

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 24 NOVEMBER 2011**

Present:

Provost William Petrie (Chair)

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

Attending:

Sally Loudon, Chief Executive
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
Donald MacVicar, Head of Community and Culture
Robert Pollock, Head of Economic and Development

The Provost referred to the sad passing of Councillor Donald McIntosh who died suddenly and unexpectedly whilst attending hospital on an unrelated matter. Members observed a minute's silence in tribute to his life and work as a Councillor.

Prior to the consideration of business the Council heard a presentation by Alan Thomson, Head of Corporate Relations, Scottish Water.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Freeman, Kinniburgh, MacAlister and McAlpine.

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 Currie, seconded by Councillor Duncan MacIntyre had been received for consideration as a matter of urgency at this meeting:-

"At a meeting held in Kilmory on 23rd May 2011 attended by the Leader and Deputy Leader of Argyll and Bute Council, the SNP Group, Argyll First Group, Michael Russell MSP and Mike Mackenzie MSP, it was agreed that if the Council funded the operation of the Jura Passenger Ferry in 2011, the Scottish Government would help with the funding in future years. Michael Russell MSP said that the continuation of the Jura Passenger

Service was vital and that the Scottish Government would help if the Council kept it going for 2011.

Argyll and Bute Council now calls on the Scottish Government to honour that pledge to allow marketing to take place now for the service in summer 2012 and beyond.”

The Provost ruled that he considered that the motion was urgent by reason of the need to allow marketing for the ferry service to commence as soon as possible. The Council agreed to consider the motion and this is dealt with at item 13 of this Minute.

3. DECLARATIONS OF INTEREST

Councillors Chalmers and Robertson each declared a non financial interest to the report on the Land at Dunbeg, Oban which is dealt with at item 14 of this minute because of their membership of the West Highland Housing Association.

4. MINUTES

The Council approved the Minutes of the Council Meeting of 6 October 2011 as a correct record.

5. OBAN NORTH AND LORN BY-ELECTION

The Returning Officer reported on the results of the election for the return of a Councillor for Ward 5: Oban North and Lorn which was held on 3 November 2011 when Louise Glen-Lee was duly elected a Councillor for the Ward.

The Provost congratulated Councillor Glen-Lee on her election and welcomed her to the Council and looked forward to working with her in the future.

6. TOURISM IN ARGYLL AND BUTE

The Council considered a report which presented an overview of developments in respect of tourism in Argyll and Bute and highlighted the key role the Council has undertaken in realising key actions within Council plans. The Council also heard a presentation by Mike Storey and Calum Ross of the Argyll and the Isles Strategic Tourism Partnership.

Decision

Noted the contents of the report.

(Ref: Report by Executive Director of Development and Infrastructure dated 14 September 2011, submitted)

The Provost adjourned the Meeting at 1.15pm and reconvened at 2.00pm.

7. AUDIT OF ACCOUNTS 2010/2011: MEMBERS' LETTER/AUDIT OF ACCOUNTS AND CERTIFIED ACCOUNTS

The external auditors, Grant Thornton UK LLP, had completed their audit of the Council's accounts for the year to 31 March 2011. The audited accounts were submitted for consideration together with the audit certificate and the external audit report for

2010-2011. The audit certificate contained no qualifications and the external audit report highlighted key issues for attention.

Decision

1. The Council noted the audited accounts, the terms of the certificate and the external audit report.
2. The Council noted that the Audit Committee will monitor the action plans agreed in response to individual audit reports that have been issued during the year.

(Ref: Report by the Head of Strategic Finance dated 3 November 2011, 2010/2011 Annual Accounts, Audit Certificate and External Audit Report, submitted)

8. THE ELECTION OF A TEACHER REPRESENTATIVE TO THE EXECUTIVE

Following the retirement of the teacher representative on the Council's Executive, nominations were sought from teachers serving within the education authority and arrangements were made for a ballot. One of the teachers withdrew their application leaving one person as the only nomination for the position.

Decision

The Council noted the position in relation to the proposed ballot and agreed that William Marshall, Principal Teacher, Dunoon Grammar School be the Teacher Representative to serve on the Executive for the period of the present Council.

(Ref: Report by Executive Director of Community Services dated 24 November 2011, submitted)

9. 6TH REVIEW OF PARLIAMENTARY CONSTITUENCIES - BOUNDARY COMMISSION PROPOSALS

The Council considered a report which advised of the consultation of the 6th review of UK Parliamentary Constituency Boundaries which proposed adding Lochaber, Ward 22 of Highland Council to the existing Argyll and Bute Constituency.

Decision

The Council agreed to raise no objections to the proposed adjustment to the Constituency given the criteria laid down by statute.

(Ref: Report by Executive Director of Customer Services dated 8 November 2011, submitted)

10. REQUIREMENT TO ACHIEVE THE 2012 HOMELESSNESS TARGET - INCREASED PRIORITY NEED

The Executive, at its meeting on 24 November 2011, recommended to the Council that all unintentionally homeless people will be determined to be in a priority need and consequently will be entitled to settled accommodation which required a change to the Council's Homeless Policy.

Decision

Agreed to the change in the Council's Homeless Policy that all unintentionally homeless people will be determined to be in a priority need and consequently will be entitled to settled accommodation.

(Ref: Report by Executive Director of Customer Services dated 24 October 2011, submitted)

11. QUESTION TO THE LEADER OF THE COUNCIL 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

In light of the council motion carried by the votes of the Liberal Democrat, Conservative, Alliance Administration at the last meeting of Argyll & Bute Council in relation to the withdrawal of Campbeltown Ring and Ride service, can the Leader of the Council tell the Council -

1. What action has the administration taken in order to discharge its duties under section 149 of the Equalities Act 2010 in relation to members of the public affected by removal of this valued service which was specifically designed to meet the needs of disabled and elderly members of the community?
2. Why has the Administration taken the unprecedented and wholly unnecessary step of writing to every signatory of the petition provided to the provost by concerned members of the Campbeltown Community at a cost of more than £100 in stationary and postage?

Answer

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

12. QUESTION TO THE SPOKESPERSON FOR TRANSPORT AND INFRASTRUCTURE UNDER STANDING ORDER 15

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

By Councillor Semple

At the executive meeting held on the 3rd November, The Spokesperson for Roads and Transportation produced a table identifying how funding for roads was divided between the four council sub areas which is based solely on the square meters of council road asset in each area.

The Spokesperson went on to state that this formula was "not favoured by The Head of Roads and Amenity Services" and was " a formula which is well used across councils"

The Head of Roads and Amenity Services said at the Executive Committee , "it is historic to Strathclyde Regional Council, it is not a roads asset management method."

Can the Spokesperson for Roads and Transportation tell the council -

1. The names of all the other Scottish Councils who use the same methodology as Argyll & Bute Council, in the subdivision of their roads budget into local areas.
2. Why he is not prepared to take the professional advice of his The Head of Roads and Amenity Services in relation to the maintenance of the councils roads.
3. Why he thinks that road classification, existing state of repair, and the type and volume of traffic using this councils roads are not important factors in directing council funding towards roads maintenance.

Answer

The Spokesperson for Transport and Infrastructure provided a verbal response to the question and a supplementary question setting out his position on the matter.

13. NOTICE OF MOTION UNDER STANDING ORDER 14

In terms of Standing Order 14, the following Notice of Motion had been received for consideration at this meeting.

Motion

At a meeting held in Kilmory on 23rd May 2011 attended by the Leader and Deputy Leader of Argyll and Bute Council, the SNP Group, Argyll First Group, Michael Russell MSP and Mike Mackenzie MSP, it was agreed that if the Council funded the operation of the Jura Passenger Ferry in 2011, the Scottish Government would help with the funding in future years. Michael Russell MSP said that the continuation of the Jura Passenger Service was vital and that the Scottish Government would help if the Council kept it going for 2011.

Argyll and Bute Council now calls on the Scottish Government to honour that pledge to allow marketing to take place now for the service in summer 2012 and beyond.

Moved by Councillor Currie, seconded by Councillor Duncan MacIntyre.

The Provost adjourned the meeting at 2.30pm and reconvened at 2.40pm.

Amendment

In response to the urgent motion regarding the future of the Jura Ferry, can we ask for the adopted minutes of the meeting held on 23 May 2011 with the Leader, Depute Leader, SNP Group, MSP's, Argyll First and Independent Group. On checking with those who attended said meeting there seems to be dubiety about what was said or not said. Sight of such minutes would clarify the situation.

But meantime to allow the ferry to publish its timetable, funds could be drawn from £2.2m in the Grant Thornton report on Transport.

Moved by Councillor R Macintyre, seconded by Councillor Strong.

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

Councillors Dance, Hay and Scoullar left the meeting before the vote was taken.

Motion

Councillor Colville
Councillor Currie
Councillor Daniel Kelly
Councillor D MacIntyre
Councillor Mackay
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor Marshall
Councillor Morton
Councillor Mulvaney
Councillor Nisbet
Councillor Petrie
Councillor Reay
Councillor Robertson
Councillor Walsh

Amendment

Councillor Chalmers
Councillor Devon
Councillor Glen-Lee
Councillor Horn
Councillor Donald Kelly
Councillor McCuish
Councillor R Macintyre
Councillor Philand
Councillor Semple
Councillor Simon
Councillor Strong

No Vote

Councillor Robb

Decision

The Motion was carried by 16 votes to 11 with 1 no vote and the Council resolved accordingly.

The Council resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

14. LAND AT DUNBEG, OBAN, ARGYLL

The Council considered a report which advised of the progress on the Dunbeg Development Progress in relation to Road Infrastructure Improvements.

Decision

Agreed to authorise the Executive Director of Customer Services to make a compulsory purchase order in suitable terms and to take all necessary steps to acquire the whole rights of the property in the land shown shaded in blue, red and yellow on the plan and that at such time as the Executive Director – Development and Infrastructure Services and Executive Director – Customer Services shall decide.

(Ref: Report by Executive Director of Customer Services dated 24 November 2011, submitted)