

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 19 AUGUST 2010**

Present:

Provost William Petrie (Chair)

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

Attending:

Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Sandy Mactaggart, Executive Director of Development & Infrastructure
Cleland Sneddon, Executive Director of Community Services
Bruce West, Head of Strategic Finance

The Council heard a presentation by Chief Superintendent Thomson of Strathclyde Police on the divisions aims and objectives.

1. APOLOGIES FOR ABSENCE

Apologies of absence were intimated from Councillors Hay, Mulvaney and Strong.

2. NOTICE OF MOTION UNDER STANDING ORDER 14

The Executive Director of Customer Services advised that in terms of Standing Order 14 the following Notice of Motion by Councillor Currie, seconded by Councillor Colville had been received for consideration as a matter of urgency at this meeting:-

“That this Council recognises the tremendous economic benefit that the Award Winning Jura Passenger Ferry Service has had on the island, bringing over 7000 people to Jura, and in order that the 3 year trial can operate to the agreed end date of 28th September 2010 and honours the nearly 300 bookings already in the system for this month and next, that the Council contributes £10k in the knowledge that the community of Jura themselves have guaranteed £1700.”

The Provost ruled that the motion be considered as a matter of urgency by reason of the need to secure financial support for the ferry service.

The Council agreed to consider the motion and this is dealt with at item 15 of these Minutes.

3. NOTICE OF MOTION UNDER STANDING ORDER 14

The Executive Director of Customer Services advised that in terms of Standing Order 14 the following Notice of Motion by Councillor Marshall , seconded by Councillor McNaughton had been received for consideration as a matter of urgency at this meeting:-

“That Argyll & Bute Council request to the Scottish Government that a ban on the use of trawled equipment be implemented around the coast of Argyll & Bute extending to one mile to allow the conservation of fish and shellfish and their habitat and to encourage sustainable fishing methods and that this area be designated a Nature Conservation Marine Protected Area.”

The Provost ruled that the motion be considered as a matter of urgency by reason of the need to resolve the matter.

The Council agreed to consider the motion and this is dealt with at item 16 of these Minutes.

4. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

5. MINUTES

The Council approved the Minutes of the Council Meeting of 24 June 2010 as a correct record.

6. LICENSING OF PRIVATE SECURITY CONTRACTORS

The Council were invited to make a resolution requiring that all private security contractors, whether as a principal or sub contractor, will require to be registered by the Security Industry Authority under their Approved Contractor Scheme before they can undertake security work on behalf of the Council in any premises or, on any property which is owned or operated by it.

Decision

The Council noted the contents of the report and resolved that all private security contractors, whether as principal or sub contractors, require to be licensed by the Security Industry Authority under their approved contractor scheme to provide security services to the Council in any premises or, on any property which is owned or operated by it.

(Ref: Report by Executive Director of Customer Services dated 7 July 2010, submitted)

7. COMMUNITY COUNCIL BOUNDARIES

The Council considered a report which highlighted representations made by Hunter's

Quay Community Council regarding Community Council boundaries.

Decision

The Council considered the representations made by Hunter's Quay Community Council and noted that they would be taken into consideration at the next Review of the Scheme of Establishment of Community Councils in Argyll and Bute.

(Ref: Report by Executive Director of Customer Services dated 6 July 2010, submitted)

8. COMPOSITION OF THE COUNCIL

A report by the Executive Director of Customer Services provided information about the formation of a new political group named Argyll First comprising Councillors Philand, Donald Kelly and McAlpine.

Decision

The Council noted the terms of the report.

(Ref: Report by Executive Director of Customer Services dated 8 July 2010, submitted)

9. LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY BOARD - NOMINATIONS

The Scottish Government had written to the Chief Executive asking for 2 nominations from the Council to be considered by the Scottish Ministers for appointment to the Loch Lomond & The Trossachs National Park, one of which to be regarded as local.

Motion

Nominated Councillors Petrie and Simon to the Park Authority.

Moved by Councillor Walsh, seconded by Councillor Robert Macintyre.

Amendment 1

Nominated one Member from the Coalition and Councillor Morton to the Park Authority.

Moved by Councillor Nisbet, seconded by Councillor Reay.

Amendment 2

Nominated one Member from the Coalition and Councillor Robb to the Park Authority.

Decision

On a show of hands vote, the Motion was carried by a substantial majority and subsequently Councillors Petrie and Simon were appointed to the Park Authority.

(Ref: Report by Executive Director of Customer Services dated 8 July 2010, submitted)

10. VACANCY ON THE ARGYLL, LOMOND AND THE ISLANDS ENERGY MANAGEMENT BOARD

The Council considered a report which advised that Councillor Colville had tendered his resignation from the Argyll, Lomond and the Islands Energy Management Board and the Council were invited to fill the vacancy.

Decision

Agreed to appoint Councillor Nisbet to sit on the ALI Energy Management Board.

(Ref: Report by Executive Director of Customer Services dated 29 June 2010, submitted)

11. VACANCY ON THE AUDIT COMMITTEE

The Council considered a report which advised that Councillor Mary Jean Devon had tendered her resignation from the Audit Committee and the Council were asked to fill the position.

Decision

Agreed to appoint Councillor Daniel Kelly to sit on the Audit Committee.

(Ref: Report by Executive Director of Customer Services dated 29 June 2010, submitted)

12. VACANCY ON THE PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE (AND REGULATORY COHORT)

The Council considered a report which advised that Councillor Donald Kelly had tendered his resignation from the Planning, Protective Services and Licensing Committee (and the Regulatory Cohort) and the vacancy on both now required to be filled.

Decision

There were no nominations for a Member to sit on the Planning, Protective Services and Licensing Committee and the Regulatory Cohort.

(Ref: Report by Executive Director of Customer Services dated August 2010, submitted)

13. VACANCY ON THE SOCIAL AFFAIRS POLICY AND PERFORMANCE GROUP

The Council considered a report which advised that Councillor Mackay had tendered his resignation from the Social Affairs Policy and Performance Group and the Council were invited to fill the vacancy.

Motion

Nominated Councillor Robertson to sit on the Social Affairs PPG.

Moved by Councillor Walsh, seconded by Councillor R Macintyre.

Amendment

Nominated Councillor Philand to sit on the Social Affairs PPG.

Moved by Councillor Donald Kelly, seconded by Councillor McAlpine.

Decision

On a show of hands vote, the Motion was carried by a substantial majority and subsequently Councillor Robertson was appointed to the Social Affairs PPG.

(Ref: Report by Executive Director of Customer Services dated August 2010, submitted)

14. 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 McAlpine

“Bearing in mind the Scottish Governments manifesto pledge to provide free school meals for primary 1 to 3 in years 2010/11. Could the Spokesperson for Education please confirm whether the government have now scrapped plans to roll this out?”

Answer

I am not in a position to reply on behalf of the Scottish Government but I do have a meeting arranged with the Cabinet Secretary for Education, Mike Russell on Monday 23rd August 2010 as well as other Education officials. I will raise the question at this meeting along with other matters important for the future of Education in Argyll and Bute.

15. NOTICE OF MOTION UNDER STANDING ORDER 14

In terms of Standing Order 14 the following Notice of Motion had been received for consideration as a matter of urgency at this meeting.

Motion

That this Council recognises the tremendous economic benefit that the Award Winning Jura Passenger Ferry Service has had on the island, bringing over 7000 people to Jura, and in order that the 3 year trial can operate to the agreed end date of 28th September 2010 and honours the nearly 300 bookings already in the system for this month and next, that the Council contributes £10k in the knowledge that the community of Jura themselves have guaranteed £1700.

Decision

The Notice of Motion was withdrawn by the mover and seconder as the issue had been resolved.

16. NOTICE OF MOTION UNDER STANDING ORDER 14

In terms of Standing Order 14 the following Notice of Motion had been received for consideration as a matter of urgency at this meeting.

Motion

That Argyll & Bute Council request to the Scottish Government that a ban on the use of trawled equipment be implemented around the coast of Argyll & Bute extending to one mile to allow the conservation of fish and shellfish and their habitat and to encourage sustainable fishing methods and that this area be designated a Nature Conservation Marine Protected Area.

Decision

The Notice of Motion was withdrawn by the mover and seconder.

17. NOTICE OF MOTION UNDER STANDING ORDER 13

Councillor Donald Kelly, seconded by Councillor Philand had given notice of the following Motion:-

Motion

All Elected Members, the Chief Executive, Executive Directors and Heads of Services consider taking a voluntary 10% reduction in their net monthly remuneration effective from 15 September 2010.

Moved by Councillor Donald Kelly, seconded by Councillor Philand.

Amendment

In light of the actions already taken to reduce elected Members and management costs, that no action be taken in regard to the Motion. Further in rejection of the Motion that this Council notes that:-

Having regard to the wording and detail in the Motion, in real terms its discretionary nature, promotes no change to the current provisions within the Council for elected Members and senior officers and because of this fact we view the Motion as being no more than a publicity stunt rather than a position of principle.

The Motion fails to recognise that within the current arrangements the Council has already initiated a 10% reduction on senior Members remuneration through the reductions in the levels of remunerations, and the numbers of SRA's currently utilised within the Council and we will be discussing as part of our budget, initiating a freeze on any inflationary uplifts for the remainder of the life of this Council. For senior officers and Members it can clearly be seen that following the modernisation policy initiative and all the actions mentioned we have secured a significant saving on expenditure over £400k.

This Council acknowledges that savings on Members travel and subsistence over the last few years has resulted in a significant reduction – by some 20% and we will be budgeting for further reductions during the remaining life of this Council.

The Council recognises the importance of the statutory framework that governs the entitlement on the part of Members to remuneration and expenses and the purpose of this – to encourage greater participation, commitment, accountability, acknowledgement of responsibility and improved democracy, elected Members on the Council did not stand at the elections in 2007 because of the payment of remuneration but rather because of a real and genuine commitment to improve the quality of life to the citizens of the areas that they represent as well as Argyll and Bute as a whole. This Council concurs with the view of the Scottish Local Authority Remuneration Committee that being a Councillor today is a full time occupation and in the best interests of democracy and participation, a basic remuneration is essential.

This Council records its appreciation of the dedication and commitment on the part of the Members, senior officers and all staff. In particular at this time of constant change and uncertainty bringing real improvement to the work of the Council and on behalf of the people of our area.

Moved by Councillor Walsh, seconded by Councillor R Macintyre.

Decision

On a show of hands vote, the Amendment was carried by a substantial majority.

The Provost adjourned the Meeting at 1.40pm and reconvened at 2.10pm.

18. NOTICE OF MOTION UNDER STANDING ORDER 13

Councillor Philand, seconded by Councillor McAlpine had given notice of the following Motion:-

Motion

The Council agrees that with effect from 1 October 2010 the Executive Committee be abolished. Thereafter all Council business formally considered by the Executive Committee be referred to the full Council for deliberation on a monthly basis excepting the Month of July when the Council will be in recess.

Moved by Councillor Philand, seconded by Councillor McAlpine.

Amendment

That no action be taken in respect of the ill considered Motion to abolish the Council's Executive Committee.

Moved by Councillor Walsh, seconded by Councillor R Macintyre.

Decision

On a show of hands vote, the Amendment was carried by a substantial majority.

19. NOTICE OF MOTION UNDER STANDING ORDER 13

Councillor Donald Kelly, seconded by Councillor Philand had given notice of the following Motion:-

Motion

To amend the Constitution to permit the formation and operation of non aligned groups not bound by any political ideology, open to elected members of Argyll and Bute Council irrespective of political persuasion to represent constituents within Argyll and Bute on such issues as may be determined by the group's Members.

The following narrative to be inserted at the bottom of Annex 2 POLITICAL GROUPS SCHEDULE 1 - REGULATION 2(1) & (2) Number 4 of current constitution

CONSTITUTION OF Non Aligned GROUPS

1. (1) A non aligned group shall be treated as constituted in relation to a local authority when there is delivered to the proper officer of the local authority a notice in writing which –

(a) is signed by two or more Members of the local authority who wish to be treated as a non aligned group; and

(b) complies with the provision of sub-paragraph (3).

(2) A non aligned group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.

(3) A notice under sub-paragraph (1) shall state –

(a) that the Members of the local authority who have signed it wish to be treated as a non aligned group;

(b) the name of the group; and

(c) the name of one member of the group who has signed the notice and is to act as its leader.

(4) A notice under sub-paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader when he is unable to act (“the deputy leader).

(5) The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed –

(a) in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group:

(b) in the case of a change of the leader of the group, by a majority of the members of the group.

MEMBERSHIP OF Non Aligned GROUPS

2. Subject to paragraph 4 a Member of the local authority is to be treated as a member of a non aligned group if –

(a) he has signed a notice in accordance with paragraph 1: or

(b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or deputy leader of the group or by a majority of the members of the group, stating that he wished to join the group.

CESSATION OF MEMBERSHIP

3. A person is to be treated as having ceased to be a member of a non aligned group when –

(a) he has ceased to be a member of the local authority;

(b) he has notified the proper officer in writing that he no longer wishes to be treated as a member of the group;

(c) there is delivered to the proper officer a notice under paragraph 1 or

2(b) signed by the person whereby a new non aligned group is constituted or he joins another group; or

(d) there is delivered to the proper officer a notice in writing signed by the majority of the members of the group stating that they no longer wish him to be treated as a member of it.

RESTRICTION ON MEMBERSHIP

4. No person shall be treated as a member of more than one group within the council at any given time and, accordingly, if a person changes the group of which he is a member by notice under paragraph 1 or 2 he shall from the date of delivery of that notice be treated –

(a) in the case of a notice under paragraph 1, as a member only of the new group which is constituted in accordance with that paragraph; and

(b) in the case of a notice under paragraph 2(b) as a member only of the group named in that notice.

Moved by Councillor Donald Kelly, seconded by Councillor Philand.

Amendment

That no amendment be made to the Council's Constitution.

Moved by Councillor Walsh, seconded by Councillor R Macintyre.

After a discussion on the Motion and Amendment in terms of Standing Order 12.3.1 Councillor Marshall moved "that the question now be put" which the Provost put to Members and was carried by a substantial majority. The Provost then put the original Motion and Amendment to the vote.

Decision

On a show of hands vote, the Amendment was carried by a substantial majority.

The Council resolved in terms of Section 50(A)(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 1 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

20. APPOINTMENT OF INDEPENDENT REPRESENTATIVE ON THE AUDIT COMMITTEE

The Council, on 24 April 2008, agreed to extend appointment of the Chair and Vice-Chair of the Audit Committee to 31 March 2012 and 31 March 2010 respectively and instructed that the post of Vice-Chair be advertised when the term of office expired. The Council considered the recommendation of the Audit Committee of 11 August 2010 to appoint the successful applicant to the position of Vice-Chair of the Audit Committee.

Decision

1. The Council endorsed the recommendation of the Audit Committee and agreed to appoint the successful candidate to the position of Vice-Chair of the Audit Committee for a term of office which would expire on 31 March 2014.
2. Agreed that the Executive Director of Customer Services make arrangements to formally offer the post to the successful applicant and upon his acceptance, advise the unsuccessful candidates accordingly.

(Ref: Report by Executive Director of Customer Services dated 12 August 2010, submitted)