

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 23 AUGUST 2012**

Present:

Provost Isobel Strong (Chair)

Councillor Blair	Councillor R E Macintyre
Councillor Breslin	Councillor MacMillan
Councillor Corry	Councillor McNaughton
Councillor Currie	Councillor McQueen
Councillor Dance	Councillor Marshall
Councillor Devon	Councillor A Morton
Councillor Freeman	Councillor E Morton
Councillor Glen-Lee	Councillor Mulvaney
Councillor Hall	Councillor Robb
Councillor Horn	Councillor Robertson
Councillor Donald Kelly	Councillor Scoullar
Councillor Kinniburgh	Councillor Semple
Councillor McAlpine	Councillor Taylor
Councillor McCuish	Councillor Trail
Councillor MacDonald	Councillor Walsh
Councillor MacDougall	
Councillor D 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
Charles Reppke, Head of Governance and Law
Bruce West, Head of Strategic Finance
Jim Robb, Head of Adult Care
Donald MacVicar, Head of Community and Culture
Malcolm MacFadyen, Head of Facility Services
Judy Orr, Head of Customer and Support Services
Aileen Goodall, Lead Officer, Opportunities for All
Suzie Vestri, Campaign Director, See Me Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Douglas Philand, Councillor Robert G MacIntyre and David McEwan

2. NOTICE OF MOTION UNDER STANDING ORDER 14

The Head of Governance and Law advised that in terms of Standing Order 14 the following Urgent Notice of Motion was before the Council for consideration –

“Argyll & Bute Council notes with delight the major success of Luke Patience from Rhu and his team-mate Stuart Bithell in securing a silver medal in the Men’s 470 Class Sailing Event at the 2012 London Olympic Games.

On behalf of the residents of Argyll and Bute, the Council agrees to pass on their

congratulations to Luke for this significant achievement and wish him further success in future for sailing events that he may participate in.

Given that Argyll and Bute has some of the best sailing waters in Great Britain, the Council hopes that the success of Luke will inspire and encourage many young people across Argyll & Bute, to consider taking up sailing with one of the many superb sailing clubs in the area.

Argyll & Bute also recognises the tremendous achievement of Helensburgh wheelchair tennis player Gordon Reid in being selected for the Paralympic Games and wish him every success.”

Proposed Councillor George Freeman. Seconded Councillor James Robb.

The Provost ruled that she considered the item was competent and urgent given the timing of the event and the Council agreed to consider the Motion and this is dealt with at item 26 of this minute.

3. DECLARATIONS OF INTEREST

Councillor Alistair MacDougall declared a non-financial interest in relation to item 23 of the agenda (Maximum Recommended Fairscale for Council Supported Bus Services).

4. MINUTES

The Minutes of the Meeting of Argyll and Bute Council held on 28 June 2012 were approved as a correct record subject to the following amendments –

Item 7a (Planning, Protective Services and Licensing Committee and Regulatory Cohort Resignation) - Agreed that the decision be amended to read “The Opposition declined the appointment on the basis they had already made the proportional commitment and the administration agreed to consider a nomination and report to a future meeting of the Council.”

Item 8 (Informal Referendum on Colquhoun Square, Helensburgh) – Agreed paragraphs 11 and 12 be replaced with paragraphs 11, 12 and 13 as follows –

“11. Notes that the original remit for the project was economic regeneration and the consultation was to be aimed at residents, visitors and business. The referendum carried out on Monday 25th June did not attempt to engage either visitors or businesses.

12. Instructs officers to bring forward a detailed paper on the additional costs involved in carrying out the informal referendum and consultation, including the design fees for the new options; the mailshot to all households; the officer time costed in promoting, organising and running the referendum/consultation.

13. Note the risk to the project from the potential loss of the SMT money.”

Item 9 (Appointment of Armed Forces Champion) - The decision be amended to read “Councillor Maurice Corry was appointed as Armed Forces Champion and the Council instructed the Executive Director of Customer Services to report to a future meeting on the role and remit.”

5. SEE ME PLEDGE

Suzie Vestri, Campaign Director of See Me Scotland, was invited by the Provost to give a short presentation to the Council on the work of See Me Scotland. Following the presentation; the Chief Executive and the Leader of the Council signed the See Me Pledge with the Campaign Director.

6. PROGRAMME OF MEETINGS

The Council's Standing Orders for Meetings require that a Programme of Meetings be approved for the Council and its Committees for the forthcoming year. The approved Programme of Meetings had run until the end of April 2012 and the Council considered a report inviting them to approve a Programme of Meetings which would run from August 2012 to April 2013.

Decision

Approved the Programme of Meetings for the year 2012/13.

(Reference: Report by Executive Director – Customer Services dated 14 August 2012, submitted)

7. APPOINTMENT OF A SUBSTITUTE MEMBER TO STRATHCLYDE CONCESSIONARY TRAVEL SCHEME JOINT COMMITTEE

At its meeting on 22 May 2012, the Council made a number of appointments to Outside Bodies, Statutory Joint Boards and Joint Committees. Councillor John Semple had been appointed to sit as a substantive member on Strathclyde Concessionary Travel Scheme Joint Committee and on 1 August 2012, notice was given by SPT that the Council must also appoint a substitute member to the Joint Committee. The Council considered a report which invited them to make an appointment of a substitute member to sit on Strathclyde Concessionary Travel Scheme Joint Committee.

Decision

The Council appointed Councillor Trail to sit as a substitute member on Strathclyde Concessionary Travel Scheme Joint Committee.

(Reference: Report by Executive Director – Customer Services dated 2 August 2012, submitted)

8. STRATHCLYDE FIRE AND RESCUE BOARD - SUB-COMMITTEES AND FORUMS

The Council considered a report inviting them to make nominations from the Council's current Strathclyde Fire and Rescue Board members to their Employee and Equality; and Performance and Audit Forums.

Decision

The Council made the following nominations to the Forums of Strathclyde Fire and Rescue Board –

Employee and Equality Forum – Councillor John MacAlpine
Performance and Audit Forum – Councillor Fred Hall

(Reference: Report by Executive Director – Customer Services dated 24 July 2012, submitted)

9. COSLA EXECUTIVE GROUPS

The Convention of Scottish Local Authorities political structure includes six Executive Groups covering the full range of Local Government issues. The Council considered a report inviting them to make a nomination to each of the six COSLA Executive Groups.

Decision

The Council made nominations to the 6 COSLA Executive Groups as follows –

1. Health and Wellbeing – Councillor Ann Horn
2. Education, Children and Young People – Councillor Michael Breslin
3. Community Well-being & Safety - Councillor George Freeman
4. Regeneration & Sustainable Development - Councillor John Semple
5. Resources & Capacity - Councillor James Robb
6. Strategic Human Resource Management - Councillor Douglas Philand

(Reference: Report by Executive Director – Customer Services dated 30 July 2012, submitted)

10. PROPOSED AMENDMENTS TO REMIT OF LEAD COUNCILLORS

The Council considered a report setting out proposed amendments to the remit of Lead Councillors and Depute Lead Councillors.

Decision

1. The Council approved the following amendments to the remits of Lead Councillors and Depute Lead Councillors –

Councillor John Semple – Lead Councillor for Environment, Development, Infrastructure [including roads and amenity services]
(formerly Lead Councillor Energy, Environment, Development, Infrastructure and Tourism)

Councillor Donald Kelly – Lead Councillor Renewables and Tourism
(formerly Lead Councillor Roads and Amenity Services)

Councillor Robert G MacIntyre – Depute Lead Councillor for Environment, Development, Infrastructure [including roads and amenity services] (formerly Depute Lead Councillor Roads and Amenity Services)

Councillor Louise Glen Lee – Depute Lead Councillor Renewables and Tourism
(formerly Depute Lead Councillor Energy, Environment, Development, Infrastructure and Tourism)

2. The Council also agreed the consequent adjustments to the undernoted appointments to outside bodies that arose from the foregoing adjustments to remits

as follows –

Substantive Member of ALI-energy – Councillor Donald Kelly (formerly Councillor John Semple)

Substitute Member of Hitrans – Councillor Robert G MacIntyre (formerly Councillor Donald Kelly)

Substantive Member of West of Scotland Road Safety Forum – Councillor Robert G MacIntyre (formerly Councillor Donald Kelly)

(Reference: Report by Executive Director – Customer Services dated 14 August 2012, submitted)

11. REVENUE BUDGET MONITORING AT 30 JUNE 2012

The Council considered a report which summarised the revenue budget position of the Council as at 30 June 2012 with the overall outturn variance forecast to be an overspend of £15K based on the June budget monitoring exercise. The report detailed financial successes, challenges, risks and future actions; efficiency and other budget savings, objective summary, subjective summary and red variances for each department.

Decision

The Council noted the report .

(Reference: Report by Head of Strategic Finance dated August 2012, submitted)

12. CAPITAL PLAN MONITORING AT 30 JUNE 2012

The Council considered a report which summarised the position for all departments on the Capital Plan as at 30 June 2012. The report compared budget and actual expenditure for the period 1 April to 30 June 2012, forecast and budget expenditure for the whole of 2012-13 and total project forecast and budget expenditure.

Decision

The Council noted the Capital Plan monitoring report.

(Reference: Report by Head of Strategic Finance dated 25 July 2012, submitted)

13. TREASURY MANAGEMENT MONITORING AT 30 JUNE 2012

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

Decision

The Council noted the Treasury Management monitoring report.

(Reference: Report by Head of Strategic Finance dated 13 July 2012, submitted)

The Provost ruled and the Council agreed to adjourn for lunch during consideration of the

following item of business. The meeting adjourned at 1.10pm and reconvened at 1.40pm.

Councillor Vivien Dance and Councillor Robert E MacIntyre left the meeting at 1.10pm.

14. HEALTH AND SOCIAL CARE INTEGRATION: EXTENSION OF CONSULTATION PERIOD

The consultation document on the Integration of Adult Care and Social Care sets out proposals being progressed in relation to this by the Scottish Government. The Council considered a report which set out those proposals by the Scottish Government and also a draft response by the Council to the consultation document which was due for submission by 11 September 2012.

Decision

The Council –

1. Noted the consultation proposals.
2. Authorised the Executive Director – Community Services, in consultation with Group Leaders, to submit the draft response to the Scottish Government taking into account the comments made by Members.

(Reference: Report by Executive Director – Community Services dated July 2012, submitted)

The Provost intimated that an urgent report on the investigation into allegations of inappropriate covert surveillance of social media had been received during the Council's adjournment for lunch. The Provost ruled that she considered this item to be urgent due to recent media coverage of disciplinary proceedings involving a Council employee and also the general need to provide public reassurance. The Council agreed to consider the item as a matter of urgency and this is considered at item 15 of this Minute.

15. INVESTIGATION INTO ALLEGATIONS OF INAPPROPRIATE COVERT SURVEILLANCE OF SOCIAL MEDIA BY A COUNCIL EMPLOYEE

A report which provided the Council with an executive summary of the key findings and conclusions arising from the investigation into the recent allegation of inappropriate covert surveillance of social media by a Council employee.

Decision

The Council –

1. Welcomed the investigation report which concluded that there was no evidence of any form of spying or covert surveillance activities having been carried out by any employee within the Council's Communication Team.
2. Noted that the investigation report concluded that there was sufficient cause that a Council employee should be subject to the Council's disciplinary procedures.
3. Noted that there are some links from the investigation to the Council's internal disciplinary process and that the Executive Director – Customer Services is continuing to monitor and consider the legal position as matters proceed.

(Reference: Report by Executive Director – Development and Infrastructure Services

and Lead Disciplinary Officer dated 17 August 2012, tabled)

Councillor Mary Jean Devon left the meeting at this point.

16. LEISURE SERVICES: SUPPORTED ACCESS TO LEISURE FACILITIES FOR PERSONS IN TREATMENT OR RECOVERY FROM DRUG AND ALCOHOL RELATED ISSUES

The Council considered a report outlining a proposal for persons who are in formal treatment or recovery programmes for drug and alcohol related problems to have free access to leisure facilities.

Decision

The Council –

1. Agreed that a standard formal partnership arrangement be drawn up with all support services wishing to use council leisure facilities. The arrangement would allow free access to members of the community who are participating in a formal treatment or recovery programme for drug and alcohol misuse.
2. Agreed that the arrangement follows the referral process currently set up for individuals attending the argyllactive programme. The individual, with their consent, would be referred to the Fitness Coordinator who will process their referral and book them in for induction.
3. Agreed that Individuals who require supervised support would access the facility under the same arrangements with their support worker present at all times. This process would be under the agreed terms of the partnership arrangement and associated local leisure facility
4. Agreed that the partnership arrangement would be evaluated and monitored through production of attendance figures by Leisure Services and quarterly meetings of a small multi agency project team. An annual report of overall usage with feedback from the support sector services as well as associated comments from individual attendees will be submitted to the Council after 12 months. The report would highlight successes of the service provided and identify any potential development or improvement opportunities.

(Reference: Report by Executive Director – Community Services dated 2 March 2012, submitted)

Councillor Alistair MacDougall and Councillor John MacAlpine left the meeting at this point.

17. STRATEGIC HOUSING FINANCE REVIEW - INCREASING ACCESS TO SUITABLE, AFFORDABLE HOUSING

The Council approved its Local Housing Strategy 2011-2015 at its meeting in November 2011 with the vision “to realise the potential of our communities by ensuring that people have access to affordable, sufficient and suitable housing in Argyll and Bute”. The Council considered a report setting out proposals to ensure that the Council makes a positive contribution towards that vision.

Decision

The Council approved the six options as detailed at paragraph 3.4 of the report by the Executive Director.

(Reference: Report by Executive Director – Community Services dated 23 July 2012, submitted)

18. OPPORTUNITIES FOR ALL IN YOUTH EMPLOYMENT

The Council considered a report providing an update on the Scottish Government's policy "Opportunities for All" which focuses on supporting disengaged/disaffected young people to secure sustainable employment, training or education. The report provided information on the approach to be developed within Argyll and Bute to meet the Opportunities for All policy.

Decision

The Council –

1. Noted the information and approach to be taken to develop a strategy to meet the Opportunities for All policy in conjunction with the 16+ Learning Choices Partnership Group.
2. Endorsed the focus on preventative work with young people at risk and on looked after children within the strategy and subsequent initiatives to secure positive destinations for young people.
3. Noted the proposed Rural Action Forum on Youth Employment scheduled for 18 September 2012.

(Reference: Report by Executive Director – Customer Services dated August 2012, submitted)

19. QUALITY ASSURANCE - CARE AT HOME SERVICES

At their meeting on 28 June 2012 the Council requested further information on the proposed quality assurance/monitoring/care management arrangements. A report providing details of those proposed arrangements and the implications for the Home Care Organiser role was considered.

Decision

The Council -

1. Noted the content of the report and appendices.
2. Agreed the requirement for the introduction of Home Care Procurement Managers.
3. Agreed that Council in house services be subject to the same level of scrutiny and quality assurance from the Home Care Procurement Manager as externally commissioned services.

(Reference: Report by Executive Director – Community Services dated July 2012, submitted)

20. ROADS ISSUES

The Council considered a Motion by the Mid Argyll, Kintyre and the Islands Area Committee from their meeting held on 1 August 2012 requesting an explanation of the reasoning behind changes made to the Capital Roads Reconstruction Budget 2012/13 without recourse to the Area Committee.

Decision

The Council noted that the Executive Director – Development and Infrastructure Services had issued an email to Members on 6 August 2012 which had clarified the matters contained within the extract from the Mid Argyll, Kintyre and the Islands Area Committee.

(Reference: Extract from Mid Argyll, Kintyre and the Islands Area Committee held on 1 August 2012 and report by Contracts Manager, Development and Infrastructure Services dated 9 July 2012, submitted)

21. HELENSBURGH PIERHEAD MASTERPLAN APPROVAL FOR A FURTHER ROUND OF PUBLIC CONSULTATION

On 15 December 2012 the Executive authorised the Executive Director of Development and Infrastructure Services to undertake a public consultation on proposed draft masterplans for two key development sites in Helensburgh. Following the consultation the former Hermitage Masterplan was approved but the scale of changes proposed for the Pierhead Masterplan required that a further period of consultation was necessary. A report containing a summary of changes made to the draft Pierhead Masterplan following the consultation period was considered along with the finalised Helensburgh Pierhead Masterplan.

Decision

The Council –

1. Approved the finalised Pierhead Masterplan.
2. Authorised officers to publicise the document for a minimum of 28 days to allow for public comments to be submitted and reported back to the Council.

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2012, submitted)

22. SOCIAL MEDIA POLICY

The Executive Director – Customer Services advised that after discussion with the Lead Councillor for Communications; this item would be withdrawn due to the need for further information and would be considered at a future Council meeting.

23. COMMUNICATIONS STRATEGY

The Executive Director – Customer Services advised that after discussion with the Lead Councillor for Communications; this item would be withdrawn due to the need for further information and would be considered at a future Council meeting.

The Executive Director – Customer Services advised that the Highland Broadband Pathfinder report that was due for consideration at this point on the agenda contained information regarding tenders which had not been apparent at the time the agenda was issued. He advised that this item would be considered after the press and public had been excluded from the meeting. This item is dealt with at item 27 of this minute.

Councillor James McQueen left the meeting at this point.

24. MAXIMUM RECOMMENDED FARESCALE FOR COUNCIL SUPPORTED BUS SERVICES

The Council sets a maximum fare which applies on local bus services operated on the Council's behalf. The scale had last been revised with effect from July 2010 and the Council considered a report containing a revised maximum permitted farescale for local bus services with a view to keeping pace with inflation and also to permit the Councils contractors to maximise their income in the hope of avoiding large cost increases or reduced services in further tender rounds.

Decision

The Council approved the revised maximum farescale as detailed at Appendix 1 to the report by the Executive Director.

(Reference: Report by Executive Director – Customer Services dated 23 August 2012, submitted)

Councillor MacMillan left the meeting at this point.

25. NOTICE OF MOTION UNDER STANDING ORDER 13

In terms of Standing Order 13 the following Notice of Motion was before the Council for consideration -

“Following the closure of the A83 at the Rest and Be Thankful on Friday 22 June because of the high risk of a landslip, and following the publication of a letter from Scottish Cabinet Secretary for Infrastructure and Capital Investment Alex Neil MSP to Argyll and Bute MSP Michael Russell regarding slippage to the programme for designing and constructing an emergency diversion Argyll and Bute Council:

- 1 Acknowledges the concerns expressed by Mid Argyll Chamber of Commerce with regard to Scottish Government delays in designing and constructing an emergency relief road at the Rest and Be Thankful.
- 2 Notes with concern:
 - a) The closure yet again of the A83 on Friday 22 June;
 - b) The slippage in the timetable for designing and constructing an emergency relief road at the Rest and Be Thankful;
 - c) The failure of the Scottish Government to agree the route of the emergency diversion road a month after they were supposed to have completed the design;
 - d) The failure of the Scottish Government to implement the solutions and recommendations relating to the A83 contained in the following report.

Scottish Road Network Landslides Study – Implementation Report (2008)

3 As a result the Council

- a) Agrees to write to the Scottish Cabinet Secretary for Infrastructure and Capital Investment Alex Neil MSP expressing the Council's great concern at the programme slippage;
- b) Calls for an urgent meeting between Mr Neil and a Council delegation;
- c) Agrees to set up a short term working group to seek a permanent solution which can be implemented without further delay."

Proposed by Councillor Rory Colville

Seconded by Councillor Alex McNaughton

Decision

1. The Council noted the advice from Councillor Morton that Councillor Colville wished to withdraw the Motion by reason that a taskforce had now been put in place to monitor and improve the situation.
2. Councillor Morton asked the Leader of the Council to consider whether Councillor Colville could be kept abreast of the progress of the taskforce and this was noted.

(Reference: Notice of Motion by Councillor Rory Colville and Councillor Alex McNaughton, submitted)

26. URGENT MOTION UNDER STANDING ORDER 14

In terms of Standing Order 14 notice had been given of an urgent Motion and Councillor Freeman with the agreement of his seconder, and the Council, moved the following Motion for consideration –

"Argyll & Bute Council notes with delight the major success of Luke Patience from Rhu and his team-mate Stuart Bithell in securing a silver medal in the Men's 470 Class Sailing Event at the 2012 London Olympic Games.

On behalf of the residents of Argyll and Bute, the Council agrees to pass on their congratulations to Luke for this significant achievement and wish him further success in future for sailing events that he may participate in.

Given that Argyll and Bute has some of the best sailing waters in Great Britain, the Council hopes that the success of Luke will inspire and encourage many young people across Argyll & Bute, to consider taking up sailing with one of the many superb sailing clubs in the area.

Argyll & Bute also recognises the tremendous achievement of Helensburgh wheelchair tennis player Gordon Reid in being selected for the Paralympic Games and wish him every success.

The Council also requests that the Provost considers holding a Civic Reception in recognition of the remarkable achievements by both athletes"

Proposed Councillor George Freeman. Seconded Councillor James Robb.

Decision

The Council unanimously agreed the Motion.

(Reference: Notice of Motion by Councillor George Freeman, seconded by Councillor James Robb; tabled)

The Committee 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 6 & 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Ann Horn left the meeting.

27. HIGHLAND BROADBAND PATHFINDER

The Council considered a report which updated them on the progress of the Pathfinder Broadband Re-Procurement Project which aims to provide a continued managed network service after the current contract expires on 20 March 2014.

Decision

The Council agreed the recommendations in the report by the Executive Director.

(Reference: Report by Executive Director – Customer Services dated 21 August 2012, submitted)

Councillor Alex McNaughton, Councillor Bruce Marshall, Councillor Ellen Morton and Councillor Aileen Morton left the meeting at this point.

28. PROVISION OF SCHOOL AND LOCAL TRANSPORT SERVICES ON MULL

A report updating the Council on issues which had arisen from tender exercises for the provision of school and local transport on the Isle of Mull and the steps being taken to address them was considered.

Motion

To set up a Short Life Working Group to address the issues contained in the report by the Executive Director.

Moved Councillor D MacIntyre, seconded Councillor Semple.

Amendment

To agree the recommendations as contained within the report by the Executive Director.

Moved Councillor Robb, seconded Councillor Mulvaney.

Decision

The amendment was carried by 10 votes to 8 and the Council resolved accordingly.

(Reference: Report by Executive Director – Customer Services dated 23 August 2012, submitted)

29. SALE OF LAND AT DUNCLUTHA, DUNOON

The Council considered an extract from the Bute and Cowal Area Committee held on 7 August 2012 and a report providing an update on the sale of land at Dunclutha, Dunoon.

Decision

Agreed the recommendations as contained within the report by the Executive Director.

(Reference: Extract of Minute of Bute and Cowal Area Committee held on 7 August 2012 and report by Executive Director – Customer Services dated 12 July 2012, submitted)