

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the ARDRISHAIG PUBLIC HLL,  
ARDRISHAIG  
on THURSDAY, 19 DECEMBER 2013**

**Present:**

Provost Len Scoullar (Chair)

Councillor Blair	Councillor D MacIntyre
Councillor Colville	Councillor R E Macintyre
Councillor Corry	Councillor R G MacIntyre
Councillor Currie	Councillor MacMillan
Councillor Dance	Councillor McNaughton
Councillor Freeman	Councillor Marshall
Councillor Glen-Lee	Councillor A Morton
Councillor Hall	Councillor E Morton
Councillor Horn	Councillor Mulvaney
Councillor Donald Kelly	Councillor Philand
Councillor Kinniburgh	Councillor Robb
Councillor McAlpine	Councillor Robertson
Councillor McCuish	Councillor Semple
Councillor MacDonald	Councillor Taylor
Councillor Trail	Councillor Walsh
William Crossan	
William Marshall	

**Attending:**

Sally Loudon, Chief Executive  
Douglas Hendry, Executive Director of Customer Services  
Cleland Sneddon, Executive Director of Community Services  
Angus Gilmour, Acting Executive Director of Development and Infrastructure  
Bruce West, Head of Strategic Finance  
Charles Reppke, Head of Governance and Law  
Jane Fowler, Head of Improvement and HR  
Jim Smith, Head of Roads and Amenity Services  
Patricia O'Neill, Committee Services Manager  
Anne Paterson, Quality Improvement Manager  
Bill Brackenridge, Independent Chair, Adult Protection Committee  
Rebecca Barr, Area Manager – Adult Protection

The Provost informed Members of a recent award to Annea Wilson (now retired from Argyll and Bute Council) from the Scottish Parliament. Annea was chosen as Mental Health Officer of the Year. Her career had spanned 35 years during which time, Annea had provided mental health services in Kintyre, Mid Argyll, Oban and the Isles.

The Provost ruled, and the Council agreed, that following clarification from the Head of Governance and Law Items 16 and 17 of this Minute would be taken in public.

Councillor Taylor requested an adjournment of 10 minutes. The Provost ruled, and the Council agreed, to adjourn the meeting and reconvene after 10 minutes to allow Members time to review the reports which had been tabled.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillor Breslin, Councillor Devon,

Councillor Mulvaney, Councillor McQueen, Councillor Strong, Alison Palmer (Teacher Representative) and David McEwan (Church Representative).

## **2. DECLARATIONS OF INTERESTS (IF ANY)**

Councillor Sandy Taylor, Councillor Donald MacMillan, Councillor Bruce Marshall, Councillor Richard Trail and Councillor Roddie McCuish all declared a non financial interest in Item 6 of the Agenda (Rural Housing Development Fund – Council Long Term Loan application – ACHA Bonawe) as they were all ACHA Board Members. They claimed the benefit of the dispensation contained at Section 5.16 of the Standard Commission's Guidance and Dispensations Note dated December 2010 to allow them to speak and vote on this item of business.

## **3. MINUTES**

The Minutes of the Argyll and Bute Council of 28 November 2013 were approved as a correct record.

## **4. ADULT PROTECTION COMMITTEE ANNUAL REPORT**

The Council heard a presentation by Bill Brackenridge, Adult Protection Committee. Members asked questions which were answered by Mr Brackenridge and the Area Manager, Adult Protection. The Provost thanked Mr Brackenridge for his informative presentation.

## **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 taking forward shared strategic priorities since 28 November 2013.

### **Decision**

The Council noted the Leader's report.

(Reference: Report by the Leader of the Council dated 19 December 2013, submitted)

## **6. RURAL HOUSING DEVELOPMENT FUND - COUNCIL LONG TERM LOAN APPLICABLE - ACHA BONAWE**

The Council considered a report detailed an application which had been received from ACHA for a 25 year loan in respect of the 2 properties to be built for affordable rent at Bonawe and for which the Council has previously awarded a Rural Housing Development Fund grant.

### **Decision**

The Council agreed to approve the loan to Argyll Community Housing Association.

(Reference: Report by Executive Director, Community Services dated 20 November 2013, submitted)

## **7. EXAMINATION RESULTS 2013 - SQA**

The Council considered a report which detailed the SQA examination results with comparative data on 12 December 2013. This gave information on examination performance across Argyll and Bute with data for national or benchmarking 'family' comparisons. The paper was provided in conjunction with the presentations by schools of their achievement reports to the area committees.

### **Decision**

The Council agreed:

1. To note the report.
2. That the new Community Services Committee should address how best to present future reports detailing the wider scale of Educational achievements and attainments of young people in Argyll and Bute.

(Reference: Report by Executive Director, Community Services dated 13 December 2013, submitted)

## **8. REVIEW OF TRUSTS HELD BY ARGYLL AND BUTE COUNCIL**

The Council considered a report which provided proposals in relation to individual trusts which are charities to allow the funds to be used effectively and in accordance with the trust purposes. A further report will be provided to Council at a later date regarding those trusts which are not registered charities.

### **Decision**

The Council agreed to endorse the recommendations in the report.

(Reference: A joint report by the Executive Director – Customer Services and Head of Strategic Finance, dated 19 December 2013, submitted).

## **9. SHORT LIFE WORKING GROUP - POLITICAL MANAGEMENT ARRANGEMENTS**

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

### **Decision**

The Council agreed to note the interim report on the Political Management arrangements.

(Reference: Report by the Executive Director – Customer Services dated 19 December 2013, submitted).

## **10. COSTS AND SAVINGS FROM EARLY DEPARTURES FROM COUNCIL EMPLOYMENT 2012/13**

The Council considered a report which outlined to Elected Members the costs and savings associated with early retirements/redundancies that have taken place between 1 April 2012 and 31 March 2013

### **Decision**

The Council agreed to note the report detailing the costs and savings.

(Reference: Report by the Head of Improvement and HR dated 20 November 2013, submitted).

## **11. FLOOD RISK MANAGEMENT 2009 - GOVERNANCE ARRANGEMENTS**

The Council considered a report which proposed governance arrangements for the Clyde and Loch Lomond Local Plan District in connection with the Flood Risk Management Act and sought the names of two Elected Members to represent the Council at the two Local Plan Districts that the Council is part of.

### **Decision**

The Council agreed:

1. To note the report.
2. Councillor Roddie McCuish was appointed to Clyde and Loch Lomond Local Plan District (Highland) and Councillor Robert G MacIntyre was appointed to Clyde and Loch Lomond Local Plan District (Clyde).

(Reference: Report by the Acting Executive Director Development and Infrastructure dated 19 December 2013, submitted).

## **12. QUESTIONS**

The following questions are asked of the Policy Lead for Education, Cllr Aileen Morton, regarding the submission of what appears to have been inaccurate information in agenda item 31 at the November 2013 council meeting. This paper was then provided as evidence to the Education and Culture Committee of the Scottish Parliament and was widely criticised in the media for not reflecting accurately what happened during the school closure proposals in 2010. I have asked the chief executive twice (9 December and 13 December) if she will make a statement on this to the December council meeting but she has failed to say if she will do so or not. Cllr Aileen Morton was copied into these 2 requests. I therefore ask Cllr Aileen Morton the following questions:

1. Does she accept that agenda item 31 at the November 2013 council meeting contained inaccuracies relating to some of the events during the school closure issue in 2010?
2. Does she accept that this inaccurate information was then submitted as evidence to a committee of the Scottish Parliament?
3. Does she accept that the revised information subsequently submitted to the Clerk of the committee should have been issued to elected members first, given our mistaken approval of agenda item 31 in November 2013?
4. Will she apologise to the council and the committee of the Scottish Parliament for what has happened?
5. Does she agree that this episode has brought this council into disrepute?

Councillor Michael Breslin  
17/12/2013 05:25

**Response by Councillor Aileen Morton to questions submitted under Standing Order 15 by Councillor Michael Breslin  
Council Meeting, Thursday 19<sup>th</sup> December 2013**

Firstly, I would draw Councillor Breslin's attention to Standing Order 15, under which he submitted these questions (numbered 1-5). Para 15.5 states "A Member may not submit more than two written questions for any one meeting." I have chosen to treat these as a single question as they are on the same topic and of course Councillor Breslin is the one elected member who has less experience as an elected member than I do.

1. *Does she accept that agenda item 31 at the November 2013 council meeting contained inaccuracies relating to some of the events during the school closure issue in 2010?*

No. The focus of the paper submitted to Council in November was explicitly about providing constructive comments to the Parliamentary Committee to assist with its consideration of amendments to the legislation. The paper clearly noted it was not the intention to look backwards and provide a detailed account of events in 2010 and 2011. A short summary was included in two paragraphs as context rather than include numerous pages of historical events that would have been outwith the Committee's focus. In my opinion, the overview provided was sufficient to give the Committee an understanding of the process undertaken locally.

2. *Does she accept that this inaccurate information was then submitted as evidence to a committee of the Scottish Parliament?*

See previous answer.

3. *Does she accept that the revised information subsequently submitted to the clerk of the committee should have been issued to elected members first, given our mistaken approval of agenda item 31 in November 2013?*

This matter could have been dealt with in its entirety as an operational matter as it was council officers who were written to by the Committee. The decision to give full Council the opportunity to comment and amend the submission was to allow for any concerns to be raised at the time.

Officers then chose to provide additional information once they became aware of negative comments about our submission being raised by one individual. This involved a short email being sent that provided links to Council decisions that were already a matter of public record. In my opinion this was a perfectly acceptable course of action and a single individual making a negative comment about one line in a lengthy report does not merit a full Council meeting being called to agree a brief update.

4. *Will she apologise to the council and the committee of the Scottish Parliament for what has happened?*

No. This decision was not made by me, it was made by the full Council. I moved the recommendation on the paper (with minor amendments raised during the Council meeting) which was then seconded by Councillor John Semple, the Shadow Policy Lead for Education. The response from the Parliamentary Committee has been to thank the Council for our submission. I think it would be inappropriate for me to undermine a decision of the full Council, in order to apologise to a Parliamentary Committee who expressed their appreciation for our submission.

5. *Does she agree that this episode has brought this council into disrepute?*

No. I do think what has recently brought Argyll & Bute Council into disrepute is the report by the Controller of Audit that identified:

- a lack of strategic leadership by elected members
- strained relationships between officers and a small number of elected members
- political instability beginning to inhibit progress with strategic planning

The Accounts Commission then accepted the Controller of Audit's findings and said: "We urge the elected members and the corporate management team to work together to provide stronger and effective leadership of the Council. Effective working relationships between elected members, and between members and officers, need to be based upon mutual trust, respect and transparency. Elected members need to achieve a more effective balance between focusing on local issues and priorities and the longer term strategic objectives of the Council and the best interests of the whole community of Argyll and Bute."

I think it is incumbent on all elected members to focus on how best to move forward with this advice and consider how we can work together to deliver the kind of leadership our communities deserve.

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

#### **Motion**

The Council agrees:

To note the surplus General Fund Balance after the agreed 1.5% contingency is £6.158m as of 30<sup>th</sup> September 2013.

To earmark in reserves £1.9m to fund savings delegated to officers for 2014-15 and notes this allows 15 months to develop a financial strategy and further notes the cumulative funding gap to 2019-20 remains at £33.963m.

To transfer £2.2m to capital to fund the shortfall in the agreed Capital Plan for 2013-14 due to the uncertainties around the capital receipt from the sale of Castle Toward.

To note the revised balance surplus in the General Fund of £2.058m.

To note the unfunded potential demands on this remaining surplus previously identified by the Chief Financial Officer include:

Projected overspend in 2013-14 of £225k

Additional contribution to replacement Oban High School

Additional contribution to replacement Campbeltown Grammar School

Contribution to new Primary schools configuration in Dunoon

Underwriting of estimated £5.1m of capital receipts to fund Helensburgh Office Project

Shortfall in funding of Helensburgh Leisure Facility of £2m

Estimated severance costs to 2019-20 of £11m

Moved by Councillor Robb, seconded by Councillor Taylor

#### **Amendment**

That this Council rejects the proposal within the Motion agreed to take no action and continues to progress the budget strategy agreed at the November Council meeting

#### **Decision**

On a show of hands vote, the Amendment was carried by 21 votes to 7 and became the finding of the Council.

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 they were likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 8 & 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

#### **14. AMENITY SERVICES - SERVICE REVIEW ISSUES**

The Council considered a report which advised on the Amenity Service review which was conducted in 2011 and was required to save £938,000

##### **Decision**

The Council agreed to note the report.

(Reference: Report by the Acting Executive Director Development and Infrastructure dated 19 December 2013, submitted).

#### **15. WASTE PPP AREA - ALTERNATE WEEKLY CO-MINGLED RECYCLING**

The Council considered a report which advised on the progress made in developing the arrangements for the introduction of alternate weekly co-mingled recycling collections into the Mid Argyll, Oban and Lorn and Cowal areas covered by the Waste PPP contract.

##### **Decision**

The Council agreed to the recommendations at 2.1 and 2.2 of the report.

(Reference: Report by the Acting Executive Director Development and Infrastructure dated 19 December 2013, submitted).

#### **16. AMENITY SERVICES SAVINGS**

The Council considered a report which advised on the progress with the delivery of the savings option RA02 (Streetscene – reduction in the scale and/or standard of service through staff and vehicle/equipment savings), which was approved by the Council on 14 February 2013.

##### **Decision**

The Council agreed to adopt the proposed savings models for each Area including the security requested from the MAKI Area Committee.

(Reference: Report by the Acting Executive Director Development and Infrastructure dated 19 December 2013, submitted).

#### **17. HELENSBURGH OFF STREET CAR PARK - CHORD PROJECT**

The Council considered a report which advised on forthcoming works including the improvements to Sinclair Street Car Park.

##### **Decision**

The Council agreed to the recommendations in the report.

(Reference: Report by the Head of Economic Development and Strategic Transportation

11<sup>th</sup> December 2013, submitted).

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 Paragraphs 8 & 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

## **18. CHORD - CAMPBELTOWN PROJECT**

The Council considered a report of an inquorate meeting which considered the justification for requesting CHORD Members support to seeking additional revenue funding to complete the Full Business Case for Campbeltown Berthing Facility and to continue the existing contractual arrangements.

### **Decision**

The Council agreed to the recommendations within the report

(Reference: Report by the Head of Economic Development and Strategic Transportation 11<sup>th</sup> December 2013, submitted).