

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 20 DECEMBER 2012**

Present: Provost Isobel Strong (Chair)

Councillor Blair	Councillor R E Macintyre
Councillor Breslin	Councillor R G MacIntyre
Councillor Colville	Councillor MacMillan
Councillor Corry	Councillor McQueen
Councillor Currie	Councillor Marshall
Councillor Dance	Councillor A Morton
Councillor Devon	Councillor E Morton
Councillor Freeman	Councillor Mulvaney
Councillor Glen-Lee	Councillor Philand
Councillor Hall	Councillor Robb
Councillor Donald Kelly	Councillor Robertson
Councillor McAlpine	Councillor Scoullar
Councillor McCuish	Councillor Taylor
Councillor MacDonald	Councillor Trail
Councillor MacDougall	Councillor Walsh
Councillor D MacIntyre	

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
Charles Reppke, Head of Governance and Law
Bruce West, Head of Strategic Finance
Angus Gilmour, Head of Planning
Jim Smith, Head of Roads and Amenity Services
Fergus Murray, Development Policy Manager
Jane Fowler, Head of Improvement and HR
Gerry Wilson, IT Infrastructure Services Manager

1. APOLOGIES FOR ABSENCE

Apologies for Absence were intimated from Councillors Horn, Kinniburgh, McNaughton and Semple and David McEwan (church rep) and Alison Palmer (teacher rep).

2. DECLARATIONS OF INTEREST

Councillor McQueen declared a financial interest in relation to Lease for Dunoon Boxing Club – Ground at Dunoon Stadium which is dealt with at item 19 of this minute due to his involvement with the Dunoon Boxing Club.

3. MINUTES

The minutes of the Meeting of 22 November 2012 were approved as a correct record subject to the following amendments:- to include Charles Reppke, Head of Governance

and Law in the list of Officers attending.

4. LEADER AND LEAD COUNCILLOR REPORTS

The Council considered the Leader's report which outlined the arrangements for regular reports by the Leader of the Council and Lead Councillors in relation to activities undertaken within these roles to support the achievement of shared strategic priorities. The submitted report included an update from the Leader of the Council for the period from October to December 2012.

Decision

The Council noted the terms of the report, the recent activities undertaken that the Leader intimated to the Council and the responses to questions raised.

(Ref: Report by Leader of the Council dated 20 December 2012, submitted)

5. ADULT PROTECTION COMMITTEE BIENNIAL REPORT 2012

The Adult Support and Protection (Scotland) Act 2007 set up multi-agency Adult Protection Committees (APCs) in each Council area which has an independent Chair whose responsibilities include the submission of a biennial report to the Scottish Government. The second Biennial Report has been formally agreed and the Council heard a presentation by the independent Chair, Bill Brackenridge on the details of the improvement plan and how to take this work forward.

Decision

The Council noted the terms of the report and the Biennial report for April 2010 to March 2012.

(Ref: Report by Bill Brackenridge and Biennial report dated 20 November 2012, submitted)

6. EQUALITY AND DIVERSITY POLICY

The Council has duties in relation to the Equality Act 2010 and a joint Equality and Diversity Policy has been produced to combine the Council's duties in relation to employment and to service delivery. The Council considered a report which outlined the changes that have been made and made recommendations to agree the adoption of the Policy.

Decision

The Council agreed to adopt the Equality and Diversity Policy and for its implementation to be progressed as set out in the report.

(Ref: Report by Chief Executive dated 20 December 2012, submitted)

7. EQUALITY IMPACT ASSESSMENT

A revised equality impact assessment process has been introduced in response to the Council's duties in relation to the Equality Act 2010. The Council considered a report which outlined the changes that have been made and made recommendations to agree

the adoption and implementation of the assessment process.

Decision

The Council agreed to adopt and implement the equality impact assessment process.

(Ref: Report by Chief Executive dated 20 December 2012, submitted)

The Provost adjourned the Meeting at 12.40 pm and re-convened at 1.20 pm.

8. ADOPTION OF THE LIVING WAGE

The Council considered a report which advised that the Living Wage has been adopted and implemented by the majority of Councils and is being supported by Scottish Government and the Council is being asked to agree to the implementation of the Living Wage.

Decision

The Council agreed to the implementation of the Living Wage with effect from 1 April 2013 on the basis set out in the report.

(Ref: Report by the Head of Improvement and HR dated 20 December 2012, submitted)

9. A POLICY FRAMEWORK FOR INFORMING COUNCIL SUPPORT TO BUSINESS IMPROVEMENTS DISTRICTS

The Council considered a report which provided a policy framework for informing Council support to Business Improvement District Scotland (BIDS) initiatives within Argyll and Bute.

Decision

The Council agreed to the policy framework in regard to:

- The proposed Council support for BIDS initiatives to be given pre-ballot;
- The proposed Council support for BIDS initiatives to be given following a successful ballot.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2012, submitted)

10. DRAFT BUSINESS CASE FOR MULL AND IONA BIDS

The Oban, Lorn and the Isles Area Committee at its meeting on 10 October 2012 recommended to the Council to support the Mull and Iona BID initiative. The Council considered the third Business Improvement District (BID) Business Plan for the MI BID area which will require to have Council support prior to the formal submission of the Business Plan to the Council and the Scottish Government.

Decision

The Council agreed:-

1. That subject to due diligence by Strategic Finance, Support and Customer Services, Governance and Law and Development and Infrastructure, the Executive Director for Development and Infrastructure will respond on whether to support or veto the formal submission from Mull, Iona and Ulva BID, in consultation with the Leader, Depute Leader, Chief Executive and the Executive Director for Customer Services.
2. That subject to the Council's support and a successful ballot the Council will provide c.£7.5k per annum for five years in terms of the Council's contribution (based on its property holdings) to the annual levy of c.£125k.
3. That subject to the Council's support and a successful ballot that Council will provide a financial contribution of £5K per annum for five years in order to deliver projects relating to the promotion of tourism and quality food and drink industries and that align with the Council's Economic Development Action Plan (EDAP) and CPP/SOA ambitions.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2012 and Extract by OLI Area Committee, submitted)

11. PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN

The Council considered the main elements of the Proposed Argyll and Bute Local Development Plan (LDP) which had also been considered by the four Area Committees in December. The LDP consists of three elements for consideration prior to recommending approval to publish the proposed LDP for a 3 month public consultation period commencing in mid January 2013.

Decision

1. The Council approved the Proposed Argyll and Bute Local Development Plan (LDP) as contained within Appendix A (written statement), Appendix B (Proposed Map Changes) and Appendix C (Supplementary Guidance), subject to any changes detailed below, for a three month public consultation period commencing in the third week of January 2013.
2. Agreed that the Executive Director of Development and Infrastructure be given delegated authority to carry out necessary changes to the LDP following the end of the consultation process and come back to the Council for final approval prior to submission to Scottish Ministers.
3. Agreed to the suggested changes from the Area Committees as detailed in the supplementary pack.
4. Agreed also to change the designation of the shinty pitch site at Ganavan from an allocation to a potential development area.

(Ref: Report by Executive Director of Development and Infrastructure and Extracts for the four Area Committees, submitted)

Councillors Devon and MacDougall left the meeting at this point.

12. PROPOSED ARGYLL AND ISLES COAST AND COUNTRYSIDE TRUST

The Council considered a report which asked the Council to consider setting up an Argyll and Isles Coast and Countryside Trust to have an initial focus on a limited number

of project areas based on gaps, needs and opportunities identified by local stakeholders with a strong emphasis on an “enabling role” working with and supporting existing community based groups.

Decision

The Council:-

1. Agreed to support the establishment of the Argyll and the Isles Coast and Countryside Trust (AICCT) as an independent body for a three year period.
2. Agreed to funding the AICCT with £42k for the next three years (£14k per annum) to match key partners contributions that will enable the appointment of an Executive Officer for up to a three year period.
3. Release funding of (£14k) initially to allow the first year of operation of the AICCT with the subsequent release of funding (£28k) being dependent on the Trust's overall performance in relation to Appendix B of the submitted report.
4. In due course, nominate a Councillor to sit on the Board of the AICCT that will be subject to a further report to Council.

(Ref: Report by Executive Director of Development and Infrastructure dated 30 October 2012, submitted)

13. INTRODUCTION OF DECRIMINALISED PARKING ENFORCEMENT

Strathclyde Police have withdrawn their traffic warden service and the Council is being asked to consider introducing Decriminalised Parking Enforcement (DPE), also known as Civil Parking Enforcement, whereby enforcement powers are transferred from the Police to the Council. The process for the introduction of DPE is outlined in the submitted report and, subject to Council approval, will come into force on April/May 2014.

Decision

The Council:-

1. Mandates the Executive Director of Development and Infrastructure to commence the process for the introduction of DPE.
2. Agreed that before a final decision is made the Executive Director of Development and Infrastructure provides a final business case to the Council in April 2013 which will inform Members with regard to the progress of the DPE Implementation Plan, parking policy development proposals and the Enforcement Plan for 2013.

(Ref: Report by Executive Director of Development and Infrastructure dated 20 December 2012, submitted)

14. SCOTTISH COURT SERVICE - CONSULTATION ON PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE

The Scottish Court Service had issued a consultation document setting out a range of proposals on the future of Scotland's court services. The proposals, if implemented, will impact on the nature of business conducted particularly in the local sheriff courts with the development of specialist Justice Centres. The consultation paper also includes

proposals to close eleven sheriff courts, including Rothesay sheriff court. The Council were asked to consider the terms of the draft response to the consultation paper.

Decision

The Council approved the terms of the submitted response form to the consultation paper subject to the following amendment and agreed that it be submitted to the Scottish Court Service by the closing date of Friday 21 December:-

The paragraph regarding journey times to courts should highlight the lengthy commute from Kintyre the islands, particularly when using public transport.

(Ref: Report by Executive Director of Customer Services dated 20 December 2012, submitted)

15. POLICE AND FIRE AND RESCUE REFORM

The Council, at its meeting, on 22 November considered the Police and Fire & Rescue Reform Future Scrutiny Arrangements in preparation for the introduction of the new Police Service for Scotland which goes live on 1 April 2013. The Council considered an update report which provided proposals for future governance and local scrutiny arrangements.

Decision

The Council approved the proposed future governance and local scrutiny arrangements as detailed at section 3.2 of the submitted report.

(Ref: Report by the Executive Director of Customer Services dated 28 November 2012, submitted)

16. CONSULTATION ON STRATEGIC POLICE PRIORITIES

The Cabinet Minister for Justice had issued a consultation document in relation to consultation of the strategic police priorities for the new national Scottish Police Authority which goes live on 1 April 2013.. The Council were asked to consider the terms of the draft response to the consultation paper.

Decision

The Council approved the terms of the submitted response form to the consultation paper and delegated authority to the Executive Director of Customer Services to incorporate comments from the Community Planning Committee into the draft response prior to submission to the Cabinet Secretary for Justice by the consultation deadline of 10 January 2013.

(Ref: Report by Executive Director of Customer Services dated 20 December 2012, submitted)

17. NOMINATION OF MEMBER TO ARGYLL AND BUTE AREA SUPPORT TEAM

The Children's Hearings (Scotland) Act 2011 will come into force on 24 June 2013 and the introduction of Area Support Teams is one of the important changes being introduced by the Act. Area Support Teams will replace the current Children's Panel Advisory Committees and the Council have been invited to nominate a representative to

the Argyll and Bute Area Support Team.

Decision

The Council agreed to appoint Provost Isobel Strong to be the representative on the Argyll and Bute Area Support Team.

(Ref: Report by the Executive Director of Customer Services dated 27 November 2012, submitted)

The Council resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following 5 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 6 & 9; 6 & 9; 6 & 9; 12; and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

18. LEASE - DUNOON FOOTBALL LEAGUE - DUNOON STADIUM

The Bute and Cowal Area Committee had recommended that the Council agree that a lease be granted to the Dunoon Youth Football League for the Dunoon Stadium (DYFL) with consent for a sub-let.

Decision

1. The Council approved the grant of a lease to Dunoon Youth Football League at a nominal rent with consent that part of the site may be sub-let at a commercial rent.
2. Approval is granted on the basis that the DYFL contributes to the health and social well-being of the community per the disposal of Land by Local Authority (Scotland) Regulations 2010.

(Ref: Report by Executive Director of Customer Services and Extract from B&C Area Committee, submitted)

Having previously declared an interest Councillor James McQueen left the room and took no part in the discussion of the following item.

19. LEASE - DUNOON BOXING CLUB - GROUND AT DUNOON STADIUM

The Bute and Cowal Area Committee had recommended that the Council agree that an in-principle agreement is entered into with Dunoon Boxing Club in relation to a long term lease of ground at Dunoon Stadium subject to certain conditions.

Decision

The Council approved the in-principle agreement in relation to a long-term lease of ground at Dunoon Stadium to Dunoon Boxing Club at a nominal rent as approved by the Executive Director of Customer Services, given the contribution made to health and social well being of the community per the disposal of Land by Local Authority (Scotland) Regulations 2010.

(Ref: Report by Executive Director of Customer Services dated 29 November 2012, submitted)

Councillor McQueen returned to the meeting.

20. HIGHLANDS AND ISLANDS PATHFINDER BROADBAND RE-PROCUREMENT: UPDATE

The Council considered a report which updated Members on the progress of the Broadband Pathfinder Re-Procurement Project.

Decision

The Council agreed the recommendations as contained in the report by the Executive Director of Customer Services.

(Ref: Report by Executive Director of Customer Services dated 11 December 2012, submitted)

21. ICT SERVER FAILURE - REVIEW

The Council considered a report which provided an update on the major hardware crash on Friday 31 August, details of the recovery process and further details of the steps taken to review change management and backup and recovery plans to ensure minimal risk from server loss in the future. They also heard of the resolution of some third party issues.

Decision

The Council noted the contents of the report, the cause of the problem, details of the recovery process and of the steps taken to review backup and recovery procedures.

(Ref: Report by Executive Director of Customer Services dated 9 November 2012, submitted)

Councillor MacMillan left the meeting at this point.

22. ACTUAL REALITY - UPDATE

(a) CASTLE TOWARD AND ACTUAL REALITY

The Council considered a report which advised on the proposed review of issues relating to Castle Toward and Actual Reality in 2009 / early 2010.

The Provost adjourned the meeting at 15.50pm and reconvened at 16.30pm.

Decision

To agree to note the report subject to the revised terms of reference discussed and that these would be subject to agreement with the Council's external auditors, Audit Scotland, and that the Chief Executive will progress the matter in consultation with the Group Leaders.

(Ref: Report by Chief Executive dated 20 December 2012, tabled)

(b) SALE OF ARDENTINNY OUTDOOR CENTRE

The Council considered a report which advised of progress in finalising terms and conditions for the sale of the Ardentenny Outdoor Centre in terms of the delegation agreed at the meeting on 22nd November 2012, and requested instructions in respect of a number of matters which it had not been possible to finalise under the

delegation.

Motion

That the Council agree the disposal of the property on the basis of the details contained in section 3.5 of the submitted report subject to the adjustments and augmentation intimated by Councillor Breslin, to provide instructions on all of the matters set out in paragraph 2.1 [a]-[f] of the report.

Moved by Councillor Breslin, seconded by Councillor Taylor.

Amendment

Continue consideration of disposal of subjects at Ardentenny to Actual Reality until such times as the review/consideration reached by external auditors, Audit Scotland, are known and any financial implications for the Council discussed.

Moved by Councillor Walsh, seconded by Councillor E Morton

The requisite number of Members required the vote to be taken by calling the role, and Members voted as follows:

Motion	Amendment	No Vote
Councillor Blair	Councillor Colville	Councillor Freeman
Councillor Breslin	Councillor Corry	Councillor Kelly
Councillor Glen-Lee	Councillor Currie	Councillor Philand
Councillor Hall	Councillor Dance	
Councillor McAlpine	Councillor D MacIntyre	
Councillor McCuish	Councillor McQueen	
Councillor MacDonald	Councillor Marshall	
Councillor R E Macintyre	Councillor A Morton	
Councillor R G MacIntyre	Councillor E Morton	
Councillor Robb	Councillor G Mulvaney	
Councillor Robertson	Councillor Scoullar	
Councillor Strong	Councillor Walsh	
Councillor Taylor		
Councillor Trail		

Decision

The Motion was carried by 14 votes to 12 with 3 no votes and the Council resolved to proceed accordingly.

(Ref: Report by Executive Director of Customer Services dated 20 December 2012, tabled)