Present:  Convener William Petrie (Chair)

Councillor Robin Banks  Councillor Alastair McKinlay
Councillor Brian Chennell  Councillor Gordon McKinven
Councillor Rory Colville  Councillor James McQueen
Councillor Robin Currie  Councillor Bruce Marshall
Councillor John Findlay  Councillor Gary Mulvaney
Councillor George Freeman  Councillor Al Reay
Councillor Ian Gillies  Councillor Bruce Robertson
Councillor Daniel Kelly  Councillor Elaine Robertson
Councillor Ronald Kinloch  Councillor Len Scoullar
Councillor Allan Macaskill  Councillor Moyra Stewart
Councillor Sidney MacDougall  Councillor Isobel Strong
Councillor Robert Macintyre  Councillor John Tacchi
Councillor Donald MacMillan  Councillor Eric Thompson
Councillor John McAlpine  Councillor Dick Walsh
Councillor Donald McIntosh

Attending:  James McLellan, Chief Executive
Nigel Stewart, Director of Corporate Services
Douglas Hendry, Director of Community Services
Andy Law, Director of Operational Services
Dave Duthie, Head of Transportation & Infrastructure
Mike Geragthy, Project Director
Judy Orr, Head of ICT & Financial Services
Gavin Brown, NHS Argyll & Clyde
Erik Jespersen, NHS Argyll & Clyde

Apologies:  Councillor Douglas Currie  Councillor Alistair MacDougall
            Councillor Alison Hay  Councillor Duncan MacIntyre

1. DECLARATIONS OF INTEREST

Councillors Petrie and Reay each declared a financial interest in relation to the report on Council Tax Discount on Second Homes which is dealt with at item 5 of this minute because they owned other property that may be used as second homes. Both Councillors left the room and took no part in the discussion on the item and the Vice-Convener, Councillor MacMillan took the chair for that item.

2. (a) HEALTH SERVICES IN ARGYLL AND BUTE

There was a short presentation by Gavin Brown, Head of Planning & Public Involvement and Dr. Erik Jespersen of NHS Argyll & Clyde on the decisions of the Health Board following the recent consultation on the Board’s proposed Clinical Strategy. They gave the background on the context and the need for change and answered various questions put to them from Members.

The Council also considered a recommendation by Helensburgh & Lomond Area Committee with regard to the decision by the Argyll & Clyde Health Board to close the Jeannie Deans Unit in Helensburgh.
Decision

1. That this Council notes with regret the decision of NHS Argyll and Clyde at its recent meeting to accept the recommendations for full implementation of care in the community for mental health, learning disabilities and services for older people resulting in the closures of:-

- The Argyll and Bute Hospital
- Dumbarton Joint Hospital
- Merchiston Hospital
- Ravenscraig Hospital
- Victoria Infirmary

2. The Council further notes the explicit commitment given by NHS Argyll and Clyde that no beds or services are to be closed until replacement services are in place and that there will be full involvement of patients, carers, staff and partners throughout the detailed planning and re-provision process.

3. That the Council reinforces the unanimous position that it adopted in its response to the Clinical Strategy for the total health care service provision in Argyll and Bute which includes the future of the Jeannie Deans Unit rather than single out one particular facility or area.

4. That the Council confirms its intention to do all it can through its representatives within the proposed Community Development Programme discussions for Argyll and Bute as a whole and to ensure that the shape of the new service provides for the most appropriate patient care pathways that are fully funded and developed by NHS Argyll and Clyde in a way that reflects the wishes and particular needs of all who will require to use them.

5. That the Director of Community Services and Spokesperson for Education, Social Work and Health reports to Members of the Council on the progress and outcome of those discussions.

(Ref: Recommendation by Helensburgh & Lomond Area Committee of 9 November 2004, submitted).

2. (b) ARGYLL AND CLYDE COMMUNITY DEVELOPMENT PROGRAMME

The Council was invited to appoint 4 Councillors to become members of the newly formed Project Steering Group within the proposed Argyll and Clyde Community Development Programme to lead and participate in the process to develop a modernised and sustainable health care service for Argyll & Bute.

Decision

1. The Council agreed to appoint 5 Councillors to the Project Steering Group namely:-

   Leader of the Council (or in his absence Councillor Robin Banks, Depute Leader of the Council)
   Spokesperson for Housing.
   Vice-Convener
   Councillor Alison Hay
2. The Council further proposed that the Director of Community Services be included in the Group.

(Ref: Report by Director of Corporate Services dated 11 November 2004, submitted)

3. MINUTES

The Council approved the minutes of the Council of 27 October 2004 as a correct record.

Arising under item 3(1) (Network Rail – Telecommunications Mast at Craigendorran Station) the Director of Corporate Services advised on subsequent developments and on the correspondence from the Leader of the Council to COSLA on this matter.

4. MINUTES OF COMMITTEES

The Council considered the following minutes. They approved the recommendations of those Committees subject to what is shown below:-

(a) Oban, Lorn & the Isles Area Committee 6 October 2004
(b) Special Committee on the Education NPDO 13 October 2004
(c) Bute & Cowal Area Committee 2 November 2004
(d) Mid Argyll, Kintyre & Islay Area Committee 3 November 2004
(e) Strategic Policy Committee (Education) 4 November 2004
(f) Strategic Policy Committee 4 November 2004

Arising under item 9 (Port Askaig Redevelopment – Project Funding) the Head of Transportation and Infrastructure advised that the Scottish Executive funding had now been approved. The Council approved the revision of the budget for Port Askaig to £8,304,000 subject to confirmation of the additional ERDF funding.

(g) Helensburgh & Lomond Area Committee 9 November 2004
(h) Special Committee on the Education NPDO 11 November 2004

5. COUNCIL TAX DISCOUNT ON SECOND HOMES AND LONG TERM EMPTY HOMES

The Vice-Convener took the Chair for this item of business.

At its meeting on 27 October, the Council agreed to reduce the discount for certain unoccupied properties to 10%. The Council deferred to this meeting consideration of the classes of unoccupied dwellings the discount should apply to and also consideration of the process for assessing proposals for utilisation of the additional income from the reduction of the discount.

The Council considered a further report by the Head of ICT and Financial Services with regard to the proposals.
Decision

Agreed:-

1. The reduction in discount from 50% to 10% should be applied to dwellings that are second homes.

2. That consideration of the reduction in discount to be applied to empty dwellings be referred to a Special Council meeting on 21 December 2004.

3. The Strategic Policy Committee reports to the Council in due course following consideration of proposals from the Director of Community services for utilisation of the additional income from the reduction of the discount following discussions with Communities Scotland and/or Registered Social Landlords.


6. AUDIT OF ACCOUNTS 2003/04: MEMBERS LETTER/AUDIT OF ACCOUNTS AND CERTIFIED ACCOUNTS

The external auditors, Audit Scotland, had completed their audit of the Council’s accounts for the year to 31 March 2004. The Certified Accounts and Report to Members were submitted for consideration together with the Audit Certificate which the Council were asked to note contained no qualifications.

Decision

1. To note the Certified Accounts, the terms of the Audit Certificate and Report to Members.

2. To instruct the Audit Committee to monitor the external auditors’ recommendations as contained within the submitted action plan.


7. ARGYLL COMMUNITY HOUSING ASSOCIATION: COMMITTEE OF MANAGEMENT

The Council was invited to appoint 5 Councillors to become Members of the Committee of Management of Argyll Community Housing Association (ACHA), to be constituted soon and incorporated under the Industrial and Provident Societies Act 1965.

Decision

Agreed to appoint Councillors Sidney MacDougall, Gordon McKinven, Bruce Robertson, Moyra Stewart and Isobel Strong.

(Ref: Report by Director of Corporate Services dated 24 November 2004, submitted).

8. REVIEW OF ELECTORAL ARRANGEMENTS

The Council was invited to consider the first report from the Policy Development Group previously set up by the Council to take forward matters relating to the Review of the Electoral Arrangements in Argyll and Bute as required by the Local Governance (Scotland) Act 2004.
Decision

1. Agreed to adopt the Policy Development Group’s report as representing the
   Council’s views for submission to the Local Government Boundary Commission
during Stage 1 of the Review.

2. Agreed to hold a Special Council Meeting on Tuesday 21 December 2004 to
   consider the Policy Development Group’s second report which will contain more
detailed proposals regarding possible future electoral wards for Argyll and Bute
and agreed that a seminar for all Councillors be held on Monday 13 December
2004 to enable the Policy Development Group to consult with all Members
during the development of its proposals.

(Ref: Report by Director of Corporate Services dated 15 November 2004, submitted).

The Committee resolved in terms of Section 50A94) of the Local Government (Scotland)
Act 1973, to exclude the public for the following 2 items of business on the grounds that
it was likely to involve the disclosure of exempt information as defined in paragraphs 6
and 9 respectively Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. PPP/EDUCATION NPDO PROJECT

The Council considered a report by the Project Director which advised that Financial
Close in respect of the Education PPP/NPDO project in December 2004 was unlikely
and indicated the causes and impact of this delay.

Motion

That the Council notes the contents of the report and agrees that an early Financial
Close be pursued.

Moved by Councillor Macaskill, seconded by Councillor Banks

Amendment

This Council finds it unacceptable that neither a definite date can be set on the financial
close of this project nor a reduced scope value is available and therefore resolves that:

1. The Chief Executive takes personal charge of this project.

2. As there is no clarity in the final costs of External Advisors, in final pricing; in
   closure of land acquisitions; or on closure of planning matters, sufficient
   resources are made available immediately to produce a report that gives:

   (a) Definitive and firm costs of employing External Advisors until 31 March
       2005
   (b) A time targeted report on Land Acquisition issues as identified in
       Appendix 3 of the report.
   (c) A time targeted report on Planning Issues as identified in Appendix 4 of
       the report.
   (d) A time targeted report on completion of Best Value evaluation of
       Precept’s proposals.

3. That the Chief Executive makes such a report available to the Council at its
   meeting on 21 December 2004 and at the same time reports on the total
   expenditure incurred and projected to 31 December 2004 of this project; and

4. Notes with concern that a project originally conceived to modernise twenty eight
schools – agreed in October 2002, had reduced to seventeen schools by July 2004, with the clearest indication at the July 2004 meeting that only eleven schools appeared affordable, and further notes that this project fails to meet the needs of our citizens therefore:

a) Instructs the Chief Executive to enter immediate negotiations with the Scottish Executive, in the light of the Spending Proposals 2005-2008 – which indicated sums of £160 million in 2006-07 and £185 million in 2007-8 – to seek greater support for our new and modernised schools in line with Government Objective 2 Target 6 of Education and Young People.

b) Reports to this Council on 20 January 2005 on the outcomes of such discussions.

Moved by Councillor Tacchi, seconded by Councillor Colville.

Decision

The motion was carried by 22 votes to 5 and the Council resolved accordingly.

(Ref: Report by Project Director dated 16 November 2004, submitted).

10. CAMPBELTOWN NEW QUAY

The Strategic Policy Committee on 4 November delegated to the Director of Development Services (in consultation with a number of Members) to approve progression of the Campbeltown New Quay scheme based on the revised detailed business case once tender prices were available, and subject to a satisfactory agreement with the company concerned regarding the method and level of charging.

A report was submitted by the Director of Development Services which provided an update on the business case now that tenders had been returned which allowed the Council to consider whether the Scheme should be approved for progression to the acceptance of a tender.

Motion

That the Council proceeds with the project and that the Director of Development Services accept the most economical tender on the condition that a firm commitment has been received from the company concerned to meet in full the increased pier dues needed to cover the additional unsupported loan charges incurred by the Council over a 20 year period, noting the implications for future capital expenditure should the company fail to make the payments due.

Moved by Councillor Macaskill, seconded by Councillor Colville.

Amendment

That the Council does not proceed with the project and accordingly not accept any of the tenders.

Moved by Councillor Mulvaney, seconded by Councillor Daniel Kelly.

Decision

The motion was carried by a substantial majority (3 Members having voted for the amendment) and the Council resolved accordingly.
(Ref: Report by Head of Transportation & Infrastructure dated 19 November 2004 submitted and Report by Head of Transportation & Infrastructure dated 23 November 2004, tabled)