

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 23 JANUARY 2014**

Present:

Provost Len Scoullar (Chair)

Councillor Blair	Councillor R G MacIntyre
Councillor Breslin	Councillor MacMillan
Councillor Colville	Councillor McNaughton
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 Horn	Councillor Robertson
Councillor Kinniburgh	Councillor Semple
Councillor McAlpine	Councillor Isobel Strong
Councillor McCuish	Councillor Taylor
Councillor MacDougall	Councillor Trail
Councillor D MacIntyre	Councillor Walsh
Councillor R E Macintyre	
Alison Palmer	
William Marshall	

Attending:

Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Bruce West, Head of Strategic Finance
Charles Reppke, Head of Governance and Law
Fergus Murray, Head of Economic Development
Angus McFadyen, Chair of Agricultural Forum
Fergus Younger, Manager of Agricultural Forum

Prior to the meeting commencement, The Provost asked Councillor Anne Horn to speak on a recent charity initiative which Councillors Horn and Glen-Lee took part in for women's aid.

The Provost ruled that the details on the proposed outside bodies would for the avoidance of doubt be taken as an urgent item with the other matters dealt with under Item 14 of this Minute.

The Provost ruled, and the Council agreed, that the item as dealt with at item 24 of this Minute be dealt with as a matter of urgency due to the closing date being imminent.

The Provost ruled, and the Council agreed, that the item as dealt with at item 25 of this Minute be dealt with as a matter of urgency due to the closing date being imminent.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Kelly and MacDonald, William Crossan, Church rep, David McEwan, Church rep.

2. DECLARATIONS OF INTERESTS

Councillors Philand and Corry each declared a non-financial interest in relation to specific sites in the report on the Proposed Argyll and Bute Local Development Plan Next Steps which is dealt with at item 22 of this Minute because they had made representations.

Councillor Trail declared a financial interest in relation to specific sites in the report on the Proposed Argyll and Bute Local Development Plan Next Steps which is dealt with at item 22 of this Minute.

Councillor Scoullar declared a non-financial interest in relation to the report on the Private Footpath: Un-adopted Section of Footpath Adjacent to the Old Ambulance Depot, Lochgilphead which is dealt with at item 23 of this Minute because he was a Member of the Fyne Homes Board. He claimed the benefit of the dispensation contained at section 5.16 of the Standard Commission's Guidance and Dispensation Note dated December 2010 to enable him to speak and vote.

3. MINUTES

The Minutes of the Meeting of Argyll and Bute Council of 19 December 2013 were approved as a correct record with the amendment at item 11 (Flood Risk Management 2009 – Governance Arrangements) to delete the word “Clyde” at recommendation 2 and replace with the word “Highland and Argyll”. Add Councillor Alistair MacDougall to the list of Councillors present at the meeting and delete Councillor Mulvaney.

4. AGRICULTURAL FOOD PRODUCTION IN ARGYLL AND BUTE - ECONOMIC IMPACT OF SECTOR AND NEXT GENERATION STRATEGY

The Council considered a report which advised that the Argyll and the Isles Agricultural Forum had commissioned a review of our agricultural sector and survey of our food producers to allow an informed understanding of the status, issues and challenges for the sector to inform a new strategy for the forum. The report provided an overview of the findings of the review and survey and the new strategy going forward. Members also heard a short presentation by representatives of the Agricultural Forum, Angus McFadyen, Chair and Fergus Younger, Manager.

Decision

Noted the report and presentation from representatives of the Argyll and the Isles Agricultural Forum including the new strategy going forward.

(Ref: report by Acting Executive Director of Development and Infrastructure dated 28 November 2013, submitted)

The Provost advised Members that the Facility Services Section had received an award for the School Meals Service from the Food for Life Accreditation from the Soil Association. A plaque was presented by Elsie Downham, Food for Life Catering Manager for Scotland.

5. LEADER'S REPORT

The Council considered a report by the Leader which outlined the key activities undertaken within the role of Council Leader in take forward shared strategic priorities since 13 December 2013.

Decision

Noted the contents of the report and notes that additional documents can be made available in the Leaders Report Pack through the Leadership Support Officer.

(Ref: Report by Leader of the Council dated 23 January 2014, submitted)

6. POLICY LEAD FOR ROADS, AMENITY SERVICES INFRASTRUCTURE, ASSET MANAGEMENT AND SPECIAL PROJECTS

The Council considered a report which highlighted the main areas of Roads, Amenity Services, Infrastructure, Asset Management and Strategic Projects.

Decision

Noted the contents of the report.

(Ref: Report by Councillor Ellen Morton, Policy Lead for Roads, Amenity Services, Infrastructure, Asset Management and Strategic Projects.

7. OBAN HIGH SCHOOL SITE - CONSULTATION

The Council considered a report which updated Members on the outcome of the agreed public consultation for a preferred site for the proposed new Oban High School.

Decision

Noted the results of the public consultation process and agreed on site 2A as the site for the proposed new Oban High School.

(Ref: Report by Executive Director of Community Services dated 9 January 2014, submitted)

8. INITIAL SCHOOL LEAVER DESTINATION REPORT FOR 2012/13 LEAVERS

The Council considered a report which provided information and analysis on the initial School Leaver Destination Return (SLDR) for 2012/13 which covered 875 senior phase pupils (S4-S6) making the transition from the 10 publicly funded secondary schools in Argyll and Bute.

Decision

That Council:-

1. Continue to support the local authority's focus on Opportunities for all in order to increase young peoples' participation in post-16 learning, training or employment, through appropriate intervention and support.
2. Continue to support our young people to move into positive destinations post-school, particularly Looked After and Accommodated Children (LAAC) and those furthest removed from the labour market.
3. Offer help and support to our young people, particularly our LAAC and furthest removed cohort, through offering appropriate work placements and training

opportunities.

4. Support and endorse the work of the Employability Partnership as appropriate, particularly the Argyll and Bute Youth Employment Activity Plan (YEAP).

(Ref: Report by Executive Director of Community Services dated 17 December 2013, submitted)

9. ARMED FORCES CHAMPION - WW1 COMMEMORATION STEERING GROUP MEMBERSHIP

This report was withdrawn from the Agenda.

(Ref: Report by the Executive Director of Community Services dated 11 January 2014, submitted)

10. RECRUITMENT PANEL FOR THE HEAD OF EDUCATION

The Council considered a report which requested the establishment of an Appointments Panel to appoint to the post of Head of Service.

Decision

Agreed that the Council establishes an Appointments Panel of 7 on a 5:2 split, with the Administration Members being Councillors A Morton (Chair), Walsh, E Morton, Devon and D MacIntyre and 2 Opposition Members being Councillors Semple and Taylor.

(Ref: Report by Executive Director of Customer Services dated 13 January 2014, submitted)

11. EDUCATION MANAGEMENT REVIEW

As agreed by the Council decision at its October meeting regarding consultation arrangements within the Education Services, the submitted report noted the responses made by consultees and the preferences made on the options outlined in the review paper and other alternative proposals.

Decision

The Council:-

1. Noted the outcome of the consultation process.
2. Agreed the adoption of model 3b as outlined in the report considered by Council in September 2013 and noted the financial consequences of that decision.
3. Noted the development of a detailed implementation plan following a Council decision in relation to recommendation 2.2 to involve the incoming Head of Education Services if the timetable permits.
4. Agreed the impact of the management structure be evaluated 2 years after implementation as recommended in the original Education Scotland report.
5. Having regard to the detail at 2.4 above, to report back if need be to the appropriate Committee within the future governance arrangements of the

Council.

(Ref: Report by Executive Director of Community Services dated 16 December 2013, submitted)

12. ACCOUNTS COMMISSION STATUTORY REPORT

A report was previously considered by the Council on 28 November 2013 which advised Members of the Accounts Commission Findings on the Controller of Audit's Statutory Report. The Council agreed the development of an action plan in relation to the findings which was before the Council for consideration.

Motion

The Council agrees:-

1. The content of the Action Plan as submitted.
2. That the Action Plan be submitted to the Accounts Commission within the three months' timescale.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Amendment

The Council agrees to the Motion subject to the following additions:-

1. The success measure for all actions indicate a reference to acceptance by Audit Scotland that the issue was no longer a reportable risk.
2. At action point 10 to replace the text with a recommendation to enhance the existing PMA's, which ensure full participation by all Councillors, to address the concerns of Audit Scotland.
3. Delete action point 12.
4. Delete action point 13.

Moved by Councillor Robb, seconded by Councillor Hall.

Decision

On a show of hands vote, the Amendment received 3 votes and the Motion received 31 votes which became the finding of the meeting.

(Ref: Report by Chief Executive dated 23 January 2014, submitted)

13. COWAL HIGHLAND GATHERING - REQUEST TO AMEND SERVICE LEVEL AGREEMENT WITH ARGYLL AND BUTE COUNCIL

The Council considered a request from Cowal Highland Gathering (CHG) to amend the Service Level Agreement (SLA) they have with the Council in order to maintain the current level of financial support in 2014 whilst removing the link between the level of support and the fee payable to the Royal Scottish Pipe Band Association (RSPBA) for the "major" championship.

Motion

The Council agrees:-

1. To maintain the level of financial and in-kind support for 2014 at the level currently set out in the SLA.
2. That the wording of the SLA is amended to remove reference to the fee for a “major” championship.
3. The CHG are asked to ensure equitable access for all Argyll and Bute competitors in all events prior to an SLA for 2015 onwards being agreed.

Moved by Councillor Walsh, seconded by Councillor Currie.

Amendment

To continue consideration of the item and refer it to the Budget Meeting on 13 February 2014.

Moved by Councillor Glen-Lee, seconded by Councillor Taylor.

Decision

On a show of hands vote, the Amendment received 9 votes and the Motion received 23 votes, which became the finding of the meeting.

(Ref: Report by Executive Director of Community Services dated 8 January 2014, submitted)

14. SHORT LIFE WORKING GROUP - POLITICAL MANAGEMENT ARRANGEMENTS

The Council considered a report which updated on the progress made by the Short Life Working Group (SLWG) on Political Management Arrangements.

Decision

Noted the contents of the report and agreed to the proposals developed by the SLWG as outlined at section 3.3 of the submitted report with the following adjustments:-

- To note and endorse the amended Appendix ii as submitted.
- To note that the alterations on Area Committee remits/power at viii of the report will have immediate effect.
- To note (a) the amended Policy Lead profile in the supplementary pack in respect of sustainable environment, renewables and strategic tourism, and (b) further that the format of Policy Lead profiles should be adjusted to rename the current final section as committee and partnership working oversight; and to add an additional section detailing appointments to outside bodies.
- To discontinue with immediate effect the current appointments in respect of the outside appointments detailed in the schedule to the Minute and to appoint thereto with immediate effect the relevant Policy Lead and member, in respect of each body as detailed in the tabled reports and to delegate any issue arising from these reports to the Executive Director of Customer Services in consultation with the Council Leader, Depute Leader, Leader and Depute Leader of the

Opposition for resolution.

- To agree to keep the operation of the new PMA under review with a report back to Council in January 2015.

Councillor Robb, having moved an amendment which failed to find a seconder, required his dissent from the foregoing decision to be recorded.

(Ref: Report by Executive Director of Customer Services dated 8 January 2014, submitted, amended Policy Lead Profile and amended Appendix 2, submitted, outside body lists, tabled)

The Provost adjourned the meeting at 1.50pm and re-convened at 2.15pm.

Councillors Devon, Blair and MacDougall left the meeting at this point.

15. COUNCIL TAX ON EMPTY PROPERTIES

The Council considered a report which advised of a number of recent legislative changes to the rules in respect of council tax and non-domestic rates charges for empty premises which came into effect on 1 April 2013.

Decision

Council exercises its discretion under regulation 4 The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 not to increase the council tax charge on unoccupied properties in the following circumstances as a transitional measure:

1. For a 6 month period from 1 April 2014 to 30 September 2014 where a council tax payer has an unoccupied property where a grant of confirmation has been obtained but the title has not yet passed to a named beneficiary and the property is being actively marketed for sale or let;
2. For a 6 month period from 1 April 2014 to 30 September 2014 where a disabled council tax payer has an unoccupied property which they have previously vacated in order to move to a more suitable property;
3. For a single 6 month period commencing on or after 1 April 2014 and finishing before 31 March 2016 whilst major repair works are under way to the property. In these circumstances the property would benefit from a 10% long term empty discount for the relevant 6 month period.

(Ref: Report by Executive Director of Customer Services dated 17 December 2013, submitted)

16. COUNCIL TAX ON EMPTY PROPERTIES - USE OF ADDITIONAL INCOME

Previously the Council agreed to allocate funding from additional council tax on empty properties to Area Committees on 8 August 2013. The Council considered a report which proposed the income be allocated in arrears once actual levels of income are known.

Decision

Agreed to allocate income from increased council tax on empty properties to Area Committees in arrears based on income collected with the first allocation of income

collected in 2014-15 being allocated in 2015-16.

(Ref: Report by Executive Director of Customer Services dated 13 January 2014, submitted)

17. CASH FLOW LOAN SUPPORT FOR VOLUNTARY ORGANISATIONS

The Council considered a report which set out criteria that creates a delegated authority for the Head of Strategic Finance to approve short term facility loans to voluntary and third sector organisations for help in managing their cash flow loans around project delivery.

Decision

1. Approved the criteria contained within the report that require to be satisfied in order for the Head of Finance to exercise delegated authority to approve and then process any cash flow support loans.
2. Noted that requests which do not meet the criteria could be considered by the Council to determine if there are exceptional circumstances that should be taken into account and a loan approved.

(Ref: Report by Head of Strategic Finance dated 14 January 2014, submitted)

18. INVESTMENT MANAGEMENT OF CHARITIES AND TRUST FUNDS

The Council considered a report which took forward the decision agreed by the Council on 31 October 2013 in relation to the management of investments for trust funds and charitable funds.

Decision

The Council:-

1. Approved the investment policies set out in Appendices A to G in the submitted report.
2. Agreed that the procurement of a performance management advisor commences in January 2014 with the aim of being completed in April 2014 and is based on a 70%/30% split between quality and price as part of the evaluation process.
3. Agreed that the procurement of an investment manager on discretionary basis commences in January 2014 with the aim of being completed in April 2014 and is based on a 70%/30% split between quality and price as part of the evaluation process.
4. Agreed to the transitional arrangements as set out in 3.17 and 3.18 of the submitted report.

(Ref: Report by Head of Strategic Finance dated 14 January 2014, submitted)

19. COMMUNITY EMPOWERMENT BILL

The Council considered a report which advised that the Scottish Government had

issued a consultation document on the proposed Community Empowerment Bill in November 2013 and the deadline for submission of the response to the Scottish Government is 24 January 2014.

Decision

The Council considered the draft response to the consultation and agreed the response as submitted and remitted to officers to submit the response to the Scottish Government by the deadline.

(Ref: Report by the Executive Director of Customer Services dated 23 January 2014, submitted)

20. SINGLE OUTCOME AGREEMENT ANNUAL REPORT 2012-13

The Council considered a report which outlined the submission by Community Planning Partnerships (CPP) of Single Outcome Agreement (SOA) annual reports covering 2012-13.

Decision

The Council:-

1. Noted that the PRS Committee scrutinised and noted the SOA Annual Report 2012-13.
2. Reviewed the performance information contained in the SOA Annual Report 2012-13.

(Ref: Report by Executive Director of Customer Services dated 23 January 2014, submitted)

21. OUR ISLANDS: OUR FUTURE

The Council considered a report which provided background information on taking forward our own island initiative which it is proposed could also include other Scottish island Councils.

Decision

1. That the Council keeps a watching brief in regard to the 3 islands Councils initiative;
2. Agreed to the Council developing its own islands initiative including a position statement for our islands which outlines the key areas for support, including any increased resources and powers from the Scottish Government and UK Government;
3. Agreed that the Council works with other Scottish Islands Councils to determine if there are common issues and areas of interest that can be developed in partnership;
4. Agreed to the Council setting up a short life working group of 7 Members consisting of Councillors Currie, RE Macintyre, Devon, D MacIntyre and Scoullar (Chair) from the Administration and Councillors Horn and Strong from the Opposition to investigate and to take forward the actions above and to meet with the Scottish and

UK Government to present its own case in regard to our islands and their needs and to seek support and commitment; and

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 23 January 2014, submitted)

22. PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN NEXT STEPS

The Council considered a report which highlighted the representations duly made to the Proposed Argyll and Bute Local Development Plan (LDP) and further outlined the next stages of the process, including the examination stage, in accordance with the Planning etc (Scotland) Act 2006.

Decision

To thank all the Officers involved for their work in producing and bringing forward the Development Plan.

1. Noted the progress and next stages in progressing the Proposed Local Development Plan to the Examination Stage as set out below.
2. Endorsed the views of the respective Area Committees with regard to the area specific representation made for their area and further consider the strategic, general and policy representations received to the Proposed Local Development Plan and agree the Council's recommended response to these issues raised in Appendix 1 and detailed responses in the Schedule 4 forms in Appendix 2.
3. Authorise Officers to submit to Scottish Ministers a request to establish the Examination process, together with all required documentation including the Schedule 4 forms, and to report back on the outcome of the Examination prior to the adoption of the Plan.
4. Delegate authority to the Acting Executive Director of Development and Infrastructure to make any final checks to deal with technical accuracy of the Schedule 4 forms and respond to any information requests received from the Directorate for Planning and Environmental Appeals as part of the Examination process, and:
5. To note the concerns expressed by attending members of the public at the recent round of Area Committees with regard to the length of time involved with the consultation process, and the inability at this stage of the LDP process to fine tune or alter significant details of the plan without prolonged and further delay to a strategically important document for the Council.
6. Approved the Statement of Conformity at Appendix 4 for submission to Scottish Ministers prior to the Examination of the Plan.

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 23 January 2014, submitted)

23. PRIVATE FOOTPATH: UN-ADOPTED SECTION OF FOOTPATH ADJACENT TO THE OLD AMBULANCE DEPOT, LOCHGILPHEAD

The Council considered a recommendation from the Mid Argyll, Kintyre and the Islands Area Committee which provided detail of an un-adopted section of footway adjacent to the old ambulance depot, Lochgilphead and provided an estimated cost of treatment to

bring the footpath up to a standard which the Council would find acceptable for adoption purposes.

Decision

The Council gave approval to implement upgrading works to enable the footpath to reach a standard acceptable for adoption purposes, with funding being taken from the allocation for Mid Argyll Maintenance Budget.

(Ref: Recommendation by the MAKI Area Committee of 4 December 2013 and report to that Committee, submitted)

24. SCOTTISH POLICE AUTHORITY SCRUTINY CONSULTATION

The Council considered a report which advised that the Scottish Police Authority (SPA) approved an approach where policing related topics would be identified for in-depth scrutiny and they have asked stakeholders including local authorities to identify up to three topics which they would consider it appropriate for scrutiny by the SPA.

Decision

The Council agreed the topics of:-

- (a) impact of closure of public counters on the Safer Communities agenda, in particular, any impact on road safety and reduction in speeding
- (b) analysis of level of underage drinking
- (c) violence against women/domestic abuse

submitted as a result of discussions at the Area Committee Business Days, should make up the Council's response to the consultation and delegate authority to the Executive Director of Customer Services to finalise the consultation submission to the SPA.

(Ref: Report by Executive Director of Customer Services dated 16 January 2014, submitted)

25. HERMITAGE PARK, HERMITAGE LOTTERY FUND OFFER OF AWARD

The Council considered a report which sought approval of the Heritage Lottery Fund (HLF) Terms of Grant for the grant awarded for the development of Hermitage Park in Helensburgh, and to delegate authority for the Chief Executive of the Council to sign the aforementioned document. Approval is required for the stage one award of funding from HLF and then allows for the necessary work to begin to stage two application.

Decision

Agreed to the Heritage Lottery Fund (HLF) Terms of Grant and delegated authority to the Chief Executive to intimate agreement to the terms to HLF.

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 23 January 2014, submitted)

Schedule

Changes to Membership of Outside Bodies, Statutory Boards and Joint Committees

Membership of Statutory Boards/Joint Committees

Board/Committee	Member
HITRANS Highlands and Islands Transport Partnership	Councillor D MacIntyre - Rep
Dunbartonshire & Argyll and Bute Valuation Joint Board	Cllr D MacMillan (sub)
Strathclyde Concessionary Travel Scheme Joint Committee	Cllr Duncan MacIntyre (rep) Cllr R G MacIntyre (sub)
West of Scotland European Forum	Cllr Duncan MacIntyre(Rep) Cllr Maurice Corry (Sub)

Membership of Outside Bodies

Outside Body	Member
NHS – HIGHLAND Health and Wellbeing	Cllr D Philand
Argyll College Board	Cllr A Morton Cllr L Scoullar
University of the Highlands and Islands Foundation Committee	Cllr A Morton
SOILLSE National Network for Gaelic Research – Consultative Committee	Cllr R Currie Cllr L Glen-Lee (sub)
Argyll & Bute Local Biodiversity Partnership	Cllr V Dance
Argyll, Lomond and The Islands Energy Agency – Management Board	Cllr V Dance Cllr R McCuish
Argyll and the Isles Strategic Tourism Partnership	Cllr V Dance
Highland and Islands Convention Aquaculture Forum	Cllr D MacIntyre
KIMO (Kommuners International Kiljorganisation)	Cllr D MacIntyre
Argyll & Bute Care & Repair Agency	Cllr E Robertson Cllr R Currie
Highlands and Islands Film Commission	Cllr R Currie (rep) Cllr I A MacDonald (sub)
The Convention of the Highlands and Islands	Cllr D Walsh or Cllr E Morton
Programme Monitoring Committee (Highlands and Islands)	Cllr D Walsh or Cllr E Morton
Scottish Islands Federation	Cllr L Scoullar Cllr R Currie
Conference of Peripheral Maritime Regions & CPMR Atlantic Arc Political Bureau	Cllr D MacIntyre Cllr M Corry (sub for CPMR business)
Strathclyde Pension Fund – Representative Forum	Cllr G Freeman Cllr D Kelly (sub)
Association for Public Service Excellence (APSE)	Cllr B Marshall
Clyde Ferry User Group	Cllr R E Macintyre Cllr D MacIntyre Cllr B Marshall
Argyll Ferry User Group	Cllr I MacDonald Cllr R Currie Cllr A MacDougall Cllr Duncan MacIntyre
COSLA – Strategic Human Resources	To be confirmed