

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 27 JANUARY 2011**

Present: Depute-Provost Len Scoullar (Chair)

Councillor Chalmers	Councillor R Macintyre
Councillor Colville	Councillor Mackay
Councillor Currie	Councillor MacMillan
Councillor Dance	Councillor McNaughton
Councillor Devon	Councillor McQueen
Councillor Freeman	Councillor Marshall
Councillor Hay	Councillor Morton
Councillor Horn	Councillor Mulvaney
Councillor Daniel Kelly	Councillor Nisbet
Councillor Donald Kelly	Councillor Philand
Councillor Kinniburgh	Councillor Reay
Councillor MacAlister	Councillor Robb
Councillor McCuish	Councillor Semple
Councillor Macdonald	Councillor Simon
Councillor McIntosh	Councillor Strong
Councillor D MacIntyre	Councillor Walsh

Attending: Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Sandy Mactaggart, Executive Director of Development and Infrastructure
Bruce West, Head of Strategic Finance
Charles Reppke, Head of Governance and Law

The Depute-Provost advised the Council that he was taking the Chair of the Meeting today due to the tragic circumstances of the Provost's family bereavement. He invited the Council to record its condolences and asked that the Chief Executive write to the Provost and his wife in appropriate terms which was unanimously agreed.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated by Councillors McAlpine, Petrie and Robertson.

2. NOTICE OF MOTION UNDER STANDING ORDER 14

The Head of Governance and Law advised that in terms of Standing Order 14 the following Notice of Motion by Councillor Philand, seconded by Councillor Horn had been received for consideration as a matter of urgency at this meeting:-

“Council recognises the urgency of producing a balanced budget and the additional difficulty arising from the agreement with the Convention of Scottish Local Authorities (COSLA) to reduce Argyll & Bute Council's allocation from former ring fenced grants, now referred to as Supporting People funding, by £5.588m.

Council instructs officers to bring back to the next meeting of the Council a paper examining the cost and the benefits of Argyll & Bute Council's membership of COSLA.”

The Depute-Provost ruled that the motion was not urgent and would thereafter stand to be considered at the next ordinary Council Meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

4. MINUTES

The Council approved the Minutes of the Council Meeting of 25 November 2010 as a correct record.

The Council approved the Minutes of the Council Meeting of 6 December 2010 as a correct record.

The Council approved the Minutes of the Council Meeting of 5 January 2011 as a correct record.

5. POLITICAL MANAGEMENT ARRANGEMENTS

(a) Report by Executive Director of Customer Services

The Council at its meeting on 6 December 2010 agreed that a further report would be submitted to the next Council Meeting on appointments to Outside Bodies in light of the dissolution of the Coalition. The Council considered what action was necessary in regard to appointments to the various Outside Bodies to which the Council makes such nominations.

Motion

- (1) To amend the terms of reference of the E.J.C.C. to refer to the Leader and to include 8 Spokespersons rather than 7, and one other Councillor and to appoint Councillor Mulvaney as that Councillor.
- (2) To appoint the following Members to the Future Use of Older People's Services Committee and Project Board namely:-

Dick Walsh as Leader

Ellen Morton as Depute Leader

Andrew Nisbet as Spokesperson for Social Affairs

Rory Colville as Spokesperson for Third Sector and Communities

Robin Currie as Spokesperson for Rural and Island Affairs, Housing and Gaelic

Len Scoullar as Spokesperson for European Issues

Councillor Gary Mulvaney

Councillor Elaine Robertson

Two members to be agreed by the Opposition groups and failing agreement to be referred to the Executive to determine the appointments.

- (3) To appoint the following Members to the Board of the Local Negotiating Committee Teachers.

Ellen Morton

Vivien Dance

Andrew Nisbet

- (4) To appoint a Member of the Opposition to fill the vacancy on the P.P.S.L. Committee and Regulatory Cohort.
- (5) To appoint a Member of the Opposition to fill the vacancy on the Audit Committee. We understand this is Councillor Freeman.
- (6) To note and confirm the current appointments to those Outside Bodies delegated to Area Committees. And that Area Chairs advise a future meeting of the Council, following a review, on those bodies that no longer function or require representation.
- (7) In regard to the appointments to Policy and Performance Groups (and Thematic Groups). To hold this in abeyance until the outcome of our discussions on constitution and Governance.
- (8) To appoint Mary-Jean Devon as Vice Chair of the OLI Area Committee.
- (9) In regard to the appointments to Statutory Boards and Joint Committees to make the following appointments to the Board and where these are not of continuing effect to have immediate effect in replacement for the previous nominees namely:-
 - (a) Scotland Excel 1 representative Councillor Neil Mackay
 - (b) Strathclyde Fire & Rescue Board 2 representatives Al Reay
Daniel Kelly
2 substitutes Opposition Councillor
Opposition Councillor
 - (c) Criminal Justice Partnership 2 representatives Councillor A Nisbet
Councillor E Robertson
2 substitutes Opposition Councillor
Opposition Councillor
 - (d) Dunbartonshire & Argyll & Bute Valuation Joint Board 5 representatives Councillor D MacMillan
Councillor Vivien Dance
Councillor A Nisbet
Opposition Councillor
Opposition Councillor
5 substitutes Councillor A Hay
Councillor G Mulvaney
Opposition Councillor
Opposition Councillor
Opposition Councillor
 - (e) HITRANS 1 representative Councillor D MacIntyre
1 substitute Councillor Al Reay
 - (f) Strathclyde Concessionary Travel Scheme Joint Committee 1 representative Councillor D MacIntyre
1 substitute Councillor Al Reay

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| (g) | Strathclyde Police Authority | 2 representatives | Councillor D MacMillan
Councillor J McQueen |
| | | 2 substitutes | Councillor Al Reay
Opposition Councillor |
| (h) | Strathclyde Partnership For Transport and SPTA | 1 representative
1 substitute | Councillor D MacIntyre
Councillor Al Reay |
| (i) | North Strathclyde Community Justice Authority | 1 representative
1 substitute | Councillor A Nisbet
Councillor E Robertson |
| (j) | West of Scotland European Forum | 1 representative
1 substitute | Councillor L Scoullar
Opposition Councillor |

- (10) That in respect of the appointments to Outside Bodies to make the following appointments to the said Bodies and where these do not have continuing effect to have immediate effect in replacement for the previous nominees namely:-

Group	Representatives	Appointments
Argyll & Bute Community Health Partnership	2 representatives	Councillor A Nisbet Councillor V Dance
Argyll & Bute Health & Care Partnership	3 representatives	Councillor B Marshall Councillor A Nisbet Councillor E Robertson
NHS Highland Board	1 representative	Councillor E Robertson
Argyll College Board	2 representatives	Councillor Ellen Morton Councillor Vivien Dance
University of Highlands & Islands Board	1 representative	Councillor E Morton
HIE, Argyll and the Islands Board	1 representative	Councillor Neil Mackay
Local Economic Forum – Argyll and the Islands	1 representative	Councillor Neil Mackay
Stramash	2 representatives	Councillor R McCuish Councillor E Morton
Argyll & Bute Local Biodiversity Partnership	1 representative	Councillor B Marshall
Argyll, Lomond & The Isles Energy Agency Management Board	2 representatives	Councillor A Nisbet Opposition Councillor
Argyll, Loch Lomond &	1 representative	Councillor W Petrie

Forth Valley Tourism Development Partnership		
Argyll & Bute Agricultural Forum	2 representative	Councillor R Colville Councillor R Macintyre
Highlands & Islands Convention Aquaculture Forum	1 representative	Councillor B Marshall
KIMO	1 representative	Councillor L Scoullar
Loch Lomond & The Trossachs National Park Authority Board	1 representatives	Councillor W Petrie Councillor R Simon
Scottish Liaison Group on Radioactive Waste Management	1 representative	Opposition Councillor
West of Scotland Archaeology Service Joint Committee	1 representative 1 substitute	Councillor W Petrie Councillor R Colville
Argyll Marine SAC Forum	2 representatives (one of whom shall Chair the Forum)	Councillor R Currie (Chair) Councillor B Marshall
Argyll & Bute Care & Repair Agency	2 representatives	Councillor R Currie Councillor N Mackay
COSLA All of Scotland Group 2014	1 representative	Councillor N Mackay
Highlands & Islands Film Commission	1 representative 1 substitute	Councillor N Mackay Councillor A McNaughton
Inter Authority Standing Group on Gaelic	1 representative	Councillor R Currie
Museum Galleries Scotland	1 representative	Opposition Councillor
Argyll Community Housing Association	5 representatives	R Colville MAKI Councillor A Reay H & L Councillor N Mackay OLI Opposition Councillor Opposition Councillor
Convention of Highlands & Islands	1 representative	Councillor D Walsh
Programme Monitoring Committee Highlands &	1 representative	Councillor D Walsh

Islands

Scottish Federation	Islands	2 representatives	Councillor L Scoullar Councillor R Currie
C.P.M.R		1 representative	Councillor L Scoullar
Strathclyde Fund Forum	Pension Representative	1 representative	Councillor R Currie
		1 substitute	Councillor D MacIntyre
Association for Service Excellence (APSE)	for Public Excellence	1 representative	Councillor Al Reay
Apse Roads & Lighting Group		1 representative	Councillor Al Reay
Clyde Ferry User Group		2 representatives	Councillor B Marshall Councillor L Scoullar
Argyll Ferry User Group		1 representative	Councillor R Currie
Kintyre & The Islands Ferry User Group		1 representative	No appointment
Raasay ,Skye Small Islands Ardnamurchan & Mull Ferry Users Group		1 representative	Councillor MJ Devon
West of Scotland Road Safety Forum		1 representative	Councillor Al Reay
		1 substitute	Councillor D MacIntyre
Cardross Trust Mortification Fund	Moore's	1 ex officio local Member	Councillor E Morton
COSLA		3 representatives	Councillor D Walsh Councillor E Morton Councillor D MacIntyre
COSLA Groups	Executive	Health & Wellbeing	Councillor A Nisbet
		Education & Children & Young People	Councillor E Morton
		Community Wellbeing & Safety	Councillor R Currie
		Regeneration & Sustainable Development	Councillor D MacIntyre
		Resources & Capacity	Councillor D Walsh

Community Safety Councillor Al Reay

Improvement Service 1 representative Councillor A Nisbet
Company

Legalised Prison Cells To note no Change
Visiting Committees

(11) **Common Good Funds**

To note the current arrangements for the operation of the Common Good Funds in Argyll and Bute and representation thereon for Dunoon, Rothesay, Lochgilphead and Campbeltown. It is proposed that for Oban there be 4 Members; 2 from Ward 4 and 2 from Ward 5 as follows –

Ward 4 – Councillor MJ Devon

Opposition Councillor

Ward 5 – Councillor D MacIntyre

Councillor N Mackay

To confirm that the existing arrangements for the operation of the Common Good Funds continue. That there be no change thereto without the express agreement of the Council including, for the avoidance of doubt, the current arrangements for Chairing.

(12) To note that there is no requirement for a Member to be appointed to the Argyll and Bute ADP Chief Officers Group.

(13) That in respect of the invitation to appoint a Member to the Board of the Blindcraft Trust administered by Glasgow City Council the Council determines to Appoint Councillor A Nisbet.

(14) That in respect of the invitation to appoint a representative to serve on the Consultative Committee for SOILLSE – National Network For Gaelic Research to appoint Councillor R Currie.

Moved by Councillor Walsh, seconded by Councillor Morton.

The Depute-Provost adjourned the meeting at 2.25pm and reconvened at 2.45pm.

Amendment

That there be no change to the appointments to Outside Bodies.

Moved by Councillor R Macintyre, seconded by Councillor Philand.

The requisite number of members required to vote to be taken by calling the roll, and members voted as follows:-

Motion

Councillor Colville
Councillor Currie
Councillor Dance
Councillor Devon
Councillor Hay
Councillor Daniel Kelly
Councillor Kinniburgh
Councillor D MacIntyre

Amendment

Councillor Chalmers
Councillor Freeman
Councillor Horn
Councillor Donald Kelly
Councillor MacAlister
Councillor McCuish
Councillor Macdonald
Councillor McIntosh

Councillor Mackay
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor Marshall
Councillor Morton
Councillor Mulvaney
Councillor Nisbet
Councillor Reay
Councillor Scoullar
Councillor Walsh

Councillor R Macintyre
Councillor Philand
Councillor Robb
Councillor Semple
Councillor Simon
Councillor Strong

Decision

The Motion was carried by 19 votes to 14 and the Council resolved accordingly.

(Ref: Report by Executive Director of Customer Services dated 10 January 2011 and appendices, submitted)

(b) Composition of Council

A report by the Executive Director of Customer Services provided information about the formation of a new political group named the Argyll and Bute Independent Councillors comprising Councillors Freeman and Chalmers.

Decision

The Council noted the terms of the report.

(Ref: Report by Executive Director of Customer Services dated 10 January 2011, submitted)

6. UPDATE ON COUNCIL CONSTITUTION - ANTI FRAUD STRATEGY

The Council, at its meeting on 1 October 2010 approved the Financial and Security Regulations and noted that the Appendices would be revised at a later date. The Council considered the Anti Fraud Strategy which forms Part D of the Council Constitution, the Financial and Security Regulations.

Decision

The Council approved the Anti Fraud Strategy as attached as the Appendix to the Financial and Security Regulations.

(Ref: Report by the Executive Director of Customer Services dated 2 November 2010, submitted)

7. QUESTION TO THE LEADER UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Leader of the Council:-

By Councillor Philand

“The Leader of the Council has been on record to say that he is working towards an inclusive Council.

Can he explain why the papers for the EDUCATION REVIEW - REVIEW OF THE SCHOOL ESTATE was given to the following at different times.

Members of the Coalition 4 October 2010

Leaders of the Liberal Democrats and Conservatives Tuesday 19 October 2010

Leader of Argyll First 22 October 2010

Whilst missing out the non aligned Councillors altogether.”

Answer

The Leader of the Council provided a verbal response to the question and a supplementary question setting out his position on the matter.

8. QUESTION TO THE LEADER UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Leader of the Council:-

By Councillor Macdonald

1. “What is the current Annual cost to Argyll & Bute Council of Membership of COSLA?”
2. What quantifiable benefits accrue to Argyll & Bute Council from Membership of COSLA?”

Answer

The Leader of the Council provided a verbal response to the question and a supplementary question providing details requested and indicating that senior representatives of COSLA would be invited to a future Council Meeting to provide further information.

9. QUESTION TO THE LEADER UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Leader of the Council:-

By Councillor Robb

“This question comprises five component parts with regard to the Council budget and ongoing budget process:

1. What Council decision delegated to the Council Leader the authority to write to the Finance Secretary accepting the Scottish Government’s proposals to shield local authorities from the worst of the Conservative/Liberal Democrats savage cuts to the Scottish block grant and to protect household incomes with a council tax freeze?

2. Other Council's, such as neighbouring West Dunbartonshire, have published draft budgets for consultation. What progress has been made on Argyll & Bute's budget for 2011-12 and when will a draft balanced budget be publish for member's information and public consultation?
3. It was widely known that Argyll & Bute Council had received more than its share of former ring fenced grants, now known as Supporting People funding, than the COSLA agreed formula. Why was the Leader not alert to the possible implications when the issue of ring fenced grants was discussed at COSLA?
4. What explanation does the Council Leader offer on behalf of himself, Councillor Hay and the Chief Executive for agreeing to a £5.588m reduction in Supporting People funding through COSLA (the Hay-Walsh cut) to Argyll & Bute for 2011-12?
5. Within the draft budget will the Council Leader ensure that any service cuts or redundancies due to the Hay-Walsh cut are clearly identified as additional?"

Answer

The Leader of the Council provided a very detailed verbal response to the question and a supplementary question setting out his position on the matter.

10. QUESTION TO THE EDUCATION SPOKESPERSON UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Education Spokesperson:-

By Councillor Robb

"This question comprises five component parts with regard to the school closure programme and the review of the primary school estate:

1. What apology does the Education Spokesperson offer to those parents she attacked for pointing out the obvious flaws in the school closure proposals which were subsequently rejected as unsafe by the Education Spokesperson and the Council on the 5th January 2011?
2. The Chief Executive had received assurances from the Permanent Secretary to the Scottish Government on the 23rd December 2010 with regard to the impartial and fair treatment of any education review or school closure proposals from Argyll & Bute Council. What explanation does the Education Spokesperson offer for embarrassing the Chief Executive and the Council by requesting the Chief Executive write again on this same matter?
3. The additional funding reduction of £5.588m for Argyll & Bute was agreed by Councillor Walsh, Councillor Hay and the Chief Executive at the COSLA meeting on the 19th November 2010. What additional education cuts and potential school closures will result from this?
4. Despite comments from her deputy, Councillor Dance and others it is clear Parklands Special School is indeed a special case. What measures and timetable has the Education Spokesperson put in place to ensure a viable model to retain Parklands is put in place as soon as possible?

5. What aspects of the previous consultation proposals have now been confirmed as incorrect and what action has been taken to ensure that any recommendations to close schools by officers or such proposals from the Education Spokesperson are accurate and in compliance with the legislation this time?"

Answer

The Education Spokesperson provided a detailed verbal response to the question and a supplementary question setting out her position on the matter.

11. QUESTION TO LEADER UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Leader of the Council:-

By Councillor Semple

1. "The Primary Schools amalgamation consultation documents, which were adopted by the Council by a narrow margin on the 15 November 2010 were subsequently shelved on 5 January 2011 at a special meeting of the Council organised by members of the Opposition following the submission of a report by the Scottish Rural Schools Network which challenged many aspects of the consultation process and documentation.
 - a) What steps does the Leader of the Council intend to take to investigate how the consultation documents came to have so many factual errors?
 - b) What steps will he take to ensure that the new process meets the chronology identified in the Schools (Consultation) (Scotland) Act?
 - c) What assurance can he give the Council that further iterations of these documents will stand up to public scrutiny?
 - d) Will he also give assurance that councillors will be given sufficient opportunity to interrogate these new documents fully?"

Answer

The Leader of the Council provided a verbal response to the question.

12. QUESTION TO THE EDUCATION SPOKESPERSON UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Education Spokesperson:-

By Councillor Semple

1. "A special meeting of the Council was arranged by members of the opposition on 5 January 2011 for which the Scottish Rural Schools Network prepared a report. The outcome was that the proposals for the closure of 25 primary schools was suspended. The Chief Executive gave an assurance at the meeting that ongoing, cooperative dialogue would take place between the Council and the Scottish Rural Schools Network.

- a) Can the Spokesperson for Education give details on the progress of that dialogue?
- b) What progress has been made in addressing the issues raised by SRSN on 5 January 2011?"

Answer

The Education Spokesperson provided a verbal response to the question and a supplementary question setting out the position on the matter.

13. QUESTION TO THE LEADER UNDER STANDING ORDER 15

The following question had been submitted under Standing Order 15 for answer by the Leader of the Council:-

By Councillor Freeman

"Argyll and Bute Council is represented on the COSLA Resources & Capacity Executive Group by Councillor Dick Walsh, Leader of the Council. Given that the work of this COSLA Executive Group includes important issues such as the Spending Review and other strategic finance issues, it is considered that the work of this Group is of prime importance to the finances of Argyll and Bute Council.

Given the importance of the work of this Executive Group to Argyll and Bute Council, can the Leader respond to this question which comprises five component parts as follows?

- a) Can the Leader of the Council confirm how many meetings of the COSLA Resources & Capacity Executive Group were held in 2010?
- b) Can the Leader of the Council confirm how many meetings of the COSLA Resources & Capacity Executive Group he attended in 2010?
- c) On the basis that there would be a real terms reduction in funding of 12% across the next three years of the Spending Review, an officer group called the Strategic Funding Review Group (SFRG) was established to undertake some scenario planning around what this would mean for local government. Although this work was to be overseen by the Leadership Board, the role of the COSLA Resources & Capacity Executive Group was to provide political advice and guidance to the Leadership Board on this issue. Can the Leader of the Council confirm if the scenario planning by the SFRG included any proposed changes to the distribution formula relating to the former Supporting People funding, now referred to as Former Ring Fenced Grants?
- d) A report (Distribution 2011/12) was presented to the COSLA Leaders meeting on 19 November 2010 which contained a number of recommendations including **"updating indicators of former ring-fenced grants"** and that the **"remaining ring-fenced grants and specific grants should be subject to the same level of reduction which reflects spend across the total revenue grant"**. Can the Leader of the Council confirm if the COSLA Resources & Capacity Executive Group supported the recommendations contained within the Distribution 2011/12 report considered at the Leaders meeting on 19 November 2010?
- e) Can the Leader of the Council confirm that no minutes from the meetings of the COSLA Resources & Capacity Executive Group or any other COSLA Executive

Group have been included on the agenda of any COSLA Leaders meeting for over two years now?"

Answer

The Leader of the Council provided a verbal response to the question and a supplementary question setting out his position on the matter.

The Depute-Provost also sent the Councils best wishes for a speedy recovery to Mrs McQueen who had taken ill recently.