the Director of Economy, Environment and Infrastructure had agreed to commission an independent external report to review the processes involved in and the impact of the changes made to the slipway design and boat hoist location and to report to the Economy, Environment and Infrastructure Committee; (3) that the work be put on hold pending receipt of the report, at which time the Director Economy Environment and Infrastructure would advise Members whether to proceed with the works or if they required to await the outcome of a report to the Economy, Environment and Infrastructure Committee on 15 September 2015; and (4) to review Standing Orders to include Elected Members in the delivery of capital projects.

14.2 **AMENDMENT** by **GRAHAME FORSTER** seconded by **WILLIE SCOBIE** (1) to halt the installation of the boat hoist, in order to allow consultation with local fishermen and that a credible business case be accepted by the Economy, Environment and Infrastructure Committee; and (2) to amend Standing Orders to include Elected Members in the delivery of capital projects.

14.3 On a vote being taken by roll call, Members voted as follows:-

Motion – 36 votes being:-

Ronnie Nicholson, Ted Thomson, Graham Bell, Ian Blake, Richard Brodie, Ian Carruthers, Karen Carruthers, Finlay Carson, Rob Davidson, Jim Dempster, Iain Dick, Peter Diggle, Archie Dryburgh, Andy Ferguson, Patsy Gilroy, Yen Hongmei Jin, Ivor A Hyslop, Jeff Leaver, Tom McCaughtrie, Jim McClung, Marion McCutcheon, David J McKie, Jane S Maitland, Denis R Male, Sean W Marshall, John Martin, Graham Nicol, Ronnie Ogilvie, Craig Peacock, George N Prentice, David Stitt, John Syme, Graeme Tait, Stephen Thompson, Roberta Tuckfield and Alastair Witts

Amendment – 2 votes being:-

Grahame Forster and Willie Scobie

Abstention – 1 being:- Gail Macgregor

Decision

NOTED

14.1 that the Monitoring Officer had determined he had no locus in terms of Section 5 of the Local Government Housing Act 1989 in the matter of the slipway, boat hoist and gateway projects forming part of the Stranraer Waterfront redevelopment;

14.2 that the Director of Economy, Environment and Infrastructure had agreed to commission an independent external report to review the processes involved in and the impact of the changes made to the slipway design and boat hoist location and to report to the Economy, Environment and Infrastructure Committee;

AGREED

14.3 that the work be put on hold pending receipt of the report, at which time the Director Economy Environment and Infrastructure would advise Members whether to proceed with the works or if they required to await the outcome of a report to the Economy, Environment and Infrastructure Committee on 15 September 2015; and

14.4 to review Standing Orders to include Elected Members in the delivery of capital projects.

MEMBER – Peter Diggle left the meeting – 38 Members present

15 NOTICE OF MOTION - TOURIST SIGNAGE - REPORT BY DIRECTOR ECONOMY, ENVIRONMENT AND INFRASTRUCTURE

PROCEDURE – AGREED to withdraw delegation from Economy, Environment and Infrastructure Committee in order to debate the Notice of Motion.

PROCEDURE – copies of a planned coastal tourist route submitted by Iain Dick were circulated at the meeting.

Decision

AGREED

15.1 that the new Dumfries and Galloway Regional Tourism Strategy 2016-20 be presented to the Economy, Environment and Infrastructure Committee and should include (1) a clear inclusive strategy for tourism signage within the region for all coastal and hinterland areas, (2) any proposals for changes to national guidelines for consideration by the Scottish Government and (3) appropriate consultation to be conducted to develop this Strategy; and

15.2 that the existing Tourism Signposting Policy document be updated to reflect current guidance.

16 MINUTES FOR APPROVAL/NOTING

Decision

Summary as detailed at the **Appendix**.

17 ANY OTHER BUSINESS DEEMED URGENT BY THE CHAIRMAN DUE TO THE NEED FOR A DECISION

Decision

NOTED that there was no business deemed urgent by the Chairman due to the need for a decision.

ADJOURNMENT OF MEETING – the meeting adjourned at 12.45pm for lunch and reconvened at 1.45pm with 28 Members present being:-

Ronnie Nicholson, Ted Thompson, Ian Blake, Richard Brodie, Ian Carruthers, Finlay Carson, Rob Davidson, Jim Dempster, Iain Dick, Archie Dryburgh, Gillian Dykes, Patsy Gilroy, Yen Hongmei Jin, Ivor A Hyslop, Jeff Leaver, Tom McAughtrie, Marion McCutcheon, David J McKie, Jane S Maitland, Sean W Marshall, John Martin, Ronnie Ogilvie, Craig Peacock, David Stitt, John Syme, Graeme Tait, Roberta Tuckfield and Alastair Witts

18 LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Decision

AGREED to adopt a resolution to exclude the public from the meeting in terms of Section 50A(4) and Paragraph 12 of Part 1 to the Local Government (Scotland) Act 1973.

19 DG ONE UPDATE - REPORT BY DIRECTOR OF COMMUNITY AND CUSTOMER SERVICES

Summary of report - Members received an update on the current legal position, and the ongoing tendering process for the remedial works at DG One, together with the Council's current financial forecasts.

Decision

19.1 **RECEIVED** a presentation from Garry Borland QC, Neil Kelly and Christopher Duff of MacRoberts LLP on the options available to the Council in relation to the tender process and on the progress of the case Dumfries and Galloway Council v Kier Construction Limited;

NOTED

19.2 the current legal position with regard to the claim against Kier Construction Limited;

19.3 the update on the current tender process;

19.4 the financial update in relation to the claim against Kier Construction Limited;

AGREED

19.5 to enter into a negotiated procedure with a single contractor; and

19.6 to enter into mediation with Kier Construction Limited.

VALEDICTORY – RETIRAL OF ALEX HASWELL

At the conclusion of the meeting, the Leader and Members paid tribute to the work undertaken by Alex Haswell on behalf of our Council and its predecessor authorities and acknowledged his considerable contribution to Local Government in Dumfries and Galloway over the past 40 years.