

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held BY SKYPE
on THURSDAY, 15 APRIL 2021**

Present:

Councillor David Kinniburgh (Chair)

Councillor Liz McCabe	Councillor Sir Jamie McGrigor
Councillor Gemma Penfold	Councillor Roderick McCuish
Councillor Jim Anderson	Councillor Yvonne McNeilly
Councillor John Armour	Councillor Aileen Morton
Councillor Gordon Blair	Councillor Gary Mulvaney
Councillor Rory Colville	Councillor Iain Paterson
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Alan Reid
Councillor Jim Findlay	Councillor Elaine Robertson
Councillor George Freeman	Councillor Richard Trail
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Bobby Good	Councillor Douglas Philand
Councillor Kieron Green	Councillor Andrew Vennard
Councillor Anne Horn	Councillor Jean Moffat
Councillor Donald Kelly	Councillor Jim Lynch
Councillor Donald MacMillan BEM	Councillor Graham Hardie

Attending:

Pippa Milne, Chief Executive
Douglas Hendry, Executive Director
Kirsty Flanagan, Executive Director
David Logan, Head of Legal and Regulatory Support
Simon Easton, Interim Head of Education
Patricia O'Neill, Governance Manager

The Provost welcomed Councillors Liz McCabe and Gemma Penfold to their first meeting of the Council following their recent success at the by-elections held on 18 March 2021.

The Provost invited the Council to join him in a minute's silence to pay respects to HRH Prince Philip, The Duke of Edinburgh, who had sadly passed away on 9 April 2021.

The Provost, on behalf of the Council, congratulated golfer Robert MacIntyre from Oban who had finished joint 12th at the US Masters Tournament that had been held the previous weekend. The Provost invited Councillor Elaine Robertson, Chair of the Oban, Lorn and the Isles Area Committee to offer congratulations on behalf of the Area Committee and the community.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary Jean Devon, Julie McKenzie and Barbara Morgan.

2. DECLARATIONS OF INTEREST

Councillor Robin Currie declared a non-financial interest in item 17 of the agenda (Recovery of Outstanding Debt) due to his Council appointment to the ALLenergy Board.

He advised that he would leave the meeting and take no part in the consideration of this item.

Councillor Jim Findlay declared a non-financial interest in item 4(a) of the agenda (Minutes of Environment, Development and Infrastructure Committee) due to his wife's appointment to the Fyne Homes Board of Management.

Councillors Forrest, Anderson and Hardie declared a non-financial interest in item 13 of the agenda (Community Learning and Development Service – Transfer to Live Argyll) due to their appointment to the Board of Live Argyll. They claimed the benefit of the dispensation contained at Section 5.18(2) of the Standards Commission's Guidance and Dispensations Note dated July 2018 to allow them to speak and vote on this item of business.

Councillor Andrew Vennard claimed a non-financial interest in item 17 of the agenda (Recovery of Outstanding Debt) due to his appointment as Director to the Allenergy Board. He advised that he would leave the meeting and take no part in the consideration of this item.

3. MINUTES

The Minutes of the meeting of Argyll and Bute Council held on 25 February 2021 were approved as a correct record.

4. MINUTES OF COMMITTEES

Councillor Jim Findlay, having previously declared an interest in the following item of business took no part in the consideration of the item.

(a) Environment, Development and Infrastructure Committee held on 4 March 2021

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 4 March 2021 were noted.

The Council noted that in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, any discussion on the exempt appendix, contained at page 33 of the agenda pack, in relation to the following minute item would require the exclusion of the press and public on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Arising from item 13 (Housing Development – Loan Extension Request Fyne Homes – Old Court House Rothesay), the Council agreed the recommendations by the Environment, Development and Infrastructure Committee contained at Appendix 1 to the Minute.

(b) Community Services Committee held on 11 March 2021

The Minutes of the meeting of the Community Services Committee held on 11 March 2021 were noted.

5. BY-ELECTION RESULTS

(a) Ward 8 - Isle of Bute

The Council gave consideration to a report by the Returning Officer in respect of the results of the by-election held on 18 March 2021 for Ward 8 - Isle of Bute.

Decision

The Council noted the election of Councillor Liz McCabe to Ward 8 – Isle of Bute.

(Reference: Report by Returning Officer dated 19 March 2021, submitted)

(b) Ward 11 - Helensburgh and Lomond South

The Council gave consideration to a report by the Returning Officer in respect of the results of the by-election held on 18 March 2021 for Ward 11 – Helensburgh and Lomond South.

Decision

The Council noted the election of Councillor Gemma Penfold to Ward 11 – Helensburgh and Lomond South.

(Reference: Report by Returning Officer dated 19 March 2021, submitted)

6. LEADER'S REPORT

The Council gave consideration to a report outlining the Council Leader's activity during the period 26 November 2021 to 1 April 2021. The report also included updates in relation to his Policy Lead portfolio.

Decision

The Council noted –

1. The content of the report.
2. That any reports, briefings or copy correspondence referred to in the report could be requested as appropriate through Leadership Support staff, noting that some confidential reports provided by external organisations, such as COSLA, may be restricted.

(Reference: Report by Leader of the Council dated 7 April 2021, submitted)

7. POLICY LEADS REPORT

The Council gave consideration to a report providing an update on the key areas of activity for each Policy Lead Councillor since the last update provided to the Council at the meeting held on 26 November 2021.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead Councillors dated 1 April 2021, submitted)

8. POLITICAL MANAGEMENT ARRANGEMENTS

The Council gave consideration to a report providing an update on changes to the political composition of the Council following the election of two new councillors, written notification of changes to the Leadership of the Argyll and Bute Scottish National Party Group, and the notification of a resignation from the Planning, Protective Services and Licensing Committee. The report invited the Council to approve changes to a number of Committee memberships and external appointments principally arising from these developments.

Decision

The Council –

1. Noted the updated Political Composition of Argyll and Bute Council as set out in Appendix 1 of the report.
2. Noted the changes to the SNP Group Leadership.
3. Approved the changes to Committee Memberships, external bodies and the Argyll Islands Sounding Board, as set out in paragraphs 3.1, 3.6 and 3.7 of the report.
4. Appointed Councillor Graham Hardie to the Licensing Board.
5. Agreed to appoint Councillor Jim Findlay to the vacancy on the Clyde, Kintyre and the Islands Ferry Stakeholder Group.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 1 April 2021, submitted)

9. REVIEW OF VIRTUAL MEETINGS / MICROSOFT TEAMS ROLLOUT

The Committee gave consideration to a report reviewing the decisions taken by Members at the Council meeting held on 24 September 2020 relating to meetings and associated matters. The report also provided an update on the progress of the project that would see Microsoft Teams becoming the preferred platform for meetings and provided details on the proposals to facilitate hybrid meetings and live streaming.

Decision

The Council –

1. Agreed that all committee meetings will continue on a virtual basis, as per the arrangements agreed by Council in September 2020.
2. Agreed that there is no further requirement for the Business Continuity Committee (BCC) and the Leadership Group, that they are discontinued and between the date of this report and the end of the Covid response that the Chief Executive will, in any instance where it is proposed to use emergency powers as set out in the constitution,

consult with the Leader, Depute Leader, and Leader of the largest Opposition Group where available.

3. Noted the progress made to date in relation to the rollout of Microsoft Teams as the preferred meeting platform, including for the options relating to hybrid meetings and live streaming.
4. Agreed that testing of Teams as the preferred meeting platform will continue and that a report be brought to the June meeting of Council which will detail progress, address issues with regards to dialling in via telephone, Teams access via iPads and electronic voting, and outline the next steps.
5. Agreed to the recording of strategic committee meetings as set out at 4.7.3 with a view to the arrangements for this being incorporated into the next review of the Council Constitution.
6. Agreed that a further review of the operation of committees on a virtual basis will be undertaken and reported to Council in September 2021.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 5 April 2021, submitted)

10. REVIEW OF THE EMPLOYEE JOINT CONSULTATIVE COMMITTEE CONSTITUTION

The Council gave consideration to a report inviting consideration of proposed changes to the Constitution of the Employee Joint Consultative Committee.

Decision

The Council –

1. Agreed to the adjustments to the Constitution of the EJCC as outlined in red at Appendix 1.
2. Noted that following their meeting on 19 February 2021, Kevin McIntosh was appointed as Vice-Chair of the EJCC.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 20 February 2021, submitted)

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - LICENSING FEES IN PREPARATION FOR LICENCE RENEWALS

The Council gave consideration to a report providing an update on reparations for the renewal of licences granted under the Civic Government (Scotland) Act 1982 as well as inviting the Council to approve the revision of the respective fees and conditions which apply to these licences.

Decision

The Council –

1. Noted the contents of the report.
2. Agreed that fees for all Civic Government licences be increased as detailed in Appendix 1.
3. Agreed that licences currently subject to a fixed three year period and due for renewal in June 2021 continue to be granted on that basis.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 March 2021, submitted)

12. NPDO & HUB DBFM SCHOOLS ANNUAL PROGRESS REPORT

The Council gave consideration to a report summarising progress in relation to the Council's NPDO and Hub DBFM projects to the end of March 2021 and in particular provided an update on the current financial position of both projects.

Decision

The Council –

1. Noted the contents of the report.
2. Agreed that the Executive Director with responsibility for Legal and Regulatory Support brings forward a report to Policy and Resources and / or Community Services Committee(s) in 2021 on the final position in regard to the Change In Law Fund.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated March 2021, submitted)

13. COMMUNITY LEARNING AND DEVELOPMENT SERVICE - TRANSFER TO LIVE ARGYLL

The Council gave consideration to a report providing an update on the review process on the future delivery of the Community Learning and Development (CLD) Services. The review concluded that there would be merit in putting in place an alternative delivery model for that service area whereby Live Argyll would assume responsibility as the delivery partner.

Decision

1. Noted the terms of the engagement that has taken place with Live Argyll in respect of assuming responsibility as the delivery partner for CLD Services.
2. Approved the transfer of the CLD service to Live Argyll including the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) transfer of the current staff.
3. Agreed that the Head of Education – Lifelong Learning and Support puts in place the next steps to transfer CLD Services to Live Argyll, in line with the proposed governance arrangements.

4. Noted that future progress reporting on the transfer/CLD Service will be to the Community Services Committee.

(Reference: Report by Executive Director with responsibility for Education dated 23 March 2021, submitted)

14. REST AND BE THANKFUL UPDATE

The Council gave consideration to a report confirming that a preferred set of options contained in corridor 1 had been announced by the Cabinet Secretary and that 5 individual options within this corridor were currently out for consultation. The report recommended that the Council agree at a political level to lobby the Scottish Government that other infrastructure is upgraded.

Decision

The Council –

1. Acknowledged the Scottish Government's commitment to progress a permanent solution within Corridor 1, Glen Croe at the Rest and Be Thankful, and reiterated the urgency and the vital importance of clear and non-negotiable timescales for driving development, design and delivery of the final decision without any further delay.
2. Called for the delivery of the most resilient and sustainable, permanent solution within the lifetime of the next Scottish Parliament.
3. Reaffirmed the imperative need in the meantime to maintain reliable connections to and from Argyll and Bute while the permanent solution is being progressed and, crucially, while the region's economy builds back towards full recovery. To achieve this, asked the Scottish Government to provide, as a matter of urgency, a safe and resilient interim route that allows work on the permanent solution and travel into and out of Argyll and Bute to continue without impediment.
4. Given the vital importance of resilience and continuity of connection, agreed to seek urgent clarification from the Scottish Government about the action it proposes to take now to ensure that Argyll and Bute's links to and from the central belt are maintained and protected from the serious risks of prolonged disruption to both the A83 main route and the current Old Military Road alternative route.
5. Local infrastructure plays a key role in supporting alternative and diversion routes when the A83 and/or the Old Military Road is affected by closure, ensuring that essential traffic like emergency services, delivery of supplies and transport of local produce to market can continue. While diversion routes are still required, this local infrastructure must remain available and sustainable.

The council therefore asked the Scottish Government to recognise the crucial contribution that local infrastructure makes to this overall situation by contributing to the cost of delivering improvements to support movement of traffic as well as mitigating against the considerable impact and pressure, as detailed in paragraph 3.5 of the report.

6. Noted that Transport Scotland is currently running a consultation on five route options; further noted that Transport Scotland has agreed to provide a presentation on this for

elected members; and agreed to delegate the final wording of the council's response to the current consultation to the Executive Director with responsibility for Roads and Infrastructure, in consultation with the Leader of the Council, the Policy Lead Councillor for Roads and Infrastructure, and the Leader of the largest Opposition Group, and to incorporate feedback from the presentation to all councillors.

7. Noted the council's previous request to the Scottish Government, in October 2020, for representation on any project board or similar, and agreed to seek an update in this respect.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated March 2021, submitted)

15. RECOMMENDATION FROM MID ARGYLL, KINTYRE AND THE ISLANDS AREA COMMITTEE IN RESPECT OF PETITION NO. PE01853

The Council gave consideration to a recommendation from the Mid Argyll, Kintyre and the Islands Area Committee of 3 March 2021 in respect of Petition no. PE01853.

Decision

The Council agreed the recommendation from the Mid Argyll, Kintyre and the Islands Area Committee to support Petition No. PE01853.

(Reference: Extract from the Minute of Mid Argyll, Kintyre and the Islands Area Committee held on 3 March 2021, submitted)

16. REVIEW OF THE HEALTH AND SOCIAL CARE INTEGRATION SCHEME

A report advising that the revised Health and Social Care Integration Scheme had been signed off by the Scottish Government and that arrangements could now be put in place by the two parent bodies to publish the document was before the Council for noting.

Decision

The Council –

1. Note that the Integration Scheme has been approved by the SG and that arrangements will now be put in place by the two parent bodies to publish the document.
2. Note that a similar report is being tabled at the NHS Highland Board and the Integration Joint Board to advise of the position.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 March 2021, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and 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 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillors Robin Currie and Andrew Vennard, having previously declared an interest in the following item of business, left the meeting and took no part in the consideration of the item.

17. RECOVERY OF OUTSTANDING DEBT

The Council gave consideration to a report in respect of the recovery of outstanding debt.

Decision

The Council agreed the recommendations contained within the submitted report.

Councillor George Freeman who had moved an amendment which failed to find a seconder, requested that his dissent be recorded from the foregoing decision.

(Reference: Report by Executive Director with responsibility for Financial Services dated 31 March 2021, submitted)