

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD  
on THURSDAY, 22 NOVEMBER 2012**

**Present:** Provost Isobel Strong (Chair)

Councillor Blair	Councillor R G MacIntyre
Councillor Breslin	Councillor MacMillan
Councillor Colville	Councillor McNaughton
Councillor Currie	Councillor McQueen
Councillor Dance	Councillor Marshall
Councillor Freeman	Councillor A Morton
Councillor Glen-Lee	Councillor E Morton
Councillor Hall	Councillor Philand
Councillor Horn	Councillor Robb
Councillor Kinniburgh	Councillor Robertson
Councillor McAlpine	Councillor Semple
Councillor McCuish	Councillor Taylor
Councillor MacDonald	Councillor Trail
Councillor MacDougall	Councillor Walsh
Councillor R E 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  
Bruce West, Head of Strategic Finance  
Angus Gilmour, Head of Planning  
Jim Robb, Head of Adult Care  
Louise Long, Head of Children and Families

The Provost extended an invitation for everyone to attend the Kirkin of the Council which was taking place in Rothesay on Sunday 25 November 2012 at 11.00am in the United Church of Bute.

The Provost ruled, and the Council agreed, that the business as dealt with at item 24 of this Minute be dealt with as a matter of urgency by reason of the need to take a decision on the membership of the Appointment Panel before Panel met the following week.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received by Councillors Corry, Devon, Kelly, D MacIntyre, Mulvaney, Scoullar, William Crossan and David McEwan (church reps) and Alison Palmer and William Marshall (teacher reps).

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

### **3. MINUTES**

The Minutes of the Meeting of 25 October 2012 were approved as a correct record subject to the following amendments:- on page 8 under item 17 decision 1, to change the word pro-term to pro-tem.

Councillor Currie also asked what the Council would be doing to congratulate the young people who were prize winners at the Mod. The Provost advised that she would be writing to them shortly to congratulate them.

### **4. AUDITED ACCOUNTS 2011/12**

The Council considered a report which advised that the external auditors, Audit Scotland, had completed their audit of the Council's accounts for the year to 31 March 2012. The audited accounts incorporating the audit certificate for 2011-12 were also submitted and the audit certificate contained no qualifications.

#### **Decision**

The Council noted the audited accounts and the terms of the audit certificate.

(Ref: Report by the Head of Strategic Finance dated 1 November 2012, submitted)

Councillor Donnie MacMillan left the meeting at this point but returned later at item 14.

### **5. EXTERNAL AUDIT ANNUAL REPORT 2011/12**

The Council considered a report which introduced the external auditors annual audit report for 2011/12.

#### **Decision**

The Council noted the audit annual report for 2011/12.

(Ref: Report by Head of Strategic Finance dated 1 November 2012, submitted)

### **6. REVENUE BUDGET MONITORING AS AT 30 SEPTEMBER**

The Council considered a report which summarised the revenue budget position of the Council as at 30 September 2012 with the overall outturn variance at the end of the financial year forecast to be an overspend of £228k based on the September budget monitoring exercise.

#### **Decision**

The Council noted the contents of the report.

(Ref: Report by Head of Strategic Finance dated 22 November 2012, submitted)

### **7. CAPITAL PLAN MONITORING AS AT 30 SEPTEMBER**

The Council considered a report which summarised the position for all departments on the Capital Plan as at 30 September 2012. The report provided information on the

financial position in respect of the capital plan and also the performance in terms of delivery of capital plan projects.

### **Decision**

1. The Council noted the capital plan monitoring report.
2. Agreed that budget of £3,638k is transferred from 2012-13 to 2013-14 in respect to Helensburgh Office Project to take account of the delayed start on site.

<b>Project</b>	<b>Request</b>
Milton Burn/Flood Prevention	Transfer of £95k from Flood Prevention to Milton Burn to cover the extra cost of work at John Street
Consolidated Server Replacement/IT Education	Transfer of £49k from IT Education Project 2012-13 and transfer of £77k from IT Education Project 2012-14 to Server Replacement programme to cover cost of 5 year support package which was not originally budgeted for
Consolidated Server Replacement/Applications Project	Transfer of £163k to cover expenditure for the server environment

(Ref: Report by Head of Strategic Finance dated 22 November 2012, submitted)

## **8. TREASURY MANAGEMENT MONITORING AS AT 30 SEPTEMBER**

A report summarising the monitoring of the Council's overall borrowing position, borrowing activity, investment activity, economic forecast and prudential indicators as at 30 September 2012 was considered.

### **Decision**

The Council noted the treasury management monitoring report.

(Ref: Report by Head of Strategic Finance dated 18 October 2012, submitted)

## **9. ANNUAL INVESTMENT STRATEGY 2012-13 REVISION**

The Council considered a report which set out the consequential changes to the Council's investment strategy arising from the Council's decision on 23 August 2012 to allocated funding towards investment in housing.

### **Decision**

Agreed to the changes to the investment strategy that are necessary in order to permit the investment in housing agreed by the Council on 23 August 2012 to take effect.

(Ref: Report by Head of Strategic Finance dated 18 October 2012, submitted)

## **10. CORPORATE IMPROVEMENT PLAN**

The Council considered a report which set out the main elements of the Corporate Improvement Plan which had been established to take forward corporate improvement, deliver the annual requirement for efficiency savings and support continuous improvement.

### **Decision**

The Council noted the content, governance and reporting arrangements in respect of the Corporate Improvement Plan.

(Ref: Report by Head of Strategic Finance dated 7 November 2012, submitted)

## **11. BUDGET CONSULTATION**

The Council considered a report which set out the proposals on the budget consultation exercise for 2012-14.

### **Decision**

Agreed to the proposals for the budget consultation as detailed in the submitted report with the addition of wording at 3.4 to include Area Community Planning Groups.

(Ref: Report by Head of Strategic Finance dated 14 November 2012, submitted)

## **12. YOUTH EMPLOYMENT SKILLS PIPELINE AND ACTION PLAN**

The Council considered a report which set out the Argyll and Bute Youth Employment Skills Pipeline and Action Plan which aimed to build upon and improve the current provision, help and support available to young people across the local authority.

### **Decision**

The Council approved and supported the Argyll and Bute Youth Employment Skills Pipeline and Action Plan.

(Ref: Report by Executive Director of Community Services dated 24 October 2012, submitted)

## **13. ARGYLL AND BUTE'S PROMISE - GIVE ME A CHANCE**

The Council considered a report which advised of the recent signing of the "Give Me a Chance – Be Fair to a Child in Care" campaign and provided information in relation to the campaign.

### **Decision**

The Council endorsed the signing of the "Give Me a Chance – Be Fair to a Child in Care" campaign.

(Ref: Report by Executive Director of Community Services dated 31 October 2012, submitted)

Councillor Donnie MacMillan re-joined the meeting at this point.

#### **14. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT**

The Council considered a report which introduced the annual Chief Social Work Officer (CSWO) report for 2011/12.

##### **Decision**

The Council noted the content of the Chief Social Work Officer (CSWO) report for 2011/12.

(Ref: Report by Executive Director of Community Services dated 31 October 2012, submitted)

The Provost adjourned the meeting at 12.35pm and re-convened at 14.05pm.

#### **15. PROCUREMENT CAPABILITY ASSESSMENT 2012**

The Procurement Capability Assessment (PCA) for Local Authorities is carried out by Scotland Excel between October and December each year. The assessment for Argyll and Bute Council for the year 2012 was carried out on 8 October 2012 and the submitted report provided a brief overview of the assessment.

##### **Decision**

1. The Council noted the contents of the submitted report and Appendices.
2. The Council supported the Procurement and Commissioning Team in achieving a further improved score next year, which will require a commitment to the various actions in the summary report – Appendix 1.

(Ref: Report by Executive Director of Customer Services dated 24 October 2012, submitted)

Councillor Rory Colville left the meeting at this point.

#### **16. POLICE FIRE AND RESCUE REFORM - UPDATE**

The Council considered a report which provided an update on the progress that had been made to date with regard to the Police and Fire & Rescue Reform agenda, in preparation for the introduction of the new Police Service for Scotland which goes live on 1 April 2013 and set out the proposed future local scrutiny and engagement arrangements for Argyll and Bute.

##### **Decision**

1. Noted the progress that had been made in respect of Police and Fire & Rescue Reform at a national level and Argyll and Bute level.
2. Noted that details of proposed future governance and local scrutiny and engagement arrangements are being developed and will be reported to a future meeting.

(Ref: Report by Executive Director of Customer Services dated 17 October 2012, submitted)

## **17. INDEPENDENT MEMBER ON AUDIT COMMITTEE**

The Council considered a report which set out the proposals for appointing an independent Member of the Audit Committee.

### **Decision**

Noted that four applications had been received for the role of Independent Member of the Audit Committee; and to appoint a Panel of six Members, four from the Administration and two from the Opposition, to interview and appoint a suitable candidate from the applications submitted, the membership of the Panel will be notified in due course.

Agreed unanimously to suspend standing orders and thereafter to agree that the term of office for the appointment be to 30 April 2016 or such other period as the Council may determine and that the panel be authorised to designate the roles of Chair and Vice Chair of the Audit Committee as provided for in the Constitution.

(Ref: Report by Executive Director of Customer Services dated 22 October 2012, submitted)

## **18. APPOINTMENT TO OUTSIDE BODY - HEALTH AND WELLBEING PARTNERSHIP**

The Council considered a report which advised of a request from NHS Highland to appoint an elected Member representative to sit on the Health and Wellbeing Partnership.

### **Decision**

The Council appointed Councillor Anne Horn to be the elected Member representative to sit on the Health and Wellbeing Partnership.

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

Councillor James McQueen left the meeting at this point.

## **19. APPOINTMENT TO COSLA SPORT, ARTS AND CULTURE WORKING GROUP**

The Council considered a report which invited the Council to make an appointment to the COSLA Sport, Arts and Culture Working Group.

### **Decision**

The Council appointed Councillors Louise Glen-Lee and Douglas Philand to sit on the COSLA Sport, Arts and Culture Working Group.

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

## **20. PROGRAMME OF MEETINGS 2013-2014**

The Council's Standing Orders for Meetings require that Programme of Meetings be

approved for the Council and its Committees for the forthcoming year. The approved Programme of Meetings runs until April 2013 and the Council considered a report inviting them to approve a Programme of Meetings which would run from May 2013 to April 2014.

### **Decision**

Approved the Programme of Meetings for the year 2013/14 with the amendment to the date for the Audit Committee in March 2014 to be March 14.

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

## **21. ALCOHOL BY-LAWS OBAN**

The Council considered a report which advised of the proposal to amend the byelaw prohibiting consumption of alcohol in designated public places to extend the scope thereof to include Soroba, Glengallan and the Pulpit Hill areas of Oban. The Council had previously agreed that the Executive Director of Customer Services be instructed to initiate the process for revision of the existing byelaw to incorporate these areas.

### **Decision**

1. The Council, having due regard to the consultation undertaken with relevant parties and the information gathered to inform the review, agreed to amend the existing byelaws as detailed in the submitted draft byelaws and:
2. Authorised the Head of Governance and Law to advertise the intention to amend as required by the Local Government (Scotland) Act 1973.
3. Authorised the Head of Governance and Law to authenticate the byelaws after the period of one month has expired if no objections received and submit the byelaw to the Scottish Government for confirmation and agree the commencement date with the Scottish Government if confirmed.

(Ref: Report by the Executive Director of Customer Services dated 7 November 2012, submitted)

## **22. HELENSBURGH PIERHEAD MASTERPLAN**

Previously the Executive authorised the Executive Director of Development and Infrastructure to undertake a public consultation on the proposed draft Masterplans for two key development sites in Helensburgh. Following the consultation a summary of the responses made to the finalised Masterplan were highlighted in the submitted report.

### **Decision**

The Council approved the Finalised Pierhead Masterplan as submitted and instructed officers to start its implementation and noted that this is a flexible outline concept which will develop as we go through the planning process.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 22 November 2012, submitted)

**23. TEMPORARY SUSPENSION OF OFF STREET PARKING CHARGES DURING THE CHRISTMAS PERIOD**

The Council considered a report which sought approval for the suspension of parking charges across all areas of Argyll and Bute during the 5 day period up to and including Christmas Eve, 20-24 December 2012, inclusive. Approval was also sought for the suspension of parking charges in Helensburgh car parks for 30 November, 1 December and 2 December for the Helensburgh Winter Festival.

**Decision**

Agreed that the Council instructs the Executive Director of Development and Infrastructure Services to suspend parking charges on off street car parks across all areas of Argyll and Bute during the 5 day period up to and including Christmas Eve and between 30 November and 2 December for the Helensburgh Winter Festival.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 16 November 2012, submitted)

**24. APPOINTMENT TO PERFORMANCE REVIEW AND SCRUTINY COMMITTEE**

The Council heard from the Head of Governance and Law who advised that Councillor Ellen Morton wished to declare an interest on the Appointments Panel as she knew one of the applicants and wished to stand down from the Panel. The Provost had previously ruled that this matter be taken as a matter of urgency and that there had been a material change of circumstances to enable a decision to be taken.

**Decision**

It was agreed to appoint Councillor Vivien Dance to replace Councillor Ellen Morton on the Appointments Panel.

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

Councillor Vivien Dance left the meeting at this point.

**25. ACTUAL REALITY - PROPOSED SALE OF ARDENTINNY**

The Council considered a report which advised on the current position in regard to the proposed sale of the Council's property at Ardentenny to Actual Reality Learning and Leadership Ltd (AR), the current occupiers of the Council properties at both Castle Toward and Ardentenny.

**Decision**

Agreed that no decision be taken today and that Council agrees to a further delegation to the Executive Director of Customer Services and the Chief Executive to finalise the sale of Ardentenny Outdoor Centre facility to Actual reality following discussion and agreement with the Leader of the Council, the Depute Leader, the Lead Councillor for Finance and European Affairs, Lead Councillor for Education and Lifelong Learning and the Leaders of the Opposition, Councillors Morton, Walsh and Mulvaney. The final decision to be taken within 7 days of the November Council Meeting.



(Ref: Report by Executive Director of Customer Services dated 22 November 2012, submitted)

Councillor Robert E Macintyre left the meeting at this point.

## **26. NEXT GENERATION BROADBAND - COUNCIL CONTRIBUTION**

The Council considered a report which provided an update on two matters, the two next generation broadband projects covering the Argyll and Bute Council geographic area; and the Broadband Pathfinder re-procurement.

### **Decision**

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

(Ref: Report by Executive Director of Customer Services dated 21 November 2012, submitted)

## **27. VAT APPEAL**

The Council considered a report which sought approval for the Council to act as lead appellant in at VAT appeal where the Council could gain a one off reimbursement of VAT and interest.

### **Decision**

The Council gave approval for the Council to act as lead appellant in the VAT Tribunal case relating to non business sport.

(Ref: Report by Head of Strategic Finance dated 14 November 2012, submitted)