

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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5 March 2012

**EXECUTIVE
8 MARCH 2012 IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
AT 10.00AM**

I enclose herewith item 7 (**SOCIAL AFFAIRS**) which was previously marked “to follow” on the agenda for the above meeting.

I also attach hereto amended pages for item 19 (**PROPOSED RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON AN AQUACULTURE AND FISHERIES BILL**) which replaces page 196 in the agenda pack previously circulated to you for the above meeting.

Douglas Hendry
Executive Director - Customer Services

TO FOLLOW ITEM

7. **SOCIAL AFFAIRS**
Report by Spokesperson (to follow) (Pages 1 - 2)

AMENDED PAGE 196

19. **PROPOSED RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON AN AQUACULTURE AND FISHERIES BILL**
Report by Executive Director – Development and Infrastructure Services
(Pages 3 - 4)

EXECUTIVE

Maureen Arthur
Councillor Robin Currie
Councillor Louise Glen-Lee
Councillor Robert Macintyre
Councillor Neil Mackay
Councillor Bruce Marshall
David McEwan
Councillor Gary Mulvaney
Alison Palmer
Councillor Len Scoullar

Councillor Rory Colville
Councillor Vivien Dance
Councillor Alison Hay
Councillor Duncan MacIntyre
Councillor Donald MacMillan
William Marshall
Councillor Ellen Morton
Councillor Andrew Nisbet
Councillor Elaine Robertson
Councillor Dick Walsh

Contact: Hazel MacInnes Tel: 01546 604269

**COMMUNITY SERVICES
SPOKESPERSON'S REPORT – SOCIAL AFFAIRS**

1. Learning Disability and Older Peoples Project Board

On Thursday 23rd February I chaired the Learning Disability and Older Peoples Project Board meeting to consider the future of these services. I am pleased to report that it was a successful meeting, where a number of key decisions were taken, including;

- **Learning Disability Day Services** - agreed not to proceed further with the tender process at this time with the view that on the conclusion of formal negotiations with Trade Unions the service is retained within direct Council provision;
- **Older Peoples Day Care Services** - agreed to retain Council Day Care Services in house at this time whilst keeping the service under operational review to identify future efficiencies as they arise and re-design the service as required to meet the personalised care and Self Directed Care legislation; and
- **Older Peoples Care at Home** – agreed to issue tender documents in March for older peoples care at home, the outcome of the tender exercise will be known in June.

We will continue to work closely with the unions to negotiate amendments to core conditions of service for staff in Adult Learning Disability Day Services. I am already delighted with the co-operation from staff and the union which is what we need to provide the services our clients need and deserve.

At the heart of the decisions is the need to deliver an improved and more flexible service for our service users. We have listened to what they are telling us and have taken it into careful consideration before reaching agreement. I am confident that this is the right way forward for these services.

2. Mull and Iona Progressive Care Centre

I am pleased to report that work is nearing completion on the new Mull and Iona Progressive Care Centre and Community Hospital in Craignure. Work started at the end of 2010 and the centre should open in August this year. The brand new purpose build centre will include 3 beds for in-patients, a 2 bay community casualty unit and facilities for outpatients. All bedrooms will be for one person only with en-suite toilets and showers.

There will also be 12 individual supported living flats within the news centre which will be managed by West Highland Housing Association. Each flat has a double bedroom and is suitable for couples or single occupancy. Those who need care and support will get it after a community care assessment has been carried out

by our social work department. Residents who need care will have a tailored care package which will meet their needs during the day and night.

The new centre will replace the existing Dunaros Residential Care Centre and Community Hospital in Salen. The residents who live there just now will be amongst the first to take up the new supported living flats.

I am delighted the new centre is nearing completion and I am looking forward to seeing it for myself. This will make a real difference to the people of Mull and Iona, and provide first class supported housing and hospital facilities. It promises to be an enormous improvement on the current outdated provision. It is, I believe, a model that strives to maintain older people in their own accommodation rather than in institutional settings and which will produce better outcomes and quality of life for older persons.

3. Young Carers Group – Helensburgh and Lomond

I am extremely happy to announce that the Helensburgh and Lomond Young Carers group has received £389,727 from the Big Lottery Fund towards a new scheme called Initiatives.

As a supporter of this group, I was kindly invited along to their Helensburgh base to celebrate the great news on Friday 23rd February. We watched a DVD featuring some of the groups young carers at the Young Carers Festival where they got to meet lots of other young carers from across the country. We also took part in a question and answer session where we all got to find out a bit more about the life of a young carer and the support available to them.

I am extremely happy that the Big Lottery have chosen to support this group as it is a very worthy cause, with a number of young people acting as carers within Argyll and Bute, it is important to ensure they have a good support circle, where they can talk to other young people in the same situation and share any worries or concerns with others, not only in the same position but those able to offer advice and support. The project will fund two full time staff dedicated to supporting young carers.

4. Severe Weather

I would like to take this opportunity to thank council officers for all their hard work during the severe weather conditions faced on the 3rd of January. Fallen trees and debris limited both our road network and power / communications lines; however I am glad to say that both our staff and our communities showed remarkable resilience throughout.

**Councillor Andrew Nisbet
Spokesperson for Social Affairs
March 2012**

Unused Consents

5. *Do you agree we ought to review the question of unused consents?*

YES

~~NO~~

Unused aquaculture sites have unnecessarily reduced capacity for development in certain areas of Argyll and Bute and unused sites with equipment in place can become a hazard to navigation. While the Council has powers to impose planning conditions on new planning permissions that could be used to deal with long term cessation of use, abandonment and removal of derelict equipment, there are difficulties in removing planning permissions for unused sites.

Instances where other aquaculture consents such as a marine licence and SEPA CAR licence are held for a specific location without intent to apply for planning permission, can restrict capacity for development. It is therefore considered that the question of unused consents should be reviewed to maximise the capacity for sustainable aquaculture development.

6. *What do you consider are suitable options to promote use or relinquishment of unused consents?*

Planning permission

The Scottish Government Review/Audit of Crown Estate Leases granted prior to 1st April 2007 provided an opportunity to ensure that only those existing sites that were in use were granted planning permission. While The Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011, issued in March 2011, granted planning permission to sites deemed active within a specified time period, it is not yet clear which sites have been granted planning and therefore whether this process has fully assisted in removing development consent for unused sites. The issue of this order has also removed the opportunity to consider imposing additional appropriate planning conditions on these existing sites to assist management of planning permissions which become inactive in the future.

Planning authorities can impose planning conditions on new planning permissions granted for aquaculture to manage some of the issues surrounding unused sites. Standard planning conditions agreed by planning authorities can include:

- Requirement for development to be started within three years;
- Requirement for removal of equipment where sites have not been in use for a period exceeding three years; or where equipment is in a state of disrepair.

It should be noted that the second condition does not remove the planning permission.

In addition, planning authorities have powers to revoke planning permission under Section 65 of the Town and Country Planning (Scotland) Act 1997. The exercise of these powers are however complex, likely to be time consuming and resource intensive, particularly where a developer opposes any such removal. It is also only possible to use revocation in the first three years of an unimplemented planning permission and for a site granted planning permission under part 3 of the Act. It is therefore our understanding that any site given planning permission through the Scottish Government review/audit process cannot be revoked under Section 65 of the Act. Revocation is therefore not considered as an appropriate route to tackle unused sites.

The use of a 'discontinuance notice' under Section 71 of the Act might be a potential option which would be relevant to all planning permissions, but still needs confirmation by Scottish Ministers and incurs compensation liability.

Crown Estate seabed lease

It is the Council's understanding that once all existing aquaculture sites are either transferred over to planning or not given planning consent then any sites not given consent should have to rescind their Crown Estate Seabed lease as an operator cannot have a full lease without all relevant consents i.e. planning permission, marine licence and SEPA CAR licence for finfish developments. This should effectively remove the seabed lease from the issue of unused sites.

CAR licence

It is suggested that where operators hold a number of SEPA CAR licences without planning consent and a marine licence, this consented biomass should not be considered in the Locational Guidelines calculations as these consents cannot be used without the other relevant consents being granted. This would prevent restrictions on capacity as a result of unused CAR consents and allow operators to keep hold of existing CAR consents while applying for other permissions.

Other options for all consents

It is considered that there needs to be a consistent approach for management of all types of unused consents (planning permission, CAR licence & marine licence) and therefore the Scottish Government should consider how best to apply the management options in relation to planning conditions available to planning authorities, to both SEPA CAR licences and marine licences.

Where unused consents (planning permission, CAR licence, marine licence) are being used as firebreaks or a buffer between finfish developments, the Scottish Government should consider options for Farm Management Agreements to include suitable measures that would ensure these firebreaks remain if the unused consents are given up. This may then free up capacity for other types of aquaculture development such as seaweed or shellfish farming that would not affect finfish farm management.

7. *Do you agree that Scottish Ministers should be given powers, ultimately, to revoke, or to require or request others to revoke, consents?*

YES

~~NO~~

Given the difficulties expressed under question 6 above, a simpler route for revoking appropriate consents, which is consistent across all the relevant consents needs to be considered.

8. *Should any such power relate to all or to particular consents (and if the latter, which)?*

The power to revoke consents should relate to all consents, including planning permission, SEPA CAR licence and marine licences.