

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 22 JANUARY 2015**

Present:

Provost Len Scoullar (Chair)

Councillor John Armour	Councillor Robert E Macintyre
Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Michael Breslin	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor Jimmy McQueen
Councillor Vivien Dance	Councillor Bruce Marshall
Councillor George Freeman	Councillor Aileen Morton
Councillor Anne Horn	Councillor Ellen Morton
Councillor Donald Kelly	Councillor Gary Mulvaney
Councillor David Kinniburgh	Councillor Dougie Philand
Councillor John McAlpine	Councillor James Robb
Councillor Roderick McCuish	Councillor Elaine Robertson
Councillor Iain Angus MacDonald	Councillor Isobel Strong
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Iain Stewart MacLean	Councillor Richard Trail
Councillor Neil MacIntyre	Councillor Dick Walsh

Attending:

Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Pippa Milne, Executive Director of Development and Infrastructure Services
Bruce West, Head of Strategic Finance
Charles Reppke, Head of Governance and Law

The Provost announced that the Council had received a commemorative limited edition book of the Commonwealth Games 2014 in recognition of the contribution of the people of this area to the success of the Games, the book will be placed in the Members Room. He further added that the Council had also received a presentation copy of Scotland's Shrine – The Scottish National War Memorial which will also be placed in the Members Room.

1. NOTICE OF MOTION UNDER STANDING ORDER 14

The Provost advised that in terms of Standing Order 14 the following Notice of Motion by Councillor Breslin, seconded by Councillor Dance had been received for consideration as a matter of urgency at this meeting:-

“The 3 material changes are:

1. South Cowal Community Development Company notified officers formally on 20 January 2015 that they are unable to take up the offer of a loan of £1m for both financial and legal reasons.
2. SCCDC has also notified officers that they intend to explore other options as a result of having to reject the offer of a loan. Time is required to explore these options.
3. SCCDC has asked Savilles to carry out a formal RICS red book valuation and this will be available on or around Monday 26 January 2015. The expectation is that this valuation will be less than £1m and may be less than the 750k already offered by

SCCDC.

In light of these 3 material changes, this motion requests the Council to extend the right to buy until Friday 27 February in order to allow further negotiations with SCCDC to see if a sale can be concluded.”

The Provost advised that whilst he had some concerns about the competence in the interest of fairness he ruled that the Motion be considered as a matter of urgency by reason of the need for a decision by the Council. The Council agreed to consider the Motion and this is dealt with at Item 16 of this Minute.

2. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Maurice Corry, Mary Jean Devon and Duncan MacIntyre.

3. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

4. SOUTH KINTYRE BY ELECTION

The Returning Officer reported on the results of the election for the return of a Councillor to Ward 1 – South Kintyre which was held on 11 December 2014. John Armour was duly elected a Councillor to the ward and the Provost congratulated Councillor Armour on his election.

5. MINUTES

(a) Argyll and Bute Council 27 November 2014

The Minutes of the Argyll and Bute Council of 27 November 2014 was approved as a correct record.

(b) Special Argyll and Bute Council 18 December 2014

The Minutes of the Special Argyll and Bute Council of 18 December 2014 was approved as a correct record.

6. MINUTES OF COMMITTEES

(a) Special Policy and Resources Committee 27 November 2014

The Minutes of the Special Policy and Resources Committee of 27 November 2014 were noted.

(b) Community Services Committee 11 December 2014

The Minutes of the Community Services Committee of 11 December 2014 were noted.

(c) Policy and Resources Committee 18 December 2014

The Minutes of the Policy and Resources Committee held on 18 December 2014 were noted.

Arising from item 16, the Council-

1. Agreed the definition of roles as set out in Section 4 of the report.
2. Agreed the publication of a notice confirming who the duty holder for the Council's Harbours is (Executive Director of Development and Infrastructure Services), as required by Paragraph 2.4 of the Code, and
3. Agreed the establishment of a single Harbour Authority as a Sub-Committee of the existing Environment, Development and Infrastructure Committee for all Council owned ports and Harbours which should have regard to relevant area representation.

(d) Special Community Services Committee 12 January 2015

The Minutes of the Special Community Services Committee of 12 January 2015 were noted.

(e) Environment, Development and Infrastructure Committee 15 January 2015

The Minutes of the Environment, Development and Infrastructure Committee held on 15 January 2015 were noted.

Arising from item 7, the Council-

Noted the recommendation from the Environment, Development and Infrastructure Committee but agreed to maintain the status quo.

7. LEADER'S REPORT

The Council considered the Leader's report which outlined key activities undertaken within the role of Leader since 19 November 2014 through participation in meetings as follows: COSLA, (Leaders, Strategic HR Executive, Convention) and Highlands and Islands European Partnership and visits to Oban and the Lorn Arc and Moray.

Decision

The Council-

1. Noted the report and that additional documents were available in a Leaders Report Pack through the Leadership Support Officer; and
2. Noted that COSLA papers and briefings are available for viewing for Members, shortly after each meeting, in the Leaders Office.

(Ref: Report by Leader of the Council dated 22 January 2015, submitted)

8. POLICY LEAD COUNCILLORS' REPORTS

(a) Report by Policy Lead Councillor for Community & Culture and Strategic Housing

The Council considered a report by the Policy Lead Councillor for Community & Culture and Strategic Housing, Councillor Robin Currie which provided an update on issues he had been involved in from 1 June to 31 December 2014. Councillor Currie responded to a number of questions arising from his report.

Decision

The Council noted the content of the report.

(Ref: Report by Policy Lead Councillor for Community & Culture and Strategic Housing dated 12 January 2015, submitted)

9. PRIORITIES FOR 2015-2017

The Council considered the priorities for 2015-17 for the Council which had been developed taking account of the key outcomes detailed within the Argyll and Bute Single Outcome Agreement.

Decision

The Council-

1. Agreed the priorities for 2015-17 as set out in Appendix 1 of the submitted report.
2. Noted that the Chief Executive will arrange for the priorities to be incorporated into the Corporate Plan moving forward.

(Ref: Report by Chief Executive dated 22 January 2015, submitted)

10. GAMBLING POLICY - FIXED ODDS BETTING TERMINALS

The Council considered recommendations by the Planning, Protective Services and Licensing Committee which highlighted that concerns had been raised nationally and locally in regard to Fixed Odds Betting Terminals (FOBT) and the potential harm associated with their use.

Decision

The Council agreed-

1. To lobby the Scottish Government to consider applying their devolved powers to reduce the impact on our communities of gambling generally and the use of FOBT in particular.
2. To lobby the UK Government to-
 - Establish a regulatory link between gambling and public health eg to control irresponsible advertising of gambling activities, prevent clustering or allowing local authorities to consider over provision of betting shops and/or
 - Reduce the maximum number of FOBT in betting shops to reduce the stakes available for games and/or
 - Establish a role for local authority or Gambling Commission inspection of the machines once they are on site;
3. To note the model motion (published by the Campaign for Fairer Gambling), which could be considered for amendment for use by the Council attached as Annex 1 to the submitted report, and;
4. To refer the issue to COSLA via the Policy Lead for Community & Culture and Strategic Housing and seek a coordinated approach from the Scottish local authorities to the Scottish Government and UK Government.

(Ref: Report by Executive Director of Customer Services dated 17 December 2014 and Recommendation by the Planning, Protective Services and Licensing Committee, submitted)

11. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Council considered a report which advised that the Electoral Registration and Administration Act 2013 required Argyll and Bute Council to undertake a review, by the end of February 2015, of polling districts and polling places within the Argyll and Bute UK Parliamentary Constituency for the purposes of UK Parliamentary, Scottish Parliamentary, European Parliament and Local Government elections.

Decision

The Council-

- (a) Noted that polling districts and polling places will continue to be reviewed on an on-going basis by the Returning Officer to whom authority has already been delegated to make alterations in response to changing circumstances;
- (b) Noted that under the provisions of the Electoral Registration and Administration Act 2013 a further formal review of polling districts and polling places will require to be carried out by the end of February 2020 and on a 5 yearly basis thereafter;
- (c) Approved the scheme of polling districts and polling places detailed in Appendix 1 on the basis that there are no changes proposed at this time; and
- (d) Agreed
 1. that in the event of there being no material representations received from the consultation to delegate approval of the scheme to the Executive Director of Customer Services or
 2. if there are material representations received to delegate to the Policy and Resources Committee to determine, at their meeting on 19th March, any amendments to the attached proposals in light of representations received by 20th February 2015.
- (e) Noted that as part of a major Boundary Commission review that will come forward later this year, the Council will have regard to the discontinuation of the use of schools as polling stations and a further report will be brought to Committee later in 2015.

(Ref: Report by Executive Director of Customer Services dated 5 January 2015, submitted)

12. APPOINTMENT OF RECRUITMENT PANEL: POST OF HEAD OF STRATEGIC FINANCE

The Council considered a report which invited the Council to establish an Appointments Panel to appoint to the post of Head of Strategic Finance.

Decision

1. The Council established an Appointments Panel of 7 Members being Councillors Scoullar, Walsh, E Morton, Mulvaney and A Morton from the Administration and 2 Members from the Opposition to be notified to the Executive Director of Customer Services, to approve the short list, interview the short listed candidates and make an appointment to the post of Head of Strategic Finance.
2. Noted that as an operational matter, arrangements will be made as necessary to ensure continuity of service delivery.

(Ref: Report by Executive Director of Customer Services dated 22 January 2015, submitted)

13. SCOTTISH GOVERNMENT REPORTERS FINDINGS ON THE PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN

The Council considered a report which advised of the content of the Examination Report; provided information to allow the Council to consider the recommendations contained within that report, and; to progress the Proposed Local Development Plan through the adoption process, with a view to it being fully adopted by spring 2015.

Decision

The Council-

1. Noted and endorsed the contents of the submitted report.
2. Agreed the recommendations contained within the Scottish Government Reporter's Examination Report.
3. Agreed to the submission of the revised local development plan to the Scottish Ministers in the spring of 2015 stating intent to adopt as modified in accordance with the recommendations in the report of Examination and taking into account any consequential amendments.
4. Delegated authority to the Executive Director of Development and Infrastructure Services to move this matter forward on behalf of the Council, including all statutory requirements.
5. The Council recognised the considerable efforts made by staff past and present, in Development Management to deliver this important piece of business. This plan provides opportunities for growth and will assist in the delivery of key S.O.A. outcomes.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 22 January 2015, submitted)

14. MACRIHANISH AIRBASE COMMUNITY COMPANY (MACC) BASE COUNCIL SUPPORT

The Council considered a report from the Mid Argyll, Kintyre and the Islands Area Committee which outlined the Council's current work with the Machrihanish Airbase Community Company (MACC) and their continued support for MACC as it sought to optimise economic development on the base.

Decision

The Council noted the contents of the submitted report and agreed that a letter be written to the MOD supporting MACC's request to remove the Overage Agreement.

(Ref: Report by the Executive Director of Development and Infrastructure Services dated 22 January 2015 and Recommendation from the Mid Argyll, Kintyre and the Islands Area Committee, submitted)

15. LORN ARC TAX INCREMENTAL FINANCING (TIF) PROGRAMME INITIATION DOCUMENT REPORT

The Council considered a report which outlined the background to the Lorn Arc TIF programme and requested approval of the Programme Initiation Document (PID).

Decision

The Council approved the Lorn Arc TIF Programme Initiation Document including the following significant elements:-

- approval to borrow under the TIF regime for Lorn Arc programme capital costs;
- approval of the governance arrangements for the Lorn Arc programme, including the roles of the Policy and Resources Committee and Oban, Lorn and the Isles Committee;
- approval of a 6 year revenue budget for the Lorn Arc programme team/office utilizing the balance on the General Fund earmarked to support the SOA;
- approval of the process for individual project start-ups, including the borrowing required for feasibility work and Full Business cases for each of those projects;
- approval to delegate delivery of the projects to the Executive Director of Development and Infrastructure, in conjunction with the Head of Strategic Finance and the Head of Customer and Support Services, following Policy and Resources Committee approval of the individual Full Business Cases;
- approval to nominate the Executive Director of Development and Infrastructure to be the Council's nominated representative on the TIF Executive.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 5 January 2015, submitted, PID document exempt, submitted, amended Report, tabled)

16. NOTICE OF MOTION UNDER STANDING ORDER 14

In terms of Standing Order 14 the following Notice of Motion had been received for consideration as a matter of urgency at this meeting.

Motion

The 3 material changes are:

4. South Cowal Community Development Company notified officers formally on 20 January 2015 that they are unable to take up the offer of a loan of £1m for both financial and legal reasons.
5. SCCDC has also notified officers that they intend to explore other options as a result of having to reject the offer of a loan. Time is required to explore these options.
6. SCCDC has asked Savilles to carry out a formal RICS red book valuation and this will be available on or around Monday 26 January 2015. The expectation is that this valuation will be less than £1m and may be less than the 750k already offered by SCCDC.

In light of these 3 material changes, this motion requests the Council to extend the right to buy until Friday 27 February in order to allow further negotiations with SCCDC to see if a sale can be concluded.

Moved by Councillor Breslin, seconded by Councillor Dance.

Amendment

To endorse and reaffirm the decisions taken by the Policy and Resources Committee of 18 December 2014 and to take no further action with regard to the proposal contained in the urgent motion.

Moved by Councillor Walsh, seconded by Councillor E Morton.

The requisite number of Members required the vote to be taken by calling the roll and Members voted as follows:-

Motion

Councillor Armour
Councillor Blair
Councillor Breslin
Councillor Dance
Councillor Horn
Councillor MacDonald
Councillor N MacIntyre
Councillor R E Macintyre
Councillor MacLean
Councillor Marshall
Councillor Robb
Councillor Strong
Councillor Taylor
Councillor Trail

Amendment

Councillor Colville
Councillor Currie
Councillor Freeman
Councillor Kelly
Councillor Kinniburgh
Councillor McAlpine
Councillor McCuish
Councillor MacDougall
Councillor R G MacIntyre
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor A Morton
Councillor E Morton
Councillor Mulvaney
Councillor Philand
Councillor Robertson
Councillor Scoullar
Councillor Walsh

Decision

The Amendment was carried by 19 votes to 14 and the Council resolved accordingly.

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 Paragraph 1 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

17. COUNCIL CONSIDERATION OF ABSENCE

The Council considered a report which advised that in terms of the Local Government Scotland Act 1973, Section 35, if a Councillor fails to attend a meeting for a continuous period of 6 months then they cease to be a Councillor unless prior approval to the absence has been given by the Council.

Decision

The Council approved the absence from Council Business of Councillor D MacIntyre due to illness until 31 August 2015, or until his return to business whichever is the earlier. The Council also send their best wishes to Councillor D MacIntyre to make a full recovery and hopes he is back to full health very soon.

(Ref: Report by Executive Director of Customer Services dated 22 January 2015, submitted)