

ACCOUNTS COMMISSION FOR SCOTLAND

WEST DUNBARTONSHIRE COUNCIL BEST VALUE AUDIT REPORT

PUBLIC HEARING

held at

Clydebank Town Hall, 49 Dumbarton Road
Clydebank, G81 1TX

on

Wednesday, 29th November 2006
and
Thursday, 30th November 2006

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Before:

MR ALASTAIR MacNISH
(in the Chair)

PROFESSOR JOHN BAILLIE
MS JEAN COUPER
MR KEITH GEDDES
MR IAIN ROBERTSON

In attendance:

MR BILL MAGEE - Secretary to the Accounts Commission

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Transcribed by Ubiquis/Harry Counsell
Cliffords Inn, Fetter Lane, London EC4A 1LD
Telephone 0207 269 0370

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COMPLETE PROCEEDINGS

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5 THE CHAIRMAN: Good morning, ladies and gentlemen. I am
6 Alastair MacNish and I am Chair of the Accounts
7 Commission. I would like to begin by going through the
8 procedure which will be followed today. Just before I
9 do, could I ask everyone to turn off any mobile phones
10 that they have. Also, there will be no fire drills this
11 morning, so if the fire alarm goes off it is for real;
12 the fire exits are at the back, so women and children
13 first; I do not know if there is another way out for
14 us, but it is through that back door there if the fire
15 alarm goes off.

16 This is a formal meeting of the Accounts Commission
17 for Scotland under section 103 of the Local Government
18 (Scotland) Act 1973. This is a hearing in respect of a
19 report by the Controller of Audit on the audit of best
20 value and community planning in West Dunbartonshire
21 Council. Copies of that report have been available on
22 Audit Scotland's website and there are copies available
23 for the public here today.

24 When the Accounts Commission receives a report by
25 the Controller of Audit it can do all or any of the
26 following or none of them: (i) direct the Controller
27 of Audit to carry out further investigations; (ii) hold
28 a hearing; or (iii) state its findings. The purpose of
29 this hearing is to allow the Commission to give
30 consideration to the Controller of Audit's report with a
31 view to making findings. Those findings may include
32 recommendations for action and may be directed to the
33 council or to Scottish ministers. If recommendations
34 are made to ministers they may include a recommendation
35 that a ministerial order be made requiring the council
36 to take any action specified in the order. We are
37 therefore here to listen to representations which will
38 be made and to ask questions that will help us reach our
39 findings. We are not here to operate as a court of law
40 and I will attempt to keep proceedings as informal and

1 as relaxed as is appropriate consistent with the
2 objective of allowing those who wish to express their
3 views to do so and to allow the Commission to obtain a
4 clear understanding of the issues.

5 Can I now introduce the members of the Commission,
6 and because they are facing away from me I might get
7 this wrong. On my extreme right is Iain Robertson; on
8 the left of Iain Robertson is Jean Couper; on my
9 extreme left is Keith Geddes, and on his right is John
10 Baillie. Bill Magee is Secretary to the Commission and
11 we may refer to him for advice during the hearing. A
12 note of the procedure which we will follow has been made
13 available to witnesses and copies are available in the
14 hall, and I notice quite a few have taken copies.

15 We intend to hear in the first instance from the
16 Controller of Audit and where appropriate the audit
17 team. We will then ask representatives of the council
18 to give evidence. In addition we have received a number
19 of requests from individuals to make representations
20 today. We have agreed to hear representations from the
21 following:

22 Caroline Gardner, Controller of Audit
23 Nikki Bridle, Assistant Director, Audit Scotland
24 Lesley McGiffen, Best Value Manager, Audit Scotland
25 David Pia, Director, Audit Scotland
26 Councillor Andrew White, Leader of West
27 Dunbartonshire Council
28 David McMillan, Chief Executive of West
29 Dunbartonshire Council
30 Tim Huntingford, ex Chief Executive of West
31 Dunbartonshire Council
32 Mike O'Donnell

33 We also have today:

34 Councillor Craig McLaughlin
35 Councillor Jim Bollan
36 Councillor Geoff Calvert
37 Councillor Dennis Brogan
38 Councillor Jim McCallum

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John McFall MP
Jackie Baillie MSP

We intend to have those witnesses today. Tomorrow we will hear from:

Duncan Borland, GMB Union
Tom Morrison, UNISON Union
Charlie McDonald, TGWU
Archie Thomson MBE
George McFarlane, Nancy Garvie and Edith Miller
from Rosshead Tenants and Residents Association
Rose Harvie, Silverton & Overtoun Community Council

We received a number of applications to be heard from other individuals, some of them asking to give evidence in private. We applied the following criteria: relevance to the audit report; relevance to the Commission's particular areas of interest in the report; contribution to assisting the Commission in considering the report; and representative, not individual. We therefore declined to invite a number of people to give evidence. Each witness or group of witnesses will be given the opportunity to make an opening statement and we have asked them to confine this to a maximum of 15 minutes. Members of the Commission will then ask questions of the witness. At the conclusion of each witness's evidence I will give them the opportunity to say anything which they wish us to take into account.

We have been asked to take evidence under oath. Although the Commission has the power to do this we do not consider it necessary at this hearing as a generality. We reserve the discretion to require evidence on oath in the case of any particular witness if we consider that necessary. We have also been asked to take evidence in private. Our preference is to hear evidence in public but the legislation does give us the discretion to go into private session. We will listen to any requests from witnesses in this connection and give them consideration in the light of the reasons which they offer.

1 The controller's report covers a wide variety of
2 issues. I must stress that the purpose of this hearing
3 is to allow the Commission to make findings on that
4 report. I intend to restrict all questions and evidence
5 to the matters raised in the report and I will not allow
6 the hearing to be drawn into other irrelevant areas. I
7 intend that this first session of the hearing will last
8 until 1 pm. We will reconvene after lunch and it is
9 likely that the hearing will be adjourned and reconvened
10 tomorrow morning at 10 am. At the conclusion of all the
11 proceedings I shall adjourn the hearing so that the
12 Commission can consider the controller of audit's report
13 in the light of what it has heard and make its findings
14 as expeditiously as possible. If it is necessary for
15 the hearing to be reconvened I shall do so, although I
16 most certainly obviously hope that this will not be
17 necessary.

18 I will now ask the first witness to come forward,
19 Caroline Gardner, controller of audit, to make her
20 statement; if I could ask you to introduce the rest of
21 your team as well.

22 MS GARDNER: Good morning, and thank you for the
23 opportunity to make an opening statement this morning.
24 I would like to start by introducing the team. First of
25 all, I am Caroline Gardner, and as the controller of
26 audit I have overall responsibility for the report that
27 you have in front of you. On my left is David Pia, who
28 is director of public reporting for local government;
29 Nikki Bridle on my right is the assistant director who
30 leads all of our best value work; and Lesley McGiffen
31 is the audit manager who led the audit of West
32 Dunbartonshire Council. Between us we hope we will be
33 able to answer any questions you may have.

34 You have got my report in front of you so I would
35 like to use this statement to focus on four things: the
36 aims of the audit process, the process that we have been
37 through with West Dunbartonshire Council to reach this
38 stage this morning, the areas of the report which are

1 disputed by the council, and the main judgments that the
2 team and I made about the council together with the
3 reasons for those judgments.

4 The purpose of the audit, first of all, is to assess
5 how well councils are meeting their statutory duty to
6 secure best value and to make available to the public na
7 overall judgment on how each council is managing its
8 business. I have now produced best value reports on 16
9 councils across Scotland which aim to produce a
10 comprehensive and balanced assessment based on judgments
11 in four key areas.

12 The first of these is the council's strategic
13 direction. This covers its ambitions for the area it
14 serves, the effectiveness of its leadership, the
15 existence of an improvement culture and its links with
16 local communities and other agencies. The second area
17 is how the council is organised, how it manages its
18 people, its assets and its finances, how open it is, and
19 the extent to which it promotes equal opportunities and
20 sustainable development. Council services make up the
21 third area. This includes information about customer
22 satisfaction levels and performance against customer
23 standards as well as information from performance
24 indicators and from inspectors and other scrutiny
25 bodies. The data used by most councils to manage their
26 performance is limited so we use what is available and
27 we take care in how we draw conclusions. Finally, we
28 look at areas for improvement, seeking to agree an action
29 plan with the council and following up its progress.

30 In each case our audit judgments take account of a
31 wide range of evidence from different sources. In the
32 case of West Dunbartonshire Council our evidence came
33 form interviews with 35 members, officers and other
34 people; a review of papers, including council and
35 committee papers and minutes; separate surveys of
36 staff, elected members and community planning partners;
37 two focus groups and two discussion groups; and direct
38 observation of meetings. Throughout the audit the team

1 relied on more than one source of evidence for each
2 judgment that they made and they actively looked for
3 evidence which might counteract their preliminary
4 judgments.

5 The audit process for West Dunbartonshire Council
6 started on 27th October last year when the audit team
7 met the corporate management team including the then
8 chief executive to explain the process and agree a date
9 for the council to present its self assessment
10 submission. That presentation took place on 13th
11 December 2005 and the audit team were on site during
12 February and March 2006.

13 The areas the team selected for detailed audit work
14 were identified through a standard risk assessment
15 process using the council's self assessment together
16 with a range of publicly available information and
17 briefing material from the council's external auditor.
18 The self assessment is intended to summarise the
19 council's performance, indicating areas of strength and
20 areas in need of improvement, and the audit team looks
21 for evidence to challenge or confirm the council's own
22 assessment. The areas selected for more detailed
23 examination reflect the council's own circumstances and
24 each audit report is therefore quite distinctive. This
25 makes them more relevant to the individual council and
26 the people it serves and more effective in achieving
27 improvement as a result. The audit approach for West
28 Dunbartonshire Council, including the areas for more
29 detailed review and the use of specific audit tools such
30 as the three surveys, was agreed with the chief
31 executive at a meeting on 27th February.

32 The first feedback meeting was held with the chief
33 executive on 12th April, five and a half months before
34 my report was finally issued, with a second feedback
35 meeting on 9th June. We sent him a draft report on 18th
36 July and discussed this with him and the leader at two
37 meetings on 2nd and 29th August. These were very
38 lengthy meetings, accounting for a total of more than 12

1 hours, and it is worth noting that this is not at all
2 typical of the time we usually need for discussion with
3 other councils.

4 We made a number of amendments to the draft report
5 to reflect the council's comments but in spite of these
6 lengthy discussions the council was not able to produce
7 additional evidence that affected our key audit
8 judgments. The report was finalised and issued to the
9 council and to members of the Accounts Commission on 3rd
10 October this year in advance of the Commission's meeting
11 on 11th October. This was in line with the information
12 given to the council at the meeting on 29th August.

13 The council was not treated any less favourably than
14 the other councils which have been through the best
15 value audit so far and we allowed significantly more
16 time and flexibility than usual in seeking to agree the
17 facts of the report. The council believes that the
18 report was published prematurely; in fact it was
19 published almost three months after the draft was sent
20 to the chief executive and after exhaustive discussions
21 and attempts to identify new evidence that would change
22 our conclusions. Under the legislation that governs the
23 audit process my report becomes public when it is sent
24 to the council and to members of the Accounts
25 Commission. We did not publicise the report but we did
26 make the report available as the council is required to
27 do.

28 I would like to move on now to cover in a bit more
29 detail the areas of the report which the council
30 believes contain factual inaccuracies. In general we
31 believe this term has been used very loosely by the
32 council. The council made over 200 comments on the
33 draft report. Of these it identified 61 as relating to
34 factual inaccuracies. We analysed these 61 comments and
35 found that the report was inaccurate on 12 occasions;
36 different sources had been used on five occasions; the
37 council had provided updated information on nine
38 occasions and new evidence on nine more occasions; and

1 finally the council disagreed with our audit judgment on
2 26 occasions. Following discussion of these points with
3 the council we amended 66 paragraphs or exhibits in the
4 draft report.

5 Since publication we have identified a small number
6 of errors which I would like to summarise here for the
7 record.

8 First of all, paragraph 83 refers to the phasing out
9 of community regeneration fund monies. We believe that
10 this should in fact refer to the building better
11 neighbourhoods fund, although the council referred to
12 the community regeneration fund in our meetings.

13 Second, the reference to commercial waste in
14 paragraph 108 is incorrect. The corporate management
15 team discussions that we observed related to
16 construction waste.

17 The reference to public performance reporting in
18 paragraph 115 refers to new statutory commitments from
19 June 2006. This was correct when the report was drafted
20 but those new commitments have not subsequently been
21 implemented.

22 Finally, the number of educational premises in
23 paragraph 209 is wrong. The council did give us up to
24 date information on the other educational establishments
25 included in that total and we should have updated the
26 reference.

27 Moving on, the council has criticised our use of the
28 statutory performance indicators in the report, claiming
29 that they are outdated. We believe there is a danger
30 here that the council is seeking to benefit from the
31 flexibility we have shown in allowing time to try to
32 agree the final report. The SPIs used in the report
33 were the only ones available when we discussed the draft
34 report with the council over the summer and it is only
35 this week that information has become available to
36 demonstrate how West Dunbartonshire's service
37 performance in 2005/06 compares with that of other
38 councils. Overall the limited conclusions that we drew

1 from the SPI data remain unchanged. Overall service
2 performance is middling; more than a fifth of the
3 council's SPIs are in the bottom quarter of councils;
4 and we believe the council is still drawing misleading
5 comparisons through its use of five different family
6 groups for comparison.

7 The council also disputes our use of evidence from
8 the staff survey that we carried out as part of the
9 audit. Our normal practice is to rely wherever possible
10 on staff surveys that are carried out by councils
11 themselves but West Dunbartonshire Council has not
12 carried out a full staff survey. Our use of the survey
13 along with the surveys of elected members and community
14 planning partners was agreed with the council at the
15 outset of the audit and the council saw a draft of the
16 survey instrument and helped to distribute it on our
17 behalf. The survey was not carried out with a sample of
18 staff but instead was made available to all staff across
19 the council. It was sent electronically to all staff
20 with an email address and hard copies were also
21 distributed. Completed surveys were returned by more
22 than 1,000 people, or 17 per cent of the staff. We
23 believe these responses form an important source of
24 evidence but we have not used those findings in
25 isolation; we have used other evidence to corroborate
26 our findings for every significant judgment that we
27 make.

28 Finally, the council has raised the question of the
29 change in the overall conclusion between the draft and
30 final reports. The overall conclusion is not usually
31 shared with councils before publication but on this
32 occasion I took the decision that the council should see
33 it given the seriousness of our concerns. I made the
34 decision to strengthen the overall conclusion at the end
35 of the process of seeking to agree the facts of the
36 report. During these lengthy discussions the council
37 had focused on the audit process and we believe they had
38 failed to recognise the gravity of the issues we had

1 raised. I became increasingly concerned that they were
2 unwilling and unable to address the serious weaknesses
3 that we had identified and took the decision that the
4 overall conclusions should be strengthened to reflect
5 that.

6 I should stress that none of these issues had any
7 material impact on our judgments about the council or
8 about the issues of most serious concern, which fall
9 into four areas.

10 First, we believe the council has failed to
11 demonstrate that it makes important decision that affect
12 the local community in an open and transparent way as
13 required by best value. I quote a number of examples in
14 the report to support this judgment including the
15 closure of Renton library and community education
16 centre; the allocation of the school improvement fund;
17 the decision to transfer part of its housing stock to
18 registered social landlords; the decision to close
19 Leven Cottage care home; and the decisions made by the
20 corporate management team without committee or council
21 approval such as the trawl for volunteers for voluntary
22 severance, charges for crematorium services and charges
23 for waste disposal. Evidence for these examples was
24 drawn from committee reports and minutes, from
25 interviews, the staff survey, observation of a corporate
26 management team meeting, a survey of elected members,
27 and a survey of community planning partners. Each of
28 these examples was discussed in detail with the council
29 and it provided some additional commentary but no new
30 evidence.

31 The second main concern we have is the poor
32 relationships that exist between members and officers.
33 These are a major obstacle to the achievement of best
34 value. The council's history has been characterised by
35 political instability and at the time of our audit this
36 was being played out publicly through the media, both
37 between factions of the administration centred on
38 Dumbarton and Clydebank and between the administration

1 and the opposition, who do not engage in the council's
2 scrutiny arrangements. The evidence for this judgment
3 comes from interviews with nine people, the staff
4 survey, two focus groups, the survey of elected members,
5 decisions about the allocation of the school improvement
6 fund, and press reports including details of
7 investigations into allegations of vote rigging and
8 bullying involving senior elected members.

9 The third significant concern centres on the
10 allegations of poor staff morale and bullying that we
11 heard during the audit. Senior officers indicated that
12 the council has a history of bullying and evidence
13 gathered during the audit demonstrates that this culture
14 still exists within the council. The commitment of
15 front line staff is evident and people are satisfied
16 with their terms and conditions of employment but morale
17 is poor. Our staff survey suggests that this culture
18 predominates in one service area, housing and technical
19 services, but we also found examples in other council
20 services. The evidence for this judgment comes from
21 five interviews, one focus group and one discussion
22 group, and the surveys of staff and elected members.
23 Since the publication of the report we have received a
24 number of letters and telephone calls from current and
25 former employees of the council supporting our judgment.

26 Many of those who spoke to us, both before and after
27 publication of the report, registered their fear of
28 reprisals for making those concerns known.

29 Finally, we have significant concerns about the way
30 the council manages its resources. The council faces a
31 number of financial pressures which are intensified by
32 its political commitment to keeping council tax
33 increases as low as possible. The council does not have
34 a medium to long term financial planning framework and
35 its reserves are low. Its rates of council tax
36 collection are poor; housing rent arrears are high; it
37 has a fragmented approach to managing its assets; and
38 it has yet to deliver efficiencies in procuring goods

1 and services. The council has started work in a number
2 of these areas but it still has along way to go in
3 managing its resources effectively.

4 In summary, the extensive audit work that was
5 carried out by the team left us with serious concerns
6 about the way West Dunbartonshire Council conducts its
7 business. It is important for me to say that this does
8 not mean that all its services are poor. In the report
9 we clearly identify and give credit for some examples of
10 good performance, particularly in education and social
11 work. Neither does it mean that the council has not
12 made progress with some of the building blocks that it
13 needs to demonstrate best value. However, the clear
14 evidence that we found of problems in the way it makes
15 important decisions about the future of the area, the
16 poor relationships between members and officers, the
17 serious concerns expressed by staff and by some of its
18 partners, and the difficulties experienced in financial
19 management led us to conclude that the council urgently
20 needs to address weaknesses in the way it is run. Most
21 of the concerns raised by the council do not contest
22 this overall finding and indeed the improvement agenda
23 that is included in the council's submission to this
24 hearing matches the one in our best value report. We
25 worked hard to agree the facts of the report with the
26 council and I am sorry that we were unable to do so but
27 I believe the picture that emerges from our audit work
28 of a council with serious weaknesses that it urgently
29 needs to address is clear and well evidenced.

30 Thank you.

31 THE CHAIRMAN: Thank you very much, Ms Gardner. Can I ask
32 now if members of the Commission have any questions.

33 Questioned by THE AUDIT COMMISSION

34 MR ROBERTSON: Ms Gardner, good morning. Was the normal
35 best value audit process followed in West Dunbartonshire
36 Council?

37 A. (Ms Gardner) It was indeed. I should explain that the
38 process is designed both to be proportionate, so that it

1 does not place an undue burden on any council, and to
2 take account of the particular circumstances and
3 challenges that each council is facing, so each audit
4 process and each report covers different areas, but we
5 start in each case with a standard risk assessment
6 process which takes the council's self assessment
7 submission and a range of other sources of information
8 that are available to us, seeks to challenge or confirm
9 the areas that the council has identified as being both
10 strengths and need for improvement and then designs a
11 set of audit activities and tools that let us explore
12 both areas that are selected in more depth. That
13 process was discussed and agreed with the then chief
14 executive in February of this year and the audit
15 activities that we carried out followed from that
16 tailoring process that reflects the council's own
17 circumstances.

18 Q. So if there were any differences between this and any
19 other audit they were agreed with the chief executive
20 before the audit commenced?

21 A. (Ms Gardner) That is right. They flow from the risk
22 assessment process and move on from there.

23 Q. What about the time scales for the audit; were the time
24 scales normal?

25 A. (Ms Gardner) I think it is fair to say that this audit
26 has taken significantly longer than most of our audits
27 do. We started a batch of audits at the same point of
28 time as we started the West Dunbartonshire Council
29 audits and those have all now been published together
30 with the Commission's findings. I will turn to Nikki,
31 if I may, to give you a bit more detail on that because
32 we do have some detailed evidence.

33 (Ms Bridle) Certainly. At the same time that we were
34 working on the West Dunbartonshire audit we were also
35 working on the audit of three other councils; those
36 were Renfrewshire Council, Western Isles Council and
37 East Ayrshire Council. In terms of the dates that these
38 went to the Accounts Commission, Renfrewshire Council

1 was discussed by the Accounts Commission on 7th June and
2 subsequently published on 6th July; the Western Isles
3 Council was presented to the Accounts Commission on 12th
4 July and subsequently published on 17th August; and the
5 East Ayrshire Council report was presented to the
6 Accounts Commission on 9th August and subsequently
7 published on 6th September. As you will note from this,
8 we actually continued our discussions with West
9 Dunbartonshire far beyond the period of time that the
10 other reports were being handled in.

11 Q. So any lengthening of time scales was entirely due to
12 giving the council the opportunity to discuss the report
13 with you?

14 A. (Ms Gardner) The most significant lengthening of the
15 time scale is due to that. There was a period over the
16 summer holiday where we also built in some flexibility
17 to reflect the availability of the then chief executive.
18 The draft report I think was delayed going to the
19 council for a couple of weeks because he was very clear
20 that he did not want it to go to anybody else in his
21 absence.

22 Q. Turning to the draft report itself, would you describe
23 to me this process of discussing it with the council
24 because you did say in your opening remarks that a
25 considerable amount of time was spent in meetings, I
26 think you said 12 hours of meetings. Can you tell me a
27 little bit more about the process of discussing the
28 draft?

29 A. (Ms Gardner) Certainly, I will outline it and then, if
30 I may, pass on to Nikki and Lesley as the people who
31 were involved in the detail of that. Our aim is that
32 when the draft report is sent to the council there
33 should be no surprises, so there were feedback meetings
34 held with the chief executive on two occasions, I think
35 in April and June, to feed back the main areas that were
36 emerging from the audit work and the likely shape of the
37 audit report. The report then went in July to the chief
38 executive as our draft and the purpose of that process

1 is very much to agree factual accuracy. It is the
2 standard process we go through with every council.
3 Sometimes information that we have missed is identified
4 or there is new evidence produced which changes the
5 judgments that we make, or simply a question of getting
6 the wording right for the circumstances of this council,
7 so that is very standard. What has been unusual in this
8 case is the length of time taken to get from that draft
9 report being submitted to the council to my decision to
10 finalise it and the extent of the engagement with the
11 chief executive and leader about it. I will ask Nikki
12 to give you a bit more detail about that process from
13 the draft report through to finalisation.

14 (Ms Bridle) We had already had two verbal briefing
15 sessions with the former chief executive. We decided to
16 do this at quite an early stage in the audit to go along
17 with the usual convention that we have which is that of
18 no surprises, as Caroline mentioned. At both of those
19 meetings we took the opportunity to raise those issues
20 of greatest concern to give the council a longer time to
21 look for additional evidence that they might want to
22 submit to us.

23 From when we provided the draft report to the
24 council, which was on 18th July and following the chief
25 executive's return from annual leave, we then had a
26 further two meetings. These meetings involved both the
27 then chief executive and the leader of the council.
28 They took place on 2nd and 29th August. They were very
29 lengthy meetings, I think they were both between three
30 and a half and four hours. What we tried to do during
31 those meetings was establish whether or not there was
32 new primary evidence that we could consider that might
33 actually allow us to reflect further on our judgments
34 that we had made. Those discussions were very detailed
35 but we felt that they did concentrate quite a lot on the
36 actual details of the process and during the course of
37 those meetings I did take the opportunity to remind
38 everybody about the serious nature of some of the issues

1 that the draft report was actually raising.

2 Following those two meetings to discuss the draft
3 report further evidence was received from the council on
4 13th September. We duly looked at that evidence and
5 sought to see whether or not it had any material impact
6 on the judgments that we had drawn. In terms of the
7 evidence that was submitted on quite a few occasions it
8 was largely a commentary provided by the council and it
9 was not new or additional primary evidence that we could
10 consider that would legitimately require us to change
11 those original audit judgments.

12 Do you want to carry on, Lesley?

13 (Ms McGiffen) Once we had actually reviewed the
14 evidence provided by the council and had made the
15 decision that it was commentary rather than additional
16 evidence the draft report was then subject to further
17 moderation within Audit Scotland. The decision was
18 taken at that time that we would contact the council on
19 29th September as we had discussed at the meeting on
20 29th August. This was a week to 10 days before the
21 Accounts Commission was due to take place on 11th
22 October. I telephoned the council on 29th September to
23 be told that the former chief executive was on leave and
24 in fact he was out of the country. His assistant
25 contacted Mr Huntingford to let him know that the report
26 would be coming. I did ask if the report could be sent
27 and if there was someone else who would be in a position
28 to receive the report at that time; I was told that was
29 not the case because that was not how things were
30 handled at West Dunbartonshire Council.

31 We then waited until the Monday before emailing the
32 report to the chief executive because he would be back
33 first thing on the Tuesday morning so he then received
34 that on Tuesday, 3rd October.

35 Q. Thank you. So did the council at that time ask for
36 further time to comment and why were they not given any
37 further time to comment?

38 A. (Ms Gardner) The council did ask for further time to

1 comment at that stage and I took the decision that we
2 had already allowed a significant amount of time since
3 the draft report had been submitted, that we had not
4 been given any evidence until that point that would
5 change the judgments we were making in any of the
6 important areas the report focuses on, and in fact in
7 any of the more minor areas as well, and that our very
8 clear message to the council after the meeting on 29th
9 August had been that we would let them see a final draft
10 of the report because of the seriousness of the issues
11 raised and the difficulties of discussion; but at that
12 stage it was not for further discussion, it was simply a
13 courtesy to let them see the messages that we were
14 putting through before it was formally released on 3rd
15 October in preparation for the Accounts Commission
16 meeting on 11th October.

17 Q. In your address you said that the conclusions had been
18 changed.

19 A. (Ms Gardner) Yes.

20 Q. Why had the conclusions been changed and did that
21 require the council to be given a further opportunity to
22 comment on those changes?

23 A. (Ms Gardner) No. The significant audit judgments
24 throughout the report were unchanged from the draft that
25 had previously gone forward. The overall conclusion is
26 a very short summary section right at the beginning of
27 the report and in fact our normal practice is not to
28 share that with councils as part of the finalisation
29 process. It is normally inserted by me as the final
30 sign-off of my report when it is produced under the
31 statutory process that governs this work. Again because
32 of the seriousness of the concerns we had at West
33 Dunbartonshire and in order to give the council time to
34 prepare how it wanted to respond to that I had taken the
35 decision that that overall conclusion section should be
36 included in the draft but the decision to strengthen it
37 was mine and reflected both the judgments that made up
38 the report itself and my concerns about the way the

1 council had engaged with the audit process and the
2 discussions about the draft. So there was a difference
3 in the way it was treated in practice but that was
4 intended to allow additional flexibility to meet the
5 circumstances of this council, not to give them less
6 flexibility.

7 THE CHAIRMAN: If I could just clarify for a second, there
8 was a significant change in the tone of the overall
9 conclusion and yet in the evidence you have given to the
10 Commission so far you have said that as the process
11 went on nothing new came out of it from the council.
12 Yet you have changed from the first draft that was given
13 to the council, quite a significant change in the tone.
14 Could you explain why that change happened because I
15 think it is material.

16 A. (Ms Gardner) Certainly, I am happy to do that, chair,
17 thank you. The key audit issues that the report focused
18 on were unchanged from the early feedback sessions with
19 the chief executive, the draft report that was submitted
20 to the council in July and the report that was finalised
21 and published in October. The only section that was
22 strengthened was the introductory paragraphs that
23 account for about a third of a page right at the front
24 of the report which are normally not shared with the
25 council in any case. As a courtesy I took the decision
26 in this case they should be shared with the council.
27 Because we had both found that none of the key judgments
28 within the audit report had changed during that period
29 of discussion and because we had serious concerns about
30 the way the council had engaged with us, as Nikki said,
31 over a period of extensive meetings with the leader and
32 chief executive most of the concerns raised were about
33 the process of the audit rather than the serious issues
34 which it had identified and what that meant for the
35 council, I felt that the overall conclusion should have
36 been strengthened and I took the decision to do that.

37 THE CHAIRMAN: Thank you.

38 MR ROBERTSON: Moving on, then, the council says the report

1 was published prematurely and in a different way from
2 other best value reports. Is this true?

3 A. (Ms Gardner) It is not true, although it will have
4 looked to people unfamiliar with the process as though
5 it may have been different. The process for all this is
6 laid out in the statute that governs the way the
7 Accounts Commission and I as controller of audit carry
8 out our work in relation to best value and other
9 matters. When my report is finalised I am required to
10 send copies to the council and to members of the
11 Accounts Commission. The council is then required to
12 send it on to each member of the council and to make it
13 available to any other person who has an interest in it.

14 That is the process we have followed for 16 best value
15 reports that have been published so far and for all of
16 those instances there has been no apparent interest in
17 the report between it being sent to the council and the
18 Commission making its findings and publishing the
19 report. The report becomes public at that stage but we
20 make no attempts to publicise it, no active promotion of
21 the reports takes place from us.

22 In the case of West Dunbartonshire, while the report
23 was still in draft a number of queries came in to Audit
24 Scotland about when it would be available along with
25 other questions about what the next process would be.
26 When the report was sent to the council, which happened
27 I think on 3rd October, it was then required to make
28 copies of the report public under the statute that
29 governs the process. We had queries from a small number
30 of individuals after that point and our first response
31 was to refer them back to the council, saying the
32 council was required to make it available to them. We
33 understood that the council was not fulfilling that
34 statutory requirement on them and we took the decision
35 to make the report available ourselves. There was a
36 slight hiatus in that at one point on 4th October when
37 the council wrote to the Secretary to the Commission
38 threatening legal proceedings to stop us from making the

1 report public and at that point we stopped making the
2 report available to enquirers. Once that threat had
3 receded we posted it on our website and it has been in
4 the public domain since then, but I should stress we
5 have made no attempts to publicise the report and that
6 is absolutely in line with the practice we have taken
7 with every other report that has been published so far.

8 MR ROBERTSON: Thank you, Ms Gardner.

9 MS COUPER: I would like to ask you two specific questions,
10 Ms Gardner, if I may, just points of clarification.
11 Could you please be specific in terms of the time scale
12 of the information that you took into account for your
13 report. Am I right in thinking from what you said that
14 you were looking at data up to and including 2003/05 but
15 you could not look at data in terms of 2005/06 because
16 it was not fully available at that time? Am I right?

17 A. (Ms Gardner) That is true in relation specifically to
18 the statutory performance indicators. As I said, the
19 report does draw on a very wide range of evidence which
20 covers different time scales but the statutory
21 performance indicators are published annually. At the
22 time the draft report was produced the 2004/05 SPIs were
23 the only ones that were available. This week the
24 2005/06 indicators for all councils across Scotland have
25 become available and that allows us now to look at West
26 Dunbartonshire's position relative to the other councils
27 in Scotland but it is only this week that that has
28 become available.

29 Q. Thank you. Can I refer to the meeting on 29th August
30 which you have referred to. The council's submission
31 makes very clear statements of from their perspective
32 what they claim was said at that meeting in terms of
33 future commitments. Could you please just be very
34 specific again in terms of what commitments were made to
35 the council on that particular date and the timetable
36 running forward.

37 A. (Ms Gardner) I was not at that meeting so I will hand
38 on to Nikki and Lesley, who were both present.

1 (Ms Bridle) The discussion about what would happen to
2 the draft report actually took place over the two draft
3 discussion meetings with the council. I took care to
4 make sure that we described to the council that the
5 process that we were going through was not typical of
6 that that we had taken with other councils. On 29th
7 August during the course of that discussion I made it
8 clear that the draft report would be available for the
9 council to see again following the amendments we had
10 made but that at that point it was not a draft for
11 further discussion. I also said that we would not be
12 having any further meetings and we did not set up a
13 meeting to have any further discussions about the
14 report. What I did say was that as a matter of courtesy
15 and to take the temperature of the council in terms of
16 the amendments we had made to the report we would
17 telephone the chief executive, and it would either be
18 myself or my colleague Lesley McGiffen who would contact
19 the council by telephone.

20 Q. And can I just be clear how many members of Audit
21 Scotland were at that meeting?

22 A. (Ms Bridle) There were two of us and there were three
23 officers and the leader of the council from West
24 Dunbartonshire.

25 MS COUPER: Thank you.

26 PROFESSOR BAILLIE: I have just one question. You mentioned
27 that the council had said there were 61 factual
28 inaccuracies and you gave an analysis of how you broke
29 that down when you considered it. You came down to 12
30 inaccuracies that you accepted and you said then
31 subsequently, a little later, that is, that none of
32 these inaccuracies had any material effect on the audit
33 judgment. What were these 12 inaccuracies?

34 A. (Ms Gardner) Can I refer you to Nikki to give you the
35 detail on that.

36 (Ms Bridle) Lesley.

37 (Ms McGiffen) If I can get my monthly information here
38 in the folder.

1 Q. My reason for asking is of course it would be easy to
2 dismiss any inaccuracies once you had written your
3 report.

4 A. (Ms Gardner) We accept that. While Lesley is finding
5 the correct information for you I would like to stress
6 that we did amend 66 paragraphs and exhibits in the
7 report after that discussion.

8 Q. Thank you.

9 A. (Ms McGiffen) One was a reference from a briefing
10 regarding the local context with reference to companies
11 and the council had identified that as an issue. We had
12 noted that as 12 per cent and we made an amendment on
13 that, so that was background information in the local
14 context from the council.

15 THE CHAIRMAN: Can I interrupt just for one second. Were
16 these 12 inaccuracies actually included in the final
17 report or were they left as a substantive - ?

18 A. (Ms McGiffen) No, these were dealt with before the
19 draft report.

20 Q. Is it not reference to those that were not accepted by
21 the controller of audit that were not included in the
22 final?

23 PROFESSOR BAILLIE: Yes.

24 A. (Ms Gardner) The factual inaccuracies were all
25 corrected. Of the 61 factual inaccuracies that the
26 council identified -- apologies, I will start that again
27 for clarity. Of the 200 comments the council made it
28 identified 61 as being factual inaccuracies. We then
29 broke them down in more detail to look at how we should
30 best respond to them and we found that actually the
31 report was inaccurate on 12 occasions coming out of
32 that. The other 49 comments reflected things like
33 different sources being used by us and the council and
34 we agreed which was the best source to use; updated
35 information on new evidence from the council on 18
36 occasions; and a simple disagreement with our audit
37 judgments on 26 occasions. So there were 12
38 inaccuracies which we corrected.

1 PROFESSOR BAILLIE: OK. Thank you.

2 THE CHAIRMAN: If I could just finish; but there were
3 inaccuracies that you have accepted that did not go into
4 the final report?

5 A. (Ms Gardner) Yes.

6 Q. And I think there were, was it four you said in your
7 opening remark that you have accepted as factual
8 inaccuracies?

9 A. (Ms Gardner) That is right, yes.

10 Q. I think it would be useful if you could actually give us
11 the four that were factually inaccurate.

12 A. (Ms Gardner) Certainly.

13 (Ms McGiffen) We have done that.

14 Q. Did you already do that?

15 A. (Ms Gardner) I did that in my opening statement.

16 THE CHAIRMAN: It shows you how much attention I was paying
17 at that point! I do apologise.

18 MS COUPER: Thank you very much. I think we are ready to
19 move on, Ms Gardner, to a slightly different topic with
20 regard to report, and that is around the subject area of
21 openness and transparency of decision making. In
22 particular I want to refer to paragraphs 101 to 105 in
23 your report where you mention and pick out three
24 decisions taken by the council. You have already
25 referred to these in your opening statement but perhaps
26 you could say a little more to us about specifically why
27 you highlight these three and what your particular
28 concerns are about these three in terms of openness and
29 transparency of decision making.

30 A. (Ms Gardner) I will ask Nikki and Lesley to give you a
31 bit more detail about the facts they uncovered about the
32 way these decisions were made but our overall concern
33 was that taken together these examples gave us a picture
34 where it was not at all clear on what information
35 members were making significant decisions that affect
36 the services available to local people within the area,
37 and on occasions where the information and the reports
38 coming from officers did not meet the standards that we

1 would expect in terms of providing that information as a
2 basis for decision making. I will ask Nikki perhaps to
3 pick up the school improvement fund example first of all
4 to talk through what our concerns were around some of
5 that.

6 Q. Could I just pick up on one part of what you said, and
7 perhaps Ms Brindle can address this as part of her
8 answer. You said that the reports did not demonstrate
9 what you would normally expect to see in terms of
10 providing information.

11 A. (Ms Gardner) Yes.

12 Q. Perhaps you could address that specifically within your
13 answer. In what ways did they not comply with what you
14 would consider as good practice in this area?

15 A. (Ms Brindle) I will try to do that; I will rely on my
16 colleague as well to help with some of the detail.

17 In terms of the more general point that you made
18 first of all in your question, early in our audit
19 process we became aware that there were potentially some
20 issues around the openness within which decisions in the
21 council were being made. There were some early comments
22 in the staff survey and we were receiving staff survey
23 results before we were actually on site at the council,
24 so it would be an appropriate course of action in any
25 audit to follow those up when we got into the more
26 detailed phase of the audit, which is what we did.

27 In terms of the specific examples, there were quite
28 different reasons why each one was picked up and all of
29 them had quite different backgrounds. If I start off
30 with the school improvement fund, that was brought to
31 our attention through an interview and through a comment
32 in one of the surveys that we undertook. As a
33 consequence of that we sought out the actual
34 documentation that supported the decision. When we
35 reviewed the document we found that the council had
36 identified in excess of £7 million for the school
37 improvement fund that needed to be allocated. The first
38 point that I would bring your attention to there is that

1 in producing that report the officers of the council did
2 not make a recommendation or provide any options to the
3 elected members on the course of action they should
4 maybe take. There was a single recommendation which we
5 can give you the exact wording of if you would like in a
6 minute, but the gist of that recommendation was for
7 elected members to make a decision about the allocation
8 of the fund.

9 At the meeting of the council to consider that
10 report that was put up by the officers the leader of the
11 council tabled a paper which totalled the same as the
12 officers' report in terms of the £7 3/4 million fund and
13 made some high level recommendations split down over
14 particular schools that should have the money targeted
15 on them. There was no clear rationale for why those
16 schools had been selected in the supporting paper work.

17 However, the actual report itself referred to some
18 background papers which were a CIPFA stock condition
19 survey which the council had taken out previously. The
20 usual good practice would be to provide that supporting
21 information at the same time the decision is actually
22 being made to ensure that elected members are taking it
23 in the light of all options and also in the light of
24 making sure that it fits with other council policies or
25 decisions that have been taken, and that was not the
26 case in terms of the school improvement fund.

27 MS COUPER: Thank you for that. Can I ask you: you made
28 a clear statement that officers did not put forward a
29 recommendation ---

30 THE CHAIRMAN: Excuse me. I am sorry but we do still have
31 a problem in terms of the back of the hall being able to
32 hear. You will need to speak clearer.

33 MALE SPEAKER: It is the constant opening and closing of
34 doors, any movement at all and you cannot hear.

35 THE CHAIRMAN: The only problem is, I do not have the power
36 to actually make people stay if they want to go out.

37 MALE SPEAKER: A wee drop of oil would help.

38 THE CHAIRMAN: Is there any way that you can turn up the

1 sound system?

2 MS COUPER: I will speak up.

3 THE CHAIRMAN: If the witnesses put the microphones nearer
4 to them.

5 MS COUPER: I will speak up. Is that better? Sometimes
6 it is better to rely on your own inherent powers rather
7 than technology, and maybe that is what I should do.

8 What I wanted to follow up with, Ms Brindle, is, you
9 mentioned that the officers did not put forward a
10 recommendation to the council in this particular report.

11 What evidence did you find of the officers having
12 considered this and discussed this as a senior
13 management team and forming a view of what would be
14 appropriate and good value in terms of the allocation of
15 this money? What evidence is there, what documentation
16 is there of what the officers' discussions highlighted
17 on this topic?

18 A. (Ms Brindle) There was nothing available to us in terms
19 of documented evidence of those sorts of discussions.
20 The primary piece of evidence that we have is the
21 original committee report with the recommendation which
22 my colleague has just now.

23 (Ms McGiffen) The first recommendation in the original
24 report was that members were asked to note the sum made
25 available from schools funding for allocation of schools
26 projects. The second part of the recommendation was
27 that members were also asked to decide on suitable
28 projects which could be allocated from the school fund
29 monies and in the event of a replacement school project
30 being included to instruct the director of education and
31 cultural services to commence appropriate consultations
32 and progress designs at the earliest possible time.

33 Q. Would you like to move on to your second example,
34 please.

35 A. (Ms McGiffen) The second major example we used was the
36 housing stock transfer. This had been brought to our
37 attention by our colleagues in Audit Services who act as
38 the external auditors for the council at this period in

1 time; they were also a full member of the best value
2 audit team. The council had taken the decision to make
3 a partial housing stock transfer. The rationale behind
4 the selection for the areas to be part of the housing
5 stock transfer had not been made clear to us. We did
6 not see any additional information as to the rationale
7 behind it; there were no working papers. What we did
8 receive in August with the additional evidence was a
9 commentary on how these areas had been selected. This
10 was not primary evidence. What we were looking for was
11 minutes from meetings as part of the working papers.

12 Q. Please clarify what you mean by working papers.

13 A. (Ms McGiffen) The working papers we were looking for
14 would have indicated the reasoning behind selecting
15 these areas. It would have included details of the
16 areas that would have been selected, numbers, costs
17 involved, figures involved, as well as the minutes of
18 meetings that would have recorded these decisions having
19 been taken.

20 Q. Thank you. And your third area?

21 A. (Ms McGiffen) The third area was regarding the closure
22 of Renton library. This decision had been taken at the
23 full council meeting in February. It was observed at a
24 corporate management team by myself and my colleague
25 Nikki Bridle, discussions between the management team
26 regarding the revenue setting for the following year.
27 Renton was included within these discussions. There was
28 no supporting evidence provided again to us, no working
29 papers as to why this decision was taken. The decision
30 was made at a full council meeting, a budget setting
31 meeting in February that this closure would go ahead;
32 as I say there are no working papers. The closure was
33 to go ahead at the end of March, so within six or seven
34 weeks of that decision being taken. There was no
35 consultation, limited consultation with the local
36 community; in fact a member of the best value team
37 became involved in this to a certain extent when she was
38 meeting with members of the local community; her

1 meeting with them was cut short because they had to
2 leave to actually attend a sit-in at the library because
3 the community had felt so strong regarding the issue.

4 Q. So can I just be absolutely clear. By using the term
5 "working papers" are you saying that there really was no
6 paper that laid out the options available to the council
7 with perhaps the relative costs of each option and the
8 relative impact of each option? That is what you mean?

9 A. (Ms McGiffen) That is what we are saying; we saw no
10 evidence of option appraisal.

11 Q. And the council have not given you evidence that such
12 documents were prepared in advance of these decisions
13 being taken?

14 A. (Ms McGiffen) No.

15 (Ms Bridle) The council did provide what they called
16 additional evidence but it was actually a commentary and
17 it was actually unclear what the status of the
18 commentary that they gave us was. It appeared to us to
19 have been prepared for our benefit and it was by way of
20 an explanation of what had happened.

21 Q. Thank you very much. You have highlighted three
22 examples and you have very kindly explained a little bit
23 more of those. Are they typical of what you found in
24 terms of the decision making process and the
25 documentation put forward as a basis for decisions being
26 taken or are they atypical?

27 A. (Ms Gardner) They are certainly atypical. The reason
28 the report is as strong as it is in the conclusions it
29 makes about the way the council does its business is
30 that we have not seen a pattern of decision taking like
31 this in any of the other councils we have carried out
32 best value audits in so far.

33 Q. But are you saying that these are three examples of a
34 wider style of decision making within this particular
35 council, that you have other evidence of perhaps a lack
36 of supporting documentation and paper work upon which
37 councillors and indeed at the lower level the senior
38 management team are making important strategic decisions

1 for this particular area?

2 A. (Ms Gardner) We do. I referred to a couple of other
3 examples in my opening statement and I think Nikki might
4 like to give you a bit more background about them.

5 (Ms Bridle) I will actually pass you on to my colleague
6 because what we wanted to do is pick up the broader
7 evidence base because, as you suggest in the question,
8 we would not just take three examples that happen to
9 have happened whilst we were on site doing the audit. I
10 will just remind you of what I said when we opened this
11 section of questioning, which was that our concerns were
12 raised initially before we were even on site in the
13 council through some of the responses we were receiving
14 to our surveys and my colleague would like to give you a
15 few quotes from those surveys, if that is OK.

16 (Ms McGiffen) The survey responses came from elected
17 members, community planning partners and from the staff
18 survey that was carried out. Some comments included,
19 when asked what the council could do better, it would be
20 to have greater transparency in decision making, be open
21 and transparent, and also from the staff survey, more
22 transparent information structures within the council,
23 and councillors to make informed decisions based on
24 sound advice. These are just some examples of some of
25 the comments that we received back.

26 MR GEDDES: Can I just take Ms Gardner back to the
27 discussion that she had with the chief executive on 27th
28 February about the survey methods that were going to be
29 carried out. At that stage did the chief executive
30 express any concern about the methodology in which the
31 staff survey was to be carried out?

32 A. (Ms Gardner) For clarity, those discussions between the
33 audit team and the chief executive did not involve me, I
34 get involved at the point where we are challenging the
35 judgments and finalising what the report says, but Nikki
36 will be able to answer your question.

37 (Ms Bridle) Excuse me while I just find the right
38 paper. At that stage in the audit process, we had just

1 concluded our risk assessment process and in terms of
2 what had actually happened up until that point the
3 council had been working on pulling together its
4 submission to the best value audit team and we had been
5 separately working on identifying all the publicly
6 available information sources about the council to
7 inform our risk assessment. Just to give you a flavour
8 of the sorts of information we would look at in doing
9 that, it is quite a broad range of information activity
10 that we undertake.

11 Q. I am sorry; the question is quite a simple one. When
12 you were discussing doing a staff survey with the chief
13 executive and no doubt other colleagues were there any
14 objections from West Dunbartonshire Council to the
15 methodology which was going to be used in carrying out
16 that staff survey?

17 A. (Ms Bridle) No. At the same meeting we also discussed
18 which service areas would be focused on, too, which
19 included a discussion about the fact that the housing
20 service would be one of the areas of focus for the work.

21 Q. Thank you.

22 A. (Ms Gardner) Could I add to that very briefly and say
23 that at the same meeting we also agreed the use of a
24 survey of community planning partners and of elected
25 members and all three surveys were carried out and form
26 part of the evidence base used in the report.

27 MR GEDDES: Thank you.

28 MS COUPER: I am going to move on again, Ms Gardner, to
29 different aspects of your report and that is around the
30 subject of relationships, relationships between members
31 and officers and between different parts of the council
32 itself. In paragraph 4 and elsewhere in your report you
33 refer to factions in the administration; you also refer
34 in paragraph 40 to poor relationships between officers
35 and members. I want to ask you to tell us what is your
36 evidence in both of these areas and what is your
37 assessment of the impact of these poor relationships, as
38 you have described them; so, firstly, factions in the

1 administration, and then secondly poor relationships
2 between officers and members, what is your evidence and
3 what is the impact, please.

4 A. (Ms Gardner) Certainly. The evidence for that judgment
5 comes, like all of our judgments, from a range of
6 sources. Specifically there were interviews with nine
7 people carried out during the audit, the staff survey,
8 two focus groups, the survey of elected members
9 themselves, decisions about the way the school
10 improvement fund should be allocated, as Nikki has just
11 outlined, and press reports that were current at the
12 time, including details of investigations into
13 allegations of vote rigging and bullying that involved
14 senior elected members. We can talk you through some
15 more detail of that evidence while still being concerned
16 to protect the anonymity of people who spoke to us in
17 confidence if that would be useful. But in terms of the
18 impact that we believe it has on the council I think the
19 school improvement fund is a very good example where it
20 is not at all clear on what basis decisions are being
21 made about the allocation of significant amounts of
22 money. In that particular case information was tabled
23 at the meeting and the subsequent discussions after that
24 have demonstrated disagreement about the validity of the
25 way the resources were allocated that do tend to centre
26 on different lines within the group of elected members
27 that make up the council.

28 THE CHAIRMAN: I know it is very difficult, but please try
29 to raise your voice because the back three or four rows
30 are really struggling to hear what is being said by the
31 witnesses.

32 A. (Ms Gardner) We will do; thank you. Nikki may want to
33 add to that if that would be helpful to you.

34 MS COUPER: If you could be brief, please.

35 A. (Ms Bridle) Yes, certainly. Just a couple of
36 additional points to raise; there is an issue about the
37 relationships with the opposition members and the
38 administration. Whilst that can be quite common in a

1 number of councils, in this particular council the way
2 it plays out is that it is having a negative impact in
3 terms of the robustness of the scrutiny that is
4 undertaken in reviewing the council's decisions as
5 members of the opposition do not take part in the
6 council's scrutiny arrangements. In a second point that
7 I would like to raise, too, the council has a poor
8 relationship with some elements of the local media and
9 it means that there are a number of things that re
10 played out quite publicly.

11 THE CHAIRMAN: Excuse me, I will repeat for those who
12 have come in, you must put off your mobile phones, so if
13 you could do that, please. Thank you very much.

14 A. (Ms Bridle) I will just repeat that second point. The
15 council does not have particularly good relationships
16 with some parts of the local media and on that basis
17 there are a number of political difficulties that are
18 played out publicly through the local media on a regular
19 basis.

20 The final point that I would like to raise is the
21 concern amongst staff both in terms of those staff that
22 we interviewed, which included some of the council's
23 partners, and staff who responded to the staff survey
24 about the fear of reprisals. Whilst there were specific
25 examples of pressure being brought to bear for officers
26 to behave in a way that does not always accord with the
27 priorities of the council there were also fears about
28 their own status in terms of being able to respond in a
29 way that you would look for in a council. So in terms
30 of the council's whistle blowing policy, for instance,
31 some concerns were registered with us about the fact
32 that it would not really be appropriate to use the
33 council's whistle blowing policy given the nature of the
34 concerns about relationships between officers and
35 members and also about some of the cultural aspects
36 which we have not yet touched on around the sort of
37 pressure that is brought to bear on some elements of the
38 officer/member relationships, too.

1 MS COUPER: Thank you. We will come back on to the cultural
2 issues in a few moments, so I will not pursue that one
3 with you just now, but there are two other questions I
4 would like to put to you on this particular subject
5 area. The first is, in paragraphs 41 and 11 you refer
6 to intervention by councillors in service delivery areas
7 and issues. Is that not part of a councillor's job?

8 A. (Ms Gardner) This is I think an area that it is
9 important for us to be clear about. It is obviously the
10 case that good and committed ward councillors have got a
11 close interest in the way services are being delivered
12 to the people they serve and who elect them to the
13 council, we would expect to see that in every council
14 across Scotland. But there is a fairly clear dividing
15 line I think between taking that interest and properly
16 holding the council to account for the services that are
17 being delivered and overstepping that mark and becoming
18 engaged in the way individual decisions are made about
19 the services that people receive. Again we had a number
20 of examples which gave rise to concerns for us in
21 relation to that and I will ask the team to give you a
22 bit more detail about it if that would be helpful.

23 Q. I would appreciate one or two specific examples, because
24 you do refer in your report to there being examples of
25 priorities being changed as a result of intervention and
26 one or two specific and brief examples of that would be,
27 I think, appropriate and helpful.

28 A. (Ms McGiffen) The examples we received mainly revolved
29 round about housing and technical services and included
30 housing repairs and kitchen replacements being
31 undertaken when they were not necessarily required. We
32 were also told about local area housing plans where the
33 priorities were being changed at the request of local
34 elected members. There was also a number of general
35 comments as well about this and a lot came through the
36 staff survey regarding the interference of elected
37 members in service delivery and from the interviews that
38 we carried out with senior officers of the council.

1 Q. So when you say housing plans were being changed because
2 of the intervention of local members, do I understand
3 correctly that you are saying individual members were
4 going and advocating change as opposed to changes being
5 decided through the full council process?

6 A. (Ms McGiffen) We cannot speculate on that but certainly
7 the impression that we were given was that the area
8 plans were being prioritised depending on the nature of
9 those involved within the ward.

10 MS COUPER: Thank you.

11 PROFESSOR BAILLIE: Can I just have a supplementary on that.
12 You said repairs or improvements not necessarily
13 required. What was your basis for forming that view?

14 A. (Ms McGiffen) The evidence that we had been given was
15 in regard to kitchen replacements being undertaken when
16 they were not necessarily required and when there had
17 been a decision taken that there was no need for an
18 upgrade.

19 Q. You mean the documentation you saw said that it was not
20 required?

21 A. (Ms McGiffen) No, we got that from interviews and from
22 the survey material.

23 PROFESSOR BAILLIE: I see. Thank you.

24 MS COUPER: One final point. I want to pick up on the
25 point you made about the opposition not being involved
26 in the scrutiny. Could just clarify exactly what you
27 mean by that and what you would expect to see in terms
28 of the opposition's involvement in scrutiny?

29 A. (Ms Gardner) Scrutiny is an important part of the
30 checks and balances in any council about the way
31 decisions are made, services are run, resources are
32 allocated. Within West Dunbartonshire Council because
33 of the difficult political history that is around and
34 the poor relationships that we believe are in place the
35 opposition do not engage in the council's scrutiny
36 arrangements and we think that is a significant gap in
37 the checks and balances that would be there, both for
38 openness and transparency but also for making sure the

1 decisions are made well. Again I will ask Nikki to give
2 you a bit more detail about how it works in practice.

3 (Ms Bridle) More generally, whilst the council has
4 arrangements for the scrutiny of performance
5 information, in our report we make the statement that
6 this could be improved on. It is an area of improvement
7 that we identified in the report. The council does not
8 have any scrutiny of its decision making, which is
9 obviously particularly pertinent given the earlier
10 responses we gave to some of your questions, given our
11 concerns about the nature of some of those decisions
12 that have been taken.

13 MS COUPER: Thank you very much.

14 MR ROBERTSON: I think we need to move on a bit, so if I
15 could ask you to keep your answers brief. You have
16 talked a lot about a staff survey. Can you just tell us
17 again why you did a staff survey in this case because
18 you had not done one in other best value audits.

19 A. (Ms Gardner) Certainly. Our normal practice is to rely
20 on a council's own staff survey; most councils carry
21 them out pretty regularly to get a sense of staff
22 morale, of issues that they can improve and areas of
23 concern they should be having a look at. West
24 Dunbartonshire has not carried out a full staff survey.

25 As Nikki said, during the process before the council's
26 submission was presented to us we were looking at a
27 range of evidence which became available from other
28 sources and it seemed to us that there were a number of
29 issues that we would like to follow up directly with
30 staff, and when the audit scope was being agreed with
31 the chief executive in February we proposed carrying
32 that out and the chief executive agreed to it, along
33 with the surveys of community planning partners and
34 elected members.

35 We discussed the draft survey instrument with the
36 council before it was used and they helped us with its
37 distribution, both by providing email addresses for
38 staff with access to email and by distributing hard

1 copies through the normal management structures.

2 Q. In the council's submission to us the methodology of the
3 staff survey is criticised by Professor Price and Dr
4 Leishman. What are your responses to that criticism of
5 your methods?

6 A. (Ms Gardner) I think it is important for us to be clear
7 what an audit process is. It is not a research exercise
8 in its own right, it is a mechanism by which we are
9 seeking to gain enough evidence from a range of
10 different sources to support the judgments that we are
11 making. We have outlined on a few occasions this
12 morning the range of evidence that we have used for
13 making each of the significant judgments that we do in
14 the report and the staff survey is never relied on in
15 isolation. But, on the other hand, the survey was
16 available to all staff of the council, more than 1,000
17 people chose to respond to it, and we felt it would
18 simply be wrong of us not to take account of the
19 concerns and the issues they were raising and to seek to
20 follow them up in other ways. That is what we did.

21 Q. So in the light of the criticism do you still regard
22 those conclusions drawn on the staff survey as reliable?

23 A. (Ms Gardner) I should be clear that we do not draw
24 conclusions simply on the basis of the staff survey, it
25 is one source of evidence that we have used, but, yes,
26 we do think that it is an important source of evidence
27 and, as I say, I think we would be remiss in not
28 reflecting that in the conclusions that we drew given
29 the strength of the comments that were made to us.

30 Q. Thank you. In response to the council's criticism in
31 their submission do you still maintain that the
32 council's self awareness of themselves is not good?

33 A. (Ms Gardner) I think the submission that has been made
34 to the Commission for this hearing goes further than the
35 discussions we have had with them so far about accepting
36 areas for improvement, but we are concerned that most of
37 that submission does focus on their questions and
38 disputes about the process rather than about what to us

1 are the most significant concerns we have raised yet
2 about any council in Scotland in terms of important
3 aspects of the way they do their business.

4 Q. In paragraph 59 you refer to allegations of bullying and
5 harassment. The council says that these allegations are
6 not established, these conclusions are not established.

7 What is your response on this bullying?

8 A. (Ms Gardner) This is perhaps one of the most difficult
9 areas we have looked at in this council and in any
10 other. Both Nikki and I have referred in giving
11 evidence to the concerns that were raised to us by
12 people who spoke to us about their safety, basically,
13 the safety of their jobs and the reprisals that might be
14 made to them if they did speak to us openly about the
15 way business is carried out within the council. Again
16 we had evidence from a range of sources, from
17 interviews, from the staff survey, from the focus groups
18 and discussion groups that were carried out, and we have
19 used them in that context, but I think we also need to
20 see them in the context of the wider press reports that
21 are available about disciplinary investigations relating
22 to some senior elected members within the council around
23 allegations of bullying as well as vote rigging. I will
24 check if Nikki wants to add anything to that but we did
25 feel that the number of concerns that were raised with
26 us were so significant that we had to reflect them in
27 the report.

28 THE CHAIRMAN: Can I just stop you there, Ms Gardner. I am
29 not sure. Was that last statement any part of the
30 evidence that you collected during the best value audit
31 in terms of vote rigging etc?

32 A. (Ms Gardner) The vote rigging was not but there are
33 allegations ---

34 Q. Then I am sorry, that is not relevant to this hearing.

35 A. (Ms Gardner) Thank you. My point was to say that part
36 of the disciplinary investigation did relate to bullying
37 as well. I apologise for going further than that.

38 MS COUPER: Can I ask you to tell us specifically how many

1 of the responses did actually refer to allegations of
2 bullying and harassment?

3 A. (Ms McGiffen) Specifically within the staff response
4 they had 15 of specific bullying allegations. There
5 were a further 21 comments which included low morale and
6 feeling of not being valued within the organisation.

7 Q. And could you quote a couple of the comments which you
8 have identified as falling into the bullying criterion?

9 A. (Ms McGiffen) Yes, I can. "The style of local
10 management is nothing short of bullying"; "I'd like to
11 challenge the illegal and bullying way in which managers
12 operate"; "The head of [one] service is an under-
13 qualified bully".

14 THE CHAIRMAN: I am fascinated how you can become an under-
15 qualified bully!

16 PROFESSOR BAILLIE: Must practise more.

17 THE CHAIRMAN: Need to do better.

18 A. (Ms McGiffen) "There has been a bullying culture within
19 the department for many years"; "One director is feared
20 by most of senior management and they dare not cross his
21 path"; and one which came through not just in the staff
22 survey but also in interviews but the comment from staff
23 survey was, "I've chosen not to complete some of the
24 following questions as I'm not sure that this detail
25 would be entirely confidential without being able to
26 identify my role within the organisation".

27 MS COUPER: Thank you. Can I refer to paragraph 60 of your
28 report where you say that no evidence has been offered
29 to you to substantiate the council's suggestion or claim
30 that the culture has improved. What evidence were you
31 looking for? What evidence would have assured you or
32 given you the confidence that the statement that the
33 culture had improved was in fact correct?

34 A. (Ms Gardner) One of the important things we would look
35 for in any council is a regular system of seeking staff
36 views, a staff survey. West Dunbartonshire has never
37 carried out a full staff survey and that information is
38 still not available. What came from our survey is the

1 only information that is available in that area.

2 MR ROBERTSON: Can we move on to community planning. In
3 paragraph 71, the introductory section, there is
4 emphasis on the draft nature of the community plan. Is
5 this just a bureaucratic nicety that it was not signed
6 off or is there a real problem here?

7 A. (Ms Gardner) Our concern is not so much that it has not
8 formally been signed off as that the plan itself dates
9 back to 2000, which is now six years ago, and that the
10 way in which the community planning partnership has
11 carried out its responsibility has tended to be very
12 narrow in its focus so far. It has focused primarily on
13 the structures in recent years for making community
14 planning work, on integrating the social integration
15 partnership, that is the wrong terminology, I am sorry,
16 but the SIP which operates within the council into
17 community planning, and on negotiation of the
18 regeneration outcome agreement, and our concern is that
19 wider one about the way it fits within the council's
20 business and the way in which improvements can be
21 delivered for the people of West Dunbartonshire.

22 Q. In paragraph 76 you refer to concerns about the
23 composition and effectiveness of the community planning
24 board. Did these concerns come from partners? What is
25 the evidence for that?

26 A. (Ms Gardner) Yes, they did come from partners and they
27 came from both the survey of community planning partners
28 that was carried out and from a discussion group that
29 was held with the partners following from a partnership
30 meeting. Nikki and Lesley I think can give you more
31 information about that.

32 (Ms McGiffen) The only other thing to say over and
33 above that is we also got some of that information from
34 interviews that were carried out with community planning
35 partners as well.

36 Q. Thank you. In paragraph 12 there is reference to
37 negative comment by partners on how the council carries
38 out its business. The council says that partnership

1 working is one of its strengths. Do you agree or
2 disagree with that statement by the council?

3 A. (Ms Gardner) We do say in the overall conclusions, and
4 I am just looking to find the correct reference, we make
5 a very specific reference that there are some examples
6 of good joint working within the area and that community
7 engagement is good within West Dunbartonshire. However,
8 we do have a concern, as I have said, that their focus
9 is very narrow and that they need to move on to being
10 able to deliver improvements for the people of the area
11 working more closely with their partners in that way.

12 MR ROBERTSON: Thank you.

13 MS COUPER: Can I just make it clear that I have been doing
14 like this to Ms Gardner and it is simply because I am
15 picking up from the back that some people cannot always
16 here, so that is the only signal I am sending to her
17 this morning, nothing else, and it is only in the light
18 of trying to be helpful. I want to move on to just a
19 couple of questions to you and to your team, Ms Gardner,
20 about the best value process itself. The overall
21 conclusions in your report say that the council has made
22 limited progress in best value, but in paragraph 14 you
23 do list a number of steps that it has taken in this
24 regard and clearly the council's submission to this
25 hearing, which you have and will have read, lists a
26 number of other matters where they feel they have made
27 good progress that should be taken into account. In the
28 light of that do you consider that your overall
29 conclusion as stated in your report that they have made
30 limited progress still stands?

31 A. (Ms Gardner) We do feel that, for two reasons. One is
32 that throughout the report we identify a number of areas
33 where initiatives have got started in the past but have
34 then run into difficulties in implementation and have
35 not delivered the benefits that they should have been
36 able to do. The second is that in the context of the
37 culture and ways of decision making that we have
38 described we think some of these building blocks will be

1 of limited effectiveness, anyway, that those big picture
2 problems need to be sorted out before some of these
3 improvements can have an impact if the council is able
4 to continue implementing them to see the benefits from
5 them.

6 Q. And if we look at paragraph 46 in your report, you make
7 a comment about management reorganisation; you claim it
8 is opportunistic and that there is a lack of strategic
9 appraisal. The council on the other hand have said in
10 their view it is pragmatic and that there was strategic
11 appraisal. Please comment on that difference of view.

12 A. (Ms Gardner) I think the difference between pragmatism
13 and opportunism is a difficult one to be very clear
14 about. Certainly when we were discussing this with the
15 council they were not able to provide us with more
16 evidence of that strategic review of the reasons for the
17 decisions they were taking and we were concerned, for
18 example, about the mismatch between the management
19 structures and the political structures. At the end of
20 that paragraph we identified that the director of
21 housing, technical and development services now reports
22 to six committees; that is quite unusual in the other
23 councils that we work with and it must add an overhead
24 to the ways of working that cannot make business easier
25 within the council.

26 Q. Leading on from that, if we take the best value audit
27 process in total, Professor Price and Dr Leishman have
28 criticised the methodology of the best value audit.
29 What would your response be to that criticism?

30 A. (Ms Gardner) I think it is important that we are clear
31 what the nature of the audit is. The duties of best
32 value and community planning that are placed on all
33 councils by the Local Government (Scotland) Act 2003 are
34 very wide ranging. They are about improving services to
35 local communities, delivering value for money, keeping
36 an eye on quality and keeping continuous improvement at
37 the forefront and the approach to the audit of best
38 value that we carry out was designed to reflect that

1 statutory duty.

2 It does require gathering evidence from a whole
3 range of sources and very specifically, because councils
4 are the large and complex organisations that they are,
5 it would not be possible without imposing an absolutely
6 intolerable burden for us to look at everything that
7 councils do. Therefore we do start with the risk
8 assessment that we have described, we look to gather
9 evidence from a wide range of sources, and our aim is to
10 make sure we have enough evidence to support those audit
11 judgments that are made by professional staff with a
12 great deal of experience, rather than to go through an
13 inspection approach which is about setting common
14 standards that everybody must meet and scoring them
15 against those.

16 I believe there are great advantages to the approach
17 that we have to the audit but it does mean, as the
18 professors rightly say, that there is not a very clear
19 standard framework to which all councils must measure
20 up. I suspect most councils would not welcome a
21 framework of that sort but it is true that we do not
22 have one.

23 Q. Thank you. You and your team having considered in some
24 detail the council's submission, which I expect you
25 have, and compared it back to your findings and your own
26 report, can I put to you the question: are you saying
27 to us today that your overall conclusions still stand
28 and is there anything in your report as published that
29 you would now wish to change?

30 A. (Ms Gardner) Our overall conclusions certainly still
31 stand. We feel there are significant weaknesses in the
32 way West Dunbartonshire Council manages its business and
33 we feel we have evidenced those both in the report and
34 in the hearing today. We have identified four specific
35 factual inaccuracies that we will correct that are very
36 minor in the overall scheme of those judgments and
37 clearly time has moved on since the audit work was
38 carried out in February and March of this year, but

1 overall all four of us I think stand by that judgment
2 that there are serious weaknesses here that the council
3 urgently needs to respond to if it is to be able to
4 provide a proper service to the people of the area.

5 MS COUPER: Thank you.

6 THE CHAIRMAN: One last question from Professor Baillie.

7 PROFESSOR BAILLIE: You have commented on some of the
8 criticisms levelled about the audit value process by
9 others. Let me put it simply. When does an allegation
10 become evidence?

11 A. (Ms Gardner) The allegation I think is something we use
12 as being a symptom of a problem. If there was one
13 allegation in isolation we would discount it, it bears
14 no weight for us. We then look for other similar
15 symptoms which might point to the same root cause and if
16 we stick with the example of the survey, as Lesley has
17 said, a number of people raised similar related concerns
18 to us. We then aim to triangulate that with evidence
19 from other sources which include in this case the
20 interviews that were carried out with elected members,
21 officers and partners and a range of other sources.
22 That is when an allegation moves on to become something
23 which we feel we should be reporting on.

24 PROFESSOR BAILLIE: Thank you.

25 THE CHAIRMAN: Can I finally ask if there is anything you
26 wish to add to your presentation?

27 A. (Ms Gardner) I do not think there is, chair, thank you.
28 It has been a useful opportunity for us to explain the
29 process.

30 THE CHAIRMAN: Can I thank Ms Gardner and the Audit Scotland
31 team for their contribution this morning.

32 (A short adjournment)

33 THE CHAIRMAN: If witnesses would like to give their
34 submissions, if I could ask you to indicate who you are
35 and what your position is.

36 MR WHITE: First of all good morning to yourself,
37 chair, and the members of the Commission, and welcome to
38 our town hall here in Clydebank. My name is Andy White,

1 I am the leader of West Dunbartonshire Council, and I
2 will lead off the submission for the council. You will
3 then hear from Tim Huntingford, the former chief
4 executive of the council, and then David McMillan, our
5 current chief executive, and we also have at the table
6 David Webster; it is not our intention that he gives
7 any evidence.

8 If I could just start by making an opening comment
9 before I pass on to Tim Huntingford, it is almost a year
10 since we made our initial submission to the audit team
11 from Audit Scotland. Both in verbal presentation and in
12 the written submission we believe we identified clearly
13 the particular challenges facing West Dunbartonshire
14 Council, the progress we have made since the formation
15 of the council, the areas where we believe that
16 improvements were required and the issues we still had
17 to tackle. Most importantly we made it clear that we
18 believed that the audit process could be a major help in
19 addressing these matters and this time last year we were
20 looking forward to participating in a constructive
21 exercise which would take us further along the road of
22 continuous improvement. The overly negative tone of the
23 West Dunbartonshire report does not support this
24 optimism and I hope that this hearing can now address
25 these concerns and bring more balance to the report. It
26 is very grudging about the amount of work our staff do
27 and has done enormous damage to the council and our work
28 force as a whole and since the publication of the Audit
29 Scotland document a number of staff and constituents
30 have contacted me expressing concern about the
31 unsubstantiated allegations that are within the report.

32 It may be helpful at this point to remind ourselves
33 of the main purpose of the audit which may help us
34 assess whether the audit was a constructive experience
35 for West Dunbartonshire Council. Audit Scotland's best
36 value background briefing note of July 2004 stated:
37 "The Commission's main interest is in how each council
38 is performing compared with how it performed in the past

1 and where it plans to be in the future. The audits will
2 take into account the particular constraints and
3 opportunities that face each council". I am
4 disappointed that Audit Scotland has failed to follow
5 its own guidance by producing a report which has scant
6 regard for these points and therefore believe that it is
7 essential that I remind you of what we said in our
8 initial submission. I would like to start by
9 summarising the main points which we made to the audit
10 team at the end of 2005.

11 West Dunbartonshire had a difficult start in 1995/96
12 as part of Strathclyde. The area had received positive
13 discrimination as an area of high deprivation,
14 particularly for services such as education and social
15 work. With reorganisation West Dunbartonshire lost this
16 assistance and faced critical financial problems.
17 Despite some help from the government in the form of
18 mismatch monies the council was forced to impose council
19 tax increases in its first two years of 28 per cent and
20 20 per cent as well as making savings of £12 million,
21 and this problem in a community experiencing major
22 social and economic hardship.

23 Some statistics demonstrate graphically the scale of
24 the need in West Dunbartonshire in 1996; 22 per cent of
25 households were lone parents with dependent children;
26 owner occupation was low at 40 per cent; 37 per cent of
27 households were tax band C and above; only 10 per cent
28 of pupils at S5 were getting three plus Highers;
29 unemployment was at 8 per cent; only 8 per cent of the
30 population held a degree; and car availability per
31 household stood at 0.6 per cent. As with many councils,
32 it took several years for the council to fully emerge
33 from the challenges of local government reorganisation.

34 Improvements really began in 1999 when clear political
35 direction was given, a new management team was put in
36 place and a sense of collective purpose began to emerge.

37 With purposeful political and officer leadership,
38 attention turned wholeheartedly to the performance

1 agenda.

2 In 2005 when the audit team first arrived I believe
3 the council was in a much healthier state than at the
4 start. A significantly slimmed down management team was
5 better able to work corporately to address the change
6 agenda. We were conscious of how much there was to do
7 but major improvements had been made. The best value
8 development process in West Dunbartonshire was very
9 clearly set out in the initial submission. This
10 highlighted the position of the council according to the
11 key best value criteria and described their activity in
12 reaching what was then the current position. I would
13 like to comment on just a few of these areas, focusing
14 on those which have been subject to particularly
15 negative comment in the best value audit report. The
16 Commission is aware that we comment in more detail in
17 our 61 page written submission.

18 In the overall area of commitment and leadership I
19 believe we perform at a good or very good level and I
20 will provide examples from this administration later in
21 the contribution. We have provided clear policy
22 direction to the council officers and delivered on our
23 key manifesto pledges. With regard to strategic
24 direction we have demonstrated strong leadership at
25 political and officer level with clear political
26 policies being translated effectively into coherent
27 action by a motivated management team and with honest
28 and direct relationships between key elected members and
29 chief officers. The council's current corporate plan,
30 which has been in place since 2003, is clear evidence of
31 this.

32 In scrutiny I believe we have come a long way in a
33 short time in establishing a process for effective
34 scrutiny. However, I recognise that there is still a
35 need for members to develop their role and for senior
36 officers to be a little more systematic in their use of
37 the information as a management tool. You will know the
38 committee structure of this council and will know that

1 in addition to the audit performance review committee
2 the main thematic committees also have a scrutiny role.

3 There is a place for opposition members on every
4 committee reflecting the political balance of the
5 council.

6 Under the conduct heading we have a full and clear
7 set of procedures in place and they have been tested to
8 the limits by councillors on occasions when passions run
9 high. They indicate the importance this council places
10 on high standards of public probity and the close
11 scrutiny applied to such matters. The mention of some
12 particular issues in paragraph 58 of the report is
13 especially unfortunate as these had all been dealt with
14 to the satisfaction of the Audit Scotland external audit
15 team, as noted on page 22 of our submission to the
16 hearing.

17 Under the category of openness I believe we perform
18 well with a concerted and continuing effort to make
19 information available to the public in an accessible
20 manner through public forums, written material and
21 through our website which has received independent
22 praise for its quality. We also listen to our residents
23 through the council open forum, corporate and
24 departmental surveys and from my own personal view as
25 the leader of the council from a monthly phone-in.
26 (Laughter) Nevertheless, the audit report commented on
27 some specific decisions which were made in and around
28 the time they were on site. We provided the team with
29 access to the full information in each of these cases.
30 However, it is disappointing to see that the report does
31 not reflect this information.

32 In particular, the closure of the library and
33 community education centre in Renton was a decision
34 taken because of low usage rates and there is another
35 community centre across the road. This information was
36 available to all members. The corporate management team
37 considered all 2006/07 budget options before
38 recommending them to members. All elected members were

1 invited to access all proposals but the local member did
2 not do so. I note that the then director of education
3 and cultural services was interviewed by the audit team
4 but that there was no discussion of the proposals or
5 process at the interview with him, nor was there an
6 offer to have a follow-up interview to seek
7 clarifications. I must therefore question Audit
8 Scotland's lack of balance in reporting of this issue.

9 With regard to stock transfer the report states that
10 the decision to go for partial transfer was based on an
11 officer report but fails to acknowledge that the full
12 options appraisal report prepared by consultants and the
13 full standard delivery plan were attached as appendices.
14 Elected members therefore had a range of information
15 available to them and we comment further on this within
16 our submission.

17 With regard to Leven Cottage the report notes that
18 there were problems with the closure of Leven Cottage
19 community care home. However, the report contains
20 inaccuracies and presents an unbalanced view. Again it
21 makes an unsubstantiated statement that governance
22 arrangements are complex and confusing and in need of
23 review. I disagree and believe that the council is
24 being criticised for embracing Scottish Executive
25 priorities for joint working and for establishing
26 effective and meaningful partnerships, and I refer you
27 to page 29 of our submission which provides ample detail
28 on this issue.

29 With regard to the schools improvement fund, the
30 commitment of the schools improvement fund was part of a
31 number of decisions taken by the council over a three
32 year period to regenerate the schools estate. Over this
33 period elected members received detailed reports and
34 option appraisals, including the CIPFA report which is
35 recognised in the Audit Scotland document. The
36 awareness among members of this issue was therefore very
37 high. In my view the audit team could have spent more
38 time considering the comprehensive briefings members

1 received in the context of wider strategy to regenerate
2 the schools estate. I am again disappointed by the lack
3 of balance shown in this section of the report.

4 I know that Mr Huntingford will comment more
5 specifically on further concerns with the report,
6 including the overall tone and the allegations of
7 bullying which have been particularly concerning to the
8 council but I would like to turn now to focus on some of
9 the council's main achievements of which I am
10 particularly proud. Our submission provided a wealth of
11 detail on our achievements and I do not believe that
12 these were reflected in any balanced way in the report.

13 I would draw your attention to just a few of these.

14 In financial stewardship I believe we are correct to
15 rate ourselves highly. We have never had any
16 qualifications on our accounts, always lived within our
17 budget, never having an overspend, and that is despite
18 the extreme pressures of deprivation levels which I have
19 referred to. In addition, in contrast to the first two
20 years of the council's existence the last 10 years have
21 seen us achieving the lowest overall percentage council
22 tax increase of all Scottish local authorities; indeed
23 a Bank of Scotland survey confirmed this recently. We
24 have even managed some small shift of expenditure from
25 support functions to front line services with extra
26 investment in such items as free swimming for children
27 and pensioners, increased spend on street lighting,
28 litter and graffiti improvements (laughter), and extra
29 provision of aids and adaptations for disabled people.

30 In the area of joint working I am of the view that
31 this council can take considerable pride in its record.

32 In some respects we have been pioneers in promoting
33 joint working in our community schools, in our
34 partnership between social work and health, in our
35 promotion of community involvement and community
36 planning, and in our work on economic regeneration. No
37 less a person than the first minister described our
38 urban regeneration company, Clydebank Rebuilt, as a

1 model of public/private sector partnership for Scotland.

2 The report does acknowledge our establishment of
3 Clydebank Rebuilt but gives insufficient emphasis both
4 to the innovative nature of the partnership and the
5 scale of the proposals being pursued, but on the issue
6 of regeneration this is only part of the story.
7 Disappointingly the report makes little or no mention of
8 major regeneration initiatives elsewhere in the council.

9 For example at Strathleven, the site of the redundant
10 drinks plant closed by Diaggio, the council has
11 established a Strathleven Regeneration company jointly
12 with Scottish Enterprise Dunbartonshire and in close
13 consultation with John McFall MP and Jackie Baillie, one
14 of our local MSPs.

15 There is mention of our early intervention project
16 on page 55 of the Audit Scotland document but greater
17 recognition should have been given to a policy that is
18 eradicating illiteracy from the entire school population
19 in the second poorest area in Scotland. It is no wonder
20 there is considerable interest in this achievement and
21 Commission members may have viewed the feature that
22 recently appeared on Newsnight, and it was real
23 Newsnight, not Scottish Newsnight, suggesting that it
24 was a model that should be introduced to all schools in
25 England.

26 There are many more examples: introducing free milk
27 for every child attending primary school; initiating a
28 dedicated parking scheme for disabled drivers;
29 establishing a pioneering link with McMillan Cancer
30 Support, the first in Britain; launched the campaign
31 which led to the removal of the tolls from the Erskine
32 Bridge, which is already having a positive effect on the
33 local economy. This is just to mention a few of our
34 achievements and I am sure some of my council colleagues
35 are disappointed not to hear me mention some of the
36 issues that they have particularly led on. All of this
37 activity has ultimately one end and one end only, to
38 ensure that all of those who live and work in West

1 Dunbartonshire enjoy the best possible quality of public
2 services that can be obtained from the resources at our
3 disposal, and if I return to the statistics which I gave
4 you at the start you will see that the percentage
5 changes in these indicators from 1996 to 2005 make
6 encouraging reading.

7 Lone parents with dependent children, down 21 per
8 cent; owner occupation, up 31 per cent; the number of
9 households tax band C and above, up 10 per cent; number
10 of pupils at S5 getting three plus Highers, up by 40 per
11 cent; unemployment, down by 51 per cent; the number of
12 people with a degree, up by 68 per cent; car
13 availability per household, up by 122 per cent. All
14 these are indications of improving quality of life and
15 better life chances for our citizens and even if the
16 council cannot claim the credit for the changes that
17 have arisen from the improved economic performance of
18 the UK over recent years we can claim that we have
19 played our part in creating the conditions where local
20 people and local businesses have been able to maximise
21 their return from those conditions. It is not a
22 coincidence, for example, that unemployment and in
23 particular youth unemployment has fallen greater than
24 the Scottish average in West Dunbartonshire.

25 Our concern today is that the negative tone set by
26 the audit report and the resulting publicity will only
27 damage the council's ability to continue these
28 achievements. I believe that we have both the will and
29 the capacity to follow through on an improvement plan as
30 required by the Accounts Commission and Scottish
31 Executive ministers. We set out our own draft
32 improvement plan in our initial submission and this was
33 not greatly changed in the improvement plan produced by
34 Audit Scotland. The new chief executive, David
35 McMillan, will talk in more depth about our plans for
36 continued improvement and how we will achieve this.
37 Where we have considerable difficulty is both in
38 accepting the negativity of the Audit Scotland report

1 and in accepting that it is intended to be a supportive
2 process. For these reasons I would ask the Accounts
3 Commission to consider our submission in full and to
4 work with us to retrieve this unfortunate situation.

5 I do agree with the point that you particularly
6 raised, chairman, in questions to Audit Scotland
7 regarding how they evidenced a change in the conclusion,
8 and it was quite stark and quite revealing that the
9 conclusion was changed without further evidence being
10 submitted by the council or being taken by Audit
11 Scotland.

12 I think that sums up our concerns regarding this
13 report and we welcome the opportunity to make this
14 submission and presentation to the Accounts Commission.

15 I would now like to hand over to Tim Huntingford, who
16 was the chief executive at the time of the audit
17 investigation.

18 THE CHAIRMAN: Just to clarify to the public, there will
19 be questions after the initial submissions by each of
20 the three individuals, so there will be plenty of time
21 for questions. Mr Huntingford.

22 MR HUNTINGFORD: It is a matter of considerable regret to
23 me that we are here today. I think that this hearing
24 could possibly have been avoided if Audit Scotland had
25 shown a little more flexibility and handled the report
26 in the way that they originally said that they would.
27 That means unfortunately that I do require to give some
28 comment on the process by which we arrived here today.

29 The time scale for the report which has already been
30 referred to by Audit Scotland was very largely as a
31 consequence of their own activities. In fact the
32 council never once missed a time scale that had been set
33 for the production of our draft improvement plan, for
34 our submission, for our comments on the report; all the
35 delays were on the part of Audit Scotland throughout the
36 process with one very significant exception which I will
37 come to in a minute. It is also clear that the audit of
38 West Dunbartonshire was treated in a different way from

1 those of all other councils in Scotland in the way that
2 it became public in advance of consideration by the
3 Accounts Commission.

4 I want to go to the meetings that you have already
5 heard about with Audit Scotland. We agreed at the first
6 meeting with Audit Scotland on 2nd August to review the
7 draft report that we would concentrate on parts 1 to 3
8 of the audit since any changes to these sections would
9 follow through into changes to the overall summary and
10 to the conclusions and action plan. We then on our
11 second meeting on 29th August, the second and final face
12 to face meeting with Audit Scotland, concluded our
13 dialogue with them about parts 1 to 3 of the audit.
14 Audit Scotland then said that they would aim to complete
15 the redraft by the end of September, that it then would
16 be emailed to me and that there then would be an
17 opportunity, perhaps in a meeting but at least by
18 telephone, for me to give final comments on the revised
19 document. That was particularly important to the
20 council because we had never had the opportunity to
21 discuss the overall conclusions of the report.

22 Audit Scotland subsequently denied saying this, and
23 they have repeated that this morning, but there were
24 three other council representatives present, one of whom
25 took a note of the meeting at the time and that can be
26 made available to you if you wish. What Audit Scotland
27 also said was that it was very likely that the report
28 would go to the November meeting of the Accounts
29 Commission because it was not realistic to expect, with
30 us receiving the report at the end of September and some
31 final dialogue with it, that it could go to the meeting
32 in October, and they told us, and again we noted it,
33 that it was therefore likely, since the report would
34 take four to six weeks to be published after the
35 Accounts Commission had considered it, that it might not
36 come out until just before Christmas or if that was too
37 tight possibly in January.

38 At that stage Audit Scotland showed no urgency or

1 pressure about time scales, somewhat, I have to say, to
2 my surprise. As I have indicated earlier, Audit
3 Scotland did for the first time meet one of their own
4 imposed timetables when they contacted me, as Ms
5 McGiffen said, to say that the report was available to
6 be sent to me on 29th September. On 3rd September, as
7 you have heard, I received the report. Within an hour
8 of that Ms McGiffen was on the phone to say she thought
9 there was a serious error in a paragraph of it and it
10 would need to be checked and a further copy sent to me,
11 which duly occurred. It is perhaps some indication of
12 the unreasonable rush that was occurring within Audit
13 Scotland.

14 What then bewildered me was, subsequently later that
15 same morning to receive a contact from my press officer
16 to say that Audit Scotland had been in touch to ask what
17 press release we were going to be making available to
18 coincide with the publication of the report that day.
19 That was the first time that anyone from Audit Scotland
20 had ever said that the report would become public at
21 that stage. Never had that been mentioned before and in
22 all our discussions the assumption had been that the
23 report would become public when it had been considered
24 by yourselves, when your findings had been included in
25 it and when it was formally printed and made available.

26 It has never been explained to me why that was the
27 case.

28 As you also heard, I attempted to have a delay put
29 on the process in accordance with the agreement that had
30 been reached on 29th August that we would have a final
31 opportunity to comment on the redrafted report. That
32 was refused by Ms Gardner and was refused again the next
33 day when we indicated that so concerned were we with the
34 actions of Audit Scotland, which were in complete
35 contradiction to what they had previously agreed, that
36 we thought we might wish to seek some kind of judicial
37 process to stop that. Audit Scotland circumvented that
38 by making the report available so that no such action

1 would have been possible or reasonable.

2 I have never been given an explanation, as I have
3 said, for either the sudden rush at the end of September
4 nor why the West Dunbartonshire report was handled
5 differently from other councils and, interestingly,
6 because the press officer received a phone call from
7 Audit Scotland to tell them that this report was being
8 handled differently from other councils, all other
9 reports which we have in the council are in their
10 printed form and on the front of it it says embargoed
11 until such and such a date; so there is something most
12 peculiar about a system that a report becomes public but
13 it subsequently comes out in a form that it is embargoed
14 until a certain date. Why the difference? I do not
15 know.

16 Let me turn to the methodology used. I think first
17 of all it has to be said that this was the first audit
18 that had been led by the manager of audit, given that
19 there was a sudden and late change in the manager of the
20 audit team, and there was also, as you have heard, for
21 the first time a methodology adopted that had not been
22 used elsewhere. I have no difficulty at all in the
23 evolution of approaches to the audits by Audit Scotland
24 nor in them adopting new approaches and techniques as
25 part of it. I had no difficulty in agreeing that
26 surveys of the kind that were distributed should be
27 done. But what I do have a problem about is whether
28 that process had been properly thought through and
29 whether the methodology had been robustly tested. Even
30 then I might not have been concerned if Audit Scotland
31 had not chosen to place such disproportionate weight on
32 the material gained from the surveys and they themselves
33 have given you evidence of that this morning by the
34 selective quoting of individual allegations which then
35 become evidence.

36 Let me remind you, one self reporting, anonymous
37 staff survey, with just over 1,000 people responding, 17
38 per cent; the level of distribution was unknown; we

1 have a division by departments but not by the nature of
2 the people who replied; a survey of community planning
3 members with a 38 per cent return; a survey of
4 councillors with a 50 per cent return; one focus group
5 for members of the community planning partnership; and
6 one for seven members of staff from one section only of
7 the council. That is the survey material, apart from
8 the individual interviews that they carried out.
9 Sweeping conclusions have been drawn that, as we have
10 suggested in our submission, cannot be credibly drawn
11 from the survey material. We have given you three
12 academic critiques of the methodology applied by Audit
13 Scotland from independent experts which cast serious
14 doubt on the credibility and validity of the methodology
15 used and of the findings drawn from it. Let me give you
16 two examples.

17 The first is the issue about financial wrongdoing
18 and malpractice. When Audit Scotland first raised this
19 with me as something that was arising from the staff
20 survey I was greatly concerned and I asked as a matter
21 of urgency for any specific information or material that
22 they could provide me with that would allow me to have
23 these matters urgently investigated by our internal
24 audit team. What we got in an email from our external
25 auditors, who are also Audit Scotland, was that there
26 were no allegations or instances that had not already
27 been investigated by the council, some of which had been
28 reported to our external auditors. Yet the issue comes
29 up in the report and has been seized upon by critics of
30 the council. Is that a reasonable or responsible way to
31 use unsubstantiated, anonymous allegations from a small
32 number of people in a staff survey? I think not.

33 The issue of bullying, one of the most damaging if
34 not the most damaging issue to arise from the report,
35 that there is a culture of bullying in West
36 Dunbartonshire Council; where is the evidence? Six and
37 a half thousand staff, 1,033 who replied to the survey,
38 864 who used the opportunity to make additional comments

1 in the survey, and of that 12 made some reference to
2 issues that might be deemed to be about bullying. I
3 think it is unjustified and unacceptable that Audit
4 Scotland should be so cavalier in their analysis of that
5 material when the consequences for the standing of the
6 council are so great.

7 One incidence of bullying in my view is too many and
8 we have made clear our abhorrence of any bullying and
9 determination to root it out wherever it occurs. I have
10 personal evidence of where that has happened in
11 individual cases during my time with the council. While
12 it may be said that individual cases will occur, and I
13 think that they undoubtedly will from time to time, that
14 is very different from a culture of bullying and
15 harassment. And if it does exist, and if as the trades
16 unions stated the reason why I did not know about it was
17 that the staff were too scared to use the avenues
18 available to them, then how is it that in the seven and
19 a half years I was the chief executive of West
20 Dunbartonshire Council the trades unions, the
21 representatives of the staff, never, repeat never, came
22 to me and said that they had concerns about a culture of
23 bullying in the council?

24 I want finally then just to deal with some of the
25 issues that you have raised. Mr White has dealt with
26 some of them and I will not cover them all, just a few.

27 Officer/member relations: I worked for the council
28 until last month for 10 years and in that time I believe
29 that relations between officers and members were healthy
30 and robust, generally courteous and mutually respectful.

31 In my time as chief executive I had occasion to report
32 an elected member to the Standards Commission for
33 conduct I believed to be unacceptable in their dealings
34 with officers only twice. It was the same elected
35 member both times. On one occasion I withdrew the
36 reference because of his personal circumstances; in the
37 second I understand this has recently been dealt with by
38 the Standards Commission and their investigation has

1 indeed found that his conduct was unacceptable and in
2 breach of the code of conduct. That is one unique
3 example and I think is very atypical of the way that
4 relationships have been between officers and members.

5 I think, as has been referred to earlier, there is a
6 significant difference between members who press hard
7 for solutions to their residents' concerns, that is
8 their job, they are advocates for their residents. It
9 is particularly difficult when there is a shortage of
10 resources and pressure on resources, as in housing
11 repairs, as in social work, for instance, in OTAs for
12 residential places, but never in those 10 years I have
13 been in the council have I encountered a case where,
14 having received representations from a member, members
15 have not accepted a no when the officer has told them
16 that it is not possible to do what they wish.

17 Turning to staff morale in the council, I have
18 covered this a little in my reference to bullying but I
19 think it has to be said that if Audit Scotland choose to
20 rely upon the survey, which we think is seriously
21 flawed, then they need to be balanced in that. It is
22 difficult to balance out a situation where they say
23 staff morale is so bad with their own statistics that
24 show that two thirds of the people who responded to
25 their questionnaire said that West Dunbartonshire were a
26 good employer, and one thing they did not report in
27 their report was that two thirds also said they would
28 advise their friends to apply for jobs in West
29 Dunbartonshire. If you also look at our reducing
30 absence rates and our very high retention of staff rates
31 then I am not sure how those two can be made to be
32 reconciled.

33 On the community planning partnership you are going
34 to hear from the manager of it and you had been due to
35 hear from the chief executive of Greater Glasgow and
36 Clyde Health Board but he unfortunately cannot now be
37 here this afternoon and has submitted a letter to you.
38 It is very interesting that during their judgment on our

1 community planning performance the Audit Scotland team
2 did not interview anyone from the health service,
3 despite their being our biggest partner. I am actually
4 proud of what we have achieved in community planning in
5 West Dunbartonshire and that has been independently
6 verified by external inspections, particularly in areas
7 to do with worklessness, community safety, health
8 improvement, all areas which I think we have made great
9 strides in and are not reflected in the report.

10 In fact what they concentrate on is this issues
11 about community participation and I think it perhaps
12 indicates a lack of understanding and perhaps a tendency
13 on the part of Audit Scotland to stray into areas which
14 they are not necessarily qualified to speak on because I
15 think what they have done is seriously to confuse
16 consultation with participation, and what we in West
17 Dunbartonshire have done is to try to involve community
18 representatives and empower them to take part in
19 decisions, not just to be consulted.

20 On the best value corporate processes I think the
21 real difference between us and Audit Scotland is how
22 much progress we have made and how embedded these
23 processes are. Audit Scotland tended to suggest that
24 the only reason we had made progress and that recently
25 was because they were coming over the horizon. That is
26 not true. There is considerable evidence about the
27 amount of time and energy that we have devoted to the
28 development of best value strategies and systems over
29 many years, and particularly since I took office in
30 1999. Again our submission details this, yet still
31 Audit Scotland chose to put a negative slant on
32 something that could have been positive and supportive.

33 Finally, let me make some comment about their rating
34 of us. They have said that we are a middling council.
35 I do not like the term and you will perhaps have noted
36 one of our academic commentators has said that it is
37 somewhat of a pejorative term, "middle ranking" might be
38 better. I am perfectly willing to accept that judgment

1 on West Dunbartonshire Council as a middle ranking
2 council, one that has a great deal to do but has come a
3 great way. That is not what comes across from the
4 report.

5 We accept the need for further improvement but we do
6 not think that the report has been balanced in
7 recognising what it is that we have already achieved.
8 It is somewhat galling that when we heard from Ms
9 Gardner this morning and in the report almost a
10 throwaway line that says we run very good services,
11 particularly education and social work, three quarters
12 of the budget and the two biggest services that we
13 provide, when all the attention is on other matters
14 about a process. I think it portrays a lack of balance
15 and serious issues about the priorities for the Audit
16 Scotland report. Nevertheless, we accept the need for
17 improvement. We have taken many steps to improve it,
18 both since our submission last December, and we have
19 plenty in hand for the future, and I will now hand over
20 to David McMillan just to talk you briefly through
21 those.

22 MR McMILLAN: Thank you. What really needs to improve?

23 There is absolutely no doubt the council has to face
24 many challenges in the years ahead and, yes, we agree
25 that resources will be scarce. Audit Scotland
26 themselves acknowledged that we had identified in our
27 self assessment an improvement agenda that was similar
28 to that identified by the audit team. Since the audit
29 we have made significant progress and I would like to
30 highlight some of them.

31 We have carried out an initial review of our
32 scrutiny process which was reported both to the AP&R
33 Committee and the council last June. There has been a
34 clear council decision not to change the committee
35 structures at this stage before the election but there
36 is a clear commitment to review the committee structure
37 after that. The revised external consultation strategy
38 has been approved. Our citizens panel is now well

1 embedded. The integrated impact assessment process is
2 now well developed and has been applied in key areas.
3 This is an area where West Dunbartonshire is leading the
4 field at a national level.

5 Since the publication of the audit report we have
6 been developing a draft improvement plan which is
7 detailed in section 9 of our submission to the Accounts
8 Commission. The proposed improvement plan looks at our
9 own self assessment, the improvement agenda prepared by
10 the audit team and a number of other actions that are
11 designed to address the issues raised in the report. We
12 recognise that we need to develop a plan of action which
13 looks at service issues, finance, people and information
14 systems. We aim to ensure that all targets once
15 approved by the Commission and the council are entered
16 into our action plan and database. All actions will
17 clearly show the resource implications, the outputs
18 expected and the time scale and responsible officer.

19 The council's immediate priorities include: we will
20 demonstrate openness and accountability by ensuring that
21 all reports contain complete recommendations and full
22 details of the options being considered; by ensuring
23 that a full and transparent option appraisal is adopted
24 in asset decision making. We will also improve service
25 performance by setting up a benefits tracking model to
26 monitor the council's efficient government project plan
27 with regular reports being presented to members; by
28 adopting the new public service improvement framework to
29 ensure that we have an evidence based self assessment
30 system which demonstrates services have been subject to
31 a robust service review programme will be introduced;
32 by reviewing the role of the best value strategy group
33 and its relationship to the CMT and a review of elected
34 member involvement.

35 We will be developing actions designed to improve
36 our poor performing statutory performance indicators
37 which will then be monitored through our embedded QPR
38 system. We will ensure that we have effective political

1 and managerial structures in place by refreshing the
2 review of the role and remit of the audit and
3 performance review committee and the role of the
4 thematic committees in consultation with the new
5 administration; by reviewing the options for modifying
6 departmental and committee structures using appropriate
7 consultancy support; by developing a work force
8 planning strategy which includes the purchase of an
9 appropriate HR system. We will engage with our
10 employees by carrying out regular employee surveys, by
11 introducing a new learning and development strategy, and
12 by reviewing all staff communication systems.

13 These are just some of the things that we aim to do.

14 However, it would be our intention to prepare a fully
15 costed action plan and present this to members by March
16 2007.

17 Finally, I would like to add that we are aware of
18 the challenges that lie ahead. We have been in
19 discussion with COSLA about support and advice that
20 could be provided as we develop our action plan. We
21 also recognise that we need to allocate resources to
22 ensure we are successful in taking the improvement
23 agenda forward. I can give you a clear commitment from
24 the corporate management team that we will progress the
25 improvement agenda timeously. Thank you.

26 THE CHAIRMAN: Thank you, gentlemen. Can I open it to
27 Commission members to ask any questions.

28 Questioned by THE AUDIT COMMISSION

29 MR GEDDES: Thank you very much, Alastair. Just one
30 question to start with before John kicks off. The West
31 Dunbartonshire Council response to the Audit Scotland
32 report: can I just ask what the status of this is?
33 Does this response reflect the views of the entire
34 council, does it reflect the views of the political
35 administration, or does it reflect the views of the
36 officers?

37 A. (Mr White) At a recent council meeting the
38 administration moved a resolution through the council

1 and that resolution was unanimously supported within the
2 administration that would ask the Accounts Commission to
3 ask the Audit Scotland team to come back in to the
4 council and engage further with us and if that was not
5 possible then we would request a public hearing and
6 obviously prepare for that public hearing. The direct
7 answer to your question, was that submission then put
8 before the full council for approval, the answer is no
9 but it was compiled by officers in consultation with
10 senior elected members in response to the decision of
11 the council to ask for a public inquiry.

12 MR GEDDES: Thank you.

13 PROFESSOR BAILLIE: Can I start with some questions on the
14 best value audit process, just to fill in some gaps,
15 perhaps, that you have not already finally filled in in
16 your opening presentations. I note your comments on the
17 methodology. At page 12 of your submission you refer to
18 the people you used to give a critique on the
19 statistical validity of the staff survey and you refer
20 to review by independent expert, and you used that word
21 "independent" twice; you use it another line later,
22 "independent validation". I think one inference that
23 could be drawn from that use is that you may be
24 suggesting that Audit Scotland are not independent, so
25 could I just ask you, do you think they are independent?

26 A. (Mr Huntingford) If we think Audit Scotland are
27 independent?

28 Q. Yes.

29 A. (Mr Huntingford) This comment has no reflection at all
30 on Audit Scotland, it is purely that the council felt
31 that given our concerns at the weight being placed on
32 the findings of the survey we should seek a third party
33 and independent review of that, and that is what we did.
34 It is no reflection on Audit Scotland at all.

35 Q. Councillor White.

36 A. (Mr White) Could I just add to that. I am in support
37 of Mr Huntingford's answer but I think it is also
38 relevant to a question that was asked earlier on of the

1 audit team and that was regarding whether the council
2 had asked any questions of the survey and perhaps even
3 challenged the methodology. It is the case that at the
4 second meeting I think we had with the audit team I
5 particularly asked how the survey had been tested, were
6 Audit Scotland clear that the results were a true
7 reflection of the council, and I was advised at that
8 time that they were. It is clear from the information
9 that we have got from the three academics that the
10 survey can strongly be challenged.

11 Q. Yes, I understand that. It is the question of whether
12 you think Audit Scotland are or are not independent.

13 A. (Mr Huntingford) Independent of who?

14 Q. Independent of the prose of the West Dunbartonshire
15 Council that they have no agenda here, because you do
16 refer to all manner of things in terms of lack of
17 balance and I am trying to understand whether you see
18 Audit Scotland as independent auditors.

19 A. (Mr Huntingford) Yes, absolutely.

20 Q. Thank you; that is quite helpful because I was not
21 sure.

22 A. (Mr Huntingford) No, absolutely. It is the way they
23 did the job rather than their independence that was the
24 issue.

25 Q. Thank you. Can I then move on to one or two other
26 points on the process, fairly quickly, I think. You
27 heard this morning from Audit Scotland and you heard
28 them say that the council had had more time than other
29 councils to respond to the draft report. Is that
30 something that you accept? I have understood your
31 comments about the process and how it was a somewhat
32 protracted process in your opinion but do you accept
33 that you have had more time than other councils to
34 respond?

35 A. (Mr Huntingford) I accept that that is what Ms Gardner
36 said and I accept that. What I am saying is that that
37 time I think was in part because of the difficulties of
38 Audit Scotland in managing their work load rather than

1 that they were giving West Dunbartonshire extra time.

2 Q. Thank you. The legislation says that the council must
3 make the controller's report public on receipt of that
4 report. Were you aware of that provision during the
5 audit process?

6 A. (Mr Huntingford) No, because as I have said previously
7 I was not aware that the report would become a public
8 document until it was published in bound form after you
9 had considered it, but once Mr Magee wrote to me
10 formally, I think on 3rd or 4th October, and our
11 attempts to delay the process for us to be able to give
12 the comments that we sought to, then I made it available
13 to all elected members immediately thereafter.

14 PROFESSOR BAILLIE: Thank you.

15 MS COUPER: Can I follow, just to be absolutely clear on
16 this point, Mr Huntingford, are you saying that you were
17 unaware that the statutory provisions state quite
18 clearly that the local authority shall forthwith upon
19 receiving a copy of a report sent to them supply a copy
20 of that report to each member of the authority and make
21 additional copies available for public inspection? Were
22 you not aware of that?

23 A. (Mr Huntingford) Yes, I am aware that we were required
24 to do that but it was the point at which we were
25 required to do that that was at issue and since I was
26 clear that Ms Bridle had said that we would have an
27 opportunity to comment on the report in its final draft
28 form I did not believe that we had reached that stage;
29 and, interestingly, Ms Bridle in her own evidence said
30 that she agreed that she or Ms McGiffen would phone me
31 for comment on the final draft of the report. They did
32 not do so, neither of them, phone me and ask me for a
33 view on the report on 3rd or 4th October, and I do not
34 believe that by her own admission she adhered to the
35 agreement she had made with me.

36 Q. But did you not say that when the controller of audit
37 issued her report to the council you did not realise
38 that at that stage it became a public document?

1 A. (Mr Huntingford) I did not realise it became a public
2 document but as soon as I received Mr Magee's letter I
3 made it available.

4 Q. But that is what the statutory provisions say, Mr
5 Huntingford.

6 A. (Mr Huntingford) I think it would have been sensible
7 had Audit Scotland staff made that clear to me and I do
8 not believe that they were clear about it themselves
9 because it had never happened before.

10 PROFESSOR BAILLIE: Can I then move us on. You referred
11 to reference to a serious error in that report that then
12 caused it to be recalled and printed again the next day.
13 What was that serious error?

14 A. (Mr Huntingford) It was an issue about the community
15 ownership programme, a paragraph that was wrong, and Ms
16 McGiffen phoned me and said could I check whether this
17 was indeed an error. I went away to check it and went
18 back to phone her to tell her that it was an error but
19 by that time she had already send me a redrafted report.
20 It was one paragraph, it was about the community
21 ownership programme, I could not tell you the paragraph.

22 Q. I guess what I am pursuing is it being classified as a
23 serious error; that would suggest to me material.

24 A. (Mr Huntingford) Well, I think it was and it was
25 sufficient for them to feel the need to withdraw the
26 report and supply another one.

27 Q. Thank you. You mentioned, maybe it was Councillor
28 White, I cannot recall, initially in the presentation
29 unsubstantiated allegations, which was a general term
30 you used about various things. When would
31 unsubstantiated become substantiated in your opinion?

32 A. (Mr White) I think the particular reference was to the
33 comments within the staff survey. These were comments
34 that were made on an anonymous basis. We asked Audit
35 Scotland for any evidence to allow us to investigate
36 these allegations.

37 Q. Can I interrupt you. What evidence specifically were
38 you seeking in order for you to do that?

1 A. (Mr White) It depends what particular unsubstantiated
2 allegation you are talking about. We heard this morning
3 about, for example, elected members interfering in the
4 decision making process, I think the installation of the
5 kitchen programme was one that was mentioned. In my
6 view that is a serious allegation and therefore the name
7 of the elected member should be made public and the
8 allegations that are made should be then fully
9 investigated both internally within the council and if
10 appropriate externally as well.

11 Q. Is there a difference between unsubstantiated
12 allegations and allegations that are difficult to pass
13 on because of the sensitive nature of them in your
14 opinion?

15 A. (Mr White) I think there is a difference between the
16 two of those and we take very seriously any suggestions
17 that staff do not feel that they are able to come
18 forward with allegations because of their perceived
19 repercussions. That is why we have the policies that we
20 do within the council, the whistle blowing policy, the
21 dignity at work policy, we are taking steps to refresh
22 these. But at the end of the day if you look at the
23 actual report and the allegations that have been made
24 and the fact that then that is translated into a culture
25 of bullying, it is important that we look at the numbers
26 of comments that have been made and that every single
27 allegation is fully investigated.

28 Can I just finish on this? I accept that it might
29 be the case that some staff do not feel that they are
30 able to report these things but I certainly feel that
31 the trade unions should step up and report them on their
32 behalf, and certainly that they are reported to the
33 auditors and information is given. They should be fully
34 passed on to the council so that they should be
35 investigated. I think that is only fair to everyone
36 involved.

37 PROFESSOR BAILLIE: Thank you.

38 THE CHAIRMAN: Could I just clarify, Councillor White,

1 in terms of an allegation from an elected member about a
2 particular example, regardless of whether you got the
3 name of the councillor or not surely you would pursue
4 the allegation, regardless of whether the name of the
5 councillor was made known or not?

6 A. (Mr White) Yes, I totally accept that and, as I said,
7 we asked the audit team for any detail and we did
8 investigate every single thing that was passed on to us.
9 I think maybe Mr Huntingford can say a bit more about
10 this.

11 PROFESSOR BAILLIE: Perhaps we could come back to that later.

12 A. (Mr White) I do think it is quite important.

13 THE CHAIRMAN: I am quite happy for Mr Huntingford to
14 comment.

15 A. (Mr Huntingford) I think that even if an elected
16 member's name was not given if there was a specific
17 allegation that a resident of West Dunbartonshire had
18 received a kitchen installation that was not in accord
19 with the council's policy then I think it would have
20 been possible to have given us information that would
21 have allowed us to have investigated that; but no such
22 information was given. Similarly, any allegations of
23 misappropriation or of contractual irregularity could
24 have been given to us. I think it is harder with
25 individual concerns of staff but those are the kind of
26 things that could have been given to us and were not.

27 PROFESSOR BAILLIE: Let me then turn to the transparency
28 in decision making.

29 MR GEDDES: Just before you come in, could I ask
30 Mr Huntingford a couple of questions. Why has so much
31 effort been put into employing a series of academics
32 from Glasgow University to rubbish the staff survey?

33 A. (Mr Huntingford) I am sorry?

34 Q. Why has the council concentrated so heavily on employing
35 academics from Glasgow and perhaps elsewhere to
36 undermine the staff survey?

37 A. (Mr Huntingford) Because we had major concerns about
38 its reliability and about the weight that was being

1 placed on it by Audit Scotland. If, as I said in my
2 original remark, they had used it in a modest way as
3 things that might indicate that there were areas that
4 perhaps were worthy of concern or further investigation,
5 then fair enough, but not ones that lead them to form
6 fairly hard conclusions which are then seriously
7 damaging to the council.

8 Q. But you yourself have said just a couple of minutes ago
9 that the staff survey showed that 75 per cent of those
10 respondents were happy to work with West Dunbartonshire
11 Council. (Laughter)

12 A. (Mr Huntingford) I am saying that if you are going to
13 use the survey, and I do not think it is reliable enough
14 except as very background information that might give
15 you steps for hints, if you are going to use it then you
16 must use it in a balanced and fair way.

17 Q. Just to conclude this bit, there is actually I think a
18 variation of opinion between two of the papers. The
19 paper from Professor Price says that sample size in this
20 case is relatively large, because we are talking about
21 1,033 respondents, and then the next paper from I think
22 it was Graham Peterson indicated that the response rate
23 is extremely low, so within the parameters of academic
24 discussion there is a difference of opinion there. But
25 to go back to the allegations of harassment and
26 bullying, Leishman in his paper on page 7, paragraph 4.4
27 and indeed 4.3, says, "The survey appears to do a good
28 job in revealing general attitudes," and he is talking
29 here about management and morale, and he goes on to say:
30 "My suggestion is that the information on harassment
31 and bullying uncovered by the qualitative method should
32 be restructured in the use of this report".(?) He does
33 not say that it should be discounted.

34 A. (Mr Huntingford) I am not saying that it should be
35 discounted. I have said that any allegation of bullying
36 was a subject of major concern. It is the weight put on
37 the analysis of it that is the problem.

38 Q. Just a last question for the new chief executive. What

1 methodology are you using for your next staff survey?
2 A. (Mr McMillan) Based on the findings of the academics we
3 have to make sure that our survey does not follow the
4 same theme as this one. We will be making sure that we
5 do have open questions and that any results are
6 externally analysed.
7 Q. Thank you very much.
8 A. (Mr Huntingford) I think it is worth saying that we are
9 using an external body to design it as well.
10 MR GEDDES: Thank you.
11 PROFESSOR BAILLIE: Let us move on to the issue of
12 transparency. Paragraph 101 of Audit Scotland's report
13 refers to the guidance on decision making by elected
14 members. I take it you accept these principles, or do
15 you want a moment to just look at them again? It is
16 paragraph 101, the general statement on the statutory
17 guidance. For the benefit of everyone, it says that it
18 requires elected members "to ensure that their decision
19 making processes are open, transparent and council
20 managed in a manner which supports accountability," and
21 it goes on to other things; I will not labour the
22 point. I take it you would confirm that you support
23 those principles?
24 A. (Mr White) As the only elected member sitting here I
25 would say that we do accept that and you will see that
26 our submission and our action plan actually say that
27 there is a bit more work to be done on this.
28 Q. Thank you. We can then go on to the succeeding
29 paragraphs of Audit Scotland's report. I refer to
30 paragraphs 103 to 105 wherein there is reference to the
31 three cases some of which you have touched on in your
32 opening presentation, and you have given us some further
33 useful background to those cases. I think the criticism
34 coming through from these paragraphs, if I could try to
35 summarise them, is limited documentation, limited access
36 to the reasoning and the logic behind the proposals, and
37 a lack of options available to elected members on which
38 to then decide. I think part of your answer was, well,

1 there was a history of these papers over a period and
2 the comments by Audit Scotland did not take that into
3 account. Is that your position?

4 A. (Mr White) That is my position as far as the schools
5 improvement fund is concerned. You are talking about a
6 budget of £7.74 or £7.75 million. It is important to
7 recognise that this administration have secured in
8 excess of £110 million for the regeneration of the
9 schools estate and there have been numerous reports
10 since the very start of the council in 2003 and
11 briefings and option appraisals available to elected
12 members. So that is my comment with regard to the
13 schools issue. If I could comment further ---

14 THE CHAIRMAN: Could I just interrupt you, Councillor
15 White. Why did the council decide not to put up the
16 paper on the school programme that would lay in front of
17 every member, "Here's the money, here's what we think we
18 should be doing with it. What's your view?" because
19 that is openness and transparency. Why did you decide
20 not to do it that way in terms of that council meeting?

21 A. (Mr White) The decision about what is contained within
22 council reports is a matter for officers of the council.
23 The chief executive at that time was Tim Huntingford
24 and I would ask him to comment on it.

25 (Mr Huntingford) It was a particularly problematic set
26 of circumstances surrounding this report. The director
27 of education and myself had a major concern that this
28 was time limited money and that we needed to spend it or
29 to allocate it for fear that we might otherwise lose it
30 as it was Scottish Executive money. Since the elected
31 members had a lot of background information and Audit
32 Scotland referred to the fact that we referred in the
33 appendix to the CIPFA study and to previous reports that
34 had covered this, I in agreement with the director felt
35 that the vital thing was without more ado and without
36 further delay to get the matter into the public domain
37 and in front of elected members at a council meeting;
38 hence the report was written in the way that it was with

1 the recommendation that Ms McGiffen read out to you,
2 which was saying, "You need to get on with this.
3 There's funding available. Please give us an indication
4 of the way you want to go so that we can work on it,"
5 against the background of the existing information that
6 was widely known and had been debated in West
7 Dunbartonshire Council for years about the priorities
8 for school regeneration.

9 Q. In hindsight would you have done it differently?

10 A. (Mr Huntingford) Yes.

11 (Mr White) Can I also just add to Mr Huntingford's
12 answer. It is also the case, Mr Huntingford referred to
13 the time scales, that the schools improvement fund is
14 time limited, it is a small pot of money allocated every
15 year and we are able to manage our budgets to pool two
16 sets of allocations together, and the clear advice from
17 the head of finance was that we would have to allocate
18 the money as soon as possible. You can see that the
19 report at 104 says that the proposal agreed by the
20 council was broadly in line with the CIPFA conditions
21 survey but equally you will also see in our improvement
22 plan that we do recognise that there is some criticism
23 here that has to be addressed and it will be addressed
24 by the council.

25 PROFESSOR BAILLIE: Let me just take the other two cases.

26 Do you think the principles espoused by the statutory
27 guidance were followed in those two other cases?

28 A. (Mr White) I think with regard to 103 ---

29 Q. I am sorry, I should explain for the audience that 103
30 refers to the Renton issue.

31 A. (Mr White) --- I think it has to be put in the context
32 of a budget round and a need for the council to make
33 significant amounts of savings. I cannot tell you the
34 figure off the top of my head but I believe we had to
35 make something between £4 million and £5 million worth
36 of savings in that financial year to keep the council
37 tax from going up to a 10 per cent increase.

38 It is a very difficult time for the council. We

1 have a situation where the final allocation for
2 councils, and the members of the Commission will be
3 aware of this, is usually not clarified until December
4 and there are representations going on all the time,
5 certainly from councils like West Dunbartonshire, to try
6 to get a better settlement for this area. So that means
7 that the time scales that we are working within are
8 certainly very tight time scales and obviously there is
9 a degree of political consideration when setting
10 budgets. I am not saying that we can make a comparison
11 with the Treasury but I think it is certainly not the
12 case that the Chancellor of the Exchequer gives his
13 budget to the opposition chancellor just before he
14 announces it, and I think there is a problem as far as
15 this is concerned. The budget is very much a
16 confidential exercise for elected members.

17 With regard to the openness and transparency issue,
18 basically the council, all councillors are invited to
19 access a document which lists a whole range of budget
20 savings. Not all members did that. Certainly members
21 of the administration did and we received further
22 information via conveners of the council regarding the
23 particular options. With regard to Renton library we
24 were advised that it had the lowest usage of any library
25 in West Dunbartonshire and that there were options as
26 far as an extension of the mobile library service was
27 concerned. With regard to the Renton CE centre it is
28 the case that there is another CE centre and a school
29 across the road from that, and equally the usage of that
30 was particularly low, and as well as that these options
31 were recommended to the Labour group for inclusion in
32 our budget by the conveners responsible.

33 Q. I should just clarify, we are not here to query your
34 decisions, these are decisions for you; we are here to
35 look into the issues you have raised in your submission.

36 A. (Mr White) I am trying to give a context as to why we
37 were in that situation and the process that we followed.

38 Q. Yes, indeed; all right. Are you saying that the

1 options in every case were available to members on a
2 website or in some other form?

3 A. (Mr White) I will invite Tim Huntingford to comment on
4 this but it is the case that the head of finance goes
5 out to all elected members; I think the letter gave a
6 brief summary of the budget situation facing us and
7 invited all members to access options for budget
8 savings. I do not know, Tim, if you want to comment
9 further.

10 Q. I am interested particularly in how they could access
11 the options.

12 A. (Mr Huntingford) They were asked to contact the head of
13 finance and they would receive a copy of it, and I note
14 for instance that the leader of the opposition did that.

15 Q. Why was it not simply passed out?

16 A. (Mr Huntingford) Well, because we have always had a
17 system in all our reports of saying, "If people wish for
18 further information, please get in contact with us". It
19 is a fraught and difficult time, options keep changing
20 by the minute. We did have a time some years ago when
21 we did make much more public information available and
22 it proved to be a fairly disastrous exercise because it
23 started a huge number of hares running about cuts that
24 might be going to be made, none of which actually did in
25 the end, so we have tried to get a balance between
26 saying, "The information is there and available". We
27 had a public meeting when we discussed budget options
28 which was widely publicised throughout West
29 Dunbartonshire and we have done that every year.

30 Q. Can I just play back a bit of what you have said to give
31 you a chance to deal with it, because I just get the
32 feeling that the principle of offering options is being
33 compromised by time constraints?

34 A. (Mr Huntingford) I think particularly in the issue of
35 running up to a budget, as Councillor White said, the
36 idea that we could have had a full public consultation
37 and detailed appraisal in the period running up to the
38 budget on 14th February I think was unrealistic, and as

1 Councillor White said it is an issue of political
2 processes and confidentiality at that stage.

3 PROFESSOR BAILLIE: Thank you.

4 MR GEDDES: Can I just, Councillor White, say first of all as
5 a former elected member I am more than conscious of
6 factionalism in political groups. The secret of course
7 is to belong to all factions! It says here, paragraph 4
8 of the audit report refers to a history of political
9 instability and current political infighting, and your
10 submission on page 27 says that there are no factions in
11 the administration based on Dumbarton and Clydebank. Is
12 that something you stand by?

13 A. (Mr White) Well, I also recognise that you are no
14 longer an elected member in Edinburgh City Council, so
15 congratulations or commiserations for that, I am not
16 quite sure which one. The report suggests that there
17 are factions within the Labour administration that are
18 divided on geographical lines, Dumbarton and Clydebank,
19 and we are talking about factions of the administration,
20 so that is all Labour councillors within the council.
21 There are disagreements from time to time, there are
22 robust debates, but there is no evidence to suggest that
23 we divide along geographical lines. Unfortunately for
24 me on this issue the only evidence that I can produce to
25 show that that is not the case are copies of the Labour
26 group minutes. If the Accounts Commission think that
27 they would benefit from looking at these minutes and
28 seeing how votes took place and whether there were
29 geographical lines then if the Labour Party headquarters
30 allow me to give you those minutes I will do that; I
31 will certainly not be going to the Court of Session to
32 stop you getting them.

33 Q. OK. I think it is congratulations rather than
34 commiserations, but never mine. Just to turn to the
35 question of delegation of responsibilities, paragraph
36 108 on page 31 of the Audit Scotland report indicates:
37 "There are further examples of decisions taken by the
38 central management team which have not been subject to

1 full council approval including the decision to trawl
2 staff for voluntary redundancy". I am surprised that if
3 you are looking at such a sensitive area as voluntary
4 redundancy there would not be a paper put by the central
5 management team to the council to outline the sort of
6 principles and the strategy in relation to ensuring that
7 voluntary redundancies do not damage political and
8 strategic priorities. That is the key point. It seems
9 a strange thing to delegate to the central management
10 team without a paper coming to the council.

11 A. (Mr Huntingford) The council had had a paper that had
12 established a policy, not at that time but a continuing
13 policy that had said that there would be no compulsory
14 redundancies in the council but that voluntary
15 redundancies were possible, and again within the
16 financial circumstances we faced towards the end of 2005
17 and looking ahead to 2005/06 then there was an urgent
18 need for a freeze on vacancies and for consideration of
19 a trawl in order to get people who wanted to take
20 advantage of that out of the employment of the council
21 before the start of the next financial year. So it was
22 not something that officers took a unilateral decision
23 on, it was in accord with council policy.

24 THE CHAIRMAN: Can I just interrupt for one second. I do
25 apologise to the public here but this session will
26 continue until probably 1.30. I said at the start it
27 would be 1 o'clock but this part of the session will
28 carry on until 1.30. Bear with us.

29 MR GEDDES: Can I move on to housing services, page 47 of
30 West Dunbartonshire Council's response document. It
31 says here, "We wish to challenge the erroneous
32 statements made in the report regarding the housing
33 service," and you highlight two statements. If I can
34 just concentrate on the first one which is from the
35 Audit Scotland report which states that, "Housing
36 services continue to perform poorly and are subject to a
37 review by Community Scotland of the action plan
38 associated with the previous inspection report". Is it

1 the case that that sentence from the Audit Scotland
2 report is totally wrong and is it the case that
3 Community Scotland are happy with the further review of
4 the action plan that was out in place after the
5 inspection by Community Scotland?

6 A. (Mr McMillan) Chair, we agreed an action plan with
7 Community Scotland in December 2004. There were three
8 elements to that. The inspection covered homelessness,
9 housing repairs and housing management. At the end of
10 year one we were to provide an updated report which was
11 December 2005; I think that went to them in January and
12 they were assessing that. For housing repairs it was a
13 two year follow-up, so the housing repairs follow-up was
14 not required until December 2006. I do not know if that
15 answers your question.

16 Q. Are you still saying that the statement made by Audit
17 Scotland is erroneous or are you saying that Community
18 Scotland are still happy with the review that they
19 carried out?

20 A. (Mr McMillan) Well, they had not undertaken that review
21 at the time of our original action plan; that was in
22 the process when the audit team were in the council, it
23 was in process.

24 Q. OK, thank you.

25 A. (Mr White) Can I just add to that; it is the case that
26 there is continuing dialogue with Community Scotland, as
27 there would be because of the nature of this kind of
28 report. My understanding is that around 90 per cent of
29 the points in the action plan that was agreed with
30 Community Scotland have been delivered on. I think this
31 particular example you are raising is a good example of
32 the issue of whether the report is balanced or not. In
33 exhibit 18 of the report from Audit Scotland, page 59,
34 it lists from the Community Scotland report, and this
35 lifts from exactly a section of the Community Scotland
36 report, it says, "Housing management. (d) The council
37 delivers a poor housing service with major areas where
38 improvement is needed". It does not also lift from the

1 very same box the comment from Community Scotland that
2 says, "We consider that prospects for improvement in the
3 housing management service are promising". Then over
4 the page on page 60, "Property management. (c) The
5 council delivers a fair property management service with
6 some strengths but with significant areas where
7 improvement is required," lifted from the Community
8 Scotland report, but it does not lift in the same box,
9 "We consider that prospects for improvement in the
10 property management service are promising". And the
11 area of homelessness, lifted again from the Community
12 Scotland report on page 60, it says, (b) The council
13 delivers a good homelessness service with many strengths
14 and some areas where improvement is needed," and it does
15 not lift from the same box, "We consider that prospects
16 for improvement in the homelessness service are
17 promising". It is not a case that it is further on in
18 the box, it is the very next line of those boxes, so in
19 the interests of balance and fairness I think they
20 should have gone further and quoted the complete section
21 from Community Scotland that they have produced as an
22 exhibit.

23 MR GEDDES: Thank you very much.

24 THE CHAIRMAN: Could I just follow up on that? You are
25 confident in terms of the progress that has been made in
26 accordance with that that it is in line with the
27 position you are in?

28 A. (Mr McMillan) I am sorry?

29 Q. You are confident that the position as outlined in your
30 submission in terms of housing management etc, promising
31 that it will continue to improve, you are confident that
32 that is the ongoing position?

33 A. (Mr McMillan) I think we are seeing a process of
34 continuous improvement within our housing service. I
35 think there are still particular challenges, not least,
36 for example, the high level of voids that we have as a
37 council, the issue as far as rent arrears and repairs
38 are concerned; there is in some analysis of those

1 figures improvement but we want to see more improvement.

2 Q. It is in line with the submission where you used 2005/06
3 for progress that has been made actually in the last two
4 years.

5 A. (Mr McMillan) Yes, I support the submission.

6 PROFESSOR BAILLIE: Let us turn then to another issues, being
7 the relations among members and also then between the
8 two groups, members and officers. We heard Ms Gardner
9 earlier acknowledge that of course it is a legitimate
10 thing for councillors to lobby with particular issues in
11 their area but in this case West Dunbartonshire appear
12 to have gone a bit beyond that. Can I just ask a couple
13 of general questions first of all and then I am going to
14 pass over to Keith. The first is the extent to which
15 officers accept instructions from the administration
16 group and what is the process by which that comes about.

17 A. (Mr Huntingford) It comes about through decisions made
18 in the formal decision making processes of the council.
19 Council officers take their instructions from decisions
20 reached in committee or council on the policies and
21 practices that will be applied.

22 Q. So that is derived from meetings and from decisions from
23 meetings.

24 A. (Mr Huntingford) Yes.

25 Q. And it is documented in what I would assume is the usual
26 way.

27 A. (Mr Huntingford) Yes, examples such as the
28 aforementioned kitchen improvement programme, that was
29 in accordance with the council decision about the way we
30 would go about that investment programme.

31 Q. OK. Let us then take the same question but applied in
32 terms of the instructions from the council leader to
33 officers. What is the process that governs that? Is
34 there a written instruction or is it less formal or
35 what?

36 A. (Mr Huntingford) I have never had, I do not think,
37 written instructions from the council leader instructing
38 me to do individual things. There is a constant process

1 of dialogue between the chief executive and leader and
2 between directors and conveners of service areas about
3 issues of concern, that is the natural dialogue of
4 politics.

5 PROFESSOR BAILLIE: All right. Those were the two warm-up
6 questions and I will pass on to Keith.

7 MR GEDDES: Just to continue on that theme, do senior
8 officers accept instructions from individual councillors
9 on constituency matters?

10 A. (Mr Huntingford) No.

11 Q. If I am a back bench councillor in any political party
12 in West Dunbartonshire and I get a complaint from a
13 council tenant about, I do not know, dampness, what is
14 the process that is followed? Do individual back
15 benchers get in contact with sort of low level, hard
16 working council employees, contrasted with senior
17 officials, perhaps, do they have direct contact or does
18 it have to go through appropriate channels?

19 A. (Mr Huntingford) The expectation would be that they
20 may, if it was a housing, dampness thing they may get on
21 to the local area office or they may go to a more senior
22 officer and raise their concerns. In either case I
23 think the standard response of officers of the council
24 would be to say that the matter would be looked into.

25 Q. Are all councillors treated in the same way in terms of
26 individual constituency matters?

27 A. (Mr Huntingford) I believe so, yes.

28 Q. Do councillors outwith formal committee proceedings
29 become involved in individual employees' jobs, terms and
30 conditions at all?

31 A. (Mr Huntingford) Not normally, no. We have very
32 clearly laid down on employment policies and practices
33 and rules and regulations and those are what determine
34 the conditions of service of employees.

35 MR GEDDES: OK, thank you.

36 PROFESSOR BAILLIE: Does that extent to appraisals? Do
37 members get involve din the appraisals process?

38 A. (Mr Huntingford) Only with members of the corporate

1 management team. There is an annual appraisal process
2 for the chief executive and directors of the council
3 which involves the leader of the council, the leader of
4 the opposition and usually in the case of directors the
5 particular service conveners plus the head of personnel.

6 Q. OK, thank you. Let us then turn to staff morale and
7 what is referred to sometimes as organisational culture.

8 We have heard a lot from both you and the previous
9 panel of presenters about this staff survey. Can I just
10 clarify; did you agree to the staff survey's design? I
11 think you said earlier that you did.

12 A. (Mr Huntingford) I never saw the detailed questions
13 that were being asked, they were never presented to me
14 for consideration. What I did agree was that in
15 principle we had no difficulty if Audit Scotland wished
16 to carry out surveys, and in fact we offered assistance
17 to distribute the staff survey. As I have said more
18 than once this morning, and this afternoon now, my
19 concern was not about the principle but about the way
20 that it was done and the inferences drawn from it.

21 Q. Let us then go on to the specifics of the alleged
22 bullying. You have made part of your case here about
23 the flaws you see in the survey process. You heard this
24 morning from the auditors that that was one piece of
25 evidence, there were other pieces of evidence, and this
26 is referred to at paragraph 59 of their report, in the
27 form of interviews and focus group. It tends to suggest
28 in the absence of other evidence to the contrary that
29 there is something in the form of bullying going on.
30 Have you any comments on whether you see that as an
31 issue? You mentioned earlier that you thought that
32 perhaps it occurred here and there but it was not really
33 an issue. Is that your view?

34 A. (Mr Huntingford) I think that is exactly my view. In
35 an organisation with 6,500 staff it would be remarkable
36 if there were never any instances of individual
37 harassment or bullying of staff of the council. I think
38 it would not be reasonable to expect that. My concern

1 is the descriptions of a culture of bullying and in the
2 paragraph you refer to, paragraph 59, numerous
3 allegations. What is numerous?

4 Q. Define "numerous"; yes.

5 Q. Define "numerous". I think 12 out of 1,033 staff who
6 replied to the survey who make any reference to the
7 issue is not numerous.

8 Q. Do you accept that there were other parts to the
9 evidence such as the interviews and focus group?

10 A. (Mr Huntingford) Well, if Audit Scotland say that in
11 individual interviews people referred to that then I
12 accept their word on that. I have also reported and
13 commented on the fact that their only focus group with
14 staff of the council involved seven staff from one small
15 section of the council, and I think it asks serious
16 questions about how much general inference can be drawn
17 from that.

18 Q. Do you think any general inference can be drawn from
19 what appears to be the issue in housing and technical
20 services? There seems to be a disproportionate number
21 of allegations of bullying coming from that department.

22 A. (Mr Huntingford) Yes, I think there were particular
23 issues in that department which was going through
24 substantial change. It had been transferred, we had
25 previously had a department of social work and housing,
26 and the council made the decision that it would fit
27 better with technical services because the issues were
28 perhaps more about quality of housing stock rather than
29 issues to do with social work, and so they made the
30 decision to transfer the service to Mr McMillan's former
31 department. I think that change is always difficult for
32 people to accept.

33 It did involve significant restructuring,
34 significant examination of the way the service is
35 delivered, that was a direct consequence also of the
36 comments made by Community Scotland in their inspection,
37 and I think, as I am sure you would recognise when
38 change occurs, when people's jobs are being changed,

1 when there are issues of people being asked to work in
2 different ways, perhaps that old practices need to be
3 reviewed, you will get people how do not find that easy
4 to adjust to. When pressure for people to change
5 becomes bullying or harassment I think is a difficult
6 issue to determine. I am clear that there was need for
7 change and that that process was pursued vigorously by
8 the director but never again has anyone previously come
9 to me and specifically raised an issue, either through
10 the trades unions or any of the other mechanisms open,
11 to say that this is a real problem.

12 Q. OK, thank you. I now refer to paragraph 60 of Audit
13 Scotland's report and for the benefit of everyone this
14 refers to the council acknowledging that elements of a
15 culture of bullying and intimidation may exist within
16 certain parts of the organisation. Is that the case?

17 A. (Mr Huntingford) No, I think there was a
18 misunderstanding; I think that is directly something
19 that I was involved in a discussion with auditors about.
20 What I referred to was the very difficult history that
21 West Dunbartonshire Council had experienced with my
22 predecessor and the very difficult relationships that
23 there were between the senior members of the
24 administration and my predecessor which I think led to
25 major difficulties within the council, and I was also
26 referring to the culture that I and my senior management
27 colleagues were experiencing from the former management
28 regime; hence my comment that things were a lot better
29 because the management style I believed was inclusive
30 and co-operative and we worked together as a team. That
31 had not been the case in the past and many threats had
32 been issued to senior officers of the council, including
33 myself, in the past which were not tolerated in my time.

34 Q. Thank you.

35 A. (Mr McMillan) Chair, can I add to this?

36 THE CHAIRMAN: Yes, certainly, Mr McMillan.

37 A. (Mr McMillan) The number of bullying allegations is
38 very low, we believe, and it does not constitute a

1 bullying culture. We have demonstrated that we have the
2 procedures in place, the new whistle blowing policy, the
3 well established grievance procedure and employee
4 counselling services, and a dignity at work policy to
5 deal with these issues. If we are to add weight to the
6 survey with continually referring to the bullying
7 culture, we have analysed that survey as well and the
8 issues that come up in the staff survey, bullying is not
9 top of the list, it is about resources, physical working
10 conditions, communications and developing managerial
11 competencies. Those are the issues that come top of the
12 list in the survey.

13 PROFESSOR BAILLIE: Right.

14 THE CHAIRMAN: I am sorry, could I just interject. In
15 terms of the council's submission in terms of the
16 overall submission on page 4 you identify the areas that
17 you believe you need to do some work on.

18 A. (Mr McMillan) Yes.

19 Q. But page 12 of the same submission actually uses
20 different words, i.e. on page 12 you actually say,
21 "Other areas are much more widely perceived to be a
22 problem by staff such as employee/employer relations".
23 You do not mention that on page 4 of your overall
24 summary. The rest is mentioned, resources,
25 communications etc, but you actually exclude employee
26 and employer relations. I wondered why you chose to
27 miss that from the summary?

28 A. (Mr McMillan) Well, there is no intention; there is no
29 intention.

30 THE CHAIRMAN: Thank you.

31 PROFESSOR BAILLIE: Let us just continue with this issue of
32 culture. Paragraph 56 of Audit Scotland's report
33 acknowledges the high levels of satisfaction to which
34 you also referred in your opening presentation, and it
35 says: "The high levels of satisfaction do not however
36 extend to staff morale". Do you accept that?

37 A. (Mr Huntingford) No, I do not, I believe that we have a
38 committed and hard working staff who deliver good

1 quality services to the community of West
2 Dunbartonshire, and it is perhaps not without
3 significance that I think it is something like 70 per
4 cent of the employees of West Dunbartonshire are also
5 residents of West Dunbartonshire and have a double
6 vested interest in the provision of good services
7 because they are not only the providers but the
8 recipients of them and I think the idea that they would
9 not be committed to providing good services to
10 themselves is difficult to sustain. It was ironic that
11 when, not to put it mildly, all hell broke loose on 4th
12 October over this report with the leak of it and the
13 publicity that followed the next day, that night ---

14 THE CHAIRMAN: I am very sorry; you would need to
15 substantiate the leak of it because we have already made
16 it clear why from the Commission's sense it was ---

17 A. (Mr Huntingford) OK, I will withdraw the statement;
18 when it had been made. That same night, 3rd October, we
19 were next door in the hall there with over 150 staff on
20 our annual staff awards night when we recognise the
21 commitment and hard work and achievement of so many
22 staff, many of whom had been recommended for awards by
23 members of the public. It was an ironic situation to be
24 in that the next morning we had all the negative
25 publicity about the council and the night before we had
26 this hard working, committed group of staff rejoicing in
27 the commitment and the quality that they displayed.

28 THE CHAIRMAN: Thank you. Keith.

29 MR GEDDES: Can I just move on slightly and try to put this
30 in a bit of context, and before I say this can I just
31 indicate that I understand the nature of the scale of
32 the problems that are faced in your council area
33 compared to other council areas which I have had
34 experience of in the past. But there is maybe an
35 underlying sense of fatalism here which might just
36 pervade the thinking of maybe politicians and maybe
37 officials. Councillor White referred this morning to
38 the legacy of the mismatch transitional scheme that was

1 put together in 1996 and I accept that there may be a
2 need to look at greater emphasis being put on indices of
3 deprivation than in population count alone. That is 10
4 years out of date now. You then look forward to the
5 next page of the Audit Scotland report, paragraph 37:
6 "It is clear that the council has concerns over its
7 longer term sustainability in its current form". That
8 is something that could also be argued about but is the
9 sort of history and the future not something that weighs
10 too heavily on your own minds and perhaps reduces the
11 level of expectation you may have about service
12 improvements?

13 A. (Mr White) I do not accept that is the case at all in
14 West Dunbartonshire. It is the case that in my opening
15 remarks I referred to the mismatch system. The Scottish
16 Parliament Finance Committee just as recently as this
17 year actually still believe that that is an issue
18 because they had an inquiry into it, so it is an issue
19 as far as if the Scottish Executive is saying that they
20 believe that poverty and deprivation is an issue that
21 should be challenged then surely how you allocate
22 resources to tackle those problems is something that
23 should be considered very seriously, and obviously as a
24 council that wants the best for this area we continue to
25 make submissions to that debate and make a case for us.
26 But you only just picked one part of the comments I
27 made this morning.

28 I think the statistics that I gave the Commission as
29 well about where we were as a community back in 1996 and
30 where we are now show that we are an area that is seeing
31 a continuous improvement and we expect that within our
32 council services as well. I am under no doubt
33 whatsoever that if the council was not trying to improve
34 the services we provide those statistics would not have
35 been turned round as well as they have been. I gave you
36 one example; maybe I should not have made the joke
37 about Newsnight but it is the case that this is the only
38 council in Scotland that has wiped out illiteracy;

1 there is interest in that from across the world and
2 there are academic experts who say that West
3 Dunbartonshire should be looked at.

4 You made reference to the comment in paragraph 37,
5 page 15, the long term sustainability of the council in
6 its current form. It is the case that when I met the
7 audit team I discussed this issue because it is a very
8 live issue, the future of Scottish local government,
9 whether there are going to be 32 councils left in
10 Scotland. I think to put it in the context of my
11 discussions with them at that time I think either just
12 that day or perhaps that week there was actually a map
13 published in the Glasgow Herald that showed that West
14 Dunbartonshire Council did not exist any more, so to not
15 have a discussion in that context that would recognise
16 the current debate that is ongoing I think would have
17 been remiss. But it is not the case that heads are down
18 here, it is all gloom and doom; I think what we have
19 tried to say both in my contribution and in the
20 submission and in the many good services that we have
21 shows that we do think there is a future for our
22 community and for our council.

23 Q. Mr Huntingford.

24 A. (Mr Huntingford) Just briefly to follow up on that, I
25 think it would be bizarre if officers and members of the
26 council were not actively considering what the future
27 shape might be and if we did not do that we would not
28 have taken the initiatives that we have in looking at
29 the options for shared services and for teaming up with
30 other councils. Only relatively recently, before I
31 left, for instance, Mr McMillan and I met with the chief
32 executive from Glasgow City Council to have further
33 discussions which he had previously been involved about
34 the options for shared services; if we did not look at
35 the efficiency agenda of the shared services agenda then
36 I think we would rightly be criticised. I think that is
37 very different from our heads being down or our
38 believing that we were not working effectively in West

1 Dunbartonshire. I actually feel full of hope and if you
2 want in your lunch break, if you get one, to go and look
3 over the wall behind here and you see the transformation
4 that is starting to occur with the new Clydebank College
5 and you see the kind of economic regeneration that is
6 going on here, then that is the future for this area.
7 It is very rosy over the next 10 years.

8 THE CHAIRMAN: Ladies and gentlemen, you have been very good
9 up until now. Would you please calm down just a very
10 little.

11 PROFESSOR BAILLIE: There are very few questions to go.
12 Just to finish the issue on organisational culture that
13 I referred to earlier, how would you describe the
14 organisational culture of the council?

15 A. (Mr Huntingford) I would have said that we were a good
16 employer, that we look after our staff, that we have
17 positive employment policies which many staff recognise.
18 I think generally we are an inclusive council. We do
19 listen to what our staff say and, despite the evidence
20 produced that we have not carried out surveys, we have;
21 we carried out a survey of communication with our staff
22 as part of a best value review and it led to significant
23 changes in the way that we relate to staff and
24 communicate with them, which you have not been told
25 about in the report but which we told Audit Scotland
26 about. So that generally because we are a relatively
27 small council in a relatively small area I think there
28 is much more of an involvement feel about it and because
29 so many people come from the area as well, generally I
30 think that this is a place that people are happy to work
31 in and feel that they have got a council that is
32 generally supportive of them.

33 PROFESSOR BAILLIE: Thank you. Keith.

34 MR GEDDES: Could we move on to competitiveness and
35 continuous improvement, page 41, paragraph 157, exhibit
36 10 of the Audit Scotland report and your response on
37 page 37 of the WDC response document. I recognise there
38 is an element of politics in this in terms of the

1 importance of council employment for the local
2 community, but if you look at the table on page 41,
3 vehicle maintenance was last subject to competition back
4 in 1993, catering back in 1990, grounds maintenance back
5 in 1994. In your response document you talk about best
6 value reviews that include an element of benchmarking
7 and where positive this has indicated that market
8 testing was not required. Could you just say a word or
9 two more about the sort of best value process in terms
10 of market testing just so that I get a better
11 understanding of how each one is analysed and
12 prioritised in deciding whether or not to put it out to
13 competition?

14 A. (Mr McMillan) Each service is subject to a formal best
15 value process which follows the council's guidance on
16 best value reviews. It is a five stage process. First
17 we look at the scope of the review; secondly, we look
18 at consultations with stakeholders; thirdly, we
19 benchmark with private and other local authority
20 providers; then we come forward with an option
21 appraisal, then a final report and recommendation on to
22 members. All of these services, although it is former
23 CCT services the actual Local Government Act 2003 allows
24 us to come up with trading accounts. I just think the
25 table does not reflect the current position across
26 Scotland. Referring to our vehicle maintenance service,
27 that it has tendered since 1992 or whatever, is not
28 appropriate; there is more to the services of a council
29 than those in that table; that just lists ex CCT
30 services. What I would say is that all of those, maybe
31 with the exception of one, have been subject to a best
32 value review process which I have outlined to you in the
33 five stage process.

34 Q. To put it another way, we could go into more detail on
35 that but if we were to come back in five years' time in
36 terms of the provider we might just see there a
37 consortium of local authorities sharing services and,
38 for example, that you would have one council responsible

1 for five councils' grounds maintenance services. Have
2 you entered into discussions with other councils about
3 these services?

4 A. (Mr Huntingford) Exactly. Vehicle maintenance was one
5 that we discussed with Glasgow recently as something we
6 could do some further work on, and fleet acquisition,
7 maintenance, all those issues. Nearly all of those are
8 ones that we have said we would look at and we would
9 look at which ones were the most productive to take
10 forward. In fact one of them, grounds maintenance, it
11 says 1994; that is not accurate; there has been a
12 review of that and it has now been put out to tender, I
13 believe.

14 (Mr McMillan) Yes. In addition, too, the housing
15 maintenance service, that has been subject to tender.

16 (Mr Huntingford) Both of them have been put out to
17 competitive tender this year.

18 PROFESSOR BAILLIE: Let us then finally, and very quickly,
19 the audience will be relieved to hear, move to the
20 improvement agenda which is covered by section 9 of your
21 submission on page 56 wherein you list a number of
22 steps. Two questions. You mentioned that you are
23 developing an action plan for this, due next March. Can
24 you confirm to us that the action plan will have a
25 timetable attached to it?

26 A. (Mr McMillan) Yes, we have a list of the priorities
27 that you see as bullet points and they are up there. We
28 have got management actions and then resource
29 implications, the responsible officer and the time
30 scales attached to that.

31 PROFESSOR BAILLIE: Thank you.

32 THE CHAIRMAN: One last question from Ms Couper.

33 MS COUPER: Thank you very much. I am going to go back to
34 the very first question that was put to you, Councillor
35 White, but I am only going to go back to that question,
36 do not worry, ladies and gentlemen, and then we will
37 break for lunch. The question was put to you by Mr
38 Geddes about the status of the council's submission, the

1 document submitted to the Accounts Commission on behalf
2 of West Dunbartonshire Council, and I understood you to
3 say that the document had been prepared by officials on
4 the instruction of the council but it had not been
5 agreed in its final form through discussion of a draft
6 by the whole council. Is that correct?

7 A. (Mr White) That is correct. The council took a
8 decision on 25th October that we would request that the
9 Audit Scotland team came back in, failing that we would
10 have the public inquiry. There was a division within
11 the council. It was supported unanimously by all
12 members of the administration present and all members of
13 the opposition opposed that, and that is public record.

14 Q. Thank you. Can you clarify for me, please, who took the
15 decision to sign off from the draft to the final that we
16 have received?

17 A. (Mr White) Who - ?

18 Q. Who considered the draft submission prepared by council
19 officials and finalised the copy that is now in our
20 hands?

21 A. (Mr McMillan) I did as the chief executive.

22 Q. You did as the chief executive?

23 A. (Mr McMillan) Yes.

24 Q. Can I ask, the final part of my question is when and by
25 which method was the final submission circulated or made
26 available to all councillors?

27 A. (Mr McMillan) Yesterday afternoon.

28 Q. Can I ask you, then, Councillor White; you stated
29 throughout your evidence your view that there is a high
30 standard of openness and transparency adopted by the
31 council. Does that timing of submission comply with the
32 standards you feel are appropriate and are in place?

33 A. (Mr White) I think there is a situation here where West
34 Dunbartonshire Council have agreed to make the strongest
35 possible case to a public hearing that the status of a
36 document before the council have had time to consider it
37 balanced with the need to make sure that the case that
38 we make to you is as effective as possible is a

1 difficult situation. I think you seem to be suggesting
2 that the chief executive could have made the document
3 available to elected members at an earlier stage and I
4 think that is a fair comment.

5 Q. I am simply interested in your view as to whether that
6 stacks up with your view of openness and transparency.
7 It is not for me to draw a conclusion; I am asking for
8 your view on that.

9 A. (Mr White) On the issue of transparency I think the
10 point that you have made is a fair point to make.

11 Q. Thank you.

12 A. (Mr White) But again we have to take it back to the
13 decision taken by the council, the need for this council
14 to make the strongest and most effective case to the
15 Commission and, you know, living in the real world as
16 far as that is concerned.

17 MS COUPER: Thank you very much.

18 THE CHAIRMAN: Councillor White and your colleagues, is
19 there anything that you wish to add to your statements?

20 A. (Mr White) There certainly is, chairman. I am actually
21 going to ask Tim Huntingford to do some summing-up for
22 us but I did raise an issue with you earlier on when I
23 met you briefly upstairs regarding some comments

24 Q. This was in the corridor towards the toilets.

25 A. Towards the toilets, where I did raise concerns with you
26 regarding the comments made by the controller of audit.

27 Those comments related to suggestions that during the
28 period of audit there was a disciplinary investigation
29 into elected members regarding the issue of bullying and
30 a clear inference that that elected member was me. To
31 my knowledge there is no enquiry into elected members
32 that would have been available to the controller of
33 audit but I particularly want to address the suggestion
34 that it might relate to myself and I will do that by
35 just reading out this letter which I received from
36 Leslie Quinn which does confirm that there are
37 investigations into myself as far as the Labour Party
38 are concerned but definitely not to do with bullying.

1 It says, "Dear Councillor White"; sorry, it was
2 actually to my lawyer, "Dear Mr McGrade":

3 "Councillor Andrew White. Further to your letter
4 of 19th April, as Councillor White was informed by
5 letter on 29th March the matter has been referred
6 to the NEC Disputes Panel. The SEC [which is the
7 Scottish Executive Committee] are concerned that
8 Councillor White may have breached Labour Party
9 rules in the recruitment of members and have passed
10 on their concerns to the NEC Disputes Panel."

11 I think it is very disappointing that the controller of
12 audit of all people would make such an assertion to you
13 as a Commission when it is clearly not the case and I
14 would like to hand over now to the former chief
15 executive.

16 Q. Can I just say that your response there is now on
17 record?

18 A. (Mr White) Thank you.

19 (Mr Huntingford) I just wanted to make a few final
20 remarks on behalf of the council.

21 I think this session this morning both from Audit
22 Scotland and ourselves has raised a sufficient number
23 and range of concerns about the accuracy, reliability
24 and balance of the Audit Scotland report to cause doubt
25 in your minds that the report can stand in its present
26 form as a credible assessment of West Dunbartonshire
27 Council.

28 I and I believe the council would accept, as I have
29 already said, the judgment of middle ranking for a
30 council operating under the demographic and social
31 conditions of West Dunbartonshire Council with the
32 constant pressure of a financial settlement that does
33 little to recognise the need and the cost of providing
34 services to such a needy population. I think middle
35 ranking reflects relatively well on the efforts of the
36 council to provide decent and improving services to the
37 community.

38 If the report had said that, balancing the progress

1 with the need for improvement, relying on the hard
2 evidence rather than the unsubstantiated allegations,
3 then we would have no complaint. Audit Scotland say in
4 the report that our own assessment of the areas for
5 improvement was largely their own. How, then, do they
6 come to paint such a negative and disappointing picture
7 of a council that has shown year on year improvement?
8 Why did Audit Scotland refuse to acknowledge the year on
9 year improvement in our performance indicators? What
10 credence can be placed on a report which uses data now
11 18 months out of date when up to date data is available
12 and has been audited, and if you think that they could
13 not do that then look at paragraph 250 where they use a
14 performance indicator from 2005/06. That should have
15 been the report, a council to do and with a significant
16 agenda to face but a council delivering year on year
17 improvements in services with some excellent and
18 universally well regarded services, with a history of
19 excellent joint working, with strong community links and
20 with a timetable committed to keep on improving.

21 I remember when the best value audits were being
22 planned attending a session -- you may remember this,
23 chair -- at Edinburgh City Chambers with yourself and
24 the controller of audit and I think some other members
25 who are here today. What was repeatedly stressed was
26 that the audit process was intended to be supportive,
27 helpful and constructively critical, designed to work
28 with councils to identify the way forward. That is
29 sadly not what we have experienced in West
30 Dunbartonshire. This has not been Audit Scotland's
31 finest hour and it is worrying that not for the first
32 time they have not won the confidence and respect that
33 other inspectorates have achieved. They frankly got it
34 wrong in West Dunbartonshire and were not prepared to
35 allow a little flexibility, common sense and time to put
36 it right. They have done a disservice to the people of
37 West Dunbartonshire by their lack of objectivity.

38 It demonstrates only too clearly the need for the

1 review that the Accounts Commission is currently
2 embarked upon. I sincerely hope that for the councils
3 that come after and for the credibility of the review
4 programme the issues raised by this audit will be
5 squarely focused on so that local government in Scotland
6 can derive the benefit that we had hoped we would get
7 from the best value audit. Thank you.

8 THE CHAIRMAN: Can I thank each of you for your assistance
9 to the Commission this morning and just into this
10 afternoon, and can I say that we will reconvene at 10
11 past 2. Can I also say thank you particular to the
12 public for their forbearance during this first session.

13
14 (The lunch adjournment)

15
16 - - - - -

17 AFTERNOON SESSION

18
19 THE CHAIRMAN: Can I welcome you back to the second
20 session of this public inquiry. I would ask the next
21 witness to state who they are and their position; thank
22 you very much.

23 MS BAILLIE: Good afternoon. I am Jackie Baillie, MSP for
24 Dumbarton. Shall I just proceed with my statement?

25 THE CHAIRMAN: Yes. Could you take the microphone nearer
26 you because the people at the back of the room have
27 difficulty in hearing.

28 MS BAILLIE: OK. I find that quite extraordinary because
29 my husband always says I have a loud enough voice!
30 I suspect civil servants would probably describe what
31 I am about to do as being quite brave but that has not
32 put me off before and I am therefore very grateful to
33 the Commission for the opportunity to address the
34 hearing about Audit Scotland's best value report for
35 West Dunbartonshire Council.

36 I will refrain from rebutting all of the comments
37 made by the council. I did find it quite interesting to
38 listen to their list of achievements and did not quite

1 fully appreciate that Gordon Brown and Jack McConnell
2 were members of West Dunbartonshire Council. I am,
3 however, very disappointed that there was little
4 acknowledgement of the need to improve before we arrived
5 at this meeting, and I have to say as well that I have
6 been told about bullying by the trade unions, I have
7 seen it at meetings of elected members and I am aware of
8 it in relation to member/officer relationships.

9 I understand that Audit Scotland spent some time
10 considering the content of their report and I regret to
11 say that I recognise and identify with key sections
12 which mirror my recent experience of West Dunbartonshire
13 Council. At the outset let me take this opportunity to
14 dispel some misinformation that is in the ether.

15 Firstly, the report is not to my reading critical of the
16 overwhelming majority of staff that provide our services
17 on a daily basis. Services like education and social
18 work, which rightly receive praise, are delivered by
19 dedicated employees in every part of our community and
20 these are greatly valued. I know that as a resident, I
21 know that as a parent with a child at school and I know
22 that from my constituents. Rather, the report is
23 critical of the senior management team and the political
24 leadership. Anyone who has taken the time to read the
25 report is clear that this is not about the staff.

26 Secondly, it has also been said that Audit Scotland
27 only spent 12 days with the council. I suspect that
28 that is not the case at all. Thirdly, one of the
29 elected members has stated in writing, "This is why for
30 the first time a Scottish council has had to drag Audit
31 Scotland to a public hearing to account for itself".
32 Again it might be useful if you indicated whether you
33 agree with these remarks.

34 What has followed the publication of the Audit
35 Scotland report is a consistent and in my view
36 systematic rubbishing of its content by the council with
37 no attempt to embrace the requirement to change and
38 improve. And let me finally deal with the red herring

1 that I and John McFall somehow leaked the report. We
2 made a request for the report from Audit Scotland; the
3 request was granted. That was at least 24 hours after
4 the chief executive and council leader had been
5 furnished with a copy when the report entered the public
6 domain. The contents should not have come as a surprise
7 as there is an iterative process of consultation between
8 Audit Scotland and the council, yet the council's
9 response, regretfully, is little to do with the
10 substance and all to do with diverting attention on
11 matters of process, and that is really the unfortunate
12 context for today's hearing.

13 My primary interest as the MSP for Dumbarton and the
14 Vale of Leven is to ensure that my constituents are
15 treated fairly and equitably and that they receive the
16 best services possible. I will let nothing stand in the
17 way of that. I wish to focus my comments this afternoon
18 on two aspects of the report, namely, decision making
19 and governance, and in doing so I bring my perspective
20 as a former local government officer used to working
21 with elected members and indeed reporting to committee.

22 As the audit report sets out quite clearly, best
23 value statutory guidance requires elected members to
24 ensure that their decision making processes are open and
25 transparent and council business managed in a manner
26 which supports accountability and where the reasoning
27 which underpins the decisions of the council is clearly
28 documented and traceable. I want to offer three
29 examples which I believe illustrate a lack of
30 transparency, a lack of accountability, a lack of
31 strategic vision and consequently a lack of fairness and
32 equity.

33 Firstly there is the question of spending on the
34 schools estate. My colleague John McFall MP and I were
35 first alerted to concerns in February 2006 by
36 councillors and the local Labour Party. At that stage
37 we attempted to engage in dialogue with the group
38 leadership, to no avail, and consequently entered into

1 correspondence with them, and I have provided copies for
2 the Commission to consider.

3 Essentially there are two strands of funding, the
4 £100 million PPP fund for the regeneration of the
5 schools estate and the £7.75 million schools improvement
6 fund. The £100 million PPP fund to refurbish or build
7 new schools was the subject of consultation with
8 stakeholders. It is true to say that in some areas
9 there was dissatisfaction with the proposals and views
10 were very robustly expressed by parents and the local
11 community. This resulted in a change to the outline
12 plan, with the removal of Bonhill primary from a planned
13 merger with Renton primary and the subsequent
14 substitution of Christie Park with Renton primary not
15 proceeding.

16 It is worth noting that additional funding was
17 agreed from normal capital borrowing to assist with the
18 relocation of the dance studio in Clydebank. This was
19 alongside the PPP fund and in my view entirely
20 appropriate. What is more troubling is that Clydebank
21 schools are apparently to have facilities such as a six
22 lane running track and all weather basketball courts
23 which will not be provided for schools in other parts of
24 the council area. I also understand that on 31st August
25 2006 the council agreed a further £1 million borrowing
26 which would be spent as part of the sports strategy on
27 the schools estate. There is no clarity on what this
28 will be used for, no requirement to report back to
29 council on the distribution of the spend; indeed there
30 is no transparency or logic underpinning the decision to
31 provide enhanced facilities for Clydebank over other
32 areas.

33 The allocation of the £7.75 million schools
34 improvement fund was considered by the Labour group on
35 6th February 2006 and 20th February 2006, although the
36 minutes are silent on the matter. It was at the meeting
37 on 6th February that a motion was moved by Councillor
38 White that £3 million should be set aside for Bonhill

1 primary and that as compensation for the fact that a
2 60:40 split of resources from the PPP in favour of
3 Clydebank had somehow been reneged on the remainder of
4 the fund would be spent in Clydebank. Whilst there is
5 no explicit evidence of a 60:40 deal, this split was
6 confirmed to John McFall MP and I by Councillors White
7 and Flynn at our meeting with them on 18th February 2006
8 and whilst they have since denied this the evidence of a
9 60:40 deal has been confirmed by five other councillors,
10 and indeed it would appear that ultra vires meetings
11 took place attended by a small number of councillors
12 without the knowledge of the wider group.

13 The allocation of resources from the schools
14 improvement fund was based on a false premise. The
15 decision was not strategic but geographically focused
16 and failed to address the schools in most need as
17 identified in the CIPFA list of priorities for West
18 Dunbartonshire schools. It is interesting to note that
19 one school, which is perhaps one of the lowest
20 priorities for investment because it is in good
21 condition, received funding whilst others like St
22 Joseph's and St Peter's, acknowledged as being in the
23 worst condition, received very little if not nothing at
24 all. I understand that one head teacher, and whilst
25 this is anecdotal it perhaps is illustrative, commented
26 in surprise, "I asked for new windows but I got a new
27 school". Furthermore, senior officers, paid a
28 considerable amount for their professional expertise and
29 advice, were explicitly told not to make recommendations
30 or offer advice on the allocation of the schools
31 improvement fund. There is little evidence therefore of
32 transparency, little evidence in my view of policy based
33 decision making, little evidence of fairness and equity
34 which, frankly, I find unacceptable.

35 Let me turn very quickly to Renton community
36 education centre and library. The council announced
37 their decision to close both facilities as part of a
38 budget saving exercise. Both John McFall and I at the

1 time wrote to the leader of the council with our views.

2 No other community education centre or library was
3 closing in any other part of the local authority area.
4 No strategic review of community education centres or
5 libraries was undertaken and there is no evident
6 rationale underpinning this decision, certainly none
7 that was evident before the decision was made. There
8 was no consultation with the local community or with
9 users of these facilities before the decision was taken.

10 Again there is little evidence of transparency, little
11 evidence of policy based decision making and
12 consequently little evidence of fairness and equity.

13 Finally, Dumbarton rent office: the payment counter
14 was closed without consultation with the local community
15 or service users and in the face of reasoned opposition
16 from the trade unions, the MP and the MSP. Again, aside
17 from the practical consequences for the elderly and
18 infirm the lack of engagement and the lack of
19 transparency is patently unhelpful. Those are three
20 examples which I hope the Commission will consider which
21 in my view are clearly unsatisfactory in terms of
22 decision making.

23 Let me touch briefly on governance. Since I was
24 elected in 1999 I have seen three chief executives at
25 West Dunbartonshire Council. I have lost count of how
26 many senior officers have left the authority. Suffice
27 to say that there is a clear churn and that degree of
28 constant change inevitably promotes a lack of stability
29 and continuity. At one stage until very recently the
30 senior management team consisted of one substantive
31 post, that of the new chief executive. The other
32 directors were in acting positions. Whilst there may be
33 entirely valid reasons for this it nevertheless makes it
34 much more difficult for the chief executive to progress
35 a programme of improvement.

36 The current structure has the chief executive and
37 three directors covering eight committees. Three of the
38 committees are themed, others include planning,

1 licensing, audit and performance. Fifteen councillors
2 receive special responsibility allowances at the higher
3 level despite varying responsibilities and not all of
4 them convening committees. That is entirely a matter
5 for the council to decide, but the lines of
6 accountability in my view are confused with some
7 directors responsible for a number of committees and
8 reporting indeed to different councillors.

9 Let me digress for a moment and I will draw my
10 comments to a close on these final points. You heard
11 earlier on today, prior to your recess for lunch, that
12 the leader of the council is not under investigation for
13 bullying. Let me be absolutely clear. There is a
14 separate investigation by the National Executive
15 Committee Local Government Governance Panel into a
16 number of allegations made about Councillor White. This
17 is separate but in addition to the NEC Disputes Panel
18 referred to by Councillor White, and I think it is
19 important we have that clarity.

20 It is essential, though, that any administration is
21 robustly scrutinised. The local community that the
22 authority covers has a role in doing that; the local
23 media have a role in doing that; so, too, do the
24 opposition. I understand that the audit and performance
25 committee had two places for members of the opposition,
26 at least one place of which was for the SNP. Neither of
27 these places was taken up. I think that is a matter of
28 genuinely considerable regret and I genuinely hope that
29 that will not be the case in the future. We all have a
30 part to play in making sure our local council is
31 scrutinised. I will not shirk from that challenge and I
32 would expect nothing less from all councillors.

33 I have to confess that it has not been an easy
34 experience giving evidence, I am more used to being on
35 the other side of the table asking questions but, you
36 know, if you believe as I do that your primary
37 responsibility is to your constituents then, frankly, I
38 will do this again and again if required. The services

1 in many, many areas are very, very good but the council
2 and specifically its leadership does not behave in a
3 manner that is in my view fair, equitable and
4 transparent. It has a duty to all of its constituents
5 in all areas of the authority. I put the interests of
6 my constituents first and that is exactly what I want
7 the authority to do. Thank you.

8 THE CHAIRMAN: Thank you very much, Ms Baillie. (Applause)
9 Can I say first of all, you posed a question about the
10 public hearing. Can I just confirm that the Commission
11 decided to hold a public hearing not as a direct result
12 of the request by the council but that there were
13 sufficient issues to hold such a hearing. That is just
14 to put the record straight as to the decision. Could I
15 start off and ask you a question which I think is
16 important.

17 Questioned by THE AUDIT COMMISSION

18 Q. You state that the officials were told not to make
19 recommendations or offer advice on the schools
20 allocation. What evidence have you got for that?

21 A. My colleague John McFall has documented evidence on this
22 and we are happy to make that available to the
23 Commission.

24 THE CHAIRMAN: Can I open it to other Commission members.

25 PROFESSOR BAILLIE: Is that evidence available to any other
26 interested party? It is not sensitive?

27 A. Well, I would prefer, given that the discussion was held
28 with my colleague, that that is the case, but certainly
29 I have oral evidence from senior officers to suggest
30 that that is true.

31 PROFESSOR BAILLIE: Thank you.

32 THE CHAIRMAN: Iain.

33 MR ROBERTSON: Ms Baillie, you mentioned rubbishing of the
34 Audit Scotland report. Do you feel that there is a sort
35 of campaign here of prevarication and denial and
36 obfuscation deliberately designed to confuse the public
37 and the Accounts Commission, if you like, on the
38 contents of the report?

1 A. I am sure that the assembled Commission are not easily
2 confused but I would say to you that had I been in local
3 government at the time my view was you embrace a report
4 like that. There may be issues about accuracy, you deal
5 with them, but you very quickly move on to an agenda of
6 improving your services. What I regretfully have
7 witnessed is an attempt to say that the staff are the
8 issue in this report where clearly they are not, and if
9 you took the trouble, as I am sure you have, to read it
10 that would become self evident. We have witnessed
11 articles and letters in the press, indeed the council's
12 own newspaper recently; I understand the desire to sell
13 the local authority in the best possible light and, as I
14 acknowledge, there are very many good services, but I do
15 think that an acceptance that sometimes, "Yes, we could
16 do better," would have been more beneficial in these
17 circumstances.

18 Q. So the view in the report about the lack of self
19 awareness is in common with their perhaps lack of a
20 sensitivity to listening to the views of other people
21 and issues; is that what we are saying?

22 A. No, I think in fairness you will find that some elected
23 members and indeed many of the officers do attempt to
24 listen to the views of people but there are demonstrable
25 examples where decisions have been made without regard
26 to anybody's view and it is those demonstrable examples,
27 some of them having quite severe consequences, that I
28 think have led me today to make the statement that I
29 have.

30 MR ROBERTSON: Thank you.

31 THE CHAIRMAN: Jean.

32 MS COUPER: Thank you. Ms Baillie, early on in your
33 statement to us you made reference to the subject of
34 bullying, and I think I picked up two of the three
35 points you made, you will help me with the third,
36 please. I think you said you were aware from the unions
37 that this was an issue; I think you said that you had
38 seen bullying at first hand at meetings. Can you remind

1 me of the third point you made, please?

2 A. And that I was aware of it in terms of member/officer
3 relations.

4 Q. Thank you. Would you tell us, please, a bit more about
5 the background to your statements on bullying.

6 A. Absolutely. You will appreciate as the MSP for the area
7 I am not directly involved with the council and
8 therefore would not know about the level of bullying
9 that has been reported. Naturally when the Audit
10 Scotland report came out I did seek information from the
11 trade unions as to whether the information contained
12 therein was an accurate reflection of their experience.
13 You will obviously hear from them yourselves directly
14 but I have been told by them that there are many
15 instances of bullying that they have concerns about.

16 Secondly, I have seen behaviour between elected
17 members which I do not find appropriate which could be
18 categorised as bullying. That has happened on occasion
19 and indeed individually elected members have felt deeply
20 uncomfortable about that. And lastly, I am aware that
21 in the context of some member/officer relations there
22 can be tensions and difficulties, but I am certainly of
23 the view that some of the officers would regard that as
24 bullying.

25 THE CHAIRMAN: Can I raise another question. It is obvious
26 the concerns that you have had about various aspects
27 that you have indicated. What efforts have you made
28 over a considerable period to convey those concerns to
29 the council?

30 A. Several efforts. We have tried talking to them; we
31 have tried having meetings with them, both John McFall
32 and I; the local Labour Party has been very exercised
33 by some of the decisions arrived at and have taken the
34 council to task over it. I think you will find that we
35 went into print, copies of which you have been provided
36 with, following our meeting on 18th February 2006. It
37 is quite extraordinary I think for elected members to
38 write members in the manner that both John McFall and I

1 wrote them but we felt sufficiently concerned about some
2 of the things we were hearing and witnessing that we
3 actually did that. You will also be aware and this is
4 not a subject for the Accounts Commission but I did in
5 fact refer to the Labour Party having a hearing into a
6 number of the allegations that have been made, and I am
7 looking forward to that.

8 Q. Yes, but as it is not a matter for the Commission we
9 will just move on.

10 A. Indeed.

11 MR GEDDES: Just to act as devil's advocate for a minute,
12 you say in the second bottom paragraph on page 3 of your
13 submission that the politicians failed to follow the
14 list of priorities identified by CIPFA. Are you not
15 arguing the case for local administration and not local
16 governance, and surely there must be some flexibility
17 for any politician of any party to have some political
18 input into the process?

19 A. Absolutely, and as a politician you would not expect me
20 to say that everything should be done on the basis of an
21 administrative decision; of course politics should be
22 put into the process. But I was brought up to believe
23 that actually you focused on need first. The culture of
24 my politics is about making sure we take care of those
25 who are most disadvantaged and have most need for
26 services or indeed for new school buildings. When you
27 look at the CIPFA list it is unfortunate that St
28 Joseph's in Clydebank, not even my own area but crying
29 out for change, is not being given substantial
30 resources; St Peter's in Bellsmyre, which is in my
31 area, likewise. At the end of the day if I as a
32 politician, albeit with a parochial interest, can argue
33 for a school in Clydebank then I would expect schools in
34 Dumbarton to merit the same attention.

35 Q. I have just obviously seen this for the first time just
36 now. Could you expand a bit about the Bonhill/Renton
37 merger and why that was called off? I did not quite
38 catch the importance of that.

1 A. It was essentially to demonstrate that the council did
2 in fact change its outline plan. Bonhill primary school
3 was decided to be merged with Renton primary school as
4 one of the options. There was significant local
5 opposition to that from the parents, from the teachers,
6 indeed from the kids themselves. The council thought
7 again and decided that they would take Bonhill out of
8 the programme but fund it separately through the schools
9 improvement fund but that they would then consult on
10 another proposal which was to merge Christie Park and
11 Renton primary. Unusually for a politician I interfered
12 to the extent that I actually wrote formally to the
13 council expressing my concern about that particular
14 merger and it did not go ahead.

15 So the outline plan was changed simply to exclude
16 both Bonhill primary and Renton primary from going
17 forward in the PPP. The reason I outlined that is to
18 set the context for the decision that was then taken
19 about allocating £3 million from the schools improvement
20 fund and then the rest of it somehow going to Clydebank
21 on the basis of some reneged deal.

22 MR GEDDES: Thank you.

23 THE CHAIRMAN: Are there any other questions? (Negative)
24 Thank you very much. Is there anything you want to add
25 to your evidence?

26 A. No, but can I thank you. It was a less painful
27 experience than I thought it would be.

28 THE CHAIRMAN: Thank you very much. Could I now call
29 Mike O'Donnell. I have already stated who you are; if
30 you could say what position you represent today, Mike.
31 Thank you.

32 MR O'DONNELL: Thank you very much, chair. I am going to
33 give the context of who I am in just a moment but I am
34 here representing community planning; I am the manager
35 of community planning in West Dunbartonshire.

36 Could I thank the Commission for the opportunity to
37 speak to you today. I would like to address some of the
38 comments made in relation to community planning by Audit

1 Scotland in the best value audit report. Firstly, I
2 would like to put my own position in relation to
3 community planning into context.

4 Between 1999 and 2005 I was the manager of the
5 social inclusion partnership in West Dunbartonshire and
6 as such I have had quite long linkages with community
7 planning throughout its time in the area. Since 2005 I
8 have been the manager of the community planning
9 partnership and I have recently started a secondment to
10 lead on the development of work force partnerships in
11 the seven "Closing the opportunity gap" areas in
12 Scotland, that is, the unemployment hot spots across the
13 country. The community planning partnership consists of
14 a range of public sector stakeholders, private sector,
15 the community and the voluntary sectors.

16 Whilst recognising that this is not actually a
17 comprehensive audit of community planning in West
18 Dunbartonshire, it is disappointing that the report
19 fails to capture or to highlight the progress and the
20 momentum that has been made in taking community planning
21 forward locally. What I would like to do now is to
22 address some of the findings in the report.

23 Firstly, the report states as a heading at the
24 bottom of page 21 under community planning and joint
25 working that community planning in West Dunbartonshire
26 has lacked impetus and its activity has "a narrow focus
27 on establishing the structure and developing the
28 regeneration outcome agreement. A significant challenge
29 remains to deliver outcomes for the area". This seems
30 slightly contradictory as the regeneration outcome
31 agreement is all about outcomes for the area, as the
32 title would imply. I will try to demonstrate later that
33 as a partnership we have not lacked impetus.

34 Secondly, on the integration of the social inclusion
35 partnership and community planning partnership, page 22,
36 point 74 of the report does not really recognise the
37 challenges of undertaking an integration process when
38 bringing two active partnerships together, and the

1 social inclusion partnership and the community planning
2 partnership both had quite a range of activity happening
3 on the ground across West Dunbartonshire. The report
4 focuses on the issue of community membership and
5 representation at the board and the perceived lack of
6 progress this caused. This is not actually borne out in
7 reality. I would, however, recognise that this was a
8 really difficult period for the partnership. However,
9 significant progress was still made immediately after
10 the integration and little of that is actually
11 acknowledged within the report. The report hardly
12 acknowledges any positive aspects of the integration
13 process and what I propose to do is to outline some
14 aspects of progress both during and after the
15 integration which was given to Audit Scotland but was
16 never reported positively. The only thing that they
17 really said was that we did not get much beyond
18 establishing the structure and developing the
19 regeneration outcome agreement.

20 Firstly as part of the integration process the board
21 agreed to broaden its membership to include the most
22 disadvantaged communities of interest such as black and
23 ethnic minorities and disabled, which are too thinly
24 spread across the area to make an impact at
25 neighbourhood level. This is in line with the Scottish
26 Executive's Community Planning Advice Note 2, published
27 in 2004. This was contentious at the time, there is no
28 doubt about that, but time has shown that the broader
29 based representation has benefited the board and aligns
30 more closely with our equality and diversity
31 requirements and aspirations. I believe that Tom
32 Divers, who was hoping to be here today, who is the
33 chief executive of NHS Glasgow and Clyde, who sat on the
34 community planning board for four years, highlights the
35 broadening of community representation in his written
36 submission to you as a positive development which does
37 not readily happen elsewhere from his own active
38 involvement with other community planning partnerships.

1 Secondly, as part of the integration process the
2 board wished to refocus the partnership beyond social
3 inclusion activity and set out a vision for this
4 including broadening the range of stakeholders and
5 themes that we actually had in the partnership. Again
6 that is not recognised within the report. Post
7 integration the board immediately agreed to review the
8 new integrated partnership to ensure it was fit for
9 purpose. This entailed a detailed review and analysis
10 of over 50 funded projects through the community
11 regeneration fund and other co-funded projects as well,
12 the staffing of the partnership and the structures of
13 the partnership. This was undertaken in the context of
14 minimal disruption to front line services, to maintain
15 the impetus which had been gained through the
16 partnerships and to ensure that service delivery was
17 maximised within local communities, a challenge which
18 was by and large but not wholly successfully undertaken.

19 Shortly after integration the partnership agreed to
20 focus on worklessness as its cross cutting area-wide
21 theme. This has been a challenging piece of work
22 involving everyone involved in the community planning
23 partnership, and I mean everyone. This, however, has
24 borne fruit as the strategy and practical work which the
25 community planning partners have and continue to
26 undertake on worklessness have been recognised by the
27 Scottish Executive's Workforce and Non Employment
28 Education and Training, the NEET teams, as being of the
29 highest quality.

30 At this time the board confirmed its existing
31 priority themes and established some new thematic
32 groups, for example one focusing around young people,
33 and began a process of underpinning our priorities with
34 responsible funding plans and also integrated community
35 safety as a key plan of community planning. The review
36 of funded projects is still ongoing but as a result of
37 this review process we are seeing joint funding being
38 reinvested in local projects focusing on neighbourhood

1 renewal, again a Scottish Executive priority, and the
2 advice note for that is note number 2 which was
3 published in 2004.

4 The partnership has provided throughout robust
5 support through the community support project to new and
6 existing community representatives through capacity
7 building programmes. This has been undertaken at the
8 same time as we required to produce a regeneration
9 outcome agreement by Communities Scotland on fairly
10 tight time scales and ultimately that gets passed on to
11 the Executive, and that agreement sets out the partners'
12 regeneration priorities over the following three years.

13 Given the partner involvement and consultation this was
14 a huge undertaking and it is a task that is rarely
15 repeated in other areas in Scotland with the stakeholder
16 involvement. The process was led by a community
17 representative, George Gillespie, and supported by West
18 Dunbartonshire Council and partnership staff.

19 I feel therefore that the comments of a lack of
20 progress are inaccurate and indeed West Dunbartonshire
21 community planning partnership sits favourably with
22 other community planning partnerships in Scotland at
23 this time in terms of where we are at and developed.
24 The point about revisiting the overall membership which
25 is page 23, points 76 and 77, and community involvement
26 on the community planning board was discussed at a board
27 development day recently but the issue is actually seen
28 as quite divisive, especially in community circles who
29 feel quite frustrated as they are unable to identify the
30 partners who raised the issue during the audit process
31 and that they may be excluded from the board which they
32 in fact were so closely identified with in terms of
33 developing. This has considerably undermined confidence
34 and has damaged trust and working arrangements between
35 the community and other partners which has been
36 developing.

37 As the community planning manager I have got to say
38 it is quite frustrating that a report which should have

1 maybe helped us to move forward has had the opposite
2 effect and could in effect help prevent us from moving
3 forward as we would wish to do. There is little
4 acknowledgement of the strenuous efforts that have been
5 made to secure and retain community representation on
6 the partnership over many years but the report does
7 highlight that some community representatives left the
8 board at the integration period. It should be noted,
9 however, that by my account only two have not returned
10 and these for good reasons.

11 Much is made in the audit report about the draft
12 community plan and I would like to say a few words about
13 this. The original community plan was drafted by a
14 multi agency grouping which spent several months
15 researching the content and action plans. The plan was
16 then subject to community consultation. The plan was
17 formally launched by a minister, Wendy Alexander at the
18 time, in 2000 and highly regarded by partners who took a
19 lead role in its delivery. Due to this partner
20 involvement was always high. It was a conscious
21 decision of all the community planning partners to keep
22 the plan as a draft, not because it had not been agreed,
23 far from it, but because it was felt that the plan was
24 constantly changing due to the high level of activity
25 its action plans generated.

26 "Draft" does recognise that change was a constant in
27 the plan. It was again agreed by community planning
28 partners, all partners, in 2002 to retain the original
29 draft. Surely the activity is what should be the focus
30 of Audit Scotland's attention? The plans do demonstrate
31 a high level of buy-in from partners and investment
32 within the plan. Again Tom Divers highlights partner
33 involvement in the plan's delivery as a particular
34 feature in West Dunbartonshire in his experience. As a
35 community planning manager I can also say that other
36 areas have struggled to achieve the buy-in we have here,
37 so the focus on the word "draft" actually robs us of the
38 praise which I think we are due.

1 The plan has achieved much, that is, the original
2 2000 plan, which we reported at the recent civic forum,
3 where we were consulting with the community over
4 refreshing the themes of the community plan 2007-17.
5 These achievements include developing an integrated
6 community learning partnership; joint health
7 improvement planning which integrates with other key
8 health and work force strategies; focusing the better
9 neighbourhood service programme on children and young
10 people and mainstreaming practices which work;
11 developing a youth strategy, a youth trust, youth
12 outcome agreement, all of which are unique across the
13 country and which ensures a high value is placed on our
14 young people; and a neighbourhood regeneration pilot,
15 the Renton community planning pilot, which set difficult
16 targets but major improvements have been achieved. This
17 was an opportunity for the community planning
18 partnership to do community planning. It was never
19 easy, it was a very difficult process, but the pilot did
20 focus the partners on a neighbourhood where tangible
21 success has been achieved.

22 The report on page 22, section 73 states that plans
23 have now been announced to produce a new community plan.

24 This has always been our intention and in fact the
25 development of the regeneration outcome agreement, the
26 worklessness plan, the NEET strategy, ongoing work with
27 children's services plan, the community safety strategy
28 all contribute to the overall community plan. The board
29 held a workshop in September 2005 prior to Audit
30 Scotland's visit to set out the process of integrating
31 the current work and agree new community planning
32 themes.

33 I am not saying that we cannot do better; we can
34 and we will. At the community planning board meeting on
35 Monday the board discussed the comments from the audit
36 report and will on publication of the report set out an
37 improvement plan to address those issues which we have
38 agreed as being important to help to improve our

1 performance as we acknowledge we must. What we are
2 asking is that the audit report reflects some of the
3 positives of which there are many to highlight and
4 outlines substantive areas where we need to improve our
5 performance.

6 In summary, chair, I am asking that the Audit
7 Commission asks Audit Scotland to revisit the balance of
8 the report to reflect what is in reality a partnership
9 which has made good, steady progress and sits favourably
10 beside any other in Scotland.

11 The focus on the draft community plan is a non issue
12 and there is strong evidence to support the fact that
13 the community plan has and continues to be a key
14 document locally. We are asking you to recognise that
15 the legwork which has gone into reviewing the reshaping
16 our priorities is moving us forward with the area being
17 used as a model of good practice on some key Executive
18 priorities; to recognise that West Dunbartonshire has
19 always had and continues to invest in and enjoy higher
20 levels of community input to our partnership than any
21 other area in Scotland; and finally to acknowledge in
22 the report that West Dunbartonshire Council has fully
23 supported the development of the social inclusion
24 partnership and the community planning partnerships
25 since its inception as a council at both officer and
26 elected member level. Thank you.

27 THE CHAIRMAN: Thank you, Mr O'Donnell. Can I open it to
28 the Commissioners. Mr Robertson.

29 Questioned by THE AUDIT COMMISSION

30 MR ROBERTSON: Thank you. Mr O'Donnell, I am concerned
31 that community planning is a complicated subject and I
32 am concerned that the man in the street will not get
33 lost in this soup of abbreviations and acronyms and
34 committees. Can you just very simply tell me, if it is
35 still a draft where are the targets, the milestones and
36 the measures that the man in the street can look to to
37 see whether your plan, draft or not, is a success; and,
38 secondly, if the plan is still a draft does that mean

1 you can change the targets in it?

2 A. The answer to the last is yes. The target is constantly
3 changing in the community plan, the action plans.

4 Q. So if the targets change how can you measure whether you
5 are being successful or not?

6 A. Well, it is an ongoing process, it is a rolling process.
7 I think that as targets are achieved or as success is
8 measured then obviously they want to move forward and it
9 is a dynamic process. The community plan is available
10 for people to see. We are currently drafting a new
11 community plan which will be made possibly more user
12 friendly, I have got to say, and plan to distribute a
13 summary of that through every household in West
14 Dunbartonshire. I think, though, that the community
15 planning board regularly receives the various action
16 plans. We had green, red and amber systems that were
17 set up to look at their success or otherwise and if you
18 look at the plan as it was set out in terms of its
19 action plans the broad themes stay the same but the
20 action plans within it did experience significant change
21 as the plan unfolded.

22 Q. It sounds to me as if it would be quite difficult to
23 audit success in this.

24 A. Some things are easier than others. There are some soft
25 measures and there are some hard outputs which are
26 easier than others. I think we have focused in re-
27 establishing, we are learning from the experience of
28 developing the regeneration outcome agreement. Outcome
29 agreements in 2000 really were not around, so we are
30 learning from the experience in developing the
31 regeneration outcome agreement in terms of how we will
32 measure the community plan 2007 and onwards, focusing
33 more on the outcomes, but it is challenging, you are
34 absolutely spot on.

35 THE CHAIRMAN: Jean.

36 MS COUPER: Thank you very much. Would you agree that
37 normally the term "draft" attached to a document implies
38 that that document has not been agreed?

- 1 A. Yes, I would agree that, I would agree that, but that
2 has not been the case. I think that the community
3 planning partners, and they consisted of the community,
4 the public sector agencies and the voluntary sector,
5 agreed that that was how they wanted to play it.
- 6 Q. If it is still labelled as a draft for the reasons you
7 have said how do you evidence to us that the contents of
8 the draft have in fact been agreed by the parties to the
9 draft and how do you evidence to us that every time the
10 draft is changed as you have described that it is agreed
11 as changed but still a draft?
- 12 A. I think that the evidence we have produced in terms of
13 the paper work does demonstrate that, it does
14 demonstrate that as the programme rolled forward at
15 those board meetings the partners agreed new actions of
16 activity that would underpin that. I think we also had
17 a day, it was in 2002, where the partners sat down and
18 focused on the community plan and there was broad
19 agreement about maintaining that status of the community
20 plan at that time.
- 21 Q. Do you not think it is in itself confusing to the local
22 population that this plan still is termed as a draft
23 plan subject to change?
- 24 A. Yes. I think that any community plan will be subject to
25 change, I do not think that is unusual in any of the 32
26 authorities across Scotland. That is normal. I think
27 the issue about the draft, whenever we talked about the
28 community plan we never talked about the draft community
29 plan, that was a working title, if you like, it was
30 always described as a community plan; and the partner
31 buy-in to it, partners would not buy in to a draft the
32 way that they did buy in to the community plan in terms
33 of resource allocations through the community plan.
- 34 THE CHAIRMAN: Could I ask you a very simple question, which
35 is, as an officer in your opinion would you have
36 preferred that community planning document to have been
37 formally approved?
- 38 A. It is not a yes and no answer, unfortunately. I think

1 that as an officer my job is to support what the
2 community planning partners agreed and that is what they
3 agreed.

4 Q. Can I push you very slightly?

5 A. I do not think it confused the matter for the
6 stakeholders and I am sure that most people in West
7 Dunbartonshire would not have had issue with the status
8 of the document.

9 Q. So you are not sure whether it was a benefit if it could
10 have been formally approved; is that what you are
11 saying?

12 A. I did not say that it was not not formally approved, it
13 was formally approved; it was the changing nature of
14 the document that the partners felt that because it was
15 always changing that is the decision that was taken,
16 because it was always changing.

17 Q. I am sorry, I am now misunderstanding you. Are you
18 saying the community plan was formally approved?

19 A. Yes, it was. The plan as a plan was agreed by the
20 community planning partners.

21 THE CHAIRMAN: OK.

22 MR GEDDES: Can I basically say that I agree with your
23 assertion about community planning being an early stage
24 and I think the Audit Scotland report earlier this year
25 on community planning found that there is still a long
26 way to go right across Scotland as councils and nobody
27 is different. The one question I would ask you about is
28 the issue you raised in relation to paragraphs 75 and 76
29 of the report, the scale and the size of the community
30 planning board. I understand the desire for inclusion
31 but in terms of how it is treated in focus inclusion can
32 often lead to dissipation. Is there not a better way of
33 structuring the board and its subcommittees or working
34 groups that would have a much smaller board, allowing
35 others to make a more appropriate input into the boards
36 when appropriate?

37 A. The board, as I say, met on Monday and that is an issue
38 that the board will revisit. Certainly there has always

1 been strong community involvement in the partnership and
2 I think the community representatives felt slightly put
3 out by the recommendation, but it is an issue which we
4 need to address. We also recently developed a
5 partnership development group which is more of an
6 executive group which will hopefully begin to take
7 forward some of the issues. I think the point the
8 report makes is that that has got quite a heavy agenda;
9 I accept that. I think it is a new group and what we
10 want to do is to look at how it actually functions and
11 how it can maximise its executive function, as it were.

12 MR GEDDES: Thank you.

13 PROFESSOR BAILLIE: Can I just go back to your previous
14 point about the plan having been formally approved and
15 also go back to page 21, the Audit Scotland summary of
16 that section on community planning, which says West
17 Dunbartonshire is the only area in Scotland not to have
18 agreed and adopted a community plan. I am confused.
19 Are you saying that is wrong?

20 A. Well, my understanding is that the community planning
21 partnership agreed the plan and started to work on the
22 action plans.

23 Q. So it is a question of fact, is it not?

24 A. Yes, but I think there must be a minute somewhere that
25 reflects one way or another.

26 Q. But you said a moment ago that it had been formally
27 agreed.

28 A. As I understood it, as I understand it, it has been
29 approved; otherwise why would we spend five years
30 working on the action plans which underpin it.

31 PROFESSOR BAILLIE: Thank you.

32 THE CHAIRMAN: Are there any other questions? (Negative)
33 Is there anything you want to add to your submission?

34 MR O'DONNELL: No.

35 THE CHAIRMAN: Can I thank you, and thank you for your
36 forbearance in waiting until this afternoon.

37 MR O'DONNELL: I am always behind Jackie Baillie!

38 THE CHAIRMAN: Could I now call the next witness and

1 ask them to state who they are and what position they
2 hold.

3 MR McLAUGHLIN: My name is Craig McLaughlin, I am the
4 leader of the opposition on West Dunbartonshire Council,
5 and can I introduce Councillor Ian Robertson who will be
6 assisting me.

7 MR ROBERTSON: No relation.

8 MR McLAUGHLIN: No relation to yourself.

9 THE CHAIRMAN: I assume you wish to make an opening
10 statement.

11 MR McLAUGHLIN: Yes, I do. Thank you.

12 I would like to thank the auditor and her team and
13 thanks to the Commission for allowing me to address them
14 this afternoon. I would also particularly like to
15 single out Mr Magee for his patience and assistance
16 during the time with a number of phone calls that he has
17 had from myself in clarifying certain issues about
18 presenting evidence today. Before I begin I wish to
19 indicate that the council's submission to the Commission
20 has never been discussed at any meeting of the council
21 or a committee of the council and was not seen by me
22 until yesterday at 9.38 am, despite the fact that it was
23 submitted to the Commission over the last week. It was
24 emailed to myself as some 93 page document and obviously
25 if I had received the email at home I would have been
26 unable to print it off because of the size of the
27 document that was actually sent to me.

28 I would go on further to challenge the validity of
29 the council's submission which is actually passed off as
30 a council document. The rules of the council clearly
31 state that officers do not have the authority to act
32 outwith the council chamber without its express
33 direction; only documents approved by either the
34 council or one of its committees can be phrased as a
35 council document. Based on these criteria the council's
36 submission should be seen purely as evidence by the
37 leadership of the council and not the authority as a
38 whole. The submission does not have my support on that

1 basis.

2 I would go further to disassociate myself from the
3 final comments that were made by the former chief
4 executive in relation to the audit team. While there
5 are aspects of the audit report that I may disagree with
6 I feel that it is a professional report that has been
7 laid out and it is someone's professional opinion of
8 this council. To discredit the personalities involved I
9 think is wrong and does Audit Scotland a disservice and
10 I would certainly disassociate myself from those
11 comments.

12 As a council West Dunbartonshire's birth was
13 certainly not an easy one. The difficulties of merging
14 three distinct communities, coupled with the crippling
15 financial constraints placed on us by the financial
16 settlement in the early years was without doubt a
17 considerable strain. Despite the difficult birth I
18 would say on record as a councillor serving West
19 Dunbartonshire that as an organisation we have extremely
20 dedicated staff but what we seem to lack is the quality
21 of leadership to fully exploit the potential of our
22 people resources.

23 Our staff, despite the culture and poor leadership
24 issues, have continued to strive to provide the best
25 quality services to our constituents. However, it has
26 been clear for some years now that the leadership of
27 West Dunbartonshire has not created an atmosphere which
28 permits the free flow of ideas. In recent years staff
29 at varying levels who have sought alternative employment
30 outwith the council have confided in me that the primary
31 reason for leaving has been the culture of stagnation
32 that exists within sections of the organisation.

33 To say the council has not moved forward over the
34 years of course would not be an accurate reflection.
35 However, I feel that if a more open culture existed and
36 was encouraged West Dunbartonshire could easily be
37 outperforming most other councils in Scotland rather
38 than trailing them. The culture of this authority has

1 now reached a stage where I feel if it does not change
2 the authority is likely to reach the point of no return.

3 This hearing is not about putting West Dunbartonshire
4 Council on trial, as some people have billed it, it is
5 about the fight for the soul of this organisation. The
6 state of paranoia and fear that has come about since the
7 announcement of this hearing has been without doubt
8 absolutely incredible.

9 I would also say that this hearing should not be
10 about the downfall of West Dunbartonshire Council
11 because I do not think that would suit anybody, but I
12 think it does need clear changes in direction.
13 Recently, if I can give an example of the culture, I
14 would say that in desperate times people do desperate
15 things and a better example of the culture in West
16 Dunbartonshire is a letter that I received dated 10th
17 November from Audit Scotland telling me about the
18 procedures of this hearing. The document was opened, it
19 was opened by an unknown individual while it was sitting
20 in my mail tray, and it could be identified that it was
21 from Audit Scotland, so clearly somebody had an interest
22 to know why Audit Scotland was writing to me directly.

23 West Dunbartonshire Council without doubt needs a
24 fresh start and direction. In my opinion this report
25 should be the catalyst for that change. I firmly
26 believe that the leadership of this council is in denial
27 and deluding themselves by claiming that the report is
28 littered with inaccuracies. While the report does
29 contain out of date and factual errors which the
30 auditors themselves have admitted, I feel that the
31 leadership are using these errors to ridicule the entire
32 report. What better example is required of how just a
33 few at the top of this council control what information
34 is issued in the name of the council.

35 The culture that has become so entrenched in West
36 Dunbartonshire is one of total control held in the hands
37 of a select few people. I believe this culture has
38 created an atmosphere within the council that is

1 perceived as bullying. The word which I used is
2 "perceived" because as a councillor I am at the top of
3 the organisation so I will not necessarily in turn be
4 bullied myself. However, in a recent article in the
5 Holyrood magazine which was actually on the subject of
6 bullying in the work place, entitled "The shadow of
7 fear" I feel the following quote best sums it up:
8 "According to the experts there is a dormant bully in
9 all of us and all that needs to come out is the
10 opportunity to abuse one's power or position regularly
11 in an organisation with a poor management culture". I
12 think it will be ably demonstrated to the Commission
13 today that that culture does exist in West
14 Dunbartonshire and I think there you have the inherent
15 roots of potential for bullying.

16 Indeed, you heard in the submission from the council
17 on the staff survey the issue of bullying that was
18 raised and I could not square what the council's
19 position was. In one aspect they said that there was
20 only a 17 per cent response of the whole organisation
21 and only a small fraction of them said it was bullying,
22 but yet in the next breath the former chief executive
23 said that only one case of bullying is too many, and yet
24 clearly there have been numerous amounts of cases
25 highlighted.

26 At stake today are a considerable number of
27 reputations and livelihoods whose future will depend on
28 the outcome of this hearing and I believe that is where
29 the problems of West Dunbartonshire Council begin and
30 end as the leadership here today has shown its true
31 colours over the handling of this best value report. In
32 my role as leader of the opposition I would say that
33 West Dunbartonshire Council has flaws, like any large
34 organisation. However, the council's leadership has
35 circled the wagons over this report and is desperately
36 trying to question the report and the auditors'
37 credibility in order to save theirs.

38 I am also aware that the council leader has made

1 comment to numerous press, in particular to the Holyrood
2 magazine, trying to discredit the report or the authors
3 of the report, saying that it was a junior member of
4 staff within Audit Scotland who actually wrote the
5 report and therefore that is where some of the
6 inaccuracies come from. I think, to be honest, the
7 presentation that was given this morning by the council,
8 certainly as a member of that council I was extremely
9 disappointed in the quality of it. I felt that it
10 failed to address some of the serious issues that were
11 raised in the auditors' report and it smacks of burying
12 their head in the sand.

13 Indeed, if you look again at the letter that was
14 sent to the Commission, if you need further examples of
15 the type of culture that operates in West
16 Dunbartonshire, when the council wrote to the Commission
17 it said, "I would be grateful if you could confirm when
18 available the identity of those known to the Commission
19 who have been invited to give evidence both from Audit
20 Scotland and otherwise," and it also says, "I would
21 prefer the evidence to the hearing given under oath
22 pursuant to statutory powers". This is about making
23 sure that they can identify who is making allegations
24 for future witch hunts and that is something that I as a
25 member am deeply concerned about.

26 I would also say that I think if you strapped a lie
27 detector to the people who presented evidence before you
28 this morning they would pass because they genuinely
29 believe what they actually told you this morning, and I
30 think that is the difficulty. It is trying to persuade
31 people the reality of the situation underneath them. It
32 is very easy to be in an ivory tower not knowing what is
33 going on in the rest of the organisation, and I think as
34 opposition councillors we hear about it more than most.

35 I would go on to say that in parts of my evidence
36 with the agreement of the Commission members I would
37 require to be heard in private. I would say publicly at
38 this particular forum that I have no doubt that my

1 political opponents will seize upon this request as an
2 indication that I must have something to hide, but the
3 truth is there are a lot of people who are very
4 vindictive in this organisation and a number of key
5 members of staff and organisations have entrusted me
6 with information in order to protect themselves. Some
7 of the information I will impart to the Commission is of
8 an extremely sensitive nature and parts will name
9 individuals in the organisations whose identity if
10 revealed could seriously impact on my working
11 relationship and hinder my role as a councillor.

12 Why concerns over a whistle blowing format? Staff
13 have confided issues in me; the need for a continual
14 working relationship with senior staff that could be
15 jeopardised in providing evidence to the Commission in a
16 public forum. I have a reasonable working relationship
17 with a number of staff and an excellent relationship
18 with others. My concern is about what happens here if I
19 say something that could jeopardise that working
20 relationship with staff. The vindictiveness of certain
21 members of the council and also particularly, and this
22 is the important part, in a public forum if I mention an
23 officer's name I could be held in breach of the
24 council's code of conduct by mentioning that member of
25 staff in a public forum if I submit any information
26 against them. I feel that is one of the reasons why
27 certain parts of my information will be required to be
28 heard in private.

29 If I can go on, officers of the council are there to
30 provide guidance to the members and to ensure that the
31 council's policies, procedures and laws are adhered to.
32 In this authority the problem occurs, what happens if
33 members make unreasonable requests such as micro
34 management, who does the officer turn to? When you have
35 a political leadership which has shown that it is
36 capable of systematically removing posts by
37 restructuring then before long a culture of fear
38 permeates.

1 It is important to stress that I do not necessarily
2 believe that fraud or wrongdoings are a matter of course
3 in this council, primarily as I am not qualified to make
4 that judgment. However, I do believe that the present
5 situation has been brought about by, firstly, the size
6 of the Labour administration and opposition groups and
7 the ruthlessness of the Labour leadership. I think that
8 for political expediency some people have just
9 disregarded procedures because when the Labour group has
10 agreed a matter then it is going to be approved at
11 council, so why wait. The bigger danger then comes from
12 when if the council leader agrees something then some
13 people may believe there is no need to wait for a
14 council decision. This leads to the leader requiring a
15 considerable level of restraint, something that I would
16 say does not come easily to any politician.

17 If a balance is not maintained then the integrity of
18 officers and council can be seriously placed in
19 jeopardy. To understand the importance of an officer's
20 recommendation on a report you need to know the ruling
21 group almost always supports the officer's
22 recommendation at committees. Therefore if the
23 leadership wants the group to back a particular position
24 it is easier to get the officer to change their
25 recommendation than it is for the Labour group to adopt
26 a different position. Under the stewardship of the
27 former chief executive and the council's leader and
28 depute West Dunbartonshire has in the last four years
29 become a council of nods and winks where nothing is in
30 writing but everyone knows what is demanded of them.
31 The biggest problem is that councillors and MSPs are
32 like petulant children. Officers are there to be the
33 parents to say no.

34 In this authority there are three classes of
35 councillors. You have the Labour leadership and their
36 clique; you then have the rest of the Labour group;
37 and finally the opposition councillors. The evidence I
38 intend given is done in my capacity as leader of the

1 opposition and not as a member of the SNP group as the
2 seriousness of this audit is far beyond that of
3 politics. As an individual councillor I would say
4 without doubt my evidence to the Commission has been the
5 largest project I have ever undertaken both as an
6 individual and as a councillor. I have tried to produce
7 as many documents as possible in order to back up any
8 claims or statements I make. However, I feel the
9 culture of the organisation cannot necessarily be
10 gleaned from documents alone.

11 I have a list of areas on which I would wish to
12 present evidence to the Commission. Members will see
13 that I have separated my evidence into five categories
14 with a number of subheadings in each. I apologise in
15 advance for the number of productions presented to the
16 Commission but members will see that it is very
17 difficult to squeeze 11 years of being a councillor in
18 West Dunbartonshire into 15 minutes. If I may, with the
19 indulgence of the Commission, there are a few particular
20 points in relation to some of the submissions and some
21 key areas which I believe you may be wishing to ask
22 about.

23 I would certainly say that without doubt the council
24 has failed to rebut the report, as has been clearly
25 publicly stated in the run-up to this hearing. As
26 opposition councillors we have been vilified on a number
27 of occasions that we are trying to prejudge the council
28 by calling special meetings of the council to discuss
29 the report but I think that as an authority and as
30 members of that authority we have a right to discuss
31 that report before coming to this public hearing. That
32 right was denied to us by the administration.

33 When you touched upon the issue of the kitchen
34 replacement programme I think the attitude of the
35 council leader best summed up one of the issues of the
36 culture in this authority and that was, "Give us names".

37 To me that clearly spells that they are not interested
38 in getting to the root of the problem, it is identifying

1 who is actually making the statements, and that to me
2 does smack of bullying. You also had the present chief
3 executive produce an action plan but yet in the same
4 breath the council disputes the findings of the best
5 value audit report. However, the action plan clearly
6 touched upon a number of areas which the audit plan had
7 clearly drawn together.

8 If I can dwell particularly on the school fund,
9 because I think that is one of the key areas that has
10 been mentioned on a number of occasions today, the
11 report that was presented to the council I can say is
12 one of the worst reports I have ever seen coming before
13 a council. It simply said, "Here is £7.7 million. How
14 do you wish us to spend it?" with no professional
15 recommendations from an officer and no clear indication
16 of where the priorities lay. When that question was put
17 to officers at the meeting we were told, "You could have
18 got that information if you'd asked for it, it was made
19 available to the administration so you could have asked
20 for it as well". So after the meeting I then duly did
21 so; I was emailed a document the content of which
22 mirrored exactly the motion that was presented to the
23 council by the Labour administration.

24 But what certainly from my point of view was the
25 title of the email? As you are all aware, those of you
26 who receive emails, the document when it is attached
27 clearly states the name of the document that has been
28 attached, and the document was called, "Councillors'
29 desired projects". As you can well imagine,
30 particularly being an opposition councillor, I was very
31 curious about the title of the document and I queried it
32 with the officer who sent it to me. I also asked about
33 the document itself and how it was born. I was told
34 that the officer had received instruction to cobble
35 together the enquiries that had been coming in from
36 councillors about particular schools in their areas.
37 That report was then presented to the administration or
38 to the Labour group meeting as I understand it and it

1 was painted as an officer's report, but clearly it was
2 Labour councillors who were actually involved by
3 contacting the department and highlighting these
4 particular schools that ultimately created the report in
5 the first instance.

6 I also subsequently found out through enquiries, the
7 council took place I think it was about 2 o'clock that
8 day, I discovered that the council leader had toured all
9 the schools within the document that morning and had his
10 photograph taken at every one of the schools in
11 preparation for the decision. That to me was the
12 tipping point as an opposition councillor that showed a
13 clear lack of transparency and it also regrettably
14 called into question the credibility and integrity of
15 some of our officers, which I was deeply disappointed
16 about. But I think when you have an administration
17 which is so hell bent on control, the type of culture
18 that exists in West Dunbartonshire soon becomes evident
19 throughout.

20 Lastly if I can touch upon the issue of scrutiny
21 because I am aware that that is one of the particular
22 points that has been highlighted and levelled at
23 opposition councillors. As I have stated earlier,
24 opposition councillors are the lowest of the low in this
25 authority and you will see by some of the earlier
26 submissions I have made to the Commission the attitude
27 of some members and officers towards opposition
28 councillors. It is for this reason that opposition
29 councillors on a number of occasions have raised
30 different concerns throughout the authority, both at
31 committee level and at officer level, and at times have
32 been thwarted and at times have been disregarded.
33 Ultimately the only route left to us was the press
34 because that is the only way we could get our points
35 across and make it clearly known publicly what was going
36 on in West Dunbartonshire Council, because internally
37 nobody was listening and nobody cared what we had to
38 say. That was the only way we could address it.

1 We tried on a number of occasions going to external
2 bodies; again you have records of that and indications
3 that external bodies were called in to investigate
4 certain matters and duly did so, and the findings are
5 again within my submissions that I have made to you.
6 Again I have submitted documents to you. I do not know
7 for the sake of the public whether you wish me to read
8 these as the areas or whether I just leave it open for
9 questions at this point.

10 THE CHAIRMAN: Thank you, Councillor McLaughlin. Can
11 Can I open it to Commission members, please, any
12 questions. Iain.

13 Questioned by THE AUDIT COMMISSION

14 MR ROBERTSON: Could we just get the status of these five
15 pieces of paper. Are these topic headings you talked
16 about?

17 A. Yes. As I said to the Commission earlier, I have
18 separated my evidence into five categories: leadership,
19 financial resources, lack of transparency, community and
20 the planning partnership, recruitment and staffing
21 issues. Within each of these categories there are
22 subheadings relating to various different matters such
23 as the audit report itself, such as the issue of one
24 clear vision about the council tax, such as the
25 allegations of bullying, various different aspects, and
26 if any member of the Commission wishes me to expand on
27 any of these points I can do so and present evidence.
28 You also have had my written submissions in advance of
29 that as well.

30 MR ROBERTSON: Thank you.

31 PROFESSOR BAILLIE: Could I ask you to expand on the
32 equal pay issue that you highlighted?

33 A. Yes. Can you just give me the production reference?

34 Q. FR5.

35 A. Yes. The situation with equal pay is that like most
36 authorities we were running into some difficulty with
37 this equal pay status and there were concerns that were
38 being expressed internally to me about the fiasco over

1 how the pay was actually being levied. I believe there
2 was some intense senior officer discussion and some
3 confusion that staff were receiving payments they were
4 not entitled to because they had not signed off on the
5 document. I raised those concerns in a letter to the
6 chief executive which you have as production FR5 and on
7 which the chief executive I would say to a minor degree
8 acknowledged that there were some concerns but I felt
9 underestimated the gravity of the problem that was being
10 expressed.

11 PROFESSOR BAILLIE: Thank you.

12 MR GEDDES: Can I ask a question about the lack of
13 transparency paper, production LT3, standing orders,
14 allegations about being denied the legal right to speak.
15 Do you want to say anything about that?

16 A. Yes. There have been two occasions where as a
17 councillor I have been denied my legal right to speak at
18 committees. The first instance was in relation to an
19 issue which connected to my ward. There was a report
20 which came before a committee which I was not a member
21 of and I asked to speak at that committee.

22 The first time the committee read the report I was
23 allowed to address them and at that stage the leader of
24 the council, and I do owe him thanks for this, believe
25 it or not, actually agreed to continue the report
26 because of some of the concerns and some of the issues
27 that I raised. Clearly at that meeting such was the
28 annoyance of some other Labour members that the report
29 had been continued because the project in question had
30 made a number of enemies within the administration and
31 they wanted to see it killed off.

32 The second time the report appeared I again asked to
33 address the committee because new information had been
34 presented to the committee, and I asked again for the
35 opportunity as the local member to be allowed to rebut
36 the comments that were being placed before it and to
37 expand on the information being presented to the
38 committee. I was denied the right by the chair, who

1 asked the committee, who said, "In this instance we will
2 not be allowing Councillor McLaughlin to address the
3 committee". I since discovered after that meeting that
4 I have a right in law that permits me to address the
5 committee, it is under the right to know because it
6 relates to my own ward.

7 However, the position that I found myself in was
8 firstly no legal advice was given to the chair of the
9 committee at that time that I was entitled to speak;
10 secondly, I would have had to indicate to the chair my
11 legal rights, which at that point I was unaware of.
12 However, if I had been aware of my legal rights if I
13 interrupted the proceedings of the meeting I could then
14 be subject to a breach of the council's code of conduct
15 for interrupting a meeting which I am not a member of,
16 so therefore my position was that my hands were tied
17 over this issue but my legal rights were denied to me.

18 Q. Can I go back. I did not quite catch it, I was
19 distracted by your description of opposition
20 councillors, actually. Can I go back to the scrutiny
21 function on page 29 of the Audit Scotland report. It
22 says there that the committee has seven members, five
23 Labour, one SNP and one Scottish Socialist Party
24 councillor. Do you take that position on scrutiny?

25 A. No.

26 Q. No-one does from the SNP?

27 A. No, no-one does from the opposition, that is a conscious
28 decision that we have made.

29 Q. But surely, you said you had to go to the press to raise
30 concerns, which I fully understand; surely by
31 participating in a scrutiny committee if the press were
32 around you would be able to highlight alleged or real
33 discrepancies in terms of best value etc by
34 participating in that?

35 A. A number of issues stem from that. First of all, we are
36 outnumbered on the committee so the issues that we raise
37 there would be pretty much already grouped on by the
38 administration. There has been some dispute whether or

1 not the administration actually groups on issues at the
2 audit and performance committee but I fully believe, and
3 I am sure my colleagues will back me up on this, if
4 opposition councillors turned up at the audit and
5 performance committee you would see that they do group
6 on it because they would actually have to start voting
7 together.

8 On the second point, the committee itself has never
9 actually brought an officer to account before it. It
10 has never launched any severe investigations before it.

11 As a matter of information which I will present to the
12 committee, and I do state that this is information that
13 was imparted to me, the convener wished to call a
14 particular officer to account for an issue, and I am not
15 clear on what issue it was, to the committee and was
16 overruled in the group by the convener(sic), who in the
17 instance said, "You're not taking my officer in front of
18 a panel to grill them". So we had no confidence in the
19 scrutiny committee, but what I would state for the
20 record is that during my time as the hung council it was
21 actually myself as the convener of finance who
22 established that committee with the very purpose of
23 going out and investigating different aspects and
24 different service levels of the council.

25 THE CHAIRMAN: Can I just follow up on that, Councillor
26 McLaughlin. You say that you chose not to go to the
27 scrutiny committee. The very fact that you had gone
28 there, you could well have or possibly have evidence
29 that it was group decisions. The fact that you have not
30 gone means that that evidence is not here.

31 A. Yes.

32 Q. And hindsight is a wonderful thing, but surely in terms
33 of scrutiny regardless of the final outcome it is very
34 important that all members of the council play a part in
35 that.

36 A. I accept that point, chair, as I say, but you have to
37 know the background of West Dunbartonshire Council to
38 know why we arrived at that decision. It was not a

1 decision that we took lightly and it was discussed quite
2 intensively by the opposition councillors because, after
3 all, I am leader of the opposition but I am also one of
4 three members in the SNP, there are other opposition
5 councillors, and we all felt the same way, that there
6 was little point in participating in that because it was
7 merely a window dressing exercise by the administration
8 to fulfil and tick a simple box, and we were not going
9 to waste our time as councillors just to simply help
10 them or assist them tick that box.

11 THE CHAIRMAN: Keith.

12 MR GEDDES: Just two other quick questions on lack of
13 transparency, production LT7, council paper and press,
14 practices of council newspaper and PR; do you want to
15 just say a word about that?

16 A. The council newspaper itself, I am quite sure as you
17 have heard earlier mentioned by, I think it was, Jackie
18 Baillie has become little more than a political document
19 funded by the council tax payer. You will also have
20 evidence from me from Audit Scotland which clearly
21 states concerns that they had raised that the document
22 is certainly taking a comment and along the lines of
23 making political comment when it is indeed supposed to
24 be a council paper. One particular instance was in
25 relation to the schools improvement fund where the front
26 page carried a political comment in relation to
27 criticism of the council's PPP project that sometimes
28 the council faced isolated and bitter opposition. That
29 was clearly a political comment being added to the paper
30 itself in order to try to discredit the opposition that
31 was gaining ground.

32 Q. That was the council newspaper?

33 A. That was the council newspaper. I believe you should
34 have a copy of that in the productions that I sent
35 before you. The auditor did highlight that again as one
36 of the key issues. I can also go on to say that the
37 council newspaper has over the years rather than become
38 a council newspaper it has simply become a document for

1 self publicity of the administration. You will also
2 have documents which show the guidance that is given to
3 the policy and resources section which clearly states
4 how many times the council leader's photograph should
5 appear in it, or no more than, how many times an
6 administration council should appear in it, and if you
7 care to check all back copies I think you will find an
8 absence of opposition members.

9 Q. I always took the view, as often as possible as far as
10 the council leader was concerned, but that is a personal
11 preference. On a less serious matter, on your council
12 time line for auditors, bullet point 2 on page 4, you
13 say here, and I cannot quite grasp the import of this
14 either: "On Friday morning I saw an official leaving
15 the council at 9 o'clock and getting into a chauffeur
16 driven car. I was told that it was the leader of
17 Edinburgh City Council. I emailed TH and asked him why
18 the chief executive of Edinburgh was in the council".
19 Leaving aside the fact that the leader and the chief
20 executive are two different people ---

21 A. Yes, sorry.

22 Q. --- if it was the leader it might have been morning
23 prayers, of course, but if it was the chief executive it
24 might have been due to sharing best practice. What is
25 your concern about somebody from Edinburgh being in
26 Clydebank?

27 A. If you actually check, you will have copies of the
28 emails and the correspondence that went between myself
29 and the chief executive and the issue there is not about
30 the person being in the council, I have absolutely no
31 objection to that whatsoever. The issue is about
32 culture and it is a clear example. Given the time and
33 what was going on in the authority at the time, there
34 were a lot of concerns being raised about the number of
35 people coming and going in the authority, and certainly
36 as the leader of the opposition I was curious to know
37 who was coming and going in the authority, especially as
38 there were rumours that a hit squad had been sent in by

1 the minister and so forth. So when I saw a very
2 official looking car outside the front of the building
3 and obviously what looked like a civil servant leaving
4 the building I was curious. I entered into email
5 correspondence between myself and the chief executive
6 and you will see that correspondence, and the level of
7 arrogance that went back and forth, I was a little
8 dissatisfied with the comments.

9 THE CHAIRMAN: Just a piece of general advice to anyone;
10 hit squads usually come in a very small car that nobody
11 can identify! (Laughter)

12 A. I'll bear that in mind!

13 Q. Can I take up one point under the lack of transparency,
14 production LT6, misleading housing revenue account
15 increases, questionable practices.

16 A. Yes. For a long number of times you could well believe,
17 as with any politicians you try to soften the blow of
18 any bad news, and any rent rise regardless of how small
19 or how large it is is bad news when you release it in
20 West Dunbartonshire Council. One of the things that has
21 become common practice, which I regret, is that if you
22 look at the press releases and the statements that are
23 released from the council, it misleads tenants into
24 believing what the actual rent increase is. Our council
25 tenants pay rent over a 47 week period but for the sake
26 of publicity and any material that is sent out the
27 percentage increases and the amounts are calculated over
28 a 52 week period, so they are calculated over the full
29 year. So when you actually calculate it properly the
30 increases are greater, and I think it was £1.10 as
31 opposed to 99p, but again it was for headline figures as
32 opposed to actually imparting the correct information to
33 tenants. I think that is misleading and disingenuous to
34 our tenants.

35 THE CHAIRMAN: Thank you. John.

36 PROFESSOR BAILLIE: Can I just say as a separate observation
37 I, too, would be bothered by anybody visiting me from
38 Edinburgh, but that is maybe personal. Can I go back to

1 the transparency issues, and this is your production
2 LT25.

3 A. Yes.

4 Q. The Audit Scotland report refers at paragraph 106 to the
5 issue of the Leven Cottage community care home being
6 closed, and so have you in that reference I have given
7 you. Can you comment further, please.

8 A. The closure of Leven Cottage again without doubt is
9 probably a regrettable situation that happened in West
10 Dunbartonshire Council. You have to know Leven Cottage
11 as a whole; it would never have been built as a
12 facility now, it is not fit for purpose and nobody
13 disputes that, nobody, but it is unique in West
14 Dunbartonshire and probably unique in some parts of
15 Scotland because some of the residents in it have
16 actually been there in excess of 20-odd years, so it was
17 their home. So I think passions were running quite high
18 on this issue.

19 There was some discussion some considerable time ago
20 during the hung council about the future of Leven
21 Cottage and it was felt at that time that another care
22 home required to be built in the Alexandria area because
23 there were insufficient care places available. The view
24 was taken at that time by the hung council that we
25 should wait till we complete the other facility, then we
26 could offer the people in Leven Cottage a place to stay
27 in their own area rather than dispersing them to the
28 four winds and they could all go together.

29 We then saw a report that went before the health
30 improvement social justice partnership committee, which
31 is a bit of a mouthful, the HISJP or something I think
32 the nickname is; this is a committee which although I
33 was a member of it, again one of the numerous committees
34 that have been set up by the administration that we did
35 not go along to, however do always scrutinise the
36 reports and I think that has to be pointed out, because
37 actually both myself and the local member Jim Bolland saw
38 Leven Cottage being presented as up for closure.

1 I expressed concerns about the document being before
2 that committee, it is actually a subcommittee of the
3 council, primarily because all the people who sit at
4 that table are partners, you have the health boards,
5 both health boards I think were represented, the council
6 and so forth, but yet Leven Cottage was a wholly run
7 council service, at no point did the health board
8 contribute funding or anything to this. and I queried
9 why that closure was sent to that committee. I suspect,
10 being a politician, it was sent in order that we would
11 miss it and on top of that the press do not attend that
12 committee either, so it can be done on the QT and the
13 first you would know about it is obviously the citex(?)
14 going up.

15 However, both myself and the local member went along
16 to the committee, I opposed it at the committee and I
17 asked the committee to delay the decision, not to close
18 the facility; I did not say blanket, "Don't close it,"
19 because I understood the financial constraints that the
20 authority was under and the pressure we were under. I
21 made it quite clear that a new care home was in the
22 process of being built and being discussed, the plans
23 are actually in the pipeline at the moment and I believe
24 that should come to fruition within the next year or so,
25 and for the sake of a year that we should give these
26 people the opportunity to move in. The decision was
27 taken at the committee to close the home.

28 Myself and the Reverend Ian Miller opposed the
29 closure at the committee and after checking the
30 constitution of the committee, and I have since
31 obviously entered into correspondence over this issue, I
32 questioned the legality of the decision that was taken
33 by the committee because according to the constitution
34 the committee must have reached its agreements by a
35 consensus, but there was a clear vote where one of the
36 partners, again Clyde Health Board which was represented
37 by Ian Miller, supported myself in opposing the closure
38 and moving a delay. At no point was legal advice

1 imparted to us, so the decision was then expedited to
2 close the facility which then ultimately resulted in the
3 sit-in.

4 PROFESSOR BAILLIE: Thank you.

5 THE CHAIRMAN: If I could take one under community and
6 partnership, production CP5, CRF underspending, CPP
7 underspend not being issued to everyone.

8 A. Yes.

9 Q. Could you clarify what that is?

10 A. This only came to me I think it was within the last few
11 days. There is a report that was presented to the
12 community planning partnership board stating that the
13 partnership is heading for an underspend of, I think it
14 is almost £1 million, I am not sure of the accurate
15 total, the last I heard it was £750,000 but it may be
16 touching towards £1 million, and that groups were being
17 requested to apply for this funding. Some groups had
18 made an approach and were told that only groups
19 currently receiving funding would be entitled to have a
20 share of this cash. Obviously as a councillor I was
21 concerned by that because there are a number of groups
22 out there who clearly have identified projects that they
23 could bring on line before the year end and were
24 subsequently being told, I do not have documented
25 evidence, I have to make that quite clear, this as I
26 said only came to me in the last few days, but these
27 groups were being informed that that money was not being
28 made available to them, only to existing community
29 planning partners involved in the processes. You would
30 have to obviously clarify that point with the
31 partnership.

32 THE CHAIRMAN: Thank you. Jean.

33 MS COUPER: Thank you. Councillor, I want to go back to
34 your opening statement. You made reference in that to
35 the school fund.

36 A. Yes.

37 Q. I will not get your words exactly right but you talked
38 about the report that came to the council on that

1 particular issue and I think you described it as about
2 the worst report.

3 A. Yes.

4 Q. You also made mention of the point, I think, if I
5 understood you correctly, that if you wanted information
6 it was the councillor's individual responsibility to ask
7 for that information.

8 A. Correct, yes.

9 Q. Information presumably to support you in your discussion
10 of what the recommendation should be and what the
11 decision should be.

12 A. Yes.

13 Q. Was that or is that process of putting responsibility on
14 to the councillors to ask for information as opposed to
15 it being provided along with the report and leading up
16 to recommendation, would you describe that as a standard
17 practice or was this a one-off instance where the
18 responsibility seemed to be yours to ask for the
19 information that you felt you needed or was appropriate?

20 A. I would say that in general terms officers have a
21 requirement to present members with all the relevant
22 information in order to make an informed decision at
23 that particular meeting. I would say that report was a
24 clear example of where that process was not followed
25 through and it became incumbent upon members to go out
26 and find that information and that was not necessarily
27 immediately tracked down. It is also a requirement, I
28 believe, that it has to be mentioned in the council
29 document at the bottom of the page, the various
30 different background papers, and the document I got hold
31 of, the briefing note, was not mentioned as a background
32 paper.

33 I would say culturally that in West Dunbartonshire
34 that has in the last few years got worse, it is
35 certainly a clear indication, and you will have a couple
36 of productions in which a group called the strategic
37 policy working group, which was a Labour committee that
38 was established with only Labour members on it, on a

1 number of occasions that committee documented points
2 along the lines of instructions to officers to hide
3 information from members. One particular example of
4 that was in relation to the budget where it actually
5 said that the administration councillors present
6 instructed officers that they should hide as many
7 savings as possible as management options. That is
8 clearly documented and, as I say, you have that in
9 writing.

10 MS COUPER: Thank you.

11 THE CHAIRMAN: Iain.

12 MR ROBERTSON: I would like to ask you, Councillor
13 McLaughlin, about FR14, breaches of procedures and
14 standing orders, breaches of council rules. Can you set
15 out what these are and the significance of them and the
16 extent of them?

17 A. If you would bear with me one moment, just till I get
18 more detail on it; I only have a bullet point on this
19 one. This one actually relates to the constitution of
20 the social partnership which I touched on earlier on
21 with Leven Cottage. The information then became
22 apparent that the health improvement social justice
23 partnership was making decisions which ultimately were
24 placing it in direct conflict with its parent body. As
25 members will be aware and those who have been
26 councillors, when the council makes a decision it is the
27 supreme body, so no subcommittee unless charged by the
28 authority or the council can then overturn that
29 decision.

30 What you had was, we discovered that the health
31 improvement social justice partnership had been making
32 decisions or placing decisions before it which could in
33 effect place it in that position of making a decision
34 against its parent body. I have to stress, although no
35 decisions other than the Leven Cottage issue which I
36 have raised were taken because it was a consensus at the
37 table, there was a direct position where if you moved
38 something at that committee which was contrary to a

1 decision that already had been taken by the council then
2 you are in fact conflicting with your parent body, and
3 again legally that was not picked up.

4 Q. But, excuse me for saying this, chair, you have got this
5 in the plural, suggesting there is more than one thing
6 here.

7 A. There was. There were two instances. The second was in
8 relation to, I am just trying to recall from memory, it
9 was Argyll & Clyde Health Board, I think a structure
10 plan document; it was in relation to the changes in
11 boundaries for Argyll & Clyde Health Board. The council
12 had agreed, there were three options placed before the
13 council in relation to the future of Argyll & Clyde
14 Health Board and how it would be broken up, and the
15 council took a view on that. I then discovered that the
16 health improvement social justice partnership received
17 the same report and was asking the partnership, "What
18 are your views on it?" When I went along to the
19 partnership I made it quite clear that I had as an
20 opposition member of the council taken a contrary view
21 to the administration and subsequently lost in the
22 democratic process, so I could then take my view to that
23 committee and try to win support at that committee, and
24 if I won support at that committee then I would be in
25 direct conflict with my parent body. So that is the
26 second example and that is why I say it in the plural.

27 MR ROBERTSON: Thank you.

28 THE CHAIRMAN: Jean.

29 MS COUPER: Thank you. Under the financial resources you
30 have two lines here that perhaps you could answer
31 together. One is an example of financial expenditure
32 not fully scrutinised and you have also talked about
33 concerns over weak financial controls. Could you
34 elaborate, please.

35 A. Can you just give me the production numbers?

36 Q. The first is production FR3 and the second is a general
37 statement.

38 A. FR3 in relation to the excessive delegation, one of the

1 concerns that I have in this authority, and we have
2 expressed this on a number of occasions in the chamber
3 and tried to overturn it; standing orders permit an
4 officer of this council to spend up to £60,000 without
5 the requirement of a committee decision. As opposition
6 members we felt that was placing an undue burden upon
7 the officer because obviously it puts the officer in the
8 position that if are being placed under pressure by the
9 administration to spend money in a certain way, they
10 could do that up to £60,000 without obviously the need
11 to go back to the committee.

12 The hospitality account, the reason why I raised
13 that there is because this was one that I recall from
14 previous examples of the council where a former
15 administration of a number of years ago attempted to
16 make a decision in relation to expenditure of the
17 hospitality account but was overruled by the legal
18 officer who told them that they simply just could not
19 delegate it to an individual or an officer in order to
20 do that. Their answer to that was to establish a
21 subcommittee, so the subcommittee used to detail how
22 that money was spent, because the hospitality account I
23 think was about £60,000-odd or £40,000-odd, something of
24 that nature.

25 What then started to happen was that the
26 subcommittee kind of vanished into oblivion and what
27 took its place was the agreement of group leaders, so I
28 used to receive a document which would say, "There has
29 been a request for hospitality of X, Y or Z for some
30 group. Can you sign off on this?" and this would have
31 to go between the leaders and then it would go back to
32 the officer. That no longer takes place either, it is
33 now dealt with purely by officers, and again I have
34 sympathy with the officers here because it places them
35 in a position where a member could perhaps wish to
36 favour a particular group and place pressure on the
37 officer to favour that group for hospitality.

38 THE CHAIRMAN: Councillor McLaughlin, just before I ask

1 you if you want to sum up, the question that you raised
2 at the start about private evidence, the Commission will
3 consider that this evening and make a decision first
4 thing in the morning in terms of evidence in private.
5 Do you want to add anything to your statement at the
6 start?

7 A. The only thing I would add is in relation to the private
8 evidence, I would seek clarity. I have no issue with
9 obviously giving the information here, as a politician I
10 have no issue. But, as I say, on the issue of scrutiny
11 there are people within the council, for example I have
12 a good relationship with some officers, but I think
13 people fail to realise that while I have that
14 relationship with officers and I will say "Good morning"
15 and be friendly and courteous, I have an obligation and
16 a duty to quiz them and scrutinise them which may bring
17 me into conflict with them at times, and I think some
18 people fail to realise that distinction. For example,
19 it is like having a policeman next door to you; he
20 might be your neighbour but at some point he may be
21 required to investigate you. I think that is one of the
22 problems that I have before me.

23 On the issue of the private evidence that I wish to
24 give I think it is very pertinent to the Commission
25 because I think it will open up some of the detail. I
26 certainly have no objection on one particular part
27 because I think it is about the relationships between
28 some senior members and some senior officers, both past
29 and present, and I think that itself would give the
30 Commission a clear indication of the workings and
31 internal workings and power struggles within West
32 Dunbartonshire.

33 Q. You have no problem with giving that in public?

34 A. I do not but I would seek clarity because obviously it
35 will name some individuals who are in this room just now
36 and, as I say, I could be potentially in breach of the
37 council's code of conduct by doing that in a public
38 forum.

1 THE CHAIRMAN: Thank you. Is there anything else you want
2 to add to your submission?

3 MR McLAUGHLIN: As I said, the council itself I think as
4 an organisation is not, and you will forgive me here if
5 I talk out of turn but it is not beyond hope, it is
6 certainly not beyond hope, but certainly there is an
7 attitude and a culture that has permeated through this
8 authority which is one where the ends justify the means.
9 That is not something that can be allowed to be
10 tolerated, because it started small in the beginning,
11 just slight bending of the rules, and bending and
12 bending and bending. Over time it has got to an extent
13 where the power of this authority is controlled in the
14 hands of a select few and if you are not involved with
15 those select few you are ruled out.

16 Again, the kind of witch hunt and the attitude, to
17 say they dismiss the audit report, as I said, I am on
18 record as saying that there are parts of the report that
19 I agree with and there are parts that I do not but I do
20 recognise somebody's professional opinion to come in and
21 actually make that assessment of a culture and
22 organisation. As I said earlier, I am disappointed that
23 the authority's presentation that you have before you
24 this morning is from my perspective lacklustre because
25 they did not actually deal with the issues that the
26 auditor raised. I think that was one of the issues
27 about the conclusion where they said that in the
28 auditors' report the conclusion was changed and, as you
29 heard the auditors say, they did that because the
30 council was failing to wake up to the seriousness of the
31 problems.

32 I think the dealing with the audit report itself,
33 how it arrived in this council, I am leader of the
34 opposition, as I said, I have the same rights or should
35 have the same rights as the leader of the council, as
36 should any member of this authority, but we do not in
37 West Dunbartonshire. When the best value draft audit
38 appeared I was denied the right to see that report by

1 the chief executive. After considerable correspondence
2 going back and forth between myself and the chief
3 executive he conceded that I could come and meet with
4 him and I would be allowed to see the conclusions of
5 that report, which was three pages out of I think it was
6 a 90-odd page document.

7 I was not allowed to take any notes at the meeting;
8 when I tried to take notes, obviously for asking
9 questions for my own memory to the chief executive he
10 insisted, "I'm sorry, I don't want any notes taken". I
11 asked him for a copy of the full report which I know for
12 a fact had been submitted to the leader of the council,
13 because I know that the Labour Party were making
14 briefings to press over the contents of the report, so
15 internally the Labour Party was well aware of the
16 contents of the report, yet I knew nothing about it;
17 members of the public were discussing the report and I
18 knew nothing and I was a member of the authority.

19 This final draft of the report and the hearing: the
20 Commission was sent the council's submission last week
21 and I got it yesterday morning. If that is not a clear
22 indication of a few at the top saying they are trying to
23 ridicule the report and, "The council has said this,"
24 and, "The council has said that"; it is not the
25 council. Some could say simply, "As opposition you're
26 just opposing it for the sake of opposing it," it is
27 not, because you will probably hear today some Labour
28 members who feel the exact same way.

29 I will leave it there and I thank you very much for
30 your time.

31 THE CHAIRMAN: Councillor McLaughlin, thank you very much.

32 (Applause) We will take a five minute comfort break.

33 Could I ask Mr McFall to give evidence in five minutes'
34 time.

35 (A short adjournment)

36 THE CHAIRMAN: Ladies and gentlemen, I now call on the
37 next witness, if you would give your name and your
38 responsibility. Thank you.

1 MR McFALL: Thank you very much, chairman. My name is
2 John McFall and I am the MP for West Dunbartonshire.
3 Can I thank you and your colleagues for taking me at
4 this time as I have got to back to Westminster in an
5 hour or so's time, so I am very grateful.

6 I have been the MP for this area for almost 20 years
7 and, although boundaries and titles of local authorities
8 have changed during this period, I have always had
9 positive relationships with succeeding administrations,
10 senior council officials and front line staff who have
11 been nothing but courteous and helpful to me in my
12 representative capacity and I wish to pay tribute to
13 them, particularly the departing chief executive, Tim
14 Huntingford and his colleagues on the council. Indeed I
15 still have very positive relationships with the council
16 in being the chairman of both Clydebank Rebuilt and
17 Strathleven Regeneration Company. Had it not been for a
18 number of officials in the council and the Scottish
19 Enterprise we would not be to this stage with the
20 regeneration that we have and in that respect on the
21 council I pay tribute to Irvine Hodgson who has been a
22 stalwart member of the Strathleven Regeneration Company
23 which I chair.

24 Politically my position is unique in that I am the
25 only elected representative with responsibilities
26 through the entire council area. As the MP I have had
27 some concerns for a considerable time regarding the
28 workings of the present administration and they have
29 been crystallised in the Audit Scotland report. Take
30 the leadership issues. As Audit Scotland comments, the
31 prevailing culture in the council does not encourage a
32 spirit of tolerance and there is an unwillingness on the
33 part of the leadership to appreciate the viewpoint of
34 others. In my opinion this impedes the objective of
35 continuous improvement in the council's performance.

36 Audit Scotland is correct in pointing out that the
37 council's history has been characterised by instability
38 resulting from four major reorganisations over the last

1 10 years and that the most recent reorganisation was
2 opportunistic. To an extent I disagree in that I think
3 the latest reorganisation was motivated by a desire to
4 identify significant savings in order to set a balanced
5 revenue budget for 2006/07. I consider that the various
6 reorganisations have had more to do with the political
7 leadership desiring senior officers around them with
8 whom they are comfortable, in other words, a "one of us"
9 approach.

10 When priorities are changed as a result of elected
11 members becoming too involved in service delivery
12 matters, as Audit Scotland reports, this leads to a
13 situation whereby members are only comfortable working
14 with individuals who are ready and willing to do their
15 bidding. Those who resist such pressures and insist on
16 a professional detachment are likely to find themselves
17 in some difficulty. A core weakness in the council's
18 current approach is the inability to meld elected
19 members and officials together to make things work for
20 the community. Audit Scotland notes that the council
21 does not have any form of leadership development in
22 place for either senior elected members or senior
23 officers. Leadership involves inclusiveness and an
24 ability to reach across the political, social and
25 community divide. This has not been in evidence in a
26 number of areas, including relationships within the
27 administration party group.

28 One councillor, concerned at the uncomradely manner
29 in which Labour group business was being routinely
30 conducted, told me last February that a cabal operated
31 within the group. He maintained that decisions were
32 taken by some councillors outwith the group's formal
33 meetings and in his opinion this led to a situation
34 whereby factionalism along geographical lines had
35 developed with council spending being skewed towards the
36 areas represented by those councillors who toed the
37 leadership line. Similar concerns have been raised with
38 me by three other Labour councillors who have been

1 marginalised by the ruling cabal.

2 One of these is the former convener of the education
3 department which the Audit Scotland report singles out
4 as being the best department in the council. On his
5 retiral in July 2006 the former director of education
6 paid tribute to the former convener of education. He
7 praised his supportiveness and his warmth and
8 encouragement towards officers and said it had been a
9 real pleasure to work with him, but despite his sold
10 achievements that convener was unceremoniously deposed
11 from his position in March 2006, apparently paying the
12 price for his views on the absence of democratic
13 practices within the group.

14 One of the most recent controversial decisions taken
15 by the current administration was to close the public
16 library and the community education centre in Renton.
17 This was seen by the public and by a number of council
18 officers as capricious. This view is given credence by
19 the absence of supporting papers from officers to inform
20 the decision making process. No analysis of alternative
21 options or whether or not closure represented the best
22 value for the council or the community is contained in
23 any official report to the committee dealing with this
24 matter. It is remarkable that education department
25 officials were not asked to submit recommendations. It
26 is therefore impossible to challenge the view of
27 constituents in Renton that these closures were not in
28 the community's interest when the procedures leading up
29 to the decision were conducted in such an arbitrary
30 manner.

31 On selection and recruitment the Audit Scotland
32 report deals with staffing appointments. In general
33 there appears to be minimum involvement of opposition
34 members in the selection process and that has been
35 reinforced by the previous witness. This seems to have
36 been the case in the appointment of the new chief
37 executive about which there has been much comment and
38 perhaps controversy. There have been significant

1 political difficulties and serious management
2 instability over the past 10 years in West
3 Dunbartonshire Council. During this period at least 14
4 top tier, that is director and chief executive level,
5 posts, and I have a submission to make to you if you
6 wish on that, have been removed and at least another 14
7 at senior management level have gone. This has
8 inhibited a strategic vision being developed
9 corporately.

10 As Audit Scotland knows, the problems experienced by
11 West Dunbartonshire Council since its inception have
12 been formidable. In fact when the 1994 Local Government
13 Act was undertaking its legislative passage in
14 Westminster I had a number of conversations with the
15 then Minister for Local Government, Allan Stewart,
16 warning him of the questionable financial viability of a
17 smaller local authority such as West Dunbartonshire with
18 such a low council tax base. With Dumbarton losing
19 Helensburgh and Clydebank losing Milngavie, both high
20 revenue council tax areas, the financial problems facing
21 the council were predictable and, given the size of the
22 authority and the social, health and employment
23 challenges involved in running it, it is understandable
24 that there never has been a surfeit of individuals from
25 outwith the authority applying for executive posts in
26 West Dunbartonshire Council.

27 That situation has been compounded by an absence of
28 rigorous corporate governance and a closed political
29 culture which I referred to earlier. I consider this to
30 be the main reason for the substantial turnover in
31 management posts in West Dunbartonshire Council over the
32 years. In addition the four major reorganisations which
33 have taken place have resulted in a considerable
34 reduction in the number of directors in the corporate
35 management team. I do not consider it possible to
36 establish a strategic direction for the council with
37 such an exceptionally small corporate management team
38 and it is unfair to charge the new director of housing,

1 the department, incidentally, which was described in the
2 Audit Scotland report as one of the worst of all
3 Scottish councils, with the job of turning round a
4 deficit when he or she is expected to report to six
5 different committees.

6 Although the council's staff relations are not
7 within my remit, as the MP I have been made aware of
8 interference by councillors in service delivery matters
9 to the detriment of departmental policies. There have
10 been long standing complaints from staff who are
11 disillusioned with the treatment they have received,
12 sometimes amounting to bullying and harassment. The
13 trade unions are obviously in a better position than me
14 to detail that. But a former director, Patrick Cleary,
15 has made a written submission to this hearing in which
16 he describes the treatment he received as an employee of
17 West Dunbartonshire Council.

18 I have known Mr Cleary since he was a trainee
19 engineer in 1970 with the then Dumbarton Town Council,
20 he took up his appointment as director of roads and
21 technical services for West Dunbartonshire Council in
22 1995. He was then demoted to head of service; he was
23 early retired in 2002; you have the papers there. What
24 I will say is that Mr Cleary was treated appallingly and
25 such behaviour is simply unacceptable. If, as the
26 former chief executive said this morning, one case of
27 bullying and harassment is one too many then you have
28 your evidence in bucketfuls.

29 I have every reason to believe Mr Cleary's assertion
30 that the low morale of West Dunbartonshire Council
31 employees is due to the manner in which they are
32 treated. His testimony gives weight to similar
33 allegations made by other employees. In order to foster
34 an inclusive and outward looking approach it is
35 essential that the present structures of corporate
36 governance are fundamentally reviewed.

37 I will go on to the school estates renewal. My very
38 real concerns about the leadership of the council come

1 into sharp relief with the announcement of the
2 £100 million PPP programme for schools. This is the
3 biggest ever public investment in West Dunbartonshire
4 and is a flagship Labour Party policy. I am dismayed by
5 the way this whole exercise has been handled. Up until
6 the summer of 2005 the council seemed to have a settled
7 approach to the PPP programme. Although contentious, as
8 are all educational change programmes, there was a
9 strategic approach regarding school closures and new
10 build proposals. But in August 2005, without any
11 detailed discussions with community partners, Bonhill
12 primary school, which was scheduled to be relocated to
13 the proposed new Vale of Leven Academy campus, was at a
14 Labour group meeting on the casting vote of the local
15 councillor for Bonhill removed from the PPP programme.
16 Subsequently a new build was agreed for Bonhill primary.

17 Christie Park primary school which at that time,
18 being in main Alexandria, had not featured in the PPP
19 programme was then drafted into the PPP proposals. This
20 was against the recommendation of the convener, director
21 of education and schools estate management team since it
22 cut across the strategic plan for the Vale of Leven
23 area. This policy switch caused uproar with the parents
24 and staff of Christie Park primary and they were
25 convinced that their school's future was being placed in
26 jeopardy because of political expediency.

27 On the other hand, the parents and pupils of Renton
28 primary were horrified by one of the options in the
29 consultation proposal which would have meant their
30 children having to travel to Christie Park school in
31 Alexandria, a considerable distance, for their
32 education. So at a stroke the communities of Renton and
33 Alexandria were united in opposition to the ever
34 shifting proposals for schools in their areas.

35 The council subsequently under the schools
36 improvement fund, that is, the £7.75 million fund, and
37 outwith the PPP, went on to promote a like for like
38 replacement for Bonhill primary. The Bonhill primary

1 roll at that time was predicted to fall to 175 pupils, a
2 matter of official record of the council. No council
3 outwith the Highlands and Islands or rural areas
4 generally would consider building a school for such a
5 low number of pupils. Professional opinion indicated
6 that the sensible option would have been for Bonhill to
7 amalgamate with Renton on the new Vale Academy campus
8 but given that this was no longer available an
9 alternative would have to be to amalgamate Bonhill with
10 nearby Highdykes and Ladyton primaries on that side of
11 the River Leven.

12 Officials were instructed to come forward with
13 proposals to spend the remainder of the school fund
14 monies in Clydebank. A new build, Our Lady of Loretto
15 in Dalmuir, was announced and when the Our Lady of
16 Loretto head teacher was informed, as has been
17 mentioned, and that was hours before the council
18 decision was taken, he was stunned as he expected
19 nothing more than new windows for the school. But that
20 decision meant that St Joseph's, Faifley in this area in
21 Clydebank, which is neither wind- nor watertight, and St
22 Peter's, Bellsmyre, which has outstanding problems,
23 would not get the investment they desperately need,
24 despite these schools being top of the CIPFA list which
25 had been presented to councillors.

26 St Joseph's school board felt particularly aggrieved
27 at being rejected for a new building and they made this
28 clear at a meeting in St Joseph's in the first week of
29 May which I attended when Sister Denise, the then
30 chairperson of the school board, accused the council of
31 treating them, and I quote, "like eejits at the top of
32 the hill". Neither the leader of the council nor the
33 officials who were present at that meeting could give a
34 satisfactory answer as to why St Joseph's case was
35 ignored while the work at other Clydebank schools went
36 ahead.

37 I then come on to the enhanced sports facilities.
38 The PPP proposals included enhanced sporting facilities

1 in Clydebank. The new denominational campus will
2 feature a six lane running track and a floodlit
3 athletics track as well as a new dance studio. A
4 floodlit basketball court is also planned for Clydebank
5 High School. As the MP for the area, I warmly welcome
6 these new high quality facilities. However, my
7 constituents in Dumbarton and the Vale of Leven at the
8 other end of the constituency will wonder why their
9 schools do not have similar facilities planned for them.

10 They will no doubt point out that two all weather
11 running tracks will be in place in Clydebank and
12 Scotstoun, which is not in the constituency but which
13 are just a few miles apart, yet 7 or 8 miles down the
14 road there will be no such facility.

15 I am informed that a number of Clydebank councillors
16 refused to agree to any of the schools improvement fund
17 monies being spent until they received an absolute
18 assurance that the new Clydebank schools in the PPP
19 programme would have state of the art outdoor sporting
20 and leisure facilities. This tactic seems to have been
21 successful but I put it to you it is at the expense of
22 fairness and equity across the entire constituency.

23 In August 2005 an additional £1 million prudential
24 borrowing to further enhance the significant resources
25 allocated to sporting facilities across the schools
26 estate was approved. I am presently in correspondence
27 with the director of education to ensure that this money
28 is distributed in the schools estate and that it is
29 distributed fairly. With reference to the allocation of
30 PPP funds, along with Jackie Baillie MSP I was concerned
31 about the claims by a number of Labour councillors that
32 a decision had been taken at a meeting outwith the
33 Labour group to allocate these on the basis of a 60:40
34 per cent split in favour of Clydebank and in February
35 2006 we sought a meeting with Councillor Andy White,
36 leader of the council, to discuss the matter. He was
37 accompanied at this meeting by Councillor Flynn in his
38 role as deputy leader.

1 At that meeting we robustly expressed our view that
2 the principles of fairness, equity and transparency
3 should prevail in decisions made in the disbursement of
4 monies from the schools improvement fund. The response
5 we received was far from satisfactory and with Jackie
6 Baillie I was subsequently engaged in protracted
7 correspondence with the group leadership on the issue.
8 In addition I raised the matter of the schools fund
9 disbursement and provision for school sporting
10 facilities with the directorate.

11 That a 60:40 spending agreement existed I have no
12 doubt. It is clear that a "Vale of Leven/Clydebank"
13 alliance served the interests of a small number of
14 councillors who operated in a somewhat conspiratorial
15 fashion, sidelining other group members. Against all
16 good corporate governance procedures officers were
17 prevented from putting forward recommendations about the
18 schools disbursement fund. Such an approach is the
19 antithesis of openness and transparency. Despite the
20 commitment and dedication of the overwhelming majority
21 of its staff, West Dunbartonshire Council is lacking in
22 political leadership and professional competencies in
23 many areas. Significant changes will have to be imposed
24 if public confidence is to be restored. It is my view
25 that this can only be achieved with considerable outside
26 assistance and direction under ministerial supervision.

27 (Applause)

28 THE CHAIRMAN: Thank you, Mr McFall. If I could just start
29 off by asking a question related to one of the last
30 points you made, and it was made by previous witnesses,
31 about the evidence of the 60:40 split.

32 Questioned by THE AUDIT COMMISSION

33 Q. Have you concrete evidence of that "deal" being made on
34 a 60:40 split?

35 A. I have it from at least four councillors who have spoken
36 to me and they can submit it to you. And on the point
37 that was made earlier regarding the evidence on the
38 schools fund, you asked that question, Mr MacNish, about

1 it not being recommended by the group, I have an email
2 from the director of education at that time. My email
3 to him said, "Previously you indicated to me that it was
4 evident from various discussions you had on the schools
5 fund that the group leadership did not wish to be
6 provided with committee recommendations. Please
7 confirm"; and in an email dated 31st July the then
8 director of education replied to me, "Dear John, I think
9 it is fair to say that this is correct".

10 THE CHAIRMAN: Questions from the Commissioners? Jean.

11 MS COUPER: Thank you. Mr McFall, can I just ask a point
12 of clarification of you, please. When you spoke about
13 the school, I think it might have been St Joseph's but
14 you will correct me if I am wrong, you made comment
15 about the head of that school being advised of them
16 being given a new school, effectively, as opposed to
17 replacement windows, which is what they were expecting.

18 Can you clarify the timing as you said it of the head
19 teacher being advised of that decision relative to the
20 timing of when the council were meeting to take the
21 decision on allocation of funds?

22 A. I do not have information regarding them being advised
23 of a new school, that was never my intention if you got
24 that, but there was this CIPFA list with all the schools
25 in terms of what was needed for each school and the
26 monies that were required, St Eunans was at the top of
27 the list and that has a new build now; St Joseph's was
28 next on the list and it has had endless problems, and
29 the staff and the school board just could not understand
30 why they were not considered. I think, as I referred to
31 in my speech, in the first week in May it was when the
32 chairperson Sister Denise put the point to the group,
33 the leader of the council and the director of education,
34 at a meeting in the school subsequent to the decisions
35 being taken on CIPFA, they were hugely aggrieved that
36 they were not considered and I think they have merit in
37 that.

38 THE CHAIRMAN: Can I raise a question? In terms of your

1 opening comments, Mr McFall, in which you indicated that
2 you had had very good relationships with the ex chief
3 executive and officers etc, is it the impression you
4 were giving that in terms of commitment the attitude
5 that the individuals have has changed over the last few
6 years in terms of officers and members, or are you only
7 relating to members?

8 A. I do not have any complaints with any officers, as I
9 said to you, they have always treated me courteously and
10 efficiently in anything that I have done, but I think
11 there is a big issue of corporate governance here and I
12 think huge pressure comes on the chief executive and
13 directors, and it is that which I think is a
14 destabilising effect, they are under huge pressure. But
15 in terms of how they deal with me, I have no problem and
16 it saddens me to think that we do not have this culture
17 where we can deal across party lines.

18 One of the features of my life in Westminster,
19 particularly in my job as chairman of the Treasury
20 Select Committee, is dealing with the political divide
21 day in, day out in Westminster. As chairman of the
22 committee I am a Labour MP but I am charged with
23 scrutinising the work of the government, so I have to be
24 critical of them, constructively critical, but I also
25 have to be mindful of the interests of opposition
26 members who wish to criticise or wish to scrutinise the
27 government, and the confidence they have in me depends
28 on my relationship with them; the fact that we do not
29 have that here I think is a big miss.

30 THE CHAIRMAN: Thank you very much. Are there any other
31 questions. Iain.

32 MR ROBERTSON: Can I just ask for a bit of clarification,
33 Mr McFall. You mentioned that there had been a
34 strategic approach, effectively a strategic plan on the
35 schools issue under the PPP and that on the question of
36 Bonhill, Christie Park and Renton changes were made, but
37 to your knowledge was there any option appraisal of
38 these changes whatsoever?

1 A. There certainly was not any option appraisal, Mr
2 Robertson. Indeed, the director of education is on
3 record at the council and in a letter to me, which you
4 can have, that he was against this proposal because it
5 cut across the strategic vision for education in the
6 whole area. In the Vale of Leven area both
7 denominational and non denominational schools have got
8 very poor rolls and HMI criticised the council for
9 under-capacity and for not doing anything about it.

10 If I can give a ballpark figure here with both
11 denominational and non denominational schools in the
12 Vale of Leven area they are only half occupied, all of
13 them, so there has to be something done with that. But
14 what has happened with the decision with Bonhill now is
15 that the adjacent schools of Highdykes and Ladyton and
16 Jameson, there will be problems with them at a later
17 stage, so instead of having a vision for the whole area
18 the council have had an ad hoc approach to that. I am
19 just looking at my notes for COSLA, I do not know if I
20 have it, COSLA has a document, yes, I think I have got
21 it here. COSLA has a document out, "School estates
22 management: good practice," and in that there are four
23 steps.

24 First of all, vision, the council's overall vision
25 for education across the area; there is no asset
26 management plan available, Mr Robertson, so the question
27 is how can you have a vision for the whole area when you
28 do not have an asset management plan regarding where you
29 are going? There is a situation that has come up and it
30 is taken in the correspondence I have had with the
31 director of education. When Bellsmyre reorganisation in
32 Dumbarton was being looked at the council decided to
33 close Aiken Barr school in Bellsmyre and keep St Peter's
34 open with Aiken Barr pupils now going down to Dumbarton
35 town. St Peter's, despite the state it is in, is open,
36 there is nothing for them, but what that does is, it is
37 fragmenting a community which is a very poor community
38 anyway in this area, that is suffering from quite a

1 number of problems, and you are left with one school in
2 Bellsmyre.

3 In subsequent correspondence with the director of
4 education regarding St Joseph's school in Faifley, he
5 wrote back to me, and again I can give you the evidence
6 here, that the council is considering co-location for
7 Eden Barnet and St Joseph's. In phase 1 if you do not
8 have co-location what logic is there if you have it in
9 phase 2 where the community of Bellsmyre will feel
10 aggrieved and the community of Faifley will feel that
11 this has been loaded on them as a result of that. And
12 again I am informed that the leader of the council
13 wanted to include that co-location element in the
14 correspondence back to me, despite the fact that no
15 action will be taken before the next local government
16 elections.

17 I hope my answer to you illustrates the piecemeal
18 and ad hoc approach to this rather than the strategic
19 vision.

20 MR ROBERTSON: Thank you.

21 THE CHAIRMAN: Is there anything, Mr McFall, you want to
22 add to your submission?

23 MR McFALL: I would just add one quick ending. When
24 this Audit Scotland report came out, I called it a
25 damning report. I have read the report and I have re-
26 read the report and I have got endless highlights and
27 scribbles on it, and I cannot but think that my original
28 comment was right; in fact it has been reinforced as
29 time has gone on. I got the West Dumbarton News in this
30 morning and it says here, "Tell it like it is. Council
31 welcomes the chance to challenge unbalanced report," and
32 there has been an attempt to discredit Audit Scotland.
33 But I refer you to Tony Blair's appearance at the CBI
34 yesterday; when Martin Broughton, the chairman of BA,
35 and that company is in deep trouble at the moment
36 publicly, put a very hostile question to Tony Blair,
37 Blair's answer was this: "Listen Martin, I've been in
38 politics long enough to know that there are some issues

1 which I should tackle and there are other issues which I
2 should dodge". My opinion, if it had been sought by the
3 council, which it was not, would have been to have
4 dodged the confrontation, to have come here today to
5 say, "There are aspects of this report which are lacking
6 for this area. We are concerned for the future of this
7 area and for the residents of this area and we will work
8 with Audit Scotland to ensure that". That, Mr MacNish,
9 has been a missed opportunity.

10 THE CHAIRMAN: Thank you very much, Mr McFall. (Applause)

11 Can I thank you for our assistance to the Commission.

12 Can I now call the next witness, Councillor Bollan.

13 Please state who you are and what you represent.

14 MR BOLLAN: My name is Councillor Jim Bollan and I
15 represent Renton & Alexandria South Ward in West
16 Dunbartonshire Council.

17 THE CHAIRMAN: You wish to make an opening statement?

18 MR BOLLAN: I do, indeed, thank you very much, chair, and
19 before I do I would like to submit a letter that I
20 received this morning from a local group in Dumbarton
21 who did seek permission to give evidence to the
22 Commission but unfortunately they were not allowed to do
23 so. I will leave that on the table for the Commission
24 if they would consider it at a later date; I think it
25 is relevant to the business that you have got today.

26 I would first of all like to thank the Commission
27 for giving me this opportunity to make a statement to an
28 external body which has looked independently at the
29 political and management direction of West
30 Dunbartonshire Council. In my statement I would wish to
31 cover five areas of concern that have been identified by
32 the auditors in their report into West Dunbartonshire
33 Council. This report by the Audit Scotland has
34 uncovered many of the issues that the opposition
35 councillors and various community groups have been
36 raising internally in West Dunbartonshire for a number
37 of years.

38 The five areas I would like to comment on in the

1 report are (1) community planning, (2) the awarding of
2 contracts, (3) Renton library and Renton CE centre,
3 (4) decision making, lack of consultation and
4 transparency, and (5) cronyism and bullying. Before I
5 make my comments I would like to distance myself, like
6 my colleague, completely from the submission that was
7 made by the chief executive officer which is dated 22nd
8 November this year. As an opposition councillor I
9 received this 92 page report yesterday after reading
10 about it in the local paper, and that is a symptom of
11 how this council operates in terms of openness and
12 transparency; the first I read about this report was in
13 my local newspaper.

14 The West Dunbartonshire Council submission as it is
15 called has never been discussed, debated or approved by
16 West Dunbartonshire Council. It does not represent the
17 council's view since the Labour administration has
18 previously used procedural motions to gag the opposition
19 in our desire to openly discuss the report and to come
20 to a settled view on its contents. To present this
21 document as the council's response is indicative of the
22 arrogant, exclusive, undemocratic and secretive nature
23 of the administration and the chief executive officer.

24 The first issue I would like to raise is community
25 planning. Community planning if implemented properly
26 can be a useful tool to give the community an equal
27 voice in drawing up a community plan for implementation
28 in the area they live in. What has been implemented in
29 West Dunbartonshire is a travesty of community planning.

30 Rather than an equal partnership West Dunbartonshire
31 Council controls the community planning partnership from
32 the centre. The Labour administration will not let go
33 from the centre and therefore the political will is not
34 there to implement community planning which, amongst
35 other things, should be about decentralisation of power
36 from the centre to communities.

37 An example of this is when the community planning
38 model was first introduced by merging the SIPs; a

1 subcommittee was set up of the membership of the board;
2 that subcommittee went away and did 18 months work on
3 what the membership of the new board should be. This
4 was voted on by all the members, all the partners, and
5 it was approved. That report was then submitted to West
6 Dunbartonshire Council and the Labour administration
7 voted against it. Therefore a democratically arrived at
8 document with 18 months of painstaking work, where all
9 the partners including the community came to a settled
10 view about the membership, including the Labour
11 administration who were part of that process, came to
12 the council and they voted it down. And what did they
13 do? They substituted it with their own community
14 organisations to take the place of the organisations
15 that had been democratically selected to go on in that
16 process.

17 As a result of this anti-democratic decision where
18 the council again failed to listen to local people and
19 their partners the community reps in the process lost
20 all trust in West Dunbartonshire Council, not only in
21 the council but in the process, which is just as
22 important, and the process has effectively ground to a
23 halt because of one of the main objectives of the
24 community planning was not met, that is, that the
25 community should be the main driver and at the heart of
26 the process to draw up and, more importantly, to have a
27 major say in the process that would deliver the aspects
28 of the local plan on the ground.

29 My colleague Councillor McLoughlin referred in his
30 evidence to the strategic policy working group which is
31 solely made up of Labour councillors, no opposition
32 councillors are allowed on it, and it shows, and he has
33 provided them as part of his evidence, in recorded
34 minutes and reports that there was discussion amongst
35 the Labour councillors and it was noted that there was a
36 need to control partners on how they voted on the
37 community planning board. I think that is indicative of
38 the centralised attitude that the Labour administration

1 take on the council.

2 If I can now turn to the second part that I want to
3 mention, that is the awarding of council contracts,
4 there is widespread public concern at the awarding of
5 council contracts worth in the region of half a million
6 pounds to the deputy leader of the Labour
7 administration, Councillor Jim Flynn. The public
8 perception is that Councillor Flynn has access to
9 privileged information which no other contractor has.
10 He was also joint convener of the department that
11 originally approved the work lines for his company, No
12 Graffiti (Scotland) Limited, to carry out graffiti
13 removal work for West Dunbartonshire Council. At the
14 time the first contract was awarded to his company, his
15 company did not even exist and was only set up a few
16 days after the contract was awarded to No Graffiti
17 (Scotland) Limited of which Councillor Flynn is the
18 owner.

19 The ceiling on awarding contracts was increased, as
20 my colleague has previously indicated, to £60,000 for a
21 director to spend before they need to go and get some
22 committee approval, and under delegated powers the
23 current chief executive, Mr McMillan, awarded Councillor
24 Flynn's company further smaller contracts to provide
25 West Dunbartonshire Council with services; no
26 transparency, no scrutiny, awarded in secret.
27 Opposition councillors have tried to get external
28 scrutiny of this graffiti contract to try to allay
29 public fears and concerns about the possible misuse of
30 public money because of the public perception of insider
31 dealing by Councillor Flynn, but his colleagues in the
32 administration have voted continuously against this
33 external scrutiny.

34 The third area I would like to raise is the issue of
35 Renton library and CE centre, both of which are in my
36 ward. Renton library and Renton CE centre were closed
37 without any prior consultation with local people as a
38 result of Labour's budget proposals. No value for money

1 studies were done on either service. This has been
2 confirmed in writing by the chief executive officer at
3 that time, Mr Huntingford. There was widespread
4 opposition from local people but the administration
5 refused to listen. Renton was a community planning
6 pilot project area but the services were still closed.
7 These were the only two services, as has been mentioned
8 earlier, of this nature closed in the whole of West
9 Dunbartonshire Council as a result of Labour's budget
10 proposals.

11 Coupled with the intended closure of two primary
12 schools which you have heard about, Renton and Christie
13 Park, both of which are in my ward, plus a public toilet
14 that was closed which is also in my ward, and a
15 residential care home for the elderly at Leven Cottage,
16 which is also in my ward, I would conclude that Renton
17 and Alexandria South Ward was being deliberately
18 targeted on political grounds, not on economic or
19 service level grounds, on political bias, and a senior
20 figure in the local Labour Party has confirmed this to
21 the local press. Political spite was and remains the
22 main driver for the Labour administration group
23 decisions, not quality or quantity of service delivery
24 to the most vulnerable areas in our communities.
25 Resources, as we have heard earlier, are not targeted at
26 those areas most in need.

27 The fourth area I would like to cover is decision
28 making, transparency and consultation. The lack of
29 consultation and transparency is endemic of the way the
30 administration conducts its business, and maybe this is
31 an issue that the trades unions will touch on later on.

32 Two years ago 47 blue collar workers were sacked two
33 days before Christmas; two days before Christmas 47
34 blue collar workers lost their jobs. There was no prior
35 consultation with the workers or their trades unions.
36 Press releases often appear in the papers confirming a
37 decision which has not been discussed at the full
38 council, yet it is portrayed as a West Dunbartonshire

1 Council decision. You often read in reports or in the
2 local press that the council has responded with the
3 council's views on any given matter when in effect the
4 chief executive officer and the council leader have made
5 that response without any debate or discussion with the
6 council. Indeed the Audit Scotland report is just the
7 latest example of this happening. No opposition
8 councillor was allowed access to the draft report from
9 Audit Scotland. West Dunbartonshire Council as a body
10 has still not discussed or debated the merits of the
11 approved report once it became the property of the
12 Accounts Commission.

13 Turning to the consultation in relation to the stock
14 transfer of council houses, it is just another classic
15 example of the minimal consultation which is the norm in
16 West Dunbartonshire Council. Tenants are furious in
17 West Dunbartonshire about the shabby and the shallow and
18 the patronising way they have been consulted regarding
19 this vital matter. West Dunbartonshire Council views as
20 an organisation that when they hand out written
21 information to groups of individuals that is
22 consultation, and, respectfully, that is not
23 consultation, that is imparting information to an
24 individual.

25 The last area I would like to deal with is cronyism
26 and bullying. Allegations of "jobs for the boys" or
27 cronyism, call it what you will, have been levelled at
28 the current chief executive, David McMillan. Mr Brian
29 Woodcock, who is a friend of Mr McMillan's, was employed
30 as a consultant by West Dunbartonshire Council after he
31 was sacked by Aberdeen City Council. Mr McMillan was at
32 the time the director of housing, regeneration and
33 environmental services, the department in which Mr
34 Woodcock was contracted to work. Mr McMillan then
35 applied for and was successful in gaining the vacant
36 chief executive officer's post. Mr Woodcock provided a
37 reference for Mr McMillan. Mr Woodcock then applied for
38 and was offered the vacancy left by Mr McMillan,

1 director of housing, regeneration and environmental
2 services. Mr McMillan was present at his friend's
3 interview but there is no record in the minute of Mr
4 McMillan advising the interview panel of his friendship
5 with Mr Woodcock. Mr Woodcock's immediate employment
6 history and friendship with Mr McMillan, the chief
7 executive, then became public knowledge within hours of
8 him being offered the job and he withdrew his
9 application.

10 As part of my preparation for this hearing I
11 requested further information on the matter regarding Mr
12 Woodcock's employment with West Dunbartonshire Council
13 from the chief executive officer; this was emailed to
14 him on the 8th of this month, 2006. I was advised on
15 the 21st of this month that the information would not be
16 provided before 6th December. The West Dunbartonshire
17 Council protocol is that you should receive a written
18 answer in 10 working days, with Saturday being included
19 as a working day. I responded to Mr McMillan the same
20 day, 21st November, advising him I required the
21 information for today's hearing. There has been no
22 reply to date.

23 I would now like to read a letter to the Commission
24 that is dated 22nd November this year. I received this
25 letter from a concerned employee about alleged bullying
26 by Councillor Devine, a Labour councillor. The letter
27 is addressed to myself at my home address and it is
28 dated 22nd November 2006:

29 "Dear Councillor Bollan,

30 "I am writing to you to bring to your attention
31 that a grievance has been taken out by a fellow
32 member of staff against Councillor Devine. I
33 cannot go into too many details but it involves his
34 use of council services for his own personal use
35 and it involves several members of staff who were
36 forced into working for Councillor Devine when he
37 was studying at the university at the expense of
38 their own work for the council. This was brought

1 to the attention of line managers but because of
2 Councillor Devine's position it was swept under the
3 carpet. There are other things I would mention but
4 for my own job I cannot say. I did use the whistle
5 blowing route but that came to nothing because
6 Councillor White vetoes complaints and I think he
7 will do the same if I write to him now but I am
8 sure he will know about this by now. I was here in
9 the last administration and I can see the same
10 thing happening here, so before next week's public
11 hearing I hope you might be able to ask the
12 question did Councillor Devine use council
13 resources for his own use during council working
14 time at the expense of other council work. It
15 should not be difficult to get confirmation of this
16 because this has been going on for the past few
17 years but everyone is scared to say anything
18 because of Councillor Devine's position. But this
19 matter has now been reported to the unions and the
20 managers. I hope at the very least you will
21 discuss this amongst your colleagues so that they
22 will know what is going on. I should write to some
23 Labour councillors but I do not think that they
24 would do any good."

25 And it is signed off, "Yours faithfully, A concerned
26 employee". I will leave that and the actual original
27 letter for the Commission.

28 Chair, I think the letter is a stark reminder of the
29 fear felt by a fair number of employees who feel
30 isolated and intimidated and who do not have an
31 independent outlet for their concerns because Councillor
32 White, the council leader, is the only councillor out of
33 22 who is allowed to take a whistle blowing complaint.
34 No other councillor can take one, only the council
35 leader.

36 In closing I would just like to thank the Commission
37 for calling this public hearing and I hope the evidence
38 that you have heard today and tomorrow will result in

1 major recommendations for positive change in running
2 West Dunbartonshire Council which will allow the council
3 to get back to providing public services based on need
4 and to become accessible and accountable to the people
5 that elected us. Thank you very much. (Applause)

6 THE CHAIRMAN: Questions from the Commissioners. John.

7 PROFESSOR BAILLIE: Could I start the questioning. I refer
8 to paragraph 152 of Audit Scotland's report under the
9 heading of procurement of services, and it refers there
10 to the setting up of a corporate procurement unit of six
11 officers to provide a more strategic approach to
12 procurement, and it is a relatively recent appointment.

13 In your opinion will that make a difference to the
14 procurement practices that you are talking about?

15 A. I do not think so. I think it would have been more
16 transparent to have that put in place earlier, but I
17 think the system of having a spending level of £60,000
18 is there to be abused, there is no doubt about that, and
19 a lot of people find it incredulous that a councillor
20 who serves on the same authority can access financial
21 contracts from that same council.

22 PROFESSOR BAILLIE: Thank you.

23 THE CHAIRMAN: Are there any other questions? Iain.

24 MR ROBERTSON: Councillor Bollan, just to avoid any question
25 of hearsay allegations of any kind, you have the names
26 of these people who wrote to you and you have not
27 divulged them; is that right?

28 A. I am sorry?

29 Q. You know the names of the writers of these letters, do
30 you?

31 A. I certainly know the name of the writer of the first
32 letter, he is up at the back of the hall, he gave me
33 that this morning. This letter was received earlier
34 this week and it is a concerned employee. The writer of
35 the original letter is at the back there.

36 Q. That one is anonymous.

37 A. Yes.

38 MR ROBERTSON: Thank you.

1 THE CHAIRMAN: Are there any other questions? (Negative)
2 Is there anything you want to add, Councillor Bollan?

3 MR BOLLAN: No, thank you. I just want to say thank you
4 for holding the Commission and hopefully we can move
5 forward.

6 THE CHAIRMAN: Thank you very much. (Applause)
7 Ladies and gentlemen, I propose to adjourn the
8 hearing and I apologise to those witnesses who have not
9 had the opportunity to give evidence. We will reconvene
10 at 10 am tomorrow morning. Can I thank all the
11 witnesses for their contributions today, and in
12 particular to the public for their exemplary behaviour
13 for most of the hearing.

14
15 (Adjourned until Thursday, 30th November 2006 at 10 am)

16 - - - - -

17
18
19 MORNING SESSION

20
21 THE CHAIRMAN: Good morning, ladies and gentlemen. Can
22 I welcome you to the third session of the public hearing
23 here in Clydebank. I am not going to go back over all
24 the formal part that we read out yesterday. What I
25 would say is, please can I ask everyone to make sure
26 their mobile phones are off. Also, there are no fire
27 drills planned for this morning and if the fire alarm
28 rings you get out as quickly as possible.

29 Can I now ask the first witness to indicate who he
30 is and what he represents.

31 MR CALVERT: Good morning, chair, good morning member of the
32 Commission. I am Councillor Geoff Calvert, West
33 Dunbartonshire Council. I am a Labour councillor for
34 Ward 14, Dumbarton North. Again in opening can I thank
35 the Commission for the courtesy of allowing me the
36 opportunity to address you this morning.

37 The first statement I would make is that I accept
38 the overall conclusions of the report; the lack of

1 transparency in decision making, the allegations of
2 bullying, and inability to support continuous
3 improvement in the present culture. It gives me no
4 pleasure to come to this hearing to confront my Labour
5 colleagues and to make the criticisms I am about to
6 make. It is not easy. I do so with sorry and regret
7 but my loyalty to my own constituents and to the wider
8 population of West Dunbartonshire must take precedence.

9 The councillors code of conduct and the Labour Party
10 rules in support of the code place duties on me and I
11 will abide by them.

12 Labour Party headquarters have stated clearly that
13 councillors have a duty to bring issues to the attention
14 of the Accounts Commission if they feel the need so to
15 do. Indeed at the Labour group meeting on Monday last,
16 27th November, in response to pressure from the depute
17 leader of the council to state otherwise, the full time
18 Labour Party official in attendance not only
19 categorically confirmed that both myself and Councillor
20 McCallum were at liberty to make any comments we felt
21 appropriate to the Commission but also stated that the
22 Labour Party positively encouraged all Labour
23 councillors to engage with this public hearing process.

24 After over five months of work by Audit Scotland
25 within the council gathering evidence, making informed
26 observations, cross checking data in order to
27 corroborate its findings, the council still only
28 willingly accepts the parts of the report that are
29 favourable to them and either condemns or is grudging
30 and reluctant to admit its failings in the rest of the
31 report. Even after publication of the report attempts
32 by the council leadership to get unions on board to
33 reject the auditors' assertions of a bullying culture
34 have been publicly rebuffed, and I have enclosed a press
35 release from the unions.

36 The submission that has been presented by the
37 council yesterday has neither been subject to discussion
38 by the Labour group nor scrutiny by the council or any

1 council committee. I had first sight of that submission
2 when I returned home from work at 6.30 pm on Tuesday
3 evening. As a councillor I neither accept nor reject in
4 whole or in part the contents of the council's
5 submission; I do not accept ownership of it. I am
6 sorry to have to conclude that the leadership of this
7 council, many members and some officers remain in a
8 state of denial.

9 In my submission I will restrict comments to only
10 three areas, accountability and openness, restructure
11 and bullying. Accountability and openness, decision
12 making: on page 29 of the report's opening statement it
13 says, "The council has failed to demonstrate that
14 decisions are made in an open and transparent way"; on
15 page 30, paragraph 104, the schools improvement fund,
16 "The rationale for reaching the decision was not
17 transparent"; I can tell you that the rationale has not
18 been transparent to the Labour group either.

19 A motion put to the group on 6th February 2006 by
20 the leader of the council stated that, "As the 60:40
21 deal had been reneged on, the schools improvement fund
22 would be spent on a new primary school in Bonhill and
23 the remainder in Clydebank". The reference to the 60:40
24 alluded to the £100 million award for PPP from which the
25 assertion was made that a decision had been taken by the
26 Labour group that £60 million was to be spent in
27 Clydebank and £40 million in Dumbarton and the Vale of
28 Leven. In the event, after costings the split was about
29 £55 million to Clydebank and about £45 million to
30 Dumbarton and the Vale of Leven. Some councillors
31 averred that in some way Clydebank had been short-
32 changed and the top-up in the order of £5 million was
33 justified. There was no such decision taken by the
34 Labour group.

35 The leader and his supporters have been challenged
36 to produce evidence of this decision. No evidence,
37 minute of meeting or otherwise has yet been produced
38 except for a copy of a headline article from the

1 Clydebank Post. Following this motion, minutes of the
2 Labour group meetings were consistently sanitised so
3 that no mention of 60:40 was allowed to appear. After
4 three months of unsuccessful attempts to have accurate
5 minutes kept, the matter was put in the hands of the
6 Labour Party for action, and action by the Labour Party
7 is ongoing in that regard.

8 Following the publication of the Audit Scotland
9 report the leader of the council in a press release
10 dated 4th October stated, "I have requested that the
11 chief executive puts on hold the further implementation
12 of the process [meaning the school improvement fund
13 process] until the Accounts Commission consider the
14 report". That public commitment lasted less than five
15 working days and was overturned at the Labour group
16 meeting on 9th October. When challenged, the council
17 leader's response, with the then chief executive, Mr
18 Huntingford, in attendance, was that the press release
19 was "only a form of words and was meaningless".

20 I will go on to talk a little bit about restructure.

21 Page 7, paragraph 9: "No robust and strategic
22 appraisal of options"; I want to compare that
23 observation with the development of the current
24 political decision making process of the themed
25 committees. The new political structures, the themed
26 committee process, evolved after I began to work on the
27 issue in October 2002 in an attempt to map out a
28 decision making structure that would be robust but
29 flexible in order to be able to absorb changes ahead. I
30 have always had an excellent working relationship with
31 Mr Huntingford. Once I began to develop my thoughts
32 around themed committees I was in regular email contact
33 with him to ensure that the ideas would be workable.
34 For example, it was on Mr Huntingford's suggestion that
35 a separate audit and performance review committee be
36 established and that a strategic policy group be formed.

37 I would not have thought of those myself.

38 The work continued through the early months of 2003

1 prior to the local government elections in May and the
2 new structure was adopted by the Labour administration
3 following the election. It has been reviewed by
4 officers twice since then and has been found to be fit
5 for purpose, and we have heard from Mr McMillan
6 yesterday that it will stay in place until after the
7 election and then be reviewed. The strategic policy
8 group, at which senior officers and elected members were
9 able to discuss openly potential strategies, free of the
10 constraints of agenda papers, has great potential and
11 initial meetings went well. It allowed a culture of
12 confidence, straight talking and respect to develop and
13 the potential to give real consideration to future
14 developments. It could play a pivotal role in
15 supporting continuous improvement. It has been dropped
16 by the council leadership without explanation.

17 Compare this with the departmental structure; a
18 briefing note from Mr Huntingford dated 16th January
19 2006 stated that "at the request of the Labour group" he
20 had prepared outline options for a restructure of the
21 council involving a reduction of one or two directors
22 and that TH himself considered an option for the
23 reduction of three posts, and I have given you a copy of
24 that note. I can find no record in Labour group minutes
25 that this request came from the Labour group.

26 The briefing note states that the council leader
27 only wanted options where directors had stated that they
28 wished to take advantage of the trawl for voluntary
29 redundancy. Initially one director indicated a wish to
30 go followed some time later by a second. In the event
31 two directors left the council, although there is still
32 a view expressed within the council that at least one
33 director was pressured into leaving. From my own
34 knowledge that view has credence. It is also a
35 consideration that both directors may well have been
36 very strong contenders for the post of chief executive
37 after Mr Huntingford's retirement. The leader of the
38 opposition wrote to the leader of the council on 25th

1 January 2006 expressing his own reservations on this
2 matter and seeking reassurance, and I have given you a
3 copy of that.

4 The financial benefits of the restructure are not
5 insignificant and the financial position of the council
6 since its inception is such that cuts in expenditure
7 have always had to be under review. Financial benefits
8 cannot be disregarded without consideration,
9 particularly in the light of consistent under-funding
10 that is well documented elsewhere. However, it is
11 significant also that throughout the life of the council
12 during the budget preparation process no options for
13 such a large scale restructure as this have been put
14 forward by officers as possible financial savings during
15 any budget preparation process. This was not a
16 strategic decision based on sound analysis and the audit
17 report is accurate in its conclusion that the resultant
18 structures do not complement the political structures.

19 Bullying: page 7, paragraph 10, "history of
20 bullying ... this culture still exists within the
21 council"; I have commented on my excellent working
22 relationship with Mr Huntingford, so much so that Mr
23 Huntingford willingly acted as a referee in my search
24 for new employment following my redundancy in June 2003.
25 I appreciate his generosity in the comments he made in
26 his references. I cannot comment on a culture of
27 bullying or otherwise but I do give one example to my
28 own knowledge. In March 2005 I had a routine meeting
29 with Mr Huntingford; I do not recall the topic. Mr
30 Huntingford was very unhappy and to me seemed in some
31 distress. I asked what was bothering him and I asked if
32 I could help. He explained that he was under severe
33 pressure at that time to leave the council before his
34 contracted leaving date of October 2006, one year
35 earlier or even sooner. I asked where the pressure was
36 coming from and he said simply "Flynn".

37 During the discussion Mr Huntingford confirmed that
38 it was his personal wish to see out his full term of

1 office. I suggested to Mr Huntingford that he
2 considered asking Councillor Flynn and Councillor White
3 for reasons for their unhappiness with him and that he
4 give them assurances that he would deliver what they
5 were looking for, in other words, put pressure back on
6 Councillors Flynn and White to have to justify publicly
7 early termination of contract after he had given them
8 assurances. To me Tim Huntingford was clearly upset and
9 under stress. To my mind he was being harassed -- was
10 it bullying? -- by Councillor Flynn and very concerned
11 for his livelihood.

12 I did not report the content of this meeting to the
13 Labour group because of my fears that matters would be
14 made worse for Mr Huntingford. I did report details of
15 the meeting to officers of the local Labour Party
16 including local parliamentarians, John McFall MP and
17 Jackie Baillie MSP, stressing the confidential nature.
18 They can corroborate this. I would interject, chair,
19 and say that since both Mr McFall and Ms Baillie have
20 made their submissions I am quite prepared to restate
21 that and the whole of my submission on oath. I see
22 clearly why Mr Huntingford as chief executive would feel
23 obliged to challenge allegations of a culture of
24 bullying and harassment in the council he was leading.
25 However, I would be very disappointed if Mr Huntingford
26 has not made his own personal experiences known to the
27 auditors.

28 In summary, I will simply say considerable time,
29 effort and resources that have been spent by the council
30 in challenging the audit report at this hearing should
31 have been spent on plans for improvement. Priorities
32 must be to tackle leadership failures, to radically
33 change the present culture of fear and intimidation to
34 one based on mutual respect and a dedication to creating
35 a highly motivated work force. Our dignity at work
36 policy must have meaning. The council must accept the
37 thrust of the report as it stands and say so clearly and
38 without equivocation. It must give a firm commitment to

1 change the culture of the organisation and give visible
2 leadership to the continuous improvement agenda. Only
3 in this way can the council restore public confidence.
4 The current political leadership is responsible for
5 these failures and its mind set of denial makes it
6 incapable of effecting meaningful change. There can be
7 no move to a culture of respect and continuous
8 improvement as long as the present council leadership is
9 in place.

10 That concludes my submission.

11 THE CHAIRMAN: Thank you, Councillor Calvert. If I could
12 start off with two questions to you.

13 Questioned by THE AUDIT COMMISSION

14 THE CHAIRMAN: Do you accept that the council's submission
15 that we received, particularly with reference to the
16 improvement plan, goes some way to accept many of the
17 Audit Scotland findings?

18 A. Yes, I do. I was very pleased with Mr McMillan's
19 submission. I just regret that that had not been said
20 at the outset. We might not have needed to be here
21 today.

22 Q. The other question I have is: you indicated in respect
23 of the schools programme there was no transparency to
24 the Labour group.

25 A. That is correct.

26 Q. Why did you not raise this yourself at the Labour group?

27 A. Oh, I did, and then when I talk about the challenges it
28 was myself and Councillor McCallum who challenged first
29 of all the assertion that there ever was a 60:40 deal
30 ever taken by the Labour group. Amendments to that
31 motion were put forward in writing. At the following
32 meeting the terms of the amendment were deleted, there
33 was no reference to 60:40 in the minutes, and challenges
34 to the minutes thereafter simply were sanitised, they
35 did not appear. It was quite clear that that was going
36 nowhere and therefore I put that in the hands of the
37 Labour Party because of course the Labour group meetings
38 are Labour Party meetings.

1 THE CHAIRMAN: Thank you very much. John.
2 PROFESSOR BAILLIE: I just wanted to pursue the minutes
3 again that you referred to. Presumably at the point
4 when the minutes were produced to your dissatisfaction
5 your options were to put in writing your objections.
6 A. That is correct.
7 Q. And you did that, I take it?
8 A. I did, yes.
9 PROFESSOR BAILLIE: Thank you.
10 MR ROBERTSON: So the decisions of the Labour group
11 cannot be described as unanimous?
12 A. That is correct.
13 THE CHAIRMAN: OK. Have you anything you wish to add
14 to your opening statement, Councillor Calvert?
15 MR CALVERT: Just one thing, chair. I did not intend to
16 but following on from yesterday just a bit about
17 culture. I am a bit saddened that while there has been
18 debate about what might be called a negative culture,
19 no-one has talked about changing it. It is about fire-
20 fighting, dealing with instances of bullying or
21 instances of harassment. No-one is talking about
22 changing that. We have got all the building bricks in
23 place. We have a committed work force, that has been
24 accepted; we have a work force that is happy with its
25 terms and conditions; we have a work force with high
26 retention rates and low turnover rates. Why are they
27 not motivated? Why are they not enthusiastic about what
28 they are doing? That is a leadership failing and that I
29 think is where I would like to see the change and demand
30 to see the change; we go away from the negative, give
31 people vision and take this council forward. Thank you,
32 chair.
33 THE CHAIRMAN: Thank you for your assistance to the
34 Commission. (Applause) Can I now call the next
35 witness. Could you state your name and your position,
36 and also if you could bring the microphone as close to
37 you as you can.
38 MR BROGAN: My name is Councillor Dennis Brogan; I am

1 the councillor for Whitecrook Ward in Clydebank.

2 The late delivery of the document which contained
3 the council's response to the audit report is typical of
4 the Labour administration practice. This ploy is to
5 restrict the time available for opposition councillors
6 to investigate, appraise and validate information
7 contained in such documents. Likewise, I concur with my
8 fellow councillors McLaughlin and Bollan in respect that
9 they do not accept any ownership of that documentation
10 on behalf of the council. I would like to raise four
11 issues today: firstly, the information and money advice
12 service; the schools; sports strategy; risk
13 management; and if time allows I would like to
14 elaborate on the CPP.

15 While sitting on the corporate services committee I
16 was somewhat taken aback when the documentation was
17 presented to me regarding the information and advice
18 service for West Dunbartonshire. In line with the
19 findings reported in this report we would ask that the
20 Commission consider the circumstances surrounding the
21 withdrawal of funding and therefore summary closure of
22 Clydebank Citizens Advice Bureau on 31st March 2006.
23 The process underlying this submission was executed
24 between August 2005 and March 2006 and clearly
25 illustrates a lack of process, transparency,
26 intimidation by council officers and disparagement of
27 community members involved in the provision of services.

28 The review tool used was in itself fundamentally
29 flawed and clearly could not have yielded information
30 which would have justified or underpinned a best value
31 review as was stated. Nevertheless it was stated that a
32 review questionnaire would be used with all agencies.
33 It is neither obvious nor understandable why no
34 comparative data was or has ever been presented or used
35 to illustrate the council's stated position for the
36 withdrawal of funding from Clydebank CAB. This is the
37 brief questionnaire which was presented at the corporate
38 services commission. There was absolutely no

1 substantial evidence that I could justify making any
2 competent decision on this matter.

3 The next item I would like to extend on was
4 information that was presented by Clydebank Citizens
5 Advice on meetings that had taken place and the
6 investigators are asked to note: "The tone and content
7 of the discussion recorded in this meeting note. It
8 should be noted that the local authority and community
9 planning representatives have at no time produced any
10 documentation relating to the review findings mentioned
11 during the meeting, details of assessed information,
12 comparative analysis". Although both this paper and
13 subsequent minutes of the corporate services committee
14 have stated that the review was carried out under best
15 value criteria no information regarding this has ever
16 been provided. Repeated requests for clarification were
17 not answered by local authority officials.

18 The charge that was being levelled at Clydebank
19 Citizens Advice was that they had failed to make
20 provision for any future development of their
21 organisation and also how could they see their
22 organisation being developed. The officers in question
23 said that they had never received any documented
24 evidence of that nature. This is a copy of the proposal
25 submitted by Clydebank Citizens Advice regarding the
26 future organisation. Where did this document come from?

27 It actually came from the council as evidence of a
28 freedom of information request, so for them to say they
29 had never received this documentation leaves a lot of
30 questions to be answered.

31 Furthermore, Clydebank Citizens Advice Bureau
32 created a development plan ranging from 2005 to 2008.
33 This is the development plan here. Clydebank Citizens
34 Advice furthermore had received an audit from the
35 Scottish Association of Citizens Advice and had been
36 congratulated on having passed their audit and thanks to
37 be given for their hard work and dedication in running
38 their organisation.

1 I took the opportunity to challenge the officers
2 involved in bringing this report to the corporate
3 services committee, and primarily what it involved was
4 that there was to be a continuation of the meeting to
5 develop further information to reach their conclusion to
6 the matter. I personally then had to spend time
7 visiting all the information and advice services to get
8 a real in-depth appraisal as to what their concerns
9 were, what their aspirations were and how they could see
10 them fitting in to this new structure.

11 The credibility of the monitoring officers then had
12 to be questioned about why they were arriving at this
13 conclusion. The MP John McFall had visited Clydebank
14 Citizens Advice. His comment was, "The work being done
15 by Clydebank Citizens Advice in Clydebank is
16 unquestionably impressive". I then was faced with the
17 dilemma of accepting the information presented to me by
18 the monitoring office or acknowledging the comment made
19 by Mr McFall, who is the chair of the Treasury Finance
20 Committee.

21 THE CHAIRMAN: Councillor Brogan, I am conscious of your
22 time and you have a lot to get through.

23 MR BROGAN: Yes, I realise that; I am sorry.

24 I am now going to deal with Clydebank unemployed
25 resource group in a small capacity. This is an
26 organisation that deals with the members of the public
27 who are unemployed. Some have difficulties addressing
28 their complex issues. For all the documents I have read
29 in preparation for this hearing I have great difficulty
30 finding the word "people" written down. When a person
31 arrives at the CUCRC they are treated as a human being,
32 not a statistic or a number to achieve a target.
33 Sometimes the initial problem belies the real reason for
34 the predicament they find themselves in, their inability
35 to communicate effectively due to a lack of confidence
36 or self esteem, hence the importance of trust, integrity
37 and transparency are essential elements in establishing
38 that relationship. All of these characteristics

1 personify the Clydebank unemployed community resource
2 centre. The range of information and advice covers
3 council tax, rent arrears, welfare rights, employment
4 information, CVs, tribunal appeals, housing advice,
5 training and it underpins the award they received.

6 They received the Scottish Urban Regeneration Forum
7 award, which is a prestigious award, in 2003. It
8 demonstrated how a project would provide benefit to a
9 community and a particular section or group within it
10 and do so, demonstrated demand for the project, a high
11 level of involvement, empowerment of communities, the
12 development and nurturing of confidence and skills
13 within the community, innovations, benefits for the
14 community, long term sustainability and scope for long
15 term impacts. The chairperson of the CUCRC, Mary
16 Collins, received an Honours award of an MBE in
17 recognition for her services to the community on behalf
18 of the contributions made by all the staff at the CUCRC.

19 This is entirely different to the cash for honours scam
20 that we continually read about.

21 The imperative of all these items that I am trying
22 to address at the present moment in time for these
23 organisations, particularly as well the community law
24 service, which is an organisation which had been
25 established by one of the monitoring officers only two
26 years previously with money that had been obtained from
27 Europe; yet two years later he was the self same
28 officer who carried out a review on that self same
29 service and was bringing a conclusion that it would no
30 longer be funded. So, realising the credibility of that
31 statement, we then had to adjust our thinking as to
32 whether the facts being further presented to us merited
33 any credibility.

34 But the point in question about all these groups is
35 that they do not have a particularly extended service
36 level agreement. They were struggling for money, money
37 that was being withheld by the council and money that
38 was being further cut for them to operate, develop plans

1 and really put in place any strategic policy. Evidence
2 of this will now be presented in due course.

3 One of the Commissioners raised yesterday about how
4 do we measure and evaluate these organisations. I will
5 just briefly put this in place just now and I will
6 identify it in Clydebank CAB, Dumbarton CAB and the
7 CUCRC. West Dunbartonshire provided funding of £92,190
8 to Clydebank, £218,539 to Dumbarton and £146,120 to the
9 CUCRC. The numbers of clients were 9,506, 12,400 and
10 2,858 respectively. But what did they achieve with this
11 money? The client financial gain in recovery of money
12 by the Clydebank CAB amounted to £858,161 for the
13 constituents of Clydebank. Dumbarton CAB recovered for
14 their constituents £360,000. Clydebank unemployed
15 community resource centre recovered a remarkable
16 £1,735,731. That is how you would probably on a
17 financial basis evaluate such organisations where the
18 council were respectively being given a return on their
19 investment of £1 of £90.27 for Clydebank, £29 for
20 Dumbarton and £607 for Clydebank unemployed resource
21 group.

22 I will now deal with the schools. The consultation
23 process has been identified by the previous speaker and
24 I congratulate him on his honesty in coming forward but
25 I would like to maybe just deal with a couple of issues.

26 The consultation on any fair minded reading has
27 demonstrated the overwhelming rejection of the council's
28 plans to close St Andrew's school and of the parents and
29 community that belong to it. Parents are absolutely
30 clear that this plan has been derived, fostered and
31 sponsored by the Labour group within the council. At
32 the council meeting when the outline business case was
33 presented they said it was developed on best guess
34 practices. I asked whose guess it was.

35 But furthermore I had never been involved to
36 participate in any of the strategy that would bring
37 about that outline business case and I felt as though
38 that was an insult to my community as their elected

1 representative and it lacked transparency in that
2 matter. When the outline business case was presented at
3 the full council at such short notice I felt as though
4 it was incumbent on me to actually take on board the
5 issues and rationale of the outline business case and
6 take it to my community to ensure that I would reflect
7 their opinion because that was my duty and
8 responsibility, and subsequently abstained from voting
9 on the outline business case.

10 Furthermore, prior to the decision on St Andrew's
11 school I asked Councillor Agnew, the education convener,
12 if I could make a presentation on behalf of St Andrew's
13 school. This was flatly denied. Even after the
14 decision to close the school the school roll has risen
15 to over 900 pupils. There will be an additional 2,700
16 houses to be built on the riverside yet the consultants'
17 report states that this will not increase the projected
18 school roll. However, if you go to the item of Bonhill
19 primary, various issues have been raised about Bonhill
20 but I will just concentrate on one matter at the
21 children's services committee meeting.

22 When I raised concerns regarding original and
23 revised estimates for Bonhill primary, I said I would be
24 grateful if information could be provided; I asked what
25 factual information was available when the original
26 estimate was prepared and who prepared this estimate
27 prior to the council meeting, the factual breakdown in
28 the revised estimate and how the inflationary mark-up
29 affected the individual components of the new figures;
30 and furthermore, "Could you provide me with copies of
31 the relevant Land Registry figures and the future house
32 building programmes that have current planning
33 applications or consent?" The reason why I asked for
34 that was, in June of this year the case was put forward
35 at the full council to build a new school for Bonhill
36 with an original estimate of £3 million. Two months
37 later at the children's services committee we were
38 presented with the case to go forward with a new build

1 school for Bonhill at a cost of £3,990,000, a difference
2 of £1 million. Taking on board the inflation issues in
3 that I felt as though this needed to be questioned.

4 I received a response that it was to do with a
5 formula but, quite frankly, I did not want to think that
6 a school would have developed into a mini Scottish
7 parliament. However, I would like to actually raise the
8 analysis that brought this about. Realising that the
9 schools agenda had to rationalise its school buildings
10 because of the falling school rolls, the school roll
11 that had been estimated at Bonhill was 180 but it was
12 now being estimated at 240 and this was because of
13 additional house building. However, when we look back
14 to St Andrew's there was vehement and strong
15 confirmation that the additional house building
16 programme would have made no difference to the decision
17 on St Andrew's.

18 THE CHAIRMAN: Excuse me, Councillor Brogan, you need to
19 sum up now, and you may well be able to introduce some
20 of the other matters in the questions that the
21 Commission ask. I do apologise but I have to say all
22 the witnesses have been very good in sticking to the
23 original timetable for the introductions.

24 MR BROGAN: I am sorry, and I take that on board, yes.

25 THE CHAIRMAN: Could I just make one comment before I open
26 it to my colleagues, Councillor's Brogan, just to
27 clarify the Commission's position. We are not here to
28 challenge legitimate policy decisions of this council, I
29 think it is important that everyone in this hall knows
30 that; we are not here to challenge legitimate policy
31 decisions of West Dunbartonshire Council.

32 MR BROGAN: OK.

33 THE CHAIRMAN: Can I open it to colleagues.

34 Questioned by THE AUDIT COMMISSION

35 PROFESSOR BAILLIE: Let me start by going back to the
36 Clydebank CAB and the lack of transparency to which you
37 referred. When the closure plans were proposed were
38 there options put forward? What were the options?

1 A. There were no options.
2 Q. It was close or not close, was it?
3 A. Well, the decision had been taken to actually cease
4 funding from the organisation because the monitoring
5 officers had arrived at the conclusion that Clydebank
6 Citizens Advice had not been forthcoming with either
7 development plans or some form of restructure, but that
8 has been refuted.
9 Q. You spoke well of the service that the bureau had
10 provided.
11 A. Yes.
12 Q. Where has the function provided by that bureau gone
13 within the council? Is there a replacement function?
14 A. That was the point I raised, that if the Clydebank
15 Citizens Advice had to close then, and the community law
16 service, what restructure would be liable to be put in
17 place, and the indications were that they wanted to take
18 over the running of Clydebank Citizens Advice in a new
19 structure and they would lead it from within the
20 authority themselves.
21 Q. And has that taken place?
22 A. Well, there was no operation in place for a matter of
23 about six months and the volunteers within the
24 organisation had subsequently left.
25 Q. So does the function now exist?
26 A. It has just recently opened up but in a very short
27 staffed capacity.
28 Q. And is that just a timing issue, that the staff will get
29 up to full complement?
30 A. Well, I would imagine so, hopefully.
31 PROFESSOR BAILLIE: Thank you.
32 THE CHAIRMAN: Keith.
33 MR GEDDES: You talked about the deficiencies in the
34 service level agreements between the council and one of
35 the organisations.
36 A. Yes.
37 Q. But at a more sort of strategic level is there a
38 concordat, is there a working arrangement for the

1 relationship between the local authority and the
2 voluntary sector in West Dunbartonshire Council?

3 A. I believe there are so many initiatives arrive at local
4 authorities' doorsteps and as such they refer to it as
5 the changing landscape but I think it is very difficult
6 for any initiative to actually have some form of
7 sustainability if there is no funding in place to put in
8 place some action plan to develop that and have a degree
9 of sustainability from the objectives and aims that they
10 had been set out with.

11 Q. What I took from what you said to us was that when
12 budgets are agreed there is an element of protectionism
13 that is provided to council services that are provided
14 directly by the council as against the third sector and
15 that the voluntary sector's budgets are cut prior to
16 those of the council. Is that what you are saying to
17 us?

18 A. I would say so, yes.

19 MR GEDDES: Thank you.

20 THE CHAIRMAN: Jean.

21 MS COUPER: Thank you. Councillor, you indicated at the
22 very beginning of your statement that you wanted to talk
23 about the subject of risk management.

24 A. Yes.

25 Q. Could I invite you just to make some brief comment on
26 that area, your key concerns?

27 A. Yes, OK. I attended a meeting for the introduction of
28 risk management in April 2005, an invitation from the
29 principal officer which I attended, but I realised if we
30 had a systems and analytical audit the information
31 gleaned from that would identify the responsibilities
32 and financial disciplines. This feedback would assist
33 the reconciliation of financial costings and prove
34 invaluable to a councillor sitting on any committee. I
35 asked at the last council meeting at what stage is this
36 risk management in place because I realised that you had
37 identified that in your report. I was given a brief
38 outline of this strategy but no operational development

1 and this is 18 months later.

2 Q. So, just to be clear, you are saying that there is a
3 strategy there but that no operational activity has been
4 happening over that 18 months behind the strategy.

5 A. No.

6 MS COUPER: Thank you.

7 THE CHAIRMAN: Councillor Brogan, is there anything you
8 wish to add to the opening statement that you feel you
9 have not covered?

10 MR BROGAN: I will briefly deal with sports strategy.

11 Sports strategy or, should I say, the lack of a
12 sports strategy in this authority, well, it is non
13 existent. I attend the sports council, which is an
14 organisation where we actually put in place money to
15 support our young people participating in sport. When
16 we look at the source of money that we are given from
17 the authority to actually support our young people, it
18 is £8,000. That was subsequently reduced at the last
19 corporate services committee meeting from £10,000 to
20 £8,000. If we have a particularly good athlete or
21 sports person the most we can give that individual is
22 roughly £125, at the very most £250, depending on their
23 accreditation. If a young person goes down south to
24 participate in an event with their parents that £125
25 would disappear in that one weekend, and how does that
26 individual survive for the other 51 weeks of the year to
27 attend training and all the rest of it?

28 I feel as though we have got to look at it from, Mr
29 McConnell had raised the point about we have got to
30 raise sport as an element, and I know he was proud to
31 get his photograph taken with the three Gold medal
32 winners who came back from the Commonwealth Games, but
33 of those three individuals two of them were trained and
34 taught down in Loughborough University and the other one
35 was supported by his parents in Australia, but we in
36 West Dunbartonshire have no amenities and there are no
37 sporting facilities. It gives the impression that if
38 you have any inclination in sport, jump on a bus to

1 Scotstoun leisure centre.

2 I would also like to make one valid point here. Of
3 that £8,000 that we are given as a sports council to
4 distribute to all our young people, the council leader
5 made a decision in his second council meeting, I
6 attended as a newly elected council member; he said he
7 was putting in place a new structure of how to run an
8 authority and he delegated £18,000 each to each of the
9 Labour councillors who are delegated a convenership. If
10 you look at that sum of money over a four year period,
11 the Labour councillors will have pocketed close to
12 £1 million, yet when we look at what we are giving our
13 young people in West Dunbartonshire, £8,000 a year, that
14 is less than 50 per cent of what a Labour councillor
15 gets in convening a committee.

16 THE CHAIRMAN: Councillor Brogan, thank you for your
17 assistance to the Commission.

18 Could I ask the next witness to come forward,
19 please. Could you state who you are and the position
20 you hold.

21 MR McCALLUM: Councillor Jim McCallum; I am the councillor
22 for Dumbarton Central Ward and have been since 1996.

23 Can I join with others in thanking the Commissioners
24 for the opportunity to give evidence. However, I do not
25 find myself in exactly the comfortable position that I
26 would like to be spending a Thursday morning. I hope,
27 too, the Commissioners will understand the divided roles
28 that I and my colleagues find ourselves in today. We
29 have obligations, loyalty and accountability to grant to
30 the Labour administration. However, I have decided that
31 my obligations, loyalty and accountability to the Labour
32 Party in general and to the wider community supersede
33 that and for that reason I have asked to give the
34 evidence that I will give to the Commission this
35 morning. I would like to touch on probably simply just
36 four particular points.

37 The first one is the issue of bullying and
38 harassment, and whilst I am not able to comment in any

1 detail on the staff position I did have the experience
2 that while I was education convener a head of service
3 who had only recently been appointed to that post was
4 leaving to join another authority; in a meeting with
5 the director of education then I expressed some surprise
6 because she was an officer who was well thought of and,
7 given that the appointment had been recent and that she
8 was leaving for a job which was paying a lower salary,
9 further from her home and possibly with different
10 conditions, I asked him about it. He suggested that I
11 should do the equivalent of an informal little exit
12 interview. I had known this particular official for
13 some considerable time. She made it crystal clear to me
14 that the sole reason for her leaving was the harassment
15 she was receiving from one councillor. I found that
16 regrettable and I think that the council lost an
17 efficient and well respected officer.

18 The issue of bullying and harassment chimes a little
19 when it appears in the Audit Scotland report because in
20 its own enquiry separate from all of this into
21 membership irregularities the Labour Party identified
22 within the Labour group that there were similar
23 allegations being made. That, however, can I emphasise,
24 is as yet unresolved, that investigation continues.

25 I can understand the unions' reluctance and the sort
26 of sceptic view that they take over the grievance
27 procedure. I have in the past known the membership of
28 the appeals committee to be changed without reference to
29 the council and from my own experience recently, in a
30 grievance appeal in which there was a ruling that the
31 head of the department concerned having given evidence
32 could remain as an expert witness, my concern was that I
33 was looking at the witness list and there were junior
34 members of that department due to give evidence to the
35 appeal; my worry was that that evidence would not be
36 felt comfortable by those if they were asked to come in
37 and speak while basically the boss was sitting in the
38 office. I therefore withdrew from that particular

1 appeal and stated the reasons for doing so to the clerk
2 to the appeal committee.

3 Coincidentally the council was reviewing membership
4 of all committees. On Monday night there was no change
5 to the membership of the appeals committee. Thirty-six
6 hours later two further councillors volunteered to join
7 the appeals committee and by democratic vote I was
8 removed from it. I have little doubt in my mind the
9 real reason behind that and it was my dispute with the
10 chair's ruling on that particular issue. Can I
11 emphasise, too, that the decision taken was entirely
12 within the law, it was legal; it was simply that I
13 thought procedurally I was in an uncomfortable position
14 facing that.

15 The report looks at issues of vision and priorities
16 and I simply want to say that I found it regrettable
17 that the strategic policy group disappeared. I found
18 that to be a useful medium in which senior officers and
19 elected members, particularly conveners, could have
20 access to each other on a fairly freewheeling agenda
21 that allowed ideas to develop rather than confine
22 ourselves to the strict limits of an agenda, but that
23 has been abolished and I think that that is something
24 that the council has lost.

25 I would like now to address the issues of
26 transparency and decision making, and much has been said
27 about the schools improvement fund. There are, however,
28 a couple of precursor issues to that and I would like to
29 bring these to the attention of the Commission. One is
30 what you have heard of as the famous 60:40 deal. In
31 January of this year, after several requests, I brought
32 to the Labour group the estimated capital costs under
33 the PPP programme. The PPP project was actually quite a
34 difficult project both in the negotiation of the funding
35 and in the establishment of exactly which schools we
36 could address. The project was complemented by the
37 Scottish Executive in that its intention was to deal
38 with all of the difficult situations we faced in our

1 secondary schools.

2 When I presented that estimated capital cost I was
3 immediately and, I think it is fair to say, aggressively
4 told that it was not acceptable because it did not
5 comply with the already agreed 60:40 split in favour of
6 schools in the Clydebank area. I was completely unaware
7 of any such agreement and I asked for confirmation by
8 way of a minute which indicated that that was a clear
9 decision of either the administration, the children's
10 services committee, the schools regeneration group or
11 the council. No such minute was ever produced, although
12 there were people who said and maintained vehemently
13 that it did exist. I can confirm what Councillor
14 Calvert said that the evidence produced at a subsequent
15 meeting was the headline in the Clydebank Post, "It
16 doesn't refer to a 60:40 deal. A reporter has imagined
17 that £60 million would be spent in Clydebank," and that
18 is the sole justification that I have ever seen for the
19 alleged 60:40 deal.

20 While I was education convener I met regularly with
21 the director and on one occasion he was late for a
22 meeting. When he arrived he apologised to me and said
23 he had been called to a meeting in Rosebury Place at
24 which only Clydebank councillors had been present and
25 the gist of the meeting was that they wanted to make it
26 clear to him that they expected the lion's share of PPP
27 funding to go to Clydebank. Such meetings are totally
28 proscribed by my party's rules and in this instance the
29 only justification that I can find for it is that no
30 apparent decision was taken. Had a decision been taken
31 that would have been completely illegal according to the
32 rules of the Labour Party.

33 Subsequent to that in April 2006 the same capital
34 costs as I had produced in January were presented to the
35 council. There was no challenge whatsoever, the paper
36 simply went through the council and was approved with no
37 alteration between January and April, and I found that
38 slightly surprising. I believe these were precursors to

1 the lack of transparency over the schools improvement
2 fund.

3 The schools improvement fund was not an easy set of
4 decisions to take. There were a range of options that
5 would have been available. The fund was rolling up year
6 on year and by the time we came to February/March of
7 this year, as you have heard, the total sum available
8 was £7.74 or £7.75 million. You have heard it said that
9 no officer recommendations were made to the council and
10 that is perfectly true. However, other options were
11 presented to the administration. Possible priorities
12 were given to them. They included the CIPFA costs over
13 five years, the current occupancy levels, and the
14 current occupancy levels were important to us because
15 the only criticism that HMIE made of the education
16 service was the under-occupancy, particularly in primary
17 schools, and the third aspect of priorities that I
18 invited them to look at was the projected occupancy to
19 the year 2012/13.

20 Although these papers were available they really
21 were not taken seriously. There was an obvious
22 political difficulty in having gone through a fairly
23 rumbustious consultation process, and members will fully
24 appreciate that you never find school closures and
25 school mergers welcomed by the community, for perfectly
26 understandable reasons, so I looked again at a list of
27 primary schools indicating those which would have
28 involved a merger or a closure because, and I understand
29 this, people did not want to go into that round
30 immediately again, those which were new or fairly new
31 and those which were already included in the PPP
32 programme; that left a number of schools from which
33 choices could have been made and the majority of them
34 featured in the CIPFA study. Also presented was what I
35 would describe as a completion programme. Our schools
36 regeneration is a programme which is going on over 10
37 years and sooner or later we have to face up to what we
38 are going to do with the remaining primary schools. It

1 was presented indicating a cost over the 10 years of
2 some £51 million; no action, no response.

3 The decision on Bonhill primary school and its
4 removal from the PPP project was taken on a tied vote on
5 the casting vote of the chair who was also, as I think
6 you have heard, the local member. It was against my
7 advice and recommendation, it was against the advice and
8 recommendation of the director, and I as education
9 convener pointed out the effect it would have on the
10 coherence of the further strategy for primary education
11 in the Vale of Leven area.

12 The motion put to the Labour group was in these
13 terms, and I am not going to say I have got the exact
14 words because it was never minuted, that a new primary
15 school be built in Bonhill on the council owned site
16 opposite the present building and that as compensation
17 for the fact that the 60:40 split in phase 1 PPP in
18 favour of Clydebank had been reneged on the balance of
19 the schools fund is to be spent on schools in Clydebank.

20 Individual members were then invited to make proposals
21 as to where that should be spent. You have already
22 heard from Councillor Calvert the sorry tale of minute
23 amendment and the length of time it took to actually get
24 some accuracy into the minute but nevertheless there is
25 an audit trail and it is available under the same
26 conditions as Councillor White indicated yesterday.

27 THE CHAIRMAN: I am conscious of your time, councillor.

28 MR McCALLUM: Sure; I am just going to wind up now.

29 I exchanged emails with the leader of the council to
30 the effect that I was disappointed that he had not found
31 himself able to share with me the proposals for the
32 school fund which he announced to the Labour group; his
33 reply was that he knew I did not agree with the
34 decision. I replied to him to say that it was not a
35 matter of my agreeing with that particular decision,
36 what I disagreed with was the argument about the 60:40
37 split, and in the same email Councillor White made me
38 aware that he had already visited those schools in the

1 morning and indicated to them the proposal that was to
2 be put to the council.

3 If I can finish by addressing the way in which the
4 Audit Scotland report has been handled, I find it
5 regrettable. I view Audit Scotland's report as the
6 equivalent of a window being opened and some fresh air
7 coming in to this council. (Applause) I believe that
8 it offers us opportunities which should have been
9 accepted gratefully and acted on. I very much welcome
10 Mr McMillan's closing statement to you yesterday; I
11 only wish that his opening statement had been his
12 closing statement.

13 I find my colleagues in the leadership of the group
14 in denial over the circumstances that the council finds
15 itself in. We are a small council, we do have financial
16 problems. I do not believe that continuous improvement
17 relies solely on finance. I have worked for the last 20
18 years in the field of organisational development. I can
19 identify that change and improvement is possible without
20 us having to go back and sort out the mismatch of
21 funding that took place in 1996, but I do have to
22 acknowledge that that is a problem for this authority.

23 Can I thank you for your time, and I will be happy
24 to answer any questions.

25 THE CHAIRMAN: Thank you, Councillor McCallum. (Applause)

26 Questioned by THE AUDIT COMMISSION

27 THE CHAIRMAN: Could I take you back to the early part of
28 your presentation. You raised the issue of a
29 conversation you had with the director of education or
30 the head of education service where it was indicated
31 that the reason the individual was leaving the council
32 was because it was not congenial to a working
33 relationship that she wished to have. Is that correct?

34 A. Yes.

35 Q. What did you do with that information? Did you take it
36 anywhere?

37 A. Yes, I did. I asked the director, I viewed that, to be
38 honest I draw lines between the responsibilities of

1 councillors for staff and officials for staff; I did
2 ask the director to make that known to the leader of the
3 council, I believe he did, but I do not know what action
4 followed from that.

5 Q. But you are a Labour councillor.

6 A. Yes.

7 Q. Did you raise it with the leader of the council?

8 A. I believe I referred to it in conversation but I did not
9 raise it as a specific issue. I know and I have had
10 experience of how things work. I thought my duty was
11 discharged by asking the director to handle a matter
12 which was so detailed a staff matter as that.

13 THE CHAIRMAN: Thank you. Keith.

14 MR GEDDES: Just a question for clarification,

15 Councillor McCallum. You referred in your contribution
16 on the schools issue to the cost over a 10 year period
17 being £51 million. Was that in relation to the sort of
18 empty or not full primary schools not being shut? What
19 was that £51 million reference to?

20 A. That £51 million was to complete the whole programme
21 which would have involved mergers, some closures and
22 amalgamations and all the rest of it. But can I
23 emphasise that none of these decisions were taken. I
24 asked the official concerned to give me the costs but to
25 leave the project column blank so that I could put in
26 some suggestions along with them, that he and I could
27 meet and I could say, "Well, could we merge that? Can
28 we do this? Can we do that?" and that is the document
29 we finished with.

30 Q. Thank you. The second point; I have the school
31 improvement fund motion here where £3.1 is committed to
32 Our Lady of Loretto for a new school. In your
33 experience and your analysis of the situation would I be
34 right in thinking that Our Lady of Loretto was not the
35 top of the list of priorities for a new school in terms
36 of need, in terms of the school estate?

37 A. You are absolutely right, it was far from the top of the
38 list and coincidentally just the week before all this

1 happened I had been visiting three primary schools in
2 Clydebank, one was Eden Barnet, one was St Joseph's and
3 the third one was Our Lady of Loretto; in conversation
4 with the head teacher, he was desperate to get new
5 windows and he told me that, and that was as much as he
6 expected. I certainly did not imagine that Our Lady of
7 Loretto was attracting any priority, particularly when I
8 had seen the situation both Eden Barnet and in St
9 Joseph's.

10 Q. And, just to make it clear, there was no recommendation
11 from the officials that Our Lady of Loretto should be
12 prioritised?

13 A. No.

14 MR GEDDES: OK. Thank you.

15 THE CHAIRMAN: Jean.

16 MS COUPER: Thank you. Councillor, you made mention of
17 the strategic policy group.

18 A. Yes.

19 Q. And you expressed that you found that a very helpful
20 forum involving officers and councillors in looking
21 forward.

22 A. Yes.

23 Q. When was that policy group disbanded and what was the
24 reason for that?

25 A. I would have to check back on that.

26 Q. Roughly.

27 A. It is an age thing, you know. I would have to check
28 back and find it.

29 Q. Was it last year or the year before?

30 A. Oh, no, it was about 18 months ago, anyway. I am sorry;
31 what was the second part of your question?

32 Q. What was the reason given for disbanding it if it was a
33 useful forum?

34 A. I do not recollect one.

35 MS COUPER: Thank you.

36 THE CHAIRMAN: Is there anything, Councillor McCallum, you
37 wish to add to what you have said?

38 MR McCALLUM: No. Can I thank you for your time and just

1 point out to Audit Scotland that they are not alone in
2 being in dispute with the leadership of this council.

3 (Applause)

4 THE CHAIRMAN: Ladies and gentlemen, we will have a short
5 break but just before we do, I said last evening that I
6 would come back in terms of whether we would take
7 evidence in private; at this time the Commission will
8 not take evidence in private. We will reconvene in
9 about 10 minutes' time and it will be the trades union
10 representatives who will take the stand. Thank you very
11 much.

12 (A short adjournment)

13 THE CHAIRMAN: Thank you, ladies and gentlemen. Could I ask
14 the next witnesses to state their names and what
15 positions they hold.

16 MR McDONALD: Good morning. I would first like to wish
17 everybody a happy St Andrew's Day. (Applause) I am
18 Charlie McDonald; I am the convener of the Transport
19 and General Workers Union. To my left is Duncan
20 Borland, who is the convener of the GMB, and to my right
21 is Tom Morrison from Unison.

22 I would want to highlight two issues on behalf of
23 the trade unions of West Dunbartonshire Council, (1)
24 lack of consultation and transparency and (2) the issue
25 of bullying. There is a history of central management
26 team making proposals for elected members' agreement
27 without any recourse to the trade unions. Examples
28 would be the caretakers restructure, the changing of
29 cleaners' job outlines, imposition of job freeze, a wish
30 to abolish the regrading panel, departmental reviews
31 taking place outwith the structure and an attempt to
32 change national terms and conditions.

33 Jobs are advertised without consultation with the
34 trade unions. Promotions take place without acting up
35 to more senior posts resulting in that post being filled
36 on a permanent basis instead of it going to interview.
37 Union members are often frightened to inform their trade
38 unions of these abuses in case they are traced as the

1 source and if they do find out we are often faced with a
2 fait accompli. We have been successful in challenging
3 some of these practices but we have to hear of them
4 first and it is an uphill battle when many of the
5 changes have already taken place. Management use of the
6 carrot and stick approach leads to low morale in the
7 work force and if you speak out your career is going
8 nowhere or, to be blunt about it, your card could be
9 marked.

10 I would like to turn to the issues of bullying. The
11 first point I would make is that while the bullying
12 issue in the Audit Scotland report was in line with what
13 our members were telling us, our view is that the
14 bullying culture exists not just in housing and
15 technical services but throughout the council. We find
16 that our members are reluctant to submit a case to
17 grievance over their concerns. Why is this the case?
18 We believe the grievance procedure has fallen into
19 disrepute. When our members are taken to discipline we
20 find they go through the procedure, to coin a phrase,
21 tout de suite, while if a grievance is taken out the
22 process is dragged out over months if indeed not years.

23 The result is our members often give up in despair,
24 stressed and totally sickened by the whole process, and
25 decide just to keep their heads down or to leave the
26 council altogether. As we heard yesterday, 70 per cent
27 of our work force live in the area and with little
28 prospect of alternative employment most decide to take
29 the former route with the subsequent consequence of low
30 morale and a cowed work force.

31 We believe that while 1,000-plus employees responded
32 to the Audit Scotland questionnaire, many workers
33 thought it was a waste of time, nothing would come of
34 it. So what is the trade union doing about this state
35 of affairs? The machinery where the unions must meet
36 elected members and personnel is the joint consultative
37 forum, the JCF. This forum meets quarterly and the
38 minutes of the JCF show we have been raising our

1 concerns about the abuse of the grievance system from at
2 least 2002. We even raised individual cases, which is
3 unusual at a corporate meeting and would not be minuted
4 as this would be inappropriate, but these cases were
5 raised to illustrate our concerns. While not all the
6 grievances were about bullying, if you take away the
7 right of the worker to have their grievance heard in a
8 fair manner and within the agreed time scales that
9 worker is being made to feel powerless with no redress
10 to justice. That in our view is bullying.

11 West Dunbartonshire Council's grievance procedure
12 has three stages with time scales of two days, five days
13 and eight weeks. For a meeting to be arranged to hear
14 the case these time scales are rarely if ever adhered
15 to. We have continually complained that the number of
16 grievances stated by personnel to have been submitted
17 underestimates the true figure. When management fail to
18 keep to the time scales we take the grievance to the
19 next stage until stage 3 is reached where the appeals
20 panel, made up of elected members, hear the grievance.
21 Some of these grievances have been sitting at this stage
22 for months, if not years.

23 At the JCF we continually ask that management are
24 forced to implement the grievance procedure in the time
25 scales laid down in procedure. Personnel have been
26 asked on many occasions what is happening to particular
27 grievances with the union being fobbed of or no reply
28 given. The trade unions believe that West
29 Dunbartonshire Council have broken contracts of
30 employment by not implementing the procedure and we have
31 wanted to lodge employment tribunal applications, but
32 where a culture of bullying exists we find many of our
33 members are reluctant to take out a grievance in the
34 first place, never mind go to a tribunal, such is the
35 fear of intimidation and reprisal. Those who do show
36 courage to pursue their grievance are treated with
37 disdain, stage 3 grievances being cancelled at short
38 notice, sometimes not even in writing, with no reason

1 given.

2 Yesterday the chief executive, David McMillan, said
3 that procedures were in place to deal with bullying and
4 mentioned the grievance procedure, yet barely 24 hours
5 previously at the JCF the chair of that committee,
6 Councillor Devine, proposed that a working party be set
7 up to look at why the grievance procedure was not
8 working and why the same issues were coming up time
9 after time, i.e. grievances not being held within the
10 agreed time scales.

11 We have had it put to us by senior councillors why
12 we did not go to them with our concerns over bullying.
13 We did not because we believe they are part of the
14 problem. Our members have said to us they have managers
15 who are bullies. These managers think they are
16 untouchable because they have developed a close
17 relationship with one or more of the senior councillors.

18 In these circumstances it is very difficult to get the
19 worker to take action. Managers have been shown to
20 disregard instructions of a more senior manager and
21 nothing is done because of these inappropriate
22 relationships. We have had comments from workers saying
23 that the manager is too well protected and we will not
24 be able to do anything about it, so they do not
25 complain.

26 In one case one of our members won his grievance at
27 an appeals committee, to the great displeasure of senior
28 management and councillors. The councillor who chaired
29 the committee was removed. That sent out a strong
30 signal to staff and indeed elected members about who was
31 the boss. Yesterday the chief executive, Mr
32 Huntingford, said the trade unions never came to him and
33 the question we would put to him is, why would we. Mr
34 Huntingford states that the unions never came to him but
35 he was not keen to meet up with us. Chief executives in
36 other councils meet with the trade unions on perhaps a
37 monthly basis to discuss issues of mutual concern, which
38 seems to us to be a good way of fostering good

1 industrial relations. Never mind a monthly meeting;
2 you could count on the number of fingers of one hand the
3 number of times Mr Huntingford came to the JCF where we
4 were raising these concerns.

5 There was actually one occasion over a year ago
6 where one of the unions did write to Mr Huntingford
7 expressing concerns over a bullying case and the
8 frustration and lack of progress with the grievance.
9 The letter expressed concerns that this may be due to
10 the close relationship the manager being complained
11 about had with senior councillors. No progress was made
12 by writing to Mr Huntingford and the grievance was moved
13 to stage 3 where it sits, despite personnel being
14 pressed to progress it, and Mr Huntingford wonders why
15 the unions do not raise their concerns with him. The
16 trade unions have a number of individual members who
17 would be willing to speak to the Commission to tell of
18 their experience of bullying in their employment with
19 the council but would only do so in private for fear of
20 reprisal.

21 To conclude, we feel that we have to express our
22 concerns for our future employment in West
23 Dunbartonshire Council by making such a public
24 submission that is so critical of our employer.
25 However, we would not have it any other way as it is our
26 duty as trade union representatives to relay to the
27 Commission our experience in attempting to represent our
28 members in such a difficult environment. We have put
29 our trust in the solidarity of the trade union movement
30 to offer us protection against victimisation. The
31 publicity that this hearing has attracted might help a
32 bit to do so. Thank you. (Applause)

33 THE CHAIRMAN: Thank you, Mr McDonald.

34 Questioned by THE AUDIT COMMISSION

35 THE CHAIRMAN: Could I start off by saying that you did
36 not go to the elected members because you said they were
37 part of the problem; I think that is what you said in
38 your opening statement and you indicated this has been

1 going on for some considerable time, bullying and
2 harassment.

3 A. (Mr McDonald) Yes.

4 Q. Why did not the trade unions, if it was so serious, go
5 public?

6 A. (Mr McDonald) Well, I think we have on certain issues
7 of different departmental changes, we have in the local
8 press presented our cases and other frustrations. I
9 think my colleagues would support us on that. It has
10 been a case that the JCF mechanism is a mechanism for
11 the unions to express its views to the council and I
12 think if you went back on the JCF papers it was put to
13 us that there was no accusation of bullying in these
14 papers but we would put it that the whole recourse to
15 the discipline and grievance and the course of actions
16 that that has taken, I think in our address there we
17 highlighted the fact that if you are disciplined in West
18 Dunbartonshire Council you are through the system fairly
19 quickly but if it is a grievance by one of our members
20 or indeed an employee it can take a long, long time, and
21 there is an obstruction from certain departments, in
22 fact most of the departments, to take it to its
23 conclusion.

24 THE CHAIRMAN: Thank you. Professor Baillie.

25 PROFESSOR BAILLIE: You mentioned bullying being widespread,
26 I think that was the word you used.

27 A. (Mr McDonald) Yes.

28 Q. Can you give us an indication of the number of cases
29 that have come your way or come the way of all three of
30 you?

31 A. (Mr McDonald) Well, I can only speak for the Transport
32 and General Workers Union on that but my colleagues may
33 answer. We know of just now grievances that are
34 pending, we have got at least nine cases just now
35 waiting to be heard. And, just on that, two of my
36 members have actually written to the chief executive on
37 that, on the length of time that the grievances are
38 taking place; as of today the former chief executive,

1 we have a new chief executive but the former chief
2 executive did not have the courtesy to write back to
3 them.

4 Q. How many cases per year, say, are coming your way?

5 A. (Mr McDonald) On an average if you look at when it gets
6 to the appeals stage, I think there are maybe at least
7 15 pending just now, when it gets to stage 3, that is in
8 front of sitting councillors, but again I would state at
9 the stage 2 we have a lot waiting to be heard.

10 Q. How many, roughly?

11 A. (Mr McDonald) Only speaking in my own case, at least
12 eight.

13 Q. Could I ask the same question of the other two union
14 representatives.

15 A. (Mr Morrison) If I could respond to Professor Baillie,
16 I have been a shop steward for a number of years in the
17 council but I have only taken on the Unison convener
18 post over the last two and a half months, and one of the
19 first things I did was I contacted corporate personnel
20 and asked for clarification on how many stage 3
21 grievances Unison was representing at. I was told
22 three, which amazed me because I was just in the post
23 but I was aware of a figure round about nine, and I told
24 them that, and since then there has been no response.
25 Obviously I am hoping that the publicity that this
26 hearing gives to our case will embolden members to
27 ensure that they follow through with their grievances.

28 Q. Thank you. Mr Borland.

29 A. (Mr Borland) My union has five that I know of but
30 probably if the grievances were taken out there would
31 probably be 50 that I know of but I have been told not
32 to do anything about it because they are just scared of
33 reprisals.

34 PROFESSOR BAILLIE: Thank you.

35 THE CHAIRMAN: Just for clarification, Mr McDonald, you
36 named nine grievances in the system. How many of those
37 nine, and it is just to try to get a picture, relate to
38 bullying and harassment, because you can have grievances

1 for all sorts of reasons.

2 A. (Mr McDonald) That is true. I mean, the whole nature
3 of the beast is such that it leads to a such that we
4 feel not addressing these grievances is a form of
5 bullying in itself. A lot of it is to do with pay and
6 conditions and stuff that is laid out but I think the
7 whole process, if you look at it, let us be honest about
8 it, if you are aggrieved with somebody if it is not
9 getting addressed that leads to frustration and that
10 frustration shows itself in all different ways. The
11 whole point is, it is a whole corporate arrangement of
12 bullying and we feel that to not address these
13 grievances is a form of bullying.

14 THE CHAIRMAN: Thank you. Mr Robertson.

15 MR ROBERTSON: Early in your introduction you mentioned
16 under the heading of consultation that jobs were not
17 being advertised and that a lot of jobs were being
18 filled by people temporarily acting up. I am not quite
19 sure whether what you are complaining of there is the
20 lack of consultation with you or are you suggesting
21 there is a sort of sustained favouritism, bias or a lack
22 of open competition?

23 A. (Mr Morrison) May I answer that one? Our complaint
24 here is that in basically an emergency situation a post
25 will need to be filled, a promoted post will need to be
26 filled and there might not e time to go through the
27 proper procedure. Somebody will be appointed in the
28 interim into that post but that should only be an
29 interim agreement and what we are having is that these
30 posts are filled basically permanently, they do not go
31 to advert. They always say that is the choice of an
32 individual manager, so it can be a blue eyed boy who
33 fills the post and he remains there and he is not
34 subject to interview.

35 Q. And there are a number of these instances going on?

36 A. (Mr Morrison) Indeed.

37 THE CHAIRMAN: Jean.

38 MS COUPER: Thank you. Mr McDonald, you made reference to

1 the JCF and you commented that the previous chief
2 executive did not attend very many of those meetings, if
3 I understand you correctly.

4 A. (Mr McDonald) Yes.

5 Q. I would like you to tell me, please, who chairs that
6 committee or that forum and who does attend it from the
7 council both in terms of officers and elected members?

8 A. (Mr McDonald) The chair usually changes, alternates,
9 the chair is usually taken by one of the elected
10 members. The forum consists of elected members through
11 the full political spectrum from all the different
12 political groups and it is representative of, it is made
13 up on the other side of the trade union groups.

14 Q. And what about the officers; what is their role?

15 A. (Mr McDonald) The officers may attend if required to
16 answer specific questions but in that role the officers
17 do not generally attend; they attend if they are asked
18 to come to make a statement at the JCF.

19 Q. When you are taking issues to this forum, are they in
20 writing?

21 A. (Mr McDonald) Yes, we put them down in writing, plus it
22 is minuted and it carries on generally at the next
23 minute. That is why, obviously, we had a JCF on Tuesday
24 and Councillor Devine has stated that he wants a format
25 working party to look into the grievances because of the
26 length of time grievances are taking to go through the
27 system.

28 Q. We heard reference in a different part this morning
29 about minutes and the word "sanitised" was used. Do you
30 have any similar concerns?

31 A. (Mr McDonald) Not at the JCF level but we do have a
32 case just now on a departmental where the chair changes
33 form the work force to the management and I know of a
34 case just now where we have presented minutes, a true
35 reflection of what we feel are the minutes and the JCC
36 has not gone ahead because management is not happy with
37 our minute. I would suggest that if they are unhappy
38 with any minute they should still have the forum and

1 then discuss the minute at the forum, not turn to the
2 trade unions and tell them, "We're not having that
3 meeting just because we don't like the minutes".

4 MS COUPER: Thank you.

5 THE CHAIRMAN: This is more of a statement rather than
6 a question, but you indicated that the chief executive
7 did not attend the JCF. I do not think that is common
8 practice in many authorities in Scotland that the chief
9 executive actually attends the JCF. They may on
10 occasion, but I take the point that the chief executive
11 never attended. That is just for clarification.

12 A. (Mr McDonald) Just to comment on that, the minutes are
13 distributed to all elected members and I take it Mr
14 Huntingford gets a copy of the minutes.

15 Q. Yes, indeed.

16 A. (Mr McDonald) So I would suggest that if I was the
17 chief executive I would be wanting to come along to the
18 meeting just to make sure that it was getting addressed.
19 (Mr Morrison) Could I just comment on that, Mr MacNish,
20 as well?

21 Q. Yes, certainly.

22 A. (Mr Morrison) If we did have regular meetings with the
23 chief executive which happens in other councils then,
24 maybe you are right, he would not need to come to the
25 JCF, but we did not have that opportunity, and the point
26 should be noted also, I think, that very rarely do you
27 get directors attending JCF as well, which is an
28 indication that they do not take that forum seriously.

29 THE CHAIRMAN: Keith.

30 MR GEDDES: I do not have to declare an interest as a T&G
31 member, do I! Can I ask a question about the meeting
32 you had with council leadership, I think it was round
33 about 20th October, is that right, and you bunged out a
34 press release after that.

35 A. (Mr McDonald) Yes.

36 Q. What was the sort of nature of the meeting, why was the
37 meeting called and what did it discuss?

38 A. (Mr McDonald) We were asked to attend a meeting by the

1 leader and the deputy leader and in attendance was MR
2 McMillan, who was a director at that time. He asked for
3 a meeting with all the trade groups and it was really on
4 the press release and obviously the audit report going
5 public. It was quite a heated meeting and they asked
6 questions of the trade union why they had not approached
7 them, and we were asked why when the councillors had
8 gone through the JCF minutes there were no issues of
9 bullying and it was a surprise to them that none of us
10 had approached them. I think it falls back to the fact
11 that if they want real consultation they should be
12 approaching us now and again as well, not wait until, as
13 we said in our statement, a fait accompli.

14 This is the thing that we find frustrating. We have
15 heard in the last day, yesterday and today, about the
16 work force. This is what this is all about, the work
17 force because, you see, at the end of the day we are the
18 people who have got to live with the political decisions
19 that are made by the people who are in the higher
20 echelons to do that. The bottom line is there is a
21 general frustration between all the employees of West
22 Dunbartonshire Council, to varying degrees, I have got
23 to say, but at the end of the day I represent the manual
24 workers and the manual workers come to me; I find my
25 hands tied and it adds to a frustration for me as the
26 convener that we cannot get things sorted out. The work
27 force feel there is a general apathy at the top of the
28 house here and that we cannot get things done.

29 To meet after we had made a press statement, I mean,
30 the statement I had made was that I was not surprised at
31 the accusations of bullying because people come to me on
32 a daily basis feeling pressurised, feeling bullied, low
33 paid workers asking to do jobs when the rug is getting
34 pulled from underneath them, the decision that are made
35 at a managerial level and at a departmental level. I
36 could rant on all day but it would not make much
37 difference. At the end of the day I am an employee of
38 the council, I was voted in as the convener of the T&G,

1 I am trying to do the best job that I can do with
2 limited resources. My colleagues are right, people are
3 frightened, they are frightened to put their heads above
4 the parapet.

5 It gives me no pleasure today. I have heard other
6 people saying it, I was a nervous wreck coming up here
7 today, but at the end of the day we have got to stand
8 up; we have got to stand up for our members and we have
9 got to stand up as employees of this council to say we
10 want change. We do not want to see Commissioners coming
11 into this council, we want to see local services
12 delivered on a democratic basis by the people who are
13 elected to do that.

14 The unions to some extent have been used across the
15 political spectrum in the last day and a half to bash
16 each other over the head to say, "Oh, the unions, the
17 unions, the unions". We have made statements in the
18 past, we have made statements of grievance, statements
19 of bullying, statements of decisions that are getting
20 made without us getting a correct forum to put our views
21 across, and it is a general frustration from us at this
22 table addressing yourselves today that we felt we had to
23 come up here and say something.

24 MR ROBERTSON: Thank you very much.

25 THE CHAIRMAN: Thank you very much, gentlemen, a great vote
26 of confidence in the Commission. Can I ask if there is
27 anything you want to add to your statement?

28 MR McDONALD: No, I think I have finished but I do not
29 know about the rest of my colleagues.

30 MR MORRISON: I would like to say this is obviously the
31 view of the trade unions as a whole. We want local
32 services delivered locally under democratic control but
33 we need to initiate a level playing field in keeping
34 with members being treated with dignity and respect. We
35 are not getting that.

36 THE CHAIRMAN: Thank you very much. Can I call on the next
37 witness, and would you please state your name and who
38 you represent.

1 MR THOMSON: Good morning, chair. I would just like to
2 introduce myself and give you some background as to who
3 I am and why I am here today. My name is Archibald Muir
4 Thomson, junior, MBE, just for the audience who do not
5 know that yet.

6 THE CHAIRMAN: Well, they know now!

7 MR THOMSON: They certainly know now, chair.

8 My background is, I have been involved for about 25
9 years now in community activity at various levels of my
10 own community and various other communities. Previously
11 I have been the chair of the social inclusion
12 partnership's environmental housing group, the vice
13 chair of its employment strategy group and I have been a
14 board member of that. I am also the current chair of
15 Corrdale housing association, I am a board member of the
16 command centre in Renton, I am a tenants assessor for
17 Community Scotland, I am an adviser to the Joseph
18 Rowntree Foundation's neighbourhood advisory group, and
19 I am a director at DTA Scotland. I am also an adviser
20 to the regeneration education programme that is going on
21 at Community Scotland now for professionals and
22 regeneration.

23 I received my MBE for services to the community and
24 I like to pride myself on that, not that I am a big
25 headed person in any way but I like to pride myself on
26 the fact that I got my MBE for services to the
27 community, predominantly in West Dunbartonshire and not
28 as a parochial place like the village of Renton, as
29 maybe some members in this audience would think,
30 certainly politicians. So I give you that background
31 not by way of saying I am any better or any worse than
32 anybody else but just to show, in case anybody is under
33 any illusion that I speak from a village mentality with
34 a fish bone mentality as well, I have got a great range
35 of experience and a great degree of expertise in the
36 field I am about to speak of.

37 The closure of Renton library I would like to use,
38 and I have used that in my submission to the Commission,

1 the closure of Renton CE centre, the proposed stock
2 transfer and, if the Commission will indulge me, the
3 community planning and the schools proposals under the
4 PP structure as it affected Renton and my involvement in
5 the community planning as it took place in Renton.
6 Firstly, I am a great person for using metaphors for
7 explaining things but I think we have heard over the
8 last certainly day and a half people coming up here and
9 making pleas to the Commission to sort out the debacle
10 that may or may not be happening in West Dunbartonshire
11 Council now, but I would make this plea, and I would
12 like you all to listen to this famous saying, I do not
13 know who says it, that all it takes for evil to triumph
14 is for good men to do nothing. It is great now that we
15 have got Audit Scotland's report and all these good men,
16 and women, should I say, appearing to stand up for our
17 rights and the democratic process that is being abused
18 or otherwise in West Dunbartonshire at this present
19 moment.

20 So with that in mind can we now concentrate on the
21 issues, and I am conscious of time as well, chair.
22 Firstly, the closure of Renton library I believe
23 certainly was a rash and vindictive decision rather than
24 a decision taken with all the information available or
25 that could have been available to the council, and
26 particularly the Labour administration that took these
27 decisions. When I talk in general terms about West
28 Dunbartonshire Council in my submission I will be
29 talking in general about the administration, and the
30 administration in full, not about Andy White and not
31 about Councillor Devine or any of the individuals but
32 the administration in full. It is a collective decision
33 making group in West Dunbartonshire Council irrespective
34 of what people would like to believe or otherwise just
35 now.

36 The reasons for the closure of the library I believe
37 were quite spurious. Low usage Councillor White used in
38 his own submission yesterday; what Councillor White

1 failed to bring to the table, and again I think it is
2 indicative of West Dunbartonshire Council where we get
3 narratives as opposed to hard evidence, is the fact that
4 Renton library was not just a library where you
5 collected books and loaned books from, various community
6 groups met in there, like tennis associations,
7 Alcoholics Anonymous, it was an accredited learning
8 centre, as the council loudly proclaimed in their
9 newspaper, as well as a focal point for the elderly
10 community located round about that. Councillor White
11 said the services could either be reintroduced by way of
12 a mobile library; how you would get a meeting of 25
13 people suffering from alcohol or addiction problems into
14 a mobile library, I think even Andy would struggle to
15 come up with a solution for that one.

16 However, the library did close and I do not believe
17 to this day that a best value review was done on that
18 library to see exactly how these low usage figures that
19 the council bandy about in terms of Renton library being
20 the lowest usage, how that was arrived at and what terms
21 of reference were used to bring these figures to
22 attention and use that as the excuse. So Renton library
23 closed. Andy says they can have these services close
24 by. The nearest accredited learning centre is at least
25 a mile and a half away, it is a bus journey away or at
26 least a very long walk for primary aged school children
27 who predominantly accessed the internet and things that
28 were available to them in Renton library. Renton
29 library was also the first free library in the whole of
30 the Vale of Leven area and, I hazard a guess, one of the
31 first free libraries across Scotland, provided by none
32 other than local entrepreneurs who felt that people
33 deserved a higher level of education, and here we are
34 have in this modern day I think education being a form
35 of strategy of all the political parties, and here we
36 have a library in the middle of a deprived community
37 being sold and the building is now being sold off and
38 sold on, surplus to council requirements.

1 The CE centre again came under the same review in
2 terms of the same decision making process and why it was
3 to close, and a cost saving exercise I do not believe
4 was carried out on the basis of a best view or best
5 value review in terms of that. In Renton we still fail
6 to understand how the major cost savings could have been
7 made by West Dunbartonshire Council by the closure of
8 Renton CE centre. No staff cuts were made here because
9 the staff were relocated within other council
10 departments and in fact the Renton CE centre itself, the
11 groups that met in it were now to meet in local schools,
12 so there was an added cost in terms of janitorial
13 service, heating and lighting costs to that.

14 There was no assessment in terms of health & safety
15 done on removing adult groups into primary schools. It
16 is a primary school that Councillor White is talking
17 about we are moving adults into, with their size of
18 toilets, I do not know if you have seen the size of
19 toilets lately in primary schools but they are away down
20 there and I do not fancy sitting on one of them myself.

21 I am kind of overweight to be getting myself down to
22 that level and I am not that good an aim when I have got
23 to do a number two. (Laughter) So it is quite spurious
24 to say that spurious to say that these groups could have
25 been located there. Some of these groups were boxing
26 clubs which for 40 years ran successfully in the village
27 of Renton and is now defunct. The Vale of Leven table
28 tennis association ran successfully for 40 years, now
29 defunct; disabled groups dispersed and scattered to the
30 four winds, crammed into conditions that they themselves
31 dictate unsuitable for their current use, into old
32 church halls. We are going back the way, we are rolling
33 the sands of time back the way in terms of how public
34 services' location and quality are delivered especially
35 in the village of Renton.

36 Could I also highlight to the Commission that the
37 users of the Renton CE centre were in the main coming
38 from outside Renton because the boxing club drew its

1 membership from the communities all round about us, as
2 do the disabled clubs and as does the table tennis club,
3 so we had a situation on our hands where we found that
4 the council had made these decisions, and while we made
5 pleas and we met with Councillor White, he was quite
6 reticent on the fact and we have got him on tape with
7 that, we could submit that to the Commission, saying
8 that they would not change their decision, this decision
9 was not changeable between the period of March and the
10 implementation of the closure. They said they would sit
11 down and discuss with us alternative arrangements for
12 the groups and where we might go with that and what we
13 might do with the disposal of the building but the
14 decision was not reversible due to a poor settlement
15 from the Scottish Executive.

16 I will not go into it in this statement or go into
17 the financial arrangements and settlements for local
18 authorities to local government, but needless to say
19 this has caused a great amount of hardship to the groups
20 who have still existed or tried to exist and tried to
21 provide services, these groups are trying to provide
22 services in sport, in facilities for the disabled and
23 the sick, the most disenfranchised and youngest people
24 to our communities. The youth group has never met that
25 was disbanded, they were offered St Martin's School and
26 even the health & safety officer from the council said
27 it was not a suitable location for it. So we have seen
28 a diminution in services form that.

29 The auditor testified yesterday that during a
30 meeting with some of the committee they had to leave
31 urgently because they were about to close the centre and
32 I was one of the people who had to leave urgently
33 because the council had decided to close the centre, 48
34 hours before they had taken the decision to close it.
35 We are not quite clear why it was, they might have got
36 wind of the fact that we had plans to occupy the centre
37 and actually not to do their job and close it for them
38 but to continue to run the centre and keep it open for

1 the use of the public and the groups that had legitimate
2 uses and legitimate reasons for being in that building.

3 Of course we thwarted their initial attempts to do
4 that, we occupied the building and we kept it open, and
5 unfortunately for us as a community this was the second
6 occasion where we had to get redress to go to the High
7 Court to seek a judicial review on the decision of the
8 council to close this centre because we did not believe
9 they had used the community planning legislation which
10 they were duty bound to use and legally bound to use
11 and/or the best value that they were duty bound to use.

12 So again here we have a council abusing the powers
13 that have been bestowed on them by the communities and
14 the people of this area to run services to the best
15 effect and for the best effect for not just residents in
16 our own wards but rather to meet the needs of the whole
17 and diverse community across West Dunbartonshire.

18 Andrew White in his comments yesterday to the
19 Commission said there was a "community centre" just
20 across the road. For the information of both Councillor
21 White and for the Commission, who I am sure do not know
22 the area too well, there is no community centre just
23 across the road. Within the vicinity of the current
24 community education centre in Renton there is a social
25 economy business called the command centre which does on
26 behalf of the local housing association and the
27 community and in fact, could I state, the local
28 authority, deliver services; housing support services,
29 a youth service, they front as a community enterprise
30 and a community business; it is not a community
31 education centre, it receives no direct funding from the
32 council other than through not even service level
33 agreements but through services that we deliver for the
34 council supporting people, one stop shops, things like
35 that. It is a service point rather than a community
36 education centre. You could not do boxing in it, you
37 certainly could not do football training in it, you
38 could not play table tennis in it, it is not that type

1 of building, so it is not easy to transfer the
2 activities that were going on at the CE centre across
3 the road to the command social inclusion centre.

4 Can I take you on to the stock transfer in terms of
5 if we look at the report the report quite clearly states
6 that the decision to do a partial stock transfer was
7 against the advice of the officers. I myself am
8 currently chair of Corrdale housing association and a
9 founder member of that organisation. Corrdale housing
10 association was the only housing association to take a
11 stock transfer over from the old Dumbarton District
12 Council and to date it is the only community based
13 housing association that has taken a stock transfer from
14 West Dunbartonshire Council vis-a-vis a stock transfer
15 that had taken place a number of years ago in Back
16 Street in Renton. The stock transfer or partial stock
17 transfer that the council talks about I think is
18 opportunistic at its best and absolutely dreadful at its
19 worst.

20 It gives tenants little or no choice in terms of who
21 their landlords are going to be. It is opportunistic in
22 the fact that I think the council are chasing the £20
23 million that Community Scotland have put on the table
24 for the community ownership programme rather than the
25 needs of social rented housing or the growth of social
26 rented housing in West Dunbartonshire as a whole. So I
27 think in terms of the stock transfer it is flawed. It
28 will cause confusion predominantly round about
29 communities such as my own where on one side of the
30 street you will have one landlord, whether it is called
31 a community housing association or a community company
32 or some kind of housing company, or indeed any other
33 form that it may take, so I do not see where the
34 benefits are going to be, I do not see the benefits in
35 terms of partial stock transfer where there is an
36 existing social landlord in that area in terms of the
37 public purse, because we will all have to bid for the
38 same amount of development money or the same kind of

1 development money through the same process, it will all
2 come from central government, so I do not see how the
3 public purse is going to benefit in areas such as Renton
4 where there is already an existing social landlord,
5 community based and community drive, how that will in
6 fact enhance or help social rented stock or how indeed
7 it will help the public purse to achieve the objectives
8 that they plan.

9 I really think that it will cause disarray and we
10 will not get any further on that because I do believe in
11 its current guise in its current form West
12 Dunbartonshire will follow the rest of the no votes that
13 have happened, unfortunately, I think, in terms of
14 housing through the rest of Scotland. I have got great
15 fears about that ever becoming a reality, although it is
16 a part of the corporate objectives within West
17 Dunbartonshire Council.

18 Can I briefly touch on community planning and my
19 experience of community planning, having had some
20 extensive experience in its forerunner, the social
21 inclusion partnership. When community planning was
22 announced with the Labour government with some fanfare,
23 I was absolutely excited, as a community activist I was
24 absolutely excited about the potential for communities
25 to be at the heart of the decision making process. I
26 thought for once we have something here where
27 communities can disregard the political party structure
28 and actually take a voice into the centre of power where
29 is decided and distributed from. I really welcomed it
30 with open arms, I thought it was a great move forward.
31 What it has become of course is a bastion for local
32 authorities and predominantly Labour controlled local
33 authorities to take power back to the centre and not
34 decentralise power out into the communities where that
35 power I think is needed if we are ever going to tackle
36 the injustices of poverty and social injustice.

37 There is a missed opportunity here in community
38 planning and, to be fair to West Dunbartonshire, I do

1 not think it is peculiar to West Dunbartonshire, I think
2 it is widespread throughout the country, even in England
3 and Wales where that agenda has just been developed I
4 think there are real problems there as well. It is from
5 I think a misunderstanding of where power is and what
6 power is supposed to be and where it can be really
7 effective. So I think community planning itself I
8 wholly embrace as a mechanism to empower communities but
9 I think unfortunately the people who are in charge of it
10 right now are not going to do that.

11 We heard Mike O'Donnell, and I was absolutely amazed
12 at Mike yesterday talking about the progress that had
13 been made in Renton using the community planning process
14 and being part of that and being part of basically an
15 external audit of the process which was done by a guy, I
16 cannot remember his name, I can but I will not mention
17 his name now, and with Audit Scotland. The outcome of
18 my personal feelings on that were that the process was
19 only enhanced by the putting of money on the table. The
20 council were obstructive, they never had any corporate
21 objectives in the community planning pilot they were
22 selling Renton, remember to look at how everybody, all
23 the agencies did business and the objective was to try
24 to create a template where the agencies and communities
25 could engage in a forthright and businesslike manner
26 that services and service delivery could be changed for
27 the future. That was never ever, ever achieved in
28 Renton. What was achieved in Renton was a physical
29 structural change to the central part of Renton and that
30 was only achieved when money was made available to the
31 council so the community could buy a car park and a
32 piece of derelict land off them so we could build a new
33 health centre and a new shop.

34 At the same time that the community planning group
35 was meeting officers of the council were soliciting and
36 inviting private sector companies to come in and make
37 live planning applications for the very ground that the
38 community pilot planning group was speaking about, in

1 fact it resulted in a planning application going to the
2 council where myself and the director of the housing
3 association had to make representations to stop that
4 planning permission being granted. That was the
5 corporate response to community planning in Renton. It
6 did not work. While it was well, ably supported by the
7 health boards and by Community Scotland there was a
8 reticence I believe within the local authority to
9 achieve the goals and the objectives that we had set up
10 for the village of Renton because I think and I believe
11 they are frightened of what community planning could
12 really do in terms of a future empowerment for the
13 community.

14 So I do not have the same rosy outlook that Mike
15 O'Donnell had but then I do not have the same vested
16 interests as Mike does in creating a pretty picture of
17 community planning and how the community planning board
18 works in its structure.

19 On the schools, chair, I will be brief because I
20 realise I have maybe overstayed my welcome and over-
21 spoken. But John McFall said yesterday that the schools
22 estate lacked vision. It did not only lack vision in my
23 opinion, it lacked moral courage and it lacked strategic
24 objectives. In this country we do split our children up
25 at five and we send them to different schools because of
26 their religion, the various religious choices of their
27 parents. Buildings do not know that and one of the
28 fatal flaws in this plan was that they split the non
29 denominational from denominational schools in terms of
30 its investment programme. How can you split buildings
31 and say, "We'll deal with that later," because a
32 building does not know whether it is a catholic or a
33 protestant. It is just a building and it needs work
34 done on it and it needs investment, irrespective of what
35 the purpose of the people is or religious favour in
36 which the people occupy it. It was the full school
37 estates that we should have been supporting.

38 In fact the debacle that we got ourselves in in

1 Renton by trying to merge Bonhill primary school with
2 Renton primary school and then ultimately Christie Park
3 because that did not suit certain people that Bonhill
4 was closed, and I think the reason the decision was
5 changed was not because the community influenced it, not
6 even because the local member had a single vote on it,
7 but the fact that Dillycart bridge collapsed and they
8 would have no pedestrian route to send these children
9 from Bonhill across over to the new campus at Vale of
10 Leven, I think that had a big impact on the reason these
11 decisions were taken.

12 However, there was strong support and still remains
13 strong support in ecumenical terms of a co-located
14 school in Renton. In fact Canon Simcock, the current
15 parish priest at St Martin's church is on record as
16 having said and made representation to the catholic
17 church in Glasgow that they would support a co-located
18 school in Renton, and I would certainly support that and
19 I am sure the community of Renton would support that
20 since St Martin's school has got a school roll of
21 something like about 78 or 79 children currently in it
22 and that roll is predicted to fall.

23 Even when he says that by building a certain amount
24 of houses it would increase the population of Renton and
25 therefore hopefully increase the demand for a school,
26 the previous director of education that we have heard
27 being applauded then gave me a biological lesson by
28 saying that houses do not create children, human beings
29 create children, meaning that the addition of houses
30 would not necessarily mean that the school roll would
31 rise. I was not that great at maths at school but I
32 think I can make fair assumptions to say that if you are
33 building family homes they will choose services if the
34 services are applicable locally.

35 THE CHAIRMAN: I am conscious of the time.

36 MR THOMSON: So am I. This is my one window of opportunity
37 for the chair.

38 In closing, I think you are right, chair, you have

1 given me enough and I have missed a helluva lot out.
2 But my one plea to the Commission is, remember that
3 everybody is involved here and while we have splits and
4 arguments within political parties currently,
5 corporately they acted together and collectively they
6 implemented these decisions. They were happy to claim
7 their special responsibility allowances when they were
8 getting them and they should be happy now to stand up
9 and take responsibility for the implications of the
10 decisions that they made.

11 I would make this one plea in closing, using a
12 Burns' analogy since we are on St Andrew's Day today,
13 and it is that one verse that is well recanted out of
14 Burns' poem about a tribute to a louse: "O wad some
15 power the giftie gi'e us, to see oursel's as ithers see
16 us, it wad frae mony a blunder free us in foolish
17 notions". Thank you, Commission, for listening to me
18 and to the pleas of this community.

19 THE CHAIRMAN: Questions from the Commission. John.

20 Questioned by THE AUDIT COMMISSION

21 PROFESSOR BAILLIE: Let me start with two questions related
22 to the areas you have covered. The first is that you
23 mentioned there is still some legal action, is that
24 right?

25 A. Unfortunately, we took legal action in two cases, one
26 against the school closure, which we obviously desisted
27 from because the council changed their mind, but the
28 second was a judicial review in terms of the closure of
29 Renton CE centre. Unfortunately we could not proceed to
30 the judicial review because legal aid was taken away
31 from us and we did not have the opportunity to test it
32 in court but, believe you me, we would have tested it in
33 court if legal aid had been available to us.

34 Q. Thank you for clarifying that. The second question is
35 related again to Renton and I want just to read to you a
36 few lines from the council's submission to us commenting
37 on the Audit Scotland report. It is page 28 under the
38 heading of Renton: "We accept that the time scale

1 required to meet budget timetables did not allow for
2 full community consultation. Members including the
3 local member were invited to seek details of on the
4 revenue estimates and savings options but not all took
5 advantage of this opportunity". It is the first
6 sentence particularly, the reference to time not being
7 allowed for full community consultation. To what extent
8 was there any consultation of the community?

9 A. After the occupation and action group was formed, and it
10 is still ongoing, to see what action the community could
11 take, the leader of the administration, I think it was
12 Councillor McCallum, I am not sure, it might even have
13 been Councillor Flynn, attended a couple of meetings,
14 but the absolute diktat from them was, "This decision
15 will not be overturned, this decision is a fait
16 accompli". There was no general consultation with any
17 community group or any of the user groups that were in
18 that CE centre or library.

19 Q. And by the time that discussion took place ---
20 A. --- the decision was taken.
21 Q. --- the decision had already been taken?
22 A. Yes, it had been taken.
23 Q. So, just to be crystal clear, for me, are you saying
24 there was no consultation ---
25 A. None.
26 Q. --- before the decision was taken?
27 A. None. None whatsoever, none, none whatsoever.

28 PROFESSOR BAILLIE: Thank you.
29 THE CHAIRMAN: Keith.
30 MR GEDDES: Well, you have clearly not been interviewed by
31 the police in terms of the cash for honours scandal,
32 have you?
33 A. Well, I don't know; not yet. I look forward to it.
34 Q. Since no-one else has concentrated on stock transfer can
35 I now just ask you a couple of questions about the stock
36 transfer. We could get into a theoretical discussion
37 here about competition in the public sector between,
38 say, council housing and housing association housing and

1 how that might drive up standards and stuff like that,
2 but I have no idea why the council took the decision to
3 go for a partial stock transfer but in light of
4 rejection of full stock transfer elsewhere in Scotland
5 it might actually not be a bad idea. What is your
6 understanding of the reasons why the areas for partial
7 stock transfer were selected?

8 A. It is my understanding that on the house conditions
9 survey that was carried out on behalf of the council
10 certain areas were prioritised in terms of meeting
11 Scottish Quality Standards in Housing 2015, so it is my
12 understanding that that was the driving force for that.

13 The rationale for selecting areas I really am not sure
14 because they have selected areas in the Vale of Leven at
15 Riverside and Tontine. To put two sort of images on
16 these areas, one is an area of high occupation, it is a
17 late 1960s construction, which is flatted house type
18 accommodation, it is of the type that most people would
19 be knocking down and taking away on the back of lorries
20 now, and the other is Tontine in Renton which is
21 predominantly a 1920s homes fit for heroes type house,
22 brick built and recently been heavily invested in. So I
23 do not know their logic for putting these areas into the
24 stock transfer where other areas which obviously need
25 investment have been left out. I think they hope they
26 will pick them up in their own investment programmes
27 post any potential stock transfer.

28 MR GEDDES: OK, thank you.

29 THE CHAIRMAN: Mr Thomson, is there anything else you wish
30 to add?

31 MR THOMSON: Well, no.

32 THE CHAIRMAN: It was a very brave question, I have to say!

33 MR THOMSON: I would just like to say this because there
34 does seem to have been an impression created that
35 everybody in Renton is operated by the hand of Jim
36 Bollan, and as you can see Jim is away at the back of
37 the room today, he is not pulling any of my strings,
38 neither do I pull any of his. I have had good working

1 relationships and still exist to have good working
2 relationships with a lot of elected members. I do not
3 fall out with elected members, whether they be SNP, SSP
4 or Labour Party on personal issues, it is on matters of
5 policy and matters of principle on community
6 empowerment. So I do not take things personally and I
7 do not wield any personal axes. I do wield axes when I
8 see power in my opinion being abused and misused by
9 people who are supposed to serve the public and I would
10 hope we will get redress through the findings of this
11 Commission for the carry-on that is going on in West
12 Dunbartonshire.

13 THE CHAIRMAN: Thank you very much for your assistance.

14 (Applause)

15 Could I ask the representatives of Rosshead tenants
16 and residents association to come forward. Would you
17 just state who you are; obviously I have already said
18 who you represent.

19 MR McFARLANE: I am George McFarlane, chairman of the
20 Rosshead tenants and residents association, Rosshead
21 Estate, Alexandria, Vale of Leven, Dunbartonshire.

22 MS GARVIE: I am Nancy Garvie; I am the treasurer of
23 the tenants and residents association.

24 MR McFARLANE: Before I start I would just like to say
25 I never thought I would live to see the day that Archie
26 Thomson would quote the Tory constitutionalist, Edmund
27 Burke, but however life is full of surprises. Well, it
28 is with this council, anyway.

29 I would like to explain the background to our
30 submission for those present, so if I could start we
31 have got an item in the newspapers relating to the
32 overcharging for council repairs:

33 "An investigation has revealed that West
34 Dunbartonshire Council is overcharging for repairs
35 by almost a quarter. Now the authority could face
36 losing the repairs contract after councillors
37 agreed to put the work out to competitive tender.
38 Last week's social justice committee meeting heard

1 that the contract is worth a whopping £13 million
2 to the authority. The council is charging up to 23
3 per cent more than other local authorities for
4 jobs. Profit generated by the direct labour
5 organisation is put into the authority housing
6 revenue account. The best review of housing
7 repairs and maintenance comes in the wake of
8 criticism from Audit Scotland of the authority's
9 housing department. Housing convener Jim Flynn
10 said, 'Putting the work out to tender would ensure
11 transparency'. He told members that he had already
12 met trade unions and highlighted the difficulties
13 facing the council. Councillor Flynn added,
14 'Officers will be working closely with trade unions
15 in an effort to win this contract. We are
16 overcharging for housing repairs and have to deal
17 with it. One sure thing is, the cost of housing
18 repairs will come down and tenants will get a
19 better deal. That is the most important thing'.
20 Councillor McLaughlin said, 'Costs could not be
21 reduced by 23 per cent without having some effect
22 on jobs'. He added, 'One aspect that is not being
23 considered is the DLO generates a surplus. The
24 tenants are subsidising the council taxpayer. That
25 is £1.4 million which could be lost from the
26 council tax account'. He asked that the matter be
27 referred to the full council for a decision as it
28 would have a huge impact on staff and services.
29 The recommendation to put the contract out to
30 tender was approved by councillors."

31 When that came to the notice of our local tenants
32 association they were understandably quite angry, so
33 they instructed the committee on their behalf to write
34 to the former chief executive:

35 "Dear Mr Huntingford,

36 "We are writing with reference to the news that our
37 council is overcharging its tenants for housing
38 repairs by almost a quarter. When this was

1 discussed at our general meeting held on Wednesday,
2 19th October 2005 our members expressed outrage
3 regarding this revelation, particularly when our
4 static caretakers were removed from our estate on
5 the grounds of cost. We were enraged by the
6 housing convener's statement that we are
7 overcharging for housing repairs and have to deal
8 with it considering that this council has passed
9 year on year rent increases without question when
10 the DLO is generating a surplus. Our association
11 has no quarrel with the housing convener's wish for
12 transparency on this matter nor his consultation
13 with the unions. Our members are angry that the
14 most important people in this matter, the tenants
15 who foot the bill, have not so far been consulted
16 on this issue. Therefore the tenants have
17 instructed our committee to urge that you put the
18 following proposals to the council:

19 "The council set up a committee composed of members
20 representing all political parties including the
21 independent member of the council.

22 "An equal number of trade union members plus the
23 same number of tenants' representatives from
24 Clydebank, Dumbarton and the Vale of Leven areas.

25 "The remit of the committee to be that of
26 determining why our council is charging 23 per cent
27 more than other local authorities for housing
28 repairs.

29 "Access to all relevant documents relating to how
30 the official or officials arrived at their schedule
31 of rates.

32 "The power to recommend disciplinary action against
33 any official found to be negligent or incompetent
34 in this matter should be dealt with within the
35 proper procedures laid down by the council.

36 "The committee to have all documentary information
37 with regard to whether it would be better for our
38 tenants to have repair sections within the council

1 or to be contracted out.

2 "Our association feel that these proposals would
3 enhance the housing convener's desire for greater
4 transparency and restore the repairs department's
5 credibility in the wider community."

6 We received the following reply from Mr Huntingford
7 which, I must say, hardly surprised me:

8 "Dear Mr McFarlane,

9 "I refer to your letter dated 27th October 2005. I
10 note your comments but would offer as a measure of
11 background information that the housing repair
12 service was in fact subjected to competitive tender
13 in 1997 and the contract was again reviewed during
14 2002 when the schedule of rates was rationalised
15 and a freeze placed on prices thereafter, 2002,
16 2003. I can also advise that following a
17 management review in 2004/2005 the emergency repair
18 call-out charges were removed and this together
19 with a freeze on work rates has contributed to
20 reinvestment capacity in the repairs service."

21 That did not seem to e the case with the tenants I deal
22 with.

23 "Regarding your wish for the formation of a
24 specific committee this would clearly be a matter
25 for elected members to decide. However, I do not
26 consider it appropriate to set up a committee at
27 this stage given that the council has already taken
28 a decision on the way forward and has specifically
29 appointed the social justice committee to take
30 decisions of this nature. You are aware that given
31 a recent best value review of the housing repairs
32 contract and to ensure the best solution for the
33 council and council tenants the contract will again
34 be subjected to competitive tender during 2006. In
35 terms of consultation I acknowledge that the
36 Housing (Scotland) Act 2001 section 54 outlines the
37 duties to be observed with regard to tenant
38 consultation where there is a duty to consult on

1 issues affecting tenants. However, the emphasis is
2 on policies and standards. Decisions ultimately on
3 how and by whom the service is delivered will be
4 taken by the council on this basis of the tendering
5 exercise result. Given the content of your letter
6 I have copied it and this reply to Councillor Flynn
7 for his information."

8 I could be here for the rest of the week on how I
9 view that reply, but if I could come to our submission
10 to the Accounts Commission, we the tenants and residents
11 association of Rosshead would like to lay the following
12 grievances against West Dunbartonshire Council. The
13 enclosed correspondence we believe justifies the
14 statement under the heading accountability and openness
15 on page 29 of the report that our council does not have
16 a culture of openness on which it can build continuous
17 improvements.

18 The specific nature of our complaint is that of
19 being overcharged by almost a quarter for our housing
20 repairs compared with other councils. We the tenants
21 only became aware that this was discussed at the meeting
22 of our council's social justice committee through a
23 report of the meeting in one of our local newspapers.
24 We cannot emphasise strongly enough, as stated in our
25 letter to the former chief executive, that rent
26 increases were according to housing officials and the
27 convener necessary to maintain our repairs services
28 while the housing revenue account was generating a
29 surplus. Our association is of the opinion that if the
30 council's ruling group were sincere in their statements
31 of greater transparency a mechanism for setting up an
32 inquiry on the lines set up in our letter would have
33 been found. We are of the opinion that the failure to
34 comply with our request was and is designed to save the
35 embarrassment of councillors and officials in this
36 matter.

37 The transfer of £1,250,000 from the housing revenue
38 account to the general fund reserves was made without

1 consultation with tenants groups, this in spite of
2 holding two housing revenue budget account meetings with
3 tenants' representatives, one chaired by the housing
4 convener and the other by the leader of the council.
5 Though the above meetings were held prior to the
6 council's budget setting meeting neither the council
7 leader nor the housing convener mentioned that the group
8 intended to transfer £1,250,000 from the housing revenue
9 account. We believe that it stretches the credulity of
10 West Dunbartonshire tenants if they expect us to believe
11 that the council leader and housing convener were
12 unaware of the above proposals while meeting with
13 tenants.

14 We think it is reprehensible that in spite of
15 legally filching the housing revenue account of
16 £1,250,000 the council saw fit to push through a rent
17 increase. We believe the evidence cited proves that our
18 council's administration denies its tenants the right to
19 meaningful information on all housing matters, the right
20 to significant participation in the planning and
21 decision making process related to housing, the right to
22 effective remedies and redress from harm that may be
23 caused relating to administrative policies concerning
24 our housing environment.

25 As we have tried to point out, every time I hear
26 national government or local government talk about
27 social inclusion, how communities must be included and
28 empowered -- I will return to that later -- the more we
29 hear about social inclusion the more excluded the
30 tenants in West Dunbartonshire are becoming. I would
31 just like to finish there. Thank you.

32 THE CHAIRMAN: Thank you very much. (Applause)

33 Thank you, Mr McFarlane, your submission is very
34 clear and there are no questions from the Commission.
35 However, I thank you very much for bringing your
36 submission to the attention of the Commission and they
37 will take it on board. Is there anything else that you
38 want to add?

1 MR MCFARLANE: No, I will let my colleague speak.

2 MS GARVIE: I have got a grievance against West
3 Dunbartonshire Council.

4 We, the tenants and residents association, Rosshead,
5 wish to lay a grievance with the Accounts Commission for
6 Scotland against West Dunbartonshire Council with regard
7 to the removal of our estate caretakers from our area
8 and all other areas in West Dunbartonshire without
9 entering into any discussion with tenants groups. Our
10 estate caretakers worked in our estate for 14 years and
11 we found out that the service was being taken away from
12 us by reading it in the Lennox Herald. Our two
13 caretakers and all the other ones in the area had no
14 idea that the council were going to axe their jobs. Two
15 weeks after reading about the cuts to our services in
16 the local paper at a full council meeting the Labour
17 administration stopped our caretaker service. No
18 members of the public were allowed to speak at the
19 meeting on this decision and since the full council
20 meeting was held on 23rd December it was not possible to
21 consult any further due to the Christmas shutdown for
22 the period. This decision was taken by West
23 Dunbartonshire Council. At previous working groups all
24 of the groups had actually asked for more estate
25 caretakers to be put into the areas that did not have
26 the services.

27 In March 2004 the council set up a working group
28 involving tenants groups to consult on housing issues
29 which affected us. The meetings that were held were to
30 discuss four topics and see how to improve on them. At
31 no point in any of these meetings were we informed or
32 led to believe that the WDC were planning to cut the
33 estate caretaker services. Out of the four topics which
34 were being looked at, the allocation service, the
35 antisocial behaviour department, estate management
36 section and the caretaker services, the caretaker
37 service was the only one which everyone was happy with.
38 Not one bad point was raised by any tenants and

1 residents group against the services provided by the
2 caretakers.

3 The service was given full marks and all that was
4 asked from the tenants and residents groups was more
5 estate caretakers to be put in place and a few
6 enhancements to the service. At no point did anyone
7 from West Dunbartonshire Council or tenants and
8 residents groups mention the need to cut the caretaker
9 services. The meetings were a smokescreen and we were
10 only invited along due to the fact that under the
11 Housing (Scotland) Act 2001 all local authorities are
12 required to consult with their tenants. Yes, the
13 consultation took place but WDC did not listen to all of
14 the tenants groups' representatives who praised the
15 estate caretaker services and asked for more to be put
16 in place.

17 WDC will tell you that the caretaker service as a
18 whole was costing too much money to run, most of it due
19 to overtime, but this overtime was not going to estate
20 caretakers, it was going to covering the multi-storey
21 static caretakers who were on 24 hours a day and 365
22 days a year. If the management in WDC had bothered to
23 look at the multi-storey caretaker service they would
24 have made serious cuts in the overtime and this would
25 have allowed the estate caretakers, who carried out a
26 multitude of tasks, to continue their role within the
27 estates. According to WDC the cuts in the caretaker
28 service had to be carried out but according to all
29 tenants and residents groups the multi-storey caretaker
30 service was seriously mismanaged and the inefficient
31 managers who did not see this should have been cut, not
32 our front line services.

33 WDC has failed to listen to the tenants and
34 residents' points of view on a front line service and
35 our estates are suffering through the council's decision
36 making policies. WDC has not been transparent in its
37 approach to working alongside its tenants and residents
38 groups. If only they had been open about the financial

1 cuts needed within the caretaker service we could have
2 entered into a meaningful discussion and formed a plan
3 we were all happy with but we were hoodwinked. WDC
4 think the fact that they consulted with us gives them
5 the right to say they have carried out their duty to
6 their tenants and residents groups, but they were not
7 transparent as to why the consultation was taking place
8 and now our estates throughout the whole of the West
9 Dunbartonshire area are suffering due to the loss of our
10 estate caretakers.

11 We feel that WDC's lack of openness and meaningful
12 consultation with its tenants and residents groups has
13 to be addressed by the Accounts Commission for Scotland.

14 Thank you very much for your time. (Applause)

15 THE CHAIRMAN: Thank you, Ms Garvie. Mr McFarlane, is
16 there anything else you want to say?

17 MR McFARLANE: Well, we have another grievance. There was
18 the former head of the Rosshead letting initiative who
19 was to come and give evidence today but unfortunately
20 she has taken ill. We asked for a stand-in and
21 unfortunately the stand-in had also taken ill. So if I
22 could have your permission to submit the grievance
23 against West Dunbartonshire as regards the letting
24 initiative.

25 THE CHAIRMAN: If you want to give us it we will take it
26 on board, if you just leave it there. It is quite a big
27 document.

28 MR McFARLANE: Yes, it is.

29 The only other thing I would like to say on the
30 action over the caretakers and the cuts on the
31 transferring of the £1,250,000 is, community activists
32 or community representatives keep saying, "Nothing would
33 surprise me," but how wrong can you be? We had a
34 meeting with Councillor Flynn and other tenants'
35 representatives. He was asked did he support the
36 transfer from the housing revenue account to the general
37 services for the sum mentioned. He said, "Yes, I was in
38 favour of it, I voted for it, I am in favour of it," and

1 I thought, there is a traditional in national
2 government, a tradition in local government that
3 conveners or ministers defend their own departments. I
4 would like to know, even the old Dumbarton District
5 Council and the West Dunbartonshire Council, if any
6 other convener says, "I support a cut to our department
7 of what amounts to £1,250,000," I find that astonishing
8 for two reasons.

9 First, there is some dedicated staff in the housing,
10 there are, as Archie said, good men and women in
11 housing; what message does that send out to them when
12 they are trying to struggle, coping with darkness, all
13 sorts of major repairs? Secondly, what message does it
14 send out to the tenants? On the consultation about the
15 overcharging for repairs I think that has frightening
16 implications in the way we will be consulted during the
17 so called partial stock transfer. Surely the tenants
18 have got a right to sit down and discuss with the
19 council and discuss with the trade unions the policies
20 that affect the daily quality of their lives.

21 I would just like to conclude by saying that we keep
22 getting letters from the local authority saying, "Dear
23 stakeholder". The only conclusion I can come to is that
24 for the tenants of West Dunbartonshire, particularly in
25 Rosshead, the only stake we are likely to get is through
26 the heart. (Applause)

27 THE CHAIRMAN: Thank you both for your contribution.

28 MR McFARLANE: Thank you very much, and on behalf of the
29 committee I would like to thank Mr Bill Magee for his
30 courtesy and patience in helping us through the process.

31 THE CHAIRMAN: Thank you. Just before we call the last
32 witness before lunch, the Commission has afforded the
33 council the right of reply and that will take place
34 after lunch. If we could now ask Rose Harvie to come
35 forward, please. Ms Harvie, if you would just state who
36 you represent and try to speak into that microphone.

37 MS HARVIE: Good afternoon. As many people in this room
38 know, I wear many hats but today I am only representing

1 Silverton and Overtoun community council.

2 I would firstly like to thank the Commission for
3 giving me the opportunity of speaking at this hearing
4 and in particular I would like to thank Mr Magee for his
5 help and advice. I would also ask the Commission to
6 take into account my lack of experience and expertise in
7 giving evidence at events of this nature in comparison
8 to the other witnesses.

9 During the years 2005 and 2006 our community council
10 has had extensive correspondence and extensive meetings
11 with officers and councillors of West Dunbartonshire
12 Council regarding the proposed disposal of three
13 separate properties in public ownership in Dumbarton.
14 We consider that our comments are relevant to various
15 paragraphs in the decision making section, paragraphs
16 101, 102, 103 and 109, and paragraph 142 in the managing
17 asset section of the audit report. I have therefore
18 been asked by my community council to briefly put before
19 you details of these three properties, all grade A
20 listed buildings or properties, and the reasons why we
21 consider that West Dunbartonshire Council has acted
22 against the interests of the citizens of Dumbarton both
23 in the methods of decision making and in the actual
24 disposal of these properties.

25 We do accept the fact that West Dunbartonshire
26 Council has not at any time acted illegally in its
27 actions over these properties and that it has claimed to
28 be acting for reasons of best value. However, we
29 maintain that the council has been remiss in its
30 omission to consult the public prior to making decisions
31 about publicly owned properties. We also feel that when
32 public opinion and disquiet has been expressed either by
33 a community council or by individuals these opinions
34 have been ignored by the council. With respect to
35 common good assets and publicly owned listed buildings
36 or properties there is a clear public interest, albeit
37 ill defined, and any disposal merits proper
38 consultation. I will now describe to you briefly the

1 three buildings in question.

2 1. Levenford House, which has been mentioned by
3 name in the audit report. This property was left to
4 Dumbarton education department in 1938 with the express
5 written wish by Mrs Brock, the owner, that it be
6 dedicated as a museum or library "for all time". It has
7 indeed been used as West Dunbartonshire Council library
8 headquarters since then. In November 2002 the council
9 proposed the sale of the house but deferred a decision.

10 In January 2005 the council accepted a recommendation
11 from the chief executive that Levenford House should be
12 put on the open market. Extensive correspondence
13 objecting to this proposal took place between our
14 community council and officers and councillors.
15 Individuals also expressed disquiet in the local media
16 and West Dunbartonshire Heritage Company Limited also
17 objected.

18 On 23rd February 2005 our secretary, that is myself,
19 addressed the full council urging them to explore every
20 alternative to selling the house including instructing
21 their funding officer to seek sources of funding to
22 maintain the building for public use. Following that
23 meeting we met with officers and councillors and
24 submitted a written report from the then development
25 manager of Kelvingrove museum for possible alternative
26 uses for the house including funding ideas. We
27 suggested that West Dunbartonshire Council co-operate
28 with investigating whether some form of trust or Friends
29 of Levenford House might be set up to retain the house
30 for public use. This was rejected without
31 consideration. At no time was any attempt made by the
32 council to ascertain the public's wishes regarding the
33 future of the house. We understand that the house has
34 now been sold.

35 A painting from the house, also bequeathed to the
36 council and therefore to the public but unseen by the
37 general public for 40 years, was sold last December in
38 New York for nearly £200,000. The council did not class

1 the painting as a common good asset and the receipts of
2 the sale did not therefore go into the common good fund.

3 At the meeting of West Dunbartonshire Council on
4 30th March 2005 when the final decision was taken to
5 sell the house, solely by the Labour administration, I
6 was threatened with physical expulsion from the council
7 chamber by the deputy provost when I denounced the
8 decision.

9 2. Glencairn House. This is the oldest building in
10 Dumbarton, built in 1623 and currently owned by West
11 Dunbartonshire Council and used by the social work
12 department. In June 2005 the council considered a
13 proposal to sell this property on the open market.
14 Again they deferred a decision, recommending that a
15 further report by the chief executive be put to the
16 council and that "consideration be given to public
17 consultation"; there is a letter from Councillor
18 O'Sullivan confirming that. Our community council
19 submitted written objections, especially in the light of
20 the previous decision about Levenford House.

21 Despite a request from us in October, no public
22 consultation was carried out but we were told that we
23 would be contacted as soon as the new report was
24 submitted. In January 2006 the council decided to keep
25 the house in public ownership and let part of it to the
26 credit union. We were not notified of this decision,
27 which was announced in the local press, but we were
28 informed by Councillor O'Sullivan in writing that, "Due
29 to the urgency of meeting the credit union's
30 requirements it was not considered necessary or
31 desirable to carry out a wider consultation exercise".
32 The building is still occupied by the social work
33 department, nearly 11 months after this decision.

34 3. Overtoun House and estate. This property was
35 gifted to the people of Dumbarton in 1939 by Dr Douglas
36 White and became part of Dumbarton common good. The
37 house lay semi-derelict for some years, despite sporadic
38 but determined efforts by the community to engage with

1 the council to investigate using the house for a variety
2 of different public uses. In 2002 the house and a small
3 part of the grounds were released to a religious
4 organisation for 19 years. The house is now being
5 comprehensively refurbished, a fact that we accept and
6 welcome although we are not particularly in agreement
7 with the ethos of the tenant organisation.

8 In 2006 the council made a summary application to
9 Dumbarton sheriff court under the Local Government Act
10 (Scotland) 1973 section 75(2) to alienate the property
11 by lease to the same tenant for 99 years. Although it
12 was again recognised that the council was not acting
13 illegally, there was vociferous community opposition to
14 the length of the proposed lease. Our community council
15 decided to lodge a legal objection in the sheriff court,
16 as did eight other individuals. Under the terms of our
17 constitution we paid for legal advice but we represented
18 ourselves in the sheriff court.

19 After lengthy and protracted negotiations with West
20 Dunbartonshire Council's legal department and three
21 sheriff court hearings a satisfactory compromise was
22 reached; a lease for 30 years with the option for the
23 tenant and the council to apply for another 30 years at
24 the end of the term of the lease. Had we refused a
25 compromise and the 99 year lease been granted we would
26 have been liable for all the legal costs. At no time
27 was any public consultation either proposed or carried
28 out by the council. It was not pointed out to any
29 potential objectors in the intimation of the application
30 in the local press that should objectors lose the legal
31 challenge they would be liable for all the legal costs
32 of the case including the legal costs incurred by the
33 council.

34 Our secretary represented the community council in
35 the sheriff court on the grounds that the proposed 99
36 year lease was against the public interest and the
37 intentions of the bequest by Dr White in 1939 that the
38 property should not be alienated. We consider that

1 while West Dunbartonshire Council has no statutory
2 obligation to carry out formal public consultations
3 about the disposal of public property it has
4 consistently failed to meet the requirements of the
5 Community Planning Act 2000 which "confers an obligation
6 on all councils to demonstrate that decisions are made
7 in an open and transparent way" (audit report, paragraph
8 109). Paragraph 142 states that, "The council has also
9 taken decisions without the benefit of a more strategic
10 approach".

11 Such an approach should in our view involve seeking
12 and considering public opinion and considering
13 suggestions for alternative uses for public property.
14 The council in these three cases has consistently only
15 sought solutions that would generate a purely financial
16 benefit, ignoring the potential loss to the community by
17 either sale or unacceptably long lease. Public
18 properties, especially those of historic or
19 architectural importance, which are listed buildings or
20 which constitute part of the common good should be
21 regarded as public assets, not millstones requiring
22 lucrative disposal at the earliest opportunity. There
23 are increasing instances when in the absence of public
24 consultation members of the public who wish to object to
25 council decisions are left with no option but to take
26 the financial risk of becoming parties in legal actions,
27 either in the sheriff court or in the supreme court.

28 We would also like to add that West Dunbartonshire
29 Council has recently taken the decision to sell the
30 grounds of yet another publicly owned property, Crosslet
31 House, for £7.2 million, this time for 130 private
32 houses. Once again there appear to be no proposals to
33 carry out any public consultation. Our community
34 council is responding to public disquiet on this matter
35 and we will be holding public meetings to which council
36 officers and councillors will be invited. Whether they
37 will listen to public opinion this time remains to be
38 seen.

1 Thank you for listening to me. (Applause)
2 THE CHAIRMAN: Thank you very much.
3 Questioned by THE AUDIT COMMISSION
4 PROFESSOR BAILLIE: Could I ask you two questions for
5 clarification, please. The first relates to the sale of
6 Levenford House and Glencairn House. Did I understand
7 you correctly when you said that there had been some
8 consultation, not a public consultation but there had
9 been some consultation?
10 A. I suppose it would depend on how you define
11 "consultation".
12 Q. That is what I am trying to tease out from you. Your
13 group was consulted, is that correct?
14 A. If you would just give me one moment.
15 Q. Of course.
16 A. The first time, as far as I can understand it, that the
17 proposed sale of Levenford House was considered by the
18 council was right back in 2002, and that is a council
19 minute. There was actually a motion put forward by
20 Councillor Robertson, seconded by Councillor McCallum:
21 "The council recognises the significance of Levenford
22 House ... It recognises its responsibility to preserve
23 such buildings. It instructs council officers to seek
24 an appropriate partner or partners". But then nothing
25 happened after that, they deferred a decision, and the
26 next time ---
27 Q. I see. May I just interrupt you for a second. You were
28 not then consulted as a group on that?
29 A. No.
30 Q. You picked it up from the - ?
31 A. We really only became involved in 2005.
32 Q. I understand. And would that be the same with Glencairn
33 House, the same idea?
34 A. Glencairn House, yes, there was an announcement in the
35 local paper as a result of council minutes that the
36 council wished to dispose of these two properties on the
37 open market.
38 Q. At which point you became involved in the discussions?

1 A. Yes.

2 Q. Thank you. My second question is again on Glencairn
3 House where I think you said that in view of the urgency
4 of the matter in terms of dealing with credit union
5 there had not been time or there was not time properly
6 to consult. Is that correct?

7 A. That is what Councillor Connie O'Sullivan told us, but
8 there had been mention of public consultation. No
9 public consultation appeared to be being carried out, so
10 we requested information as to what was happening about
11 public consultation and we then got a letter back from
12 Councillor O'Sullivan; we wrote on 18th January 2006
13 requesting what was happening about public consultation
14 and then on 26th January she wrote back saying,
15 "Moreover, as the credit union's occupancy of the
16 property will be for a temporary period ... in these
17 circumstances it was not considered necessary or
18 desirable to carry out a wider public consultation
19 exercise". In fact no consultation exercise had been
20 carried out.

21 Q. So that the reason for the lack of consultation that you
22 have just read to me is that the accommodation was
23 temporary rather than urgency, was it?

24 A. No, my understanding from Councillor O'Sullivan's letter
25 is, yes, right, "With respect to public consultation and
26 contact with yourselves it should be noted that there is
27 a degree of urgency in meeting the credit union's
28 requirements". That letter is dated 26th January but my
29 understanding is that 11 months after that letter the
30 building is still occupied by the social work department
31 and therefore we query the use of the term "urgency".

32 Q. So a time constraint was introduced and it effectively
33 compromised the process of public consultation; is that
34 playing back to you what you are telling me?

35 A. Well I think Councillor O'Sullivan is saying there was
36 an urgency and that is why there was no public
37 consultation, but 11 months later the building is still
38 occupied by the same people.

1 PROFESSOR BAILLIE: Thank you; I understand.

2 MR ROBERTSON: Can I just ask, are you saying that the same
3 thing happened with the tenant in the other property?

4 A. Which one?

5 Q. The first one you mentioned.

6 A. Levenford House?

7 Q. Yes.

8 A. There are no tenants. The building was until very
9 recently used by the library staff.

10 Q. Overtoun House; I am sorry.

11 A. Overtoun is a different situation completely because
12 there were tenants in the house; that had been agreed
13 in 2002, that the religious organisation should have a
14 tenancy for 19 years 364 days. That is a crucial figure
15 because, I am not a lawyer so I cannot explain it in
16 legal terms but in order to get a longer lease than 19
17 years 364 days a submission or application has to be
18 made to either a sheriff court or to the supreme court
19 in Edinburgh under the 1973 Scotland Act.

20 Although, as I have said, it is purely an opinion on
21 the part of our community council, we do not
22 particularly agree with what the house is being used
23 for, we do welcome the fact very much that it is being
24 completely refurbished; where we objected was on the
25 grounds of the 99 year lease. We accept the fact that
26 the house is being used by a responsible tenant but it
27 was the fact that prior to the application in the press
28 for a 99 year lease, which again is against the terms of
29 the bequest for alienation but the house had already
30 been alienated for the 19 years, we objected on the
31 grounds that a 99 year lease would be against the
32 interests of the people of Dumbarton.

33 MR ROBERTSON: Thank you.

34 THE CHAIRMAN: Is there anything, Ms Harvie, that you wish
35 to add?

36 MS HARVIE: Yes, there is one other thing I would like
37 the Commission to listen to.

38 The Commission might wish to note that the Scottish

1 parliamentary local government and transport committee
2 is currently considering three public petitions on
3 common good assets and listed buildings. Witnesses have
4 been examined on these issues in Edinburgh and the
5 matter of lack of public consultation and participation
6 in relation to the disposal of publicly owned assets is
7 a central feature of the witness evidence. No doubt the
8 findings of this Commission will filter back to
9 Edinburgh and I hope there will be some meshing or
10 linking of the evidence.

11 THE CHAIRMAN: Thank you very much for your assistance.

12 (Applause) Can I thank all of the witnesses for their
13 contributions and to the public for their attendance at
14 this session of the public hearing. We will reconvene
15 at 1.45 pm.

16 (The lunch adjournment)

17
18 - - - - -

19
20 AFTERNOON SESSION

21
22 THE CHAIRMAN: Could I just clarify before we start,
23 I said it was the council's right to reply; it is the
24 administration and the officers, just to clarify that
25 technical matter. Councillor White, do you want to
26 introduce your colleagues that are with you.

27 MR WHITE: Thank you, chairman, and thank you for the
28 opportunity to make this further contribution. Can I
29 just introduce who I have here with me. Firstly on my
30 right I have Tricia O'Neill, who is the council's head
31 of personnel; on my left I have Stephen Brown, the
32 council's head of legal and administrative services, and
33 on his left I have Ronnie Dinnie, who is a head of
34 service in the department of housing regeneration and
35 environmental services. So thank you for the
36 opportunity to make this statement.

37 Just at the start, though, chairman, I would make
38 further reference to comments that have been made about

1 senior Labour Party councillors and bullying allegations
2 and being subject to disciplinary proceedings. I made
3 reference to a letter that I received from the general
4 secretary of the Labour Party which would have covered
5 any allegations made during the time of Audit Scotland's
6 visit to the council and I now make that available to
7 the Commission.

8 THE CHAIRMAN: Thank you.

9 MR WHITE: There is a number of additional pieces of
10 correspondence that I will make available to the
11 Commission this afternoon. For example John McFall in
12 his comments yesterday made reference to correspondence
13 from him and Jackie Baillie to myself and the deputy
14 leader of the council, Jim Flynn. In discussion with
15 yourself it was not clear if that correspondence had
16 been made available and I will make it available to the
17 Commission.

18 THE CHAIRMAN: Thank you.

19 MR WHITE: The other issue is on the decision of the
20 Commission not to take evidence under oath. I totally
21 accept that that is the decision of the Commission but
22 you will be aware, chairman, that from I think 22nd
23 November the council had made a written request that
24 evidence be taken under oath and that still is our
25 position. We feel that perhaps some of the
26 contributions that you have received both yesterday and
27 today would have been of greater assistance to the
28 Commission if they had been heard under oath. (Cries
29 of, "Shame, shame on you")

30 THE CHAIRMAN: Ladies and gentlemen, you have been very
31 good up until now; I would ask you to continue.

32 MR WHITE: If I could just continue, chairman, although
33 I believe that our submission to the Commission and
34 statement to this hearing have made a strong case for a
35 review of the balance of the report we have spent the
36 last two days hearing from a range of people who have
37 had particular interests in raising issues about the
38 council and about how the council conducts its business.

1 My view is that a number of these witnesses were
2 raising politically motivated issues. These issues
3 should not be allowed to divert attention from the good
4 service provision which this report recognises. For
5 these reasons there are a number of points which I would
6 like to address and before I begin there are two
7 specific issues which I believe I must address for the
8 public record.

9 The first is in relation to comments made yesterday
10 regarding contracts. Specific allegations have been
11 made about awarding council contracts to Councillor
12 Flynn, the deputy leader of the council. These
13 allegations have been fully investigated by the chief
14 investigating officer of ethical standards in public
15 life, Standards Commission who found no contravention of
16 the code of conduct, and again I submit the findings of
17 that investigation to the Commission today. In addition
18 to that, as I said in the introduction, I have both
19 Ronnie Dinnie and Stephen Brown with me today and I
20 would invite Ronnie Dinnie to make some further comments
21 in that regard.

22 MR DINNIE: Chair, I have been asked today to attend to
23 provide clarity on one particular issue and that is the
24 tendering and the award of a graffiti removal contract.

25 In 2003 the council introduced a litter strategy,
26 the main priority being to improve street cleansing and
27 tackle graffiti. I led on that and I identified a need
28 to expose the graffiti service to tender. At that point
29 we tendered two separate contracts, one for structures,
30 which was part of the roads operation, and one for non
31 structures, which was for general premises. This was
32 carried out in early 2004 and the tender documents were
33 issued per the council's standing orders. Tenders were
34 returned and opened by our legal section and the results
35 of the tenders were reported to the tendering committee
36 on 19th May 2004. One contract was awarded to Bell, a
37 decorating firm, and one was awarded to No Graffiti
38 Limited, a firm of graffiti removal contractors from

1 England.

2 The process of the tendering and award of these
3 contracts has been investigated previously by the
4 previous chief executive, our internal audit department,
5 and the matter was thoroughly investigated by the
6 Standards Commission following a complaint by a
7 councillor. All of the above reviews have found that a
8 correct process had been carried out and that the award
9 of the contract was in order. In the Standards
10 Commission report they stated that, "There is no
11 evidence at all to show that Councillor Flynn involved
12 himself or was involved by others in any part of the
13 decision making process". Both contracts were carried
14 out satisfactorily. For clarity, the spend from land
15 services in the financial years 2004/05 was £57,385 and
16 in 2005/06, £87,000, a total of £144,000 over the past
17 two financial years.

18 With the completion of the term of the contract the
19 contract was re-tendered again in 2006, again in line
20 with council's standing orders, and that was reported to
21 the tendering committee on 15th November 2006. The
22 contract was awarded to No Graffiti (Scotland) Limited
23 and the contract value is £80,766. The second tenderer
24 in that process was £123,000. That is clarifying the
25 position on that contract.

26 THE CHAIRMAN: Thank you very much.

27 MR WHITE: Thank you.

28 Also the issue of recruitment and suggestions, by
29 Councillor Bollan, I think, that the recruitment process
30 was certainly not up to scratch: again those
31 allegations were made yesterday concerning the
32 recruitment of the new director of housing, regeneration
33 and environmental services. The council followed clear
34 procedures for the recruitment process, involving
35 external advice from SOLGCES, the society of local
36 government chief executives, and the council's head of
37 personnel is here with me today to add some comment on
38 this issue.

1 MS O'NEILL: I have really been asked to give some
2 background to the recruitment process and I will just go
3 through that.

4 The post was advertised through the national press
5 and we also commissioned a recruitment search through
6 SOLGCES to generate as wide a range of candidates for
7 the post as possible. Through that process SOLGCES, the
8 society of local authority chief executives, supported
9 us in short listing and interviewing candidates, and
10 four candidates were short listed; two were internal
11 and two external. In addition to the two internal
12 candidates it was evident throughout the process and
13 from the application form that one of the external
14 candidates was known to Mr McMillan. I can also confirm
15 that Mr McMillan clearly drew his knowledge of the
16 external candidate to the attention of the recruitment
17 committee.

18 The external candidate was a Mr Woodcock, who was
19 identified through the process as being the preferred
20 candidate, and this was supported by evidence through an
21 assessment centre, which is a range of comprehensive
22 exercises to assess kind of key competencies for the
23 post. So Mr Woodcock was identified as the preferred
24 candidate for the post but the council then requested
25 that I proceed to take up satisfactory references and
26 through that process we were unable to take up
27 satisfactory references and Mr Woodcock was encouraged
28 to reconsider his application. He subsequently withdrew
29 his application and no offer of appointment was ever
30 made to Mr Woodcock.

31 In response to some of the press reports in relation
32 to this an internal audit investigation was carried out
33 to determine whether there was any substance to the
34 press allegations and the outcome of that was that there
35 was no further requirement for investigation.
36 Therefore, in summary, I think the process was open and
37 transparent and that we were supported through that
38 process by some external expertise. We followed due

1 process and through that process we did not make any
2 offer of appointment to the particular candidate, and
3 also bearing in mind some of the sensitivity in respect
4 of confidence for that candidate as well.

5 THE CHAIRMAN: Thank you.

6 MR WHITE: Thank you. Chairman, I am confident that the
7 Commission members can differentiate between unfounded
8 allegations, politically motivated comments and clear
9 fact but I thought it was only fair that both those
10 issues were addressed today because this is a public
11 hearing and what was said yesterday as well as what has
12 been now said today is a matter of public record.

13 To move on to the more general points I would wish
14 to make, firstly I would like to address the issue of
15 the changed conclusions in the audit report, the change
16 between the first draft and the final draft that was put
17 before Commission members. There has been a clear
18 indication from Audit Scotland that they changed the
19 conclusion of the report as a result of the concerns
20 raised by West Dunbartonshire Council about the report
21 itself.

22 The explanation given yesterday by Ms Gardner as to
23 why the introductory paragraphs of the overall summary
24 have been changed is strange and difficult to accept.
25 She appeared to be saying that although the main body of
26 the report had been changed for the better in light of
27 discussions with the council she felt the need to make
28 the introduction more negative because we were
29 contesting the balance of the report and that this
30 showed that we were not taking the messages to heart.
31 By Audit Scotland's own assessment we had correctly
32 identified the areas where improvement was needed and we
33 had provided evidence that we had started to address
34 these actions. Is the message here in West
35 Dunbartonshire to other councils who will be audited
36 after us, "Request more balance and accuracy and the
37 conclusions will be made more critical"?

38 On the issue of bullying, we have heard from a range

1 of people about allegations of bullying within the
2 council. In our submission and in our statement we made
3 it clear that while we would not claim there have been
4 no instances of bullying this is a long way from proof
5 of a culture of bullying. A number of allegations have
6 been raised but never proved. The former chief
7 executive identified that there were very few instances
8 that had been reported using the variety of council
9 procedures and that the issue had never been raised with
10 him by the unions. We ask again why everyone who has
11 raised this issue has only mentioned it now. We have
12 had the Rt Hon John McFall mention this issue, Jackie
13 Baillie MSP, Jim McCallum, the trade unions, Councillor
14 Jim Bollan, Councillor Craig McLaughlin; are we
15 seriously saying that they were all silent on such a
16 serious allegation until the Accounts Commission
17 appeared in Clydebank? Nevertheless, we would repeat
18 that we would always take this matter most seriously and
19 we will continue to review our procedures.

20 We have raised our concerns about the use of the
21 staff survey and I have provided academic evidence to
22 support these concerns. We know that you will take
23 these submissions into account in reaching your
24 judgment.

25 On the area of community planning much has been made
26 of the status of the community plan. We believe we have
27 demonstrated in our submission, and the community
28 planning manager and our health partners have reinforced
29 the view, that a great deal of progress has been made
30 and that all partners had fully signed up to the
31 original community plan and its objectives, but we do
32 not believe that progress has been inhibited by our
33 strong commitment to community involvement. The
34 community planning board has undertaken to consider the
35 auditors' comments.

36 A lot of comment has been made regarding the school
37 improvement fund and I would like to respond to some of
38 that. Yesterday John McFall in his contribution

1 suggested that the council did not have an asset
2 management plan in relation to education matters. We do
3 have an asset management plan, it was approved in
4 December 2003, and again I would submit it to the
5 Commission as further information. There is a lot to be
6 said about the school improvement fund and John McFall,
7 Jackie Baillie, Jim McCallum and Geoff Calvert have made
8 reference to that. The council's submission tries to
9 deal with this issue and indeed we tried to deal with it
10 further yesterday.

11 I have been the leader of the Labour group now for I
12 think the last 10 years and over those years I have
13 clearly received representation from parliamentarians
14 regarding their own patch, and of course in the case of
15 John McFall and Jackie Baillie that patch is Dumbarton,
16 but we also have a local MSP for Clydebank and I have
17 received a number of representations from him over the
18 years about issues like schools regeneration and the
19 council's bid to Community Scotland for an early action
20 fund resource for our housing estates. I would like
21 just to quote from some of the letters I have received
22 from Des McNulty, and you may well believe that some of
23 these comments are similar to the comments you have
24 heard from John McFall and Jackie Baillie.

25 Firstly, in a letter to the director of education
26 from Mr McNulty, and I will make these letters available
27 to the Commission but I will quote pertinent points, he
28 is making a point about, in fact I will just read it:

29 "Thank you very much for sending me the information
30 on relative costs of schools in Clydebank and the
31 Vale of Leven/Dumbarton. I have two queries
32 arising out of the information you sent.

33 "Firstly the cost per square metre per pupil in
34 Clydebank secondaries seems to be unreasonably low.

35 I do not think that an area square metre per pupil
36 for the Clydebank non denominational community
37 learning campus of 9.25 and for the denominational
38 community learning campus of 9.55 is likely to be

1 acceptable, especially when the figures for
2 Dumbarton are 12.20. Perhaps you could provide me
3 with a detailed explanation of why the Clydebank
4 area per pupil is only around 80 per cent of that
5 which is anticipated for secondary pupils in
6 Dumbarton schools.

7 "Secondly, I note from the comparison of capital
8 costs in the original outline business case that the
9 revised cost for the Clydebank non denominational campus
10 has gone down by nearly £6 million, whereas Dumbarton
11 campus has gone up by £4.5 million."

12 With regard to the issue of sports pitches which
13 John McFall addressed yesterday, again another letter
14 from Des McNulty which I can make available:

15 "You are well aware of the shortage of playing
16 fields within the Clydebank area and while it might
17 be possible that existing pitches could be lost at
18 the recreation ground which is next to Salisbury
19 Place it would be necessary that we followed a
20 programme of new pitches across Clydebank which are
21 urgently required."

22 There are other pieces of correspondence that make
23 similar points, including a letter:

24 "I am writing to all Clydebank councillors and to
25 Councillor Flynn, the convener of housing, to
26 underline the importance of ensuring that Clydebank
27 is not disadvantaged in the context of stock
28 transfer proposals currently under consideration by
29 West Dunbartonshire Council."

30 And again an email to myself regarding this matter:

31 "In terms of the selection of areas I find it
32 difficult to understand why some areas of Clydebank
33 appear not to have been considered for inclusion in
34 the proposal. The skewing of spending away from
35 Clydebank under the early action fund is
36 particularly difficult to understand and hence
37 equally difficult to justify."

38 The point I am making here to the Commission is that

1 councillors receive representations from
2 parliamentarians requesting more resources for the patch
3 that they serve and represent but it is up to the
4 councillors to take a view that recognises the needs of
5 West Dunbartonshire as a whole and I believe we have
6 taken decisions in the interests of the whole area.

7 John McFall also made a number of other points
8 yesterday and I am not going to go through them all but
9 he particularly challenged the council's decision with
10 regard to Bonhill primary school and then went on to
11 make reference to the fact that the council had not
12 committed resources to St Joseph's primary school, which
13 is a school in Clydebank. Firstly, it is not the case
14 that the council has not committed the resources to St
15 Joseph's primary school; we have committed resources
16 from the school improvement fund twice to that school,
17 in the first example to look at the need to rewire the
18 school, in the second example the need to replace
19 windows; so it is not the case that we have not
20 committed resources to St Joseph's. However, in John
21 McFall's contribution yesterday, and I quote it, he
22 says:

23 "The council subsequently under the schools
24 improvement fund and outwith the PPP went on to
25 promote a like for like replacement for Bonhill
26 primary. The Bonhill primary role at that time was
27 predicted to fall to around 175 pupils. No council
28 outwith the Highlands & Islands or rural areas
29 generally would consider building a school for such
30 a low number of pupils."

31 And then he goes on to suggest that that is an option
32 that should have been on the table for St Joseph's.

33 As far as the school roll for St Joseph's is
34 concerned, the estimate at September 2006 is 169 pupils;
35 the maximum projection that we have from the education
36 and cultural services department officials is 143 pupils
37 and if we were considering building a new school at St
38 Joseph's we should allow for 150 pupils. I think this

1 helps me illustrate the point that we do not just put
2 resources into our schools based on one CIPFA report,
3 there is a whole load of information that has to be
4 considered including the size of school rolls, and John
5 McFall in his submission has helped me make that point
6 very well.

7 Clearly Councillor McCallum made a number of points
8 and I do not intend to go through them all. Councillor
9 McCallum, however, did suggest that he could not make
10 any comment regarding bullying in relation to staff. I
11 am surprised at that comment because over the 10 years
12 of service that Councillor McCallum has given to the
13 council staff have made allegations regarding his
14 conduct on two occasions -- (cry of "Clipey") -- and I
15 think this puts into context this point we are trying to
16 make to the Commission that allegations that are not
17 proven do not suggest that there is a culture of
18 bullying and harassment within the council, and
19 Councillor McCallum is obviously aware of this.

20 Councillor McCallum also made a number of comments,
21 and indeed so did Jackie Baillie, regarding decisions
22 taken by the Labour group with regard to reneging on a
23 60:40 deal, and you will see in my letters to John
24 McFall and Jackie Baillie, or the letters from myself
25 and Jim Flynn to John McFall and Jackie Baillie, that we
26 totally refute such an allegation. Jackie Baillie has
27 said that the Labour group minutes are silent on this
28 issue. It is not the case that they are silent; this
29 morning I have made a request to the general secretary
30 of the Labour Party that I can make the minutes
31 available to the Commission and I hope that she supports
32 me in that request.

33 If I can move on, the report describes West
34 Dunbartonshire accurately in terms of demography but
35 fails to put the council's performance into this
36 context, the context of how we address poverty and
37 deprivation. I believe we have demonstrated a positive
38 impact for the people of West Dunbartonshire, despite

1 many of these factors, and we will continue to do so.
2 We have recognised that scrutiny is an issue and have
3 undertaken to review our processes. However, effective
4 scrutiny will require the full participation of all
5 members of the council.

6 With regard to the discussions required on the
7 auditors' report I have made a firm commitment to full
8 debate at council following receipt of the Accounts
9 Commission's findings. This will be followed by a
10 revised and fully costed improvement plan with the time
11 scales required.

12 With regard to the improvement agenda, our
13 submission was not prepared to be used as a smoke screen
14 to divert attention but rather as an attempt to show
15 that the audit report could be better balanced,
16 reflecting our position as a mid ranking council. We
17 have also highlighted some conclusions which we feel are
18 less than 100 per cent safe. Our issues with the report
19 are more to do with processes, some of the more
20 controversial issues raised in the audit and
21 particularly the general tone and balance.

22 I feel that the fact that we have put a significant
23 amount of work into our submission reflects how
24 seriously we view the audit outcome. We have been
25 accused of not being a council that conducts themselves
26 in an open and transparent way. I would suggest that
27 being at this Commission and having a scrutiny of the
28 council so publicly challenges that view. (Cry of,
29 "They called you, Andy") Contrary to what many
30 witnesses have said and to some of the comments made by
31 Audit Scotland, this council has fully recognised the
32 various and serious issues raised in the audit. Indeed,
33 as has been reported by Audit Scotland, most if not all
34 the actions identified by the auditors were identified
35 by the council in its action plan which was part of our
36 original submission, and to emphasise that point I
37 reproduce the action plan that was part of our original
38 submission for the Commission.

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Our new chief executive yesterday outlined to the Commission in some detail how we will plan to take forward the improvement agenda and he has taken steps to discuss the support options with potential partners. We are fully committed to addressing this challenge. We have listened to Audit Scotland and we have listened to the comments over the last day and a half. We will listen to your findings and I can guarantee that this council will commit itself to taking forward the best value agenda.

Thank you for giving me the opportunity to make those comments, chairman.

THE CHAIRMAN: Thank you very much. (Applause)

Ladies and gentlemen, I have praised you for two days, so do not make a mess of it now. Can I first of all say this is now the end of the hearing; I now formally adjourn this hearing. The Commission will proceed to consider its findings which will be made public in due course. But I would like to thank each and every one of the witnesses who have given evidence over the last two days and for your patience with the Commission in giving that evidence. I would also like to thank the public, who have for 99.5 per cent of the time been excellent, for being here and for listening attentively to the hearing. Lastly but not least I would like to thank West Dunbartonshire Council and in particular Anne Laird and her staff for their help in making the arrangements for the hearing. The hearing is now adjourned. Thank you very much. (Applause)

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