

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD  
on THURSDAY, 7 OCTOBER 2010**

**Present:**

Provost William Petrie (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 Mulvaney
Councillor Horn	Councillor Nisbet
Councillor Daniel Kelly	Councillor Philand
Councillor Donald Kelly	Councillor Reay
Councillor Kinniburgh	Councillor Scoullar
Councillor MacAlister	Councillor Semple
Councillor McAlpine	Councillor Simon
Councillor McCuish	Councillor Strong
Councillor Macdonald	Councillor Walsh
Councillor D MacIntyre	

**Attending:**

Sally Loudon, Chief Executive  
Dougals Hendry, Executive Director of Customer Services  
Sandy Mactaggart, Executive Director of Development and Infrastructure  
Cleland Sneddon, Executive Director of Community Services  
Bruce West, Head of Strategic Finance  
Malcolm MacFadyen, Head of Facility Services

**1. PRESENTATION - RAPE CRISIS**

The Council were shown a dvd and heard a presentation by Sandy Brindley, Alison Black and Catrina Harper of Rape Crisis on the public consultation on the rights of, and support and protection for victims of crime and violence against women.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors McIntosh, Morton, Robb and Robertson.

**3. DEPUTATION**

The Council heard a deputation by Tracey Milton on behalf of Arrochar parents who spoke in connection with the termination of Free School Transport in Arrochar. Members thereafter asked questions of the deputation. The Council also received a petition from the deputation to save the Arrochar Primary School bus.

#### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

The Council heard from Councillor Bruce Marshall, Chair of the Bute & Cowal Area Committee who had attended a recent Keep Scotland Beautiful award ceremony in Glenrothes where Rothesay was crowned champion of the Beautiful Scotland campaign, winning the coveted Rosebowl Trophy the top prize in the prestigious competition. Rothesay also won the Coastal Resort Trophy, a gold medal certificate in the coastal resort category and a Special Endeavour Award for St Andrews Primary School. It was agreed that a letter of congratulation be sent to the staff concerned in achieving the awards.

#### **5. 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 Devon, seconded by Councillor McCuish had been received for consideration as a matter of urgency at this meeting:-

Mull and Iona Progressive Care Centre

The Council notes with extreme concern a directive issued by the Scottish Government Health Directorate to NHS Boards in Scotland suspending any major capital schemes which are not legally committed and the consequences of this for the £8.5M Mull and Iona Progressive Care Centre Project and the wider economy of Mull in general.

The instructions issued have had the effect of halting the commencement of work on site with consequential impact on: the contractors; employment on Mull in general and; of delaying indefinitely the much needed replacement of Health and Social Care facilities for Mull and Iona. Having regard to that, the Council therefore agrees to take all necessary measures in pursuit of the project being able to commence without further delay including:-

1. An early meeting, with the Councils partners in the project, to agree a joint strategy;
2. Representations, in the strongest terms, to the Scottish Government and NHS Scotland, regarding the project and;
3. Meetings at member level, with the Scottish Government and NHS Scotland as appropriate, to press the case for the facility to be provided without further delay.

The Provost ruled that the motion be considered as a matter of urgency by reason of the need to initiate discussions to commence the project without further delay.

The Council agreed to consider the motion and this is dealt with at item 9 of these Minutes.

#### **6. MINUTES**

The Council approved the Minutes of the Council Meeting of 19 August 2010 as a correct record subject to the amendment at page 3 at Item 9, under Amendment 2 the Mover was Councillor Philand and the seconder was Councillor McAlpine.

**7. SOUND OF MULL MARINE SPATIAL PLAN - ADOPTION AS SUPPLEMENTARY GUIDANCE**

The Executive Committee, at its meeting on 23 September 2010, considered the Sound of Mull Marine Spatial Plan and recommended that the Council approve the Plan to be adopted as non-statutory Supplementary Planning Guidance.

**Decision**

The Council approved the Final Sound of Mull Marine Spatial Plan to be adopted as non-statutory supplementary planning guidance.

(Ref: Report by Executive Director of Development and Infrastructure dated 7 October 2010, submitted)

**8. CHARLES AND BARBARA TYRE TRUST - APPOINTMENT OF GOVERNORS**

The Trust had written to the Council to advise that two Governors of the Charles and Barbara Tyre Trust have completed their second terms of office and one Governor did not wish to be re-appointed for a second term of office. There was also one vacancy on the Trust which required to be filled.

**Decision**

Agreed to refer the report to a future Council Meeting and instructed the Executive Director of Customer Services to investigate the necessary process to have removed the obligation on the Council to appoint the Governors of the Charles and Barbara Tyre Trust and report back.

(Ref: Report by the Executive Director of Customer Services dated 1 September 2010, submitted)

**9. ANNUAL REPORT BY AUDIT COMMITTEE 2009/2010**

The Executive Committee, at its meeting on 23 September 2010 considered the Annual Report 2009/2010 and recommended the Council to approve the report subject to a number of minor adjustments. The Council considered the amended Annual Report 2009/2010.

**Decision**

The Council approved the Annual Report by Audit Committee 2009/2010.

(Ref: Report by Head of Strategic Finance dated 25 August 2010, submitted)

**10. 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.

Mull and Iona Progressive Care Centre

The Council notes with extreme concern a directive issued by the Scottish Government Health Directorate to NHS Boards in Scotland suspending any major capital schemes which are not legally committed and the consequences of this for the £8.5M Mull and

Iona Progressive Care Centre Project and the wider economy of Mull in general.

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4. An early meeting, with the Councils partners in the project, to agree a joint strategy;
5. Representations, in the strongest terms, to the Scottish Government and NHS Scotland, regarding the project and;
6. Meetings at member level, with the Scottish Government and NHS Scotland as appropriate, to press the case for the facility to be provided without further delay.

Moved by Councillor Devon, seconded by Councillor McCuish.

### **Decision**

The Notice of Motion was withdrawn by the mover and seconder, having heard from the Leader of the Council confirm that Nicola Sturgeon the Cabinet Secretary for Health and Wellbeing had announced that the project can now proceed as originally planned.

## **11. NOTICE OF MOTION UNDER STANDING ORDER 13**

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

### **Motion**

The Council agrees with immediate effect:

1. In terms of The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 to have no (none) Senior Councillors. Members existing responsibilities and titles will remain unaltered.
2. To instruct the appropriate officer to bring to the next Council meeting a paper outlining what it is possible to restrict and define for the purposes of 'reasonably incurred expenses' in terms of the Local Government (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 which shall include but not be restricted to the following:
  - (a) Abolition of subsistence (meals, refreshments and accommodation) incurred outside a member's ward but recognising that councillors for Ward 2 and Ward 4 have a statutory right to certain payments.
  - (b) Restricting reimbursable travel such that expenses shall only be paid to members of committees for attending such committee meetings or to other councillors when their attendance was requested by the Committee or to other councillors when attending with the specific approval of the Council. To establish whether such a restriction would unreasonably restrict a councillor's ability to keep up to date with Council business.

**And**

to bring forward proposals to further reduce councillor expenses by increased use of video conferencing and a more efficient schedule of Council and ancillary meetings.

3. That councillors will not normally be provided with free meals and refreshments. In exceptional circumstances such provision may be made if determined by the Chief Executive in consultation with the Council Leader or Provost.
4. To instruct the appropriate officers to bring to the next Council meeting proposals to cover that where any elected member is appointed to a position on an external organisation and that position has attached a stipend, attendance allowance or additional remuneration that these will revert directly to the Council. In instances where this is not possible, to explain why.

### **Decision**

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

## **12. NOTICE OF MOTION UNDER STANDING ORDER 13**

Councillor Hay, seconded by Councillor Currie had given notice of the following Motion:-

### **Motion**

Following the recent landslide at the Rest and Be Thankful, the Council requests that the Leader of the Council together with the appropriate Spokesperson raises this issue as a matter of urgency with the Minister for Transport to discuss ways of ensuring that those communities and businesses directly affected by such slips and consequent road closures are protected from expensive detours and financial pressure on already precarious businesses.

Moved by Councillor Hay, seconded by Councillor Currie.

### **Amendment**

That following the recent landslip on September 13 on the A83, the Council commends Transerv Scotland on clearing this blockage within a few hours, minimising delay and disruption to local businesses, residents and tourists.

The Council does note that the supposed "temporary" traffic light, south of the Rest & Be Thankful remains in place some years after its first appearance and requests the Spokesperson for Transportation, in his regular dialogue with the Scottish Executive Minister to continue to press for a permanent resolution to this matter.

Moved by Councillor Mulvaney, seconded by Councillor Kinniburgh.

### **Decision**

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

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 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

### **13. HELENSBURGH - PROPOSED AQUISITION OF PROPERTY**

The Council considered a report which proposed to acquire two sites at Helensburgh Waterfront.

#### **Decision**

Agreed to the recommendations as contained within the report by the Executive Director of Development and Infrastructure.

(Ref: Report by Executive Director of Development and Infrastructure dated 29 September 2010, submitted)