

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on THURSDAY, 30 JUNE 2016**

Present: Councillor Len Scoullar (Chair)

Councillor John Armour	Councillor Roderick McCuish
Councillor Gordon Blair	Councillor John McAlpine
Councillor Michael Breslin	Councillor Julie McKenzie
Councillor Rory Colville	Councillor Alex McNaughton
Councillor Maurice Corry	Councillor James McQueen
Councillor Robin Currie	Councillor Bruce Marshall
Councillor Vivien Dance	Councillor Aileen Morton
Councillor Mary-Jean Devon	Councillor Ellen Morton
Councillor George Freeman	Councillor Gary Mulvaney
Councillor Kieron Green	Councillor Douglas Philand
Councillor Anne Horn	Councillor Elaine Robertson
Councillor David Kinniburgh	Councillor James Robb
Councillor Alistair MacDougall	Councillor Isobel Strong
Councillor Neil MacIntyre	Councillor Sandy Taylor
Councillor Robert E Macintyre	Councillor Richard Trail
Councillor Robert G MacIntyre	Councillor Dick Walsh
Councillor Donald MacMillan	

Attending: Cleland Sneddon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Ann Marie Knowles, Acting Executive Director of Community Services
Pippa Milne, Executive Director of Development and Infrastructure Services
Charles Reppke, Head of Governance and Law
Kirsty Flanagan, Head of Strategic Finance
Fergus Murray, Head of Economic Development and Strategic Transportation
Lorna Pearce, Senior Development Officer
Tom Murphy, Amenity Manager

The Provost welcomed everyone to the meeting.

As 1 July commemorated the commencement of the Battle of the Somme, the Provost asked the Council to stand and recognise those who had lost their lives in the Battle of the Somme.

The Provost extended a warm welcome to Councillor Kieron Green on behalf of the Council as this was his first Council meeting since being elected to the Oban, North and Lorn Ward on 2 June 2016.

The Provost extended a warm welcome to Cleland Sneddon on behalf of the Council as this was his first Council meeting since being appointed as Chief Executive of the Council.

The Provost extended a warm welcome to Ann Marie Knowles on behalf of the Council as this was her first Council meeting since being appointed as Acting Executive Director of Community Services.

The Provost advised that William Marshall, Teacher and Teacher Representative on the Community Services Committee was retiring from the Council today. Billy had qualified from Jordanhill Teacher Training College in 1994 and was provisionally registered with GTC on 24/8/1994. On 5th February 1996 he started with Dunoon Grammar School as a teacher, gaining promotion on 17th August 2006 to Principal Teacher within the school. As EIS representative Billy worked tirelessly with the Council attending various Committees including Community Services Committee, LNCT and JSC Meetings. The Provost thanked Mr Marshall, on behalf of the Council, for his contribution to the Council and wished him well for the future. The Provost noted that although Mr Marshall was not present at this time, it was expected that he would join the meeting later in the day.

The Provost advised that William Crossan, Church of Scotland Representative on the Community Services Committee had recently intimated his resignation. He advised that the Council await nomination from the Church of Scotland of a new representative. He thanked Mr Crossan on behalf of the Council for his contribution to the Council and wished him well for the future.

In respect of item 12 of the agenda (Fifth Statutory Review of Electoral Arrangements – Final Recommendations), the Provost advised that he had agreed, prior to agenda issue, to vary the order of business on the agenda to allow the recommendation from Bute and Cowal Area Committee of 7 June 2016 to be considered at this point on the agenda rather than at the end of the agenda, where recommendations are normally placed, as the recommendation related to the same issue as contained within the report.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Donald Kelly.

2. NOTICE OF MOTION UNDER STANDING ORDER 14

The following Notice of Motion had been submitted as a matter of urgency under the provisions of Standing Order 14 –

It was a matter of due process that the Audit Committee would first examine the issues raised by the Audit Scotland Review of the 2016-17 Budget Setting Process. This matter hasn't been included in the Council agenda for today. The Audit Committee meeting fell within the required notice period for a motion to Council so the Provost is requested to accept this motion as a matter of urgency so the Council can urgently address the issues of potential reputational damage to the Council. So if the Provost is of the opinion this is a matter of urgency under Standing Order 14.1:

The Council:

- Agrees the Audit Scotland Review of the 2016-17 Budget Setting Process raises serious concerns that require urgent consideration by all elected members and notes that this is not currently on this Council agenda as happened with previous reports.
- Notes the relevant decision of the Audit Committee - "The Audit Committee agreed the recommendations contained within Audit Scotland's

report having received a clear management response that the 3 elements will be acted on with regard given to timescales and deadlines.”

- Endorses the decisions of the Audit Committee but additionally agrees that any changes to achievable financial or budgeting forecasts approved by officers (Audit Scotland Report paragraph 16) will be shared with all councillors as soon as possible.
- Agrees that the Chief Executive bring an update to the next Council meeting of progress on addressing the issues raised by Audit Scotland.

Moved Councillor James Robb
Seconded Councillor Sandy Taylor

The Provost ruled, that as this matter was already being dealt with by the Audit Committee, he did not consider it to be urgent and therefore it would be dealt with on the agenda for the next ordinary meeting of the Council.

3. NOTICE OF MOTION UNDER STANDING ORDER 14

The following Notice of Motion had been submitted as a matter of urgency under the provisions of Standing Order 14 –

The Brexit vote a week ago was the biggest political decision taken by the UK in many years and not the generally expected result. There is urgency to address the volatility created by that decision and the Provost is requested to accept this motion so that Argyll and Bute Council can add its weight to efforts of the Scottish Parliament to secure the best possible outcome for our country.

So if the Provost is of the opinion this is a matter of urgency under Standing Order 14.1:

The Council:

Supports the motion in the name of the First Minister (reproduced below) that was passed by the Scottish Parliament on Tuesday 28th June 2016 without any votes against:

“Implications of the EU Referendum for Scotland That the Parliament welcomes the overwhelming vote of the people of Scotland to remain in the European Union; affirms to citizens of other EU countries living here that they remain welcome and that their contribution is valued; mandates the Scottish Government to have discussions with the UK Government, other devolved administrations, the EU institutions and member states to explore options for protecting Scotland’s relationship with the EU, Scotland’s place in the single market and the social, employment and economic benefits that come from that, and instructs the Scottish Government to report back regularly to parliamentarians, to the European and External Relations Committee and the Parliament on the progress of those discussions and to seek Parliament’s approval of the outcome of that process.”

Moved Councillor James Robb
Seconded Councillor Sandy Taylor

The Provost ruled that he considered this item to be urgent by reason that the Council required to add its weight to efforts of the Scottish Parliament to secure the

best possible outcome for the country. He advised that the item would be dealt with directly before the exclusion of the press and public.

4. DECLARATIONS OF INTEREST

There were none intimated.

5. MINUTES

The Minutes of the meeting of Argyll and Bute Council held on 21 April 2016 were approved as a correct record.

6. MINUTES OF COMMITTEES

(a) Policy and Resources Committee held on 12 May 2016

The Minutes of the meeting of the Policy and Resources Committee held on 12 May 2016 were noted. Arising from item 9, Procedure for Road Safety Inspections and Defect Categorisation, the Council agreed the adoption of the Procedure for Road Safety Inspections and Defect Categorisation.

(b) Community Services Committee held on 2 June 2016

The Minutes of the meeting of the Community Services Committee held on 2 June 2016 were noted.

7. LEADER'S REPORT

A report providing the Council with an update on the activities undertaken by the Leader of the Council from 1 April 2016 to 20 June 2016 was considered. The report also provided updates in respect of the Leader's role as Policy Lead Councillor for Finance, IT, HR and Governance and Law. The Leader of the Council made a statement in respect of the EU referendum result announced 24 June 2016 and the discussions that had taken place at COSLA advising that he would ensure the Council would be kept up to date as any further information became available.

Decision

The Council –

1. Noted the content of the report.
2. Noted that the full leaders report pack was available in the Leader's Office which included COSLA papers and briefings as referenced in the report.
3. Noted that any COSLA items heard in public session could be provided to Members electronically and any items taken in private session could be reviewed in the Leader's Office.

(Reference: Report by Leader of the Council dated 20 June 2016, submitted)

8. POLICY LEAD COUNCILLOR REPORTS

(a) Report by Policy Lead for Roads, Infrastructure, Amenity Services and Special Projects

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for Roads, Infrastructure, Amenity Services and Special Projects since November 2015.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead Councillor for Roads, Infrastructure, Amenity Services and Special Projects dated 21 June 2016, submitted)

(b) Report by Policy Lead for PPSL, Planning Services, Historic and Sustainable Environment

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for PPSL, Planning Services, Historic and Sustainable Environment from 21 November 2015 to 17 June 2016.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead Councillor for PPSL, Planning Services, Historic and Sustainable Environment dated 23 June 2016, submitted)

(c) Report by Policy Lead for Health and Social Care Integration

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for Health and Social Care Integration. The report also paid tribute to Councillor Mary Jean Devon for her work as previous Policy Lead for Health and Social Care Integration, for her continued commitment to health and social care matters and for her continued support.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead Councillor for Health and Social Care Integration dated June 2016, submitted)

9. YEAR END REPORTS PACK 2015-16

(a) Covering Report and Unaudited Accounts 2015-16

The Council considered a report which gave an overview of the Unaudited Annual Accounts for 2015-16 and a summary of the significant movements from 2014-15. The report also gave information on the revenue out turn for 2015-16 and invited Members to approve the unaudited financial statements

in respect of 2015-16 for issue.

Decision

The Council approved the Unaudited Annual Accounts for the years ended 31 March 2016 for issue.

(Reference: Report by head of Strategic Finance dated 20 June 2016, submitted)

(b) Unaudited Summary Accounts 2015-16

A report providing a summary of the key issues from the 2015/16 Annual Accounts was considered. The report provided information on the comprehensive Income and Expenditure statement, the Balance Sheet, Reserves, Cash Flow Statement and also provided a comment on plans for the future.

Decision

The Council noted the content of the report.

(Reference: Summary Accounts 2015-16 dated June 2016, submitted)

(c) Revenue Budget Monitoring for the year 2015-16 - Corporate Overview

A report advising Members of the Revenue Budget position of the Council as at the end of financial year 2015-16 was considered. The report also summarised the movement of the General Fund balance.

Decision

The Council –

1. Noted the revenue budget monitoring position as at the end of the financial year 2015-16.
2. Noted that the unallocated balance within the General Fund as at 31 March 2016, after taking into account the contingency, amounted to £4.174M.

(Reference: Report by Head of Strategic Finance dated 20 June 2016, submitted)

(d) Earmarked Reserves - Year End 2015-16

The Council gave consideration to a report providing information in progress with balances already earmarked within the General Fund, new balances earmarked at the end of 2015-16 that qualified for automatic carry forward and which requested approval for 15 new unspent budget earmarking proposals.

Decision

The Council –

1. Approved the 15 new unspent budget earmarked reserve proposals totalling £2.471M. as per the business cases submitted and as outlines within Appendix 1 to the report.
2. Noted the new balanced at the end of 2015-16 that qualified for automatic carry forward as outlined within Appendix 2 to the report.
3. Noted the previously approved unspent budget earmarked reserves and the justification for continued earmarking as outlined within Appendix 3 to the report.
4. Noted that £9.042M of earmarked balances would be released back into the General Fund which was a combination of balances no longer required and balances which had been agreed to be released as part of the budget agreed in February 2016.
5. Noted that other balances contained within Appendix 4 to the report, which had been previously earmarked, and new balances that had been subject to a previous Council decision.
6. Approved that £0.097M would be reallocated from the PVG Retrospective Phase earmarking to the Resourcelink Review.

(Reference: Report by Head of Strategic Finance dated 20 June 2016, submitted)

(e) Capital Budget Monitoring Report - 31 March 2016

A report providing an update on the position of the capital budget as at 31 March 2016 was given consideration. The report provided information on the financial position in respect of the capital plan and also the performance in terms of the delivery of capital plan projects.

Decision

The Council noted the content of the financial summary.

(Reference: Report by Head of Strategic Finance dated 20 June 2016, submitted)

(f) Annual Treasury Report 2015-16

Consideration was given to a report which outlined the Council's Treasury Management position for 2015-16.

Decision

The Council approved the Treasury Management Annual Report.

(Reference: Report by Head of Strategic Finance dated June 2016, submitted)

(g) Annual Efficiency Statement

Consideration was given to a report presenting the Annual Efficiency Statement for 2015-16. The Annual Efficiency Statement summarised the total efficiencies achieved in the last financial year.

Decision

The Council noted the content of the Annual Efficiency Statement for 2015-16.

(Reference: Report by Head of Strategic Finance dated 16 June 2016, submitted)

(h) Strategic Housing Fund Annual Report 2015-16

The Council considered a report which gave an annual update on the Strategic Housing Fund income and expenditure position for the year 2015-16. The report provided information on the current balance on the Strategic Housing Fund as at 31 March 2016 and all future commitments against this balance.

Decision

The Council –

1. Noted the report on income and expenditure for 2015-16 and the balance on the Strategic Housing Fund as at 31 March 2016.
2. Noted the estimated future income for the Strategic Housing Fund for 2016-17.
3. Approved the commitment of £143K from the Strategic Housing Fund for 2016-17 in respect of the Service Choices saving agreed by Council in February 2016; and noted that there would be inflationary increases relevant to this Service Choices saving in future years.

(Reference: Report by Head of Strategic Finance dated 18 May 2016, submitted)

10. ARGYLL AND BUTE HEALTH AND SOCIAL CARE PARTNERSHIP - RISK MANAGEMENT STRATEGY

The Council considered a report providing Members with detail on the proposed risk management arrangements for the Argyll and Bute Health and Social Care Partnership. Members were provided with a copy of the Risk Management Strategy attached at Appendix 1 to the report.

Decision

The Council approved the content of the Risk Management Strategy for submission to the Integrated Joint Board.

(Reference: Report by Head of Strategic Finance dated 31 May 2016, submitted)

11. OBAN NORTH AND LORN BY-ELECTION RESULTS

The Council considered a report advising that, following the by-election on 2 June 2016, Councillor Kieron Green had been elected to Ward 5, Oban North and Lorn.

The Provost, on behalf of the Council, thanked Charles Reppke for his work in his role as Returning Officer during the Oban North and Lorn By Election and in his role as Counting Officer during the EU Referendum.

Decision

The Council noted the content of the report.

(Reference: Report by Returning Officer dated 2 June 2016, submitted)

12. COUNCIL CONSTITUTION

The Council gave consideration to a report outlining proposed changes to the Council Constitution as part of the annual review of the Constitution.

Decision

The Council –

1. Noted the adjustments to the remit of the strategic committees to recognise the inception of the Argyll and Bute Integration Joint Board.
2. Agreed to amend the Scheme of Delegation to provide that the Vice Chair of the Performance Review and Scrutiny Committee be appointed by the Council from one of the opposition members appointed to the committee.
3. Agreed to delegate the Executive Director – Customer Services, in consultation with the Leader, Depute Leader and the leader of the largest opposition group of the Council, to agree a suitable amendment to the wording contained at recommendation 3.3 of the report taking into account the concerns raised by members over amending the delegation to Area Committees so that disposals by sale or lease came to the relevant Area Committee only where it was proposed not to accept the best consideration, or where the best offer was below the valuation set by the Council.
4. Noted the proposed update to the delegations to the Executive Director of Development and Infrastructure Services to determine requests to stop up or realign core paths, to make it explicit that any Area Capacity Evaluation can be determined by the officer as provided for in the decision of the Council in April 2015 and to make some minor adjustments to the wording of 26/28/29/30 as set out in the revised draft. In addition the Chief Officer Integration Joint Board now appears formally in the Scheme of Delegation.

5. Agreed to update Appendix 2 of the Financial and Security Regulations, including revisions to the Anti- Fraud Strategy and Public Interest Disclosure Policy, as set out in the revised draft.
6. Agreed to update Part F of the Constitution to refer to the new guidance from the Standards Commission issued in March 2016.

(Reference: Report by Executive Director – Customer Services dated 21 June 2016, submitted)

13. POLITICAL MANAGEMENT ARRANGEMENTS

The Council gave consideration to a report updating them on revised political management arrangements within the Council and various vacancies which had arisen on the Council's Committees and other outside bodies/organisations.

The Executive Director – Customer Services advised the Council that further to the information provided in the report, Councillor Horn had intimated her resignation from the Performance Review and Scrutiny Committee with effect from Friday 24 June 2016 and that this additional vacancy was another one which required consideration.

Motion

The Council:

- 1) Notes the resignation of Councillor Maurice Corry from the position of Policy Lead for Health and Social Care Integration, and notes the appointment of Councillor Kieron Green to the role;
- 2) Appoints Councillor Kieron Green to the Policy and Resources Committee in place of Councillor Maurice Corry, and agrees that no further changes will be made to the current membership of that committee;
- 3) Notes that, in relation to vacancies on the Audit and Performance, Review and Scrutiny Committees, no nominations have been received following invitations to elected members who are not part of the Administration nor the main Opposition group, notes the likelihood of a further vacancy on the PRS Committee, and agrees to delegate resolution of these vacancies to the Executive Director of Customer Services in consultation with the council Leader, Depute Leader and Leaders of all Opposition Groups, following a meeting to be arranged to take place in August;
- 4) Notes the vacancies on the Regulatory Cohort/PPSL Committee and the Argyll and Bute Licensing Board, and defers appointment to these positions until September;
- 5) Notes the Provost's intention to step down as the Council's representative on KIMO, and appoints Councillor Roddy McCuish in his place;
- 6) Notes the advised appointments from the SNP Group as outlined in paragraphs 4.2.6 and 4.2.7 in the report before members;

- 7) Agrees that Councillor Elaine Robertson retains her position on the Argyll Ferry Users Group following an agreement to increase the Council's membership of this body;
- 8) Notes the resignation of William Crossan, the Church of Scotland representative on the Community Services Committee;
- 9) Notes that the Administration has nominated the following members to serve on the Short Life Working Group on Political Management Arrangements – Councillors Dick Walsh, Ellen Morton, Aileen Morton, Len Scoullar, Rory Colville, Robin Currie, Elaine Robertson and Roddy McCuish;
- 10) Appoints the following members to the area Health and Social Care Locality Planning Groups:
 - Helensburgh and Lomond – Councillor Vivien Dance
 - Dunoon – Councillor Michael Breslin
 - Oban – Councillor Iain S MacLean
 - Mid Argyll – Councillor Dougie Philand
 - Islay and Jura – Councillor Robin Currie
 - Mull and the Islands (includes Iona, Coll, Tiree and Colonsay) - Councillor Roddy McCuish
- 11) Invites expressions of interest from members in representing the council on the following area Health and Social Care Locality Planning Groups, with details to be passed to the Leader of the Council and the Executive Director of Customer Services:
 - Bute
 - Kintyre

Proposed Councillor Dick Walsh, seconded Councillor Ellen Morton.

Amendment

- 1) To agree the terms of the Motion with the exception of 1) which should read “Notes the resignation of Councillor Maurice Corry from the position of Policy Lead for Health and Social Care Integration, and appoints Councillor Dougie Philand to the role;”.

The requisite number of members present required the vote to be taken by calling the role and Members voted as follows –

Motion

Councillor Rory Colville
Councillor Maurice Corry
Councillor Robin Currie
Councillor Mary Jean Devon
Councillor Kieron Green
Councillor David Kinniburgh
Councillor John McAlpine
Councillor Roderick McCuish
Councillor Alistair MacDougall
Councillor Neil MacIntyre
Councillor Robert G MacIntyre
Councillor Donald MacMillan
Councillor Alex McNaughton
Councillor James McQueen
Councillor Aileen Morton
Councillor Ellen Morton
Councillor Gary Mulvaney
Councillor Elaine Robertson
Councillor Len Scoullar
Councillor Dick Walsh

Amendment

Councillor John Armour
Councillor Gordon Blair
Councillor Michael Breslin
Councillor Vivien Dance
Councillor George Freeman
Councillor Ann Horn
Councillor Julie MacKenzie
Councillor Bruce Marshall
Councillor Douglas Philand
Councillor James Robb
Councillor Isobel Strong
Councillor Sandy Taylor
Councillor Richard Trail

Councillor Robert E MacIntyre was not present during the vote.

Decision

The Motion was carried by 20 votes to 13 and the Council resolved accordingly.

(Reference: Report by Executive Director – Customer Services dated 13 June 2016, submitted)

The Provost noted that Billy Marshall, Teacher Representative had now joined the meeting. He again extended his thanks, on behalf of the Council, to Mr Marshall for his contribution to the Council. Mr Marshall gave a few words of thanks to the Council.

The Council adjourned for lunch at 1.15pm and reconvened at 1.45pm.

14. FIFTH STATUTORY REVIEW OF ELECTORAL ARRANGEMENTS - FINAL RECOMMENDATIONS**(a) Report by Executive Director - Customer Services**

The Council considered a report advising members on the final recommendations by the Local Government Boundary Commission on its Fifth Review of Electoral Arrangements as outlined in its report to Scottish Ministers. The report invited the Council to consider the final report and to agree a response to the recommendations.

Decision

The Council -

1. Maintained its strong objection to the proposals and to the Local Government Boundary Commission's final recommendations for the Argyll and Bute area.
2. Approved the terms of the draft letter attached to the report.
3. Approved the terms of the tabled petition and invited all members to add their signature.
4. Agreed to send the letter together with the tabled petition to Scottish Ministers, requesting maintenance of the status quo in terms of councillor numbers and ward boundaries before the finalisation of any recommendations by the Scottish Government.

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

(Reference: Report by Executive Director – Customer Services dated 13 June 2016, submitted)

(b) **Recommendation from Bute and Cowal Area Committee held on 7 June 2016**

The Council considered a recommendation from the Bute and Cowal Area Committee held on 7 June 2016 to raise an objection to the Boundary Commission proposals for the Argyll and Bute area and to reinforce the position previously represented on this, to them.

Decision

The recommendation from Bute and Cowal area Committee had been taken into consideration as part of 14(a) above.

(Reference: Recommendation from Bute and Cowal Area Committee held on 7 June 2016, submitted)

15. OBAN COMMON GOOD FUND

Consideration was given to a report advising the council of a vacancy which had arisen in the Trustees of the Oban Common Good Fund and which invited the Council to appoint a new trustee to the Fund from ward 4 or ward 5.

Decision

The Council –

1. Noted the vacancy in the Trustees of the Oban Common Good Fund.
2. Appointed Councillor Kieron Green to act as a trustee for the Oban Common Good Fund.

(Reference: Report by Executive Director – Customer Services dated 28 April 2016, submitted)

16. ENHANCED EMPLOYABILITY PIPELINE STRATEGIC INTERVENTION - EUROPEAN SOCIAL FUND

The Council gave consideration to a report providing them with information on detailed risk and match funding issues involved with the delivery of the Enhanced Employability Pipeline Strategic Intervention application to the European Social Fund 2014-2020.

Decision

The Council:

- 1) Noted the considerable financial, reputational and operational risks detailed in the paper that could potentially have an impact on local partners as well as the Council – particularly the 11 “red” risks where mitigation of these risks cannot be managed to an acceptable degree.
- 2) Noted the key challenges faced by Argyll and Bute in terms of the successful delivery of an Enhanced Employability Pipeline due to the dispersed population and complex geography of the local area and resulting high cost of delivery.
- 3) Noted that the Economic Development Service did not currently have the total amount of required match funding to recruit the necessary additional staff to develop, manage and deliver the Argyll and Bute Enhanced Employability Pipeline, regardless of the stages or phases identified for delivery.
- 4) Agreed, with regret, not to progress with the Argyll and Bute Enhanced Employability Pipeline at this time, recognising that the indicative allocation from the European Social Fund for the area of £3.66 million will not then be available within Argyll and Bute.

(Reference: Report by Executive Director – Development and Infrastructure Services dated June 2016, submitted and Notice of Motion by Councillor Aileen Morton, seconded by Councillor Roddy McCuish, tabled)

17. CONSERVATION AREA REGENERATION SCHEME (CARS) FUNDING OPPORTUNITY

The Council considered a report inviting them to give consideration to making two bids for Conservation Area Regeneration Scheme (CARS) funding to Historic Environment Scotland (HES) for Dunoon and Rothesay Town Centres.

Decision

The Council –

1. Noted the content of the report.

2. Agreed to make two submissions to Historic Environment Scotland for Conservation Area Regeneration Scheme funding for £1M in respect of Dunoon and £0.5M in respect of Rothesay.
3. Agreed to a financial commitment to the project of £0.5M from the Council, over a five year delivery period, between 2017 and 2022, towards a Dunoon Conservation Regeneration Area Scheme.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 4 June 2016, submitted)

18. SERVICE CHOICES - THREE WEEKLY REFUSE COLLECTION

The Council considered a report proposing an operational service procedure and which provided operational detail to support the Policy that the Council agreed at its meeting on 11 February 2016 as part of Service Choices.

Decision

The Council noted the operational service procedure appended to the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated June 2016, submitted)

19. EMPLOYABILITY SERVICE CONTRACT

The Council considered a report outlining recommendations from the Performance Review and Scrutiny Committee on the scrutiny review of the Employability Services Contract which was undertaken by the Committee in March and April 2016.

Decision

The Council agreed the recommendations contained within paragraphs 4.1 to 4.6 of the scrutiny report by the Performance Review and Scrutiny Committee as detailed below –

- 4.1 The Council should request officers to review financial monitoring protocols in place for dealing with externally funded initiatives to ensure that Services and Strategic Finance have a coordinated and consistent approach.

Any such approach should ensure management and Members are fully sighted on initiative status including outturn position and variation from forecasts, any cost and demand pressures, compliance or otherwise with award/contractual criteria, performance with agreed financial aims, i.e. breakeven, cost neutral, return on investment.

- 4.2 The Council should request officers to review roles and responsibilities to ensure these are clearly defined and to further ensure that should there be any staff turnover, continuity and information flow is not compromised.

- 4.3 The Council should request officers to review its Business case process to ensure that financial modelling is robust and that any associated risk is actively managed and reported.
- 4.4 The Council should request that officers give consideration to development of standard governance and reporting protocols for type of contract or project. As part of this consideration, the development of a reporting format should be defined to ensure that financial objectives and outcomes are given appropriate weighting. Consideration should also be given to the reporting requirements at both operational and strategic level.
- 4.5 The Council should request that officers give consideration to tracking and/or monitoring of actions which are outlined in reports to Members to ensure that these are undertaken and/or where plans have changed, appropriate agreement/authorisation is evident.
- 4.6 The Council should request that officers give consideration to current performance reporting arrangements, specifically whether this method allows issues of material importance to be drawn to attention of members.

(Reference: Recommendation from Performance Review and Scrutiny Committee held on 26 May 2016 and Scrutiny Report dated 26 May 2016, submitted)

20. LEASE OF LIFEBOAT STATION SITE AT OLD QUAY, CAMPBELTOWN TO THE ROYAL NATIONAL LIFEBOAT ASSOCIATION

The Council considered a recommendation by the Mid Argyll, Kintyre and the Islands Area Committee held on 6 April 2016 in respect of the lease of the Old Quay Lifeboat Station site in Campbeltown by the Royal National Lifeboat Institution (RNLI).

Decision

The Council agreed the recommendation to grant the RNLI a 21 year extension of its existing lease with the option of Tenant only breaks after 7 years and 14 years, at a nominal rental of one pound per annum, if asked, on the basis that the RNLI contributes to the health and social wellbeing of the local community as per the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

(Reference: Recommendation from Mid Argyll, Kintyre and the Islands Area Committee held on 6 April 2016 and report by Executive Director – Customer Services dated 22 February 2016, submitted)

21. COWAL FIXED LINK WORKING GROUP

The Council considered a recommendation from the Bute and Cowal Area Committee held on 7 June 2016 in respect of a proposal by the Cowal Fixed Link Group for the creation of a fixed link between the Cowal Peninsula and the mainland.

Decision

The Council agreed the recommendation to participate with all other relevant partners in future discussions to assist with the delivery of the project.

(Reference: Recommendation from Bute and Cowal Area Committee held on 7 June 2016, submitted)

22. DUNOON 5 A SIDE PITCHES

The Council considered a recommendation from the Bute and Cowal Area Committee held on 7 June 2016 which sought funding for the refurbishment of cages, including lighting, at Dunoon 5 a side pitches.

Decision

The Council -

1. Agreed to continue consideration of the request for funding to await a further report from the Executive Director.
2. Noted that the Chief Executive had referred the issue of the management of the cages to internal audit as part of their investigation into the management of all these facilities in Argyll and Bute.

(Reference: Recommendation from Bute and Cowal Area Committee held on 7 June 2016)

The Council adjourned at 3.30pm for a comfort break and reconvened at 3.45 pm.

23. NOTICE OF MOTION UNDER STANDING ORDER 13 (Pages 35 - 36)

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

The Council agrees to -

1. Remove the following indicators from Pyramid under ED02;
National 4 % pass rate
National 5 % pass rate
New Higher % pass rate
% use of Insight by subject departments
2. Include the following indicators in Pyramid under ED02 for school leavers from the Insight system (replicating public data available on Parentzone website):
Positive Destinations
Literacy SQF Level 4
Literacy SQF Level 5
Numeracy SQF Level 4
Numeracy SQF Level 5
SIMD Quintile 1 Attainment
SIMD Quintile 2 Attainment
SIMD Quintile 3 Attainment
SIMD Quintile 4 Attainment
SIMD Quintile 5 Attainment
Average Attainment (tariff scores) Lowest 20% of pupils
Average Attainment (tariff scores) Middle 60% of pupils
Average Attainment (tariff scores) Highest 20% of pupils

3. Set the target for each of the new indicators at 101% of the higher of either the virtual comparator or highest historic achieved value.
4. Note the performance of individual schools may already be above virtual comparators and encourages each Head Teacher in consultation with the school's Parent Council to set ambitious and appropriate targets for all these indicators for their school.

Table 1

Rank	Establishment Name	Number of Leavers 2015	Average total tariff lowest 20%	Relative to virtual benchmark %	Average total tariff middle 60%	Relative to virtual benchmark %	Average total tariff highest 20%	Relative to virtual benchmark %
1	Castlebay School	13	*	n/a	911	61	*	n/a
2	Sgoil Lionacleit	46	151	18	944	32	1803	7
3	Moffat Academy	49	169	21	903	31	1960	10
4	Banchory Academy	134	326	39	1359	28	2192	12
5	Jordanhill School	85	1037	79	1691	27	2230	7
6	Our Lady & St Patrick's High School	166	300	40	1034	25	1915	9
7	Sir E Scott School	12	*	n/a	1363	25	*	n/a
8	James Hamilton Academy	124	162	46	800	25	1777	6
9	Girvan Academy	110	183	71	901	24	1732	0
10	Kyle Academy	132	288	55	1096	24	1989	6
11	Tobermory High School	23	*	n/a	980	24	1742	7
131	Tarbert Academy	16	*	n/a	804	4	*	n/a
180	Islay High School	35	183	-16	875	-1	1848	3
241	Dunoon Grammar School	148	151	-21	808	-6	1749	-3
266	Hermitage Academy	215	219	-33	950	-9	1910	0
268	Lochgilphead High School	93	120	-45	871	-9	1930	1
296	Oban High School	187	106	-42	722	-13	1743	-4
312	Campbeltown Grammar School	97	199	-14	735	-15	1629	-10
319	Rothesay Academy	75	220	19	663	-17	1574	-10

Notes:

From published data on 349 schools

Less than 5 pupils so data suppressed indicated *

Ranking on relative percentage points above or below virtual comparator for middle 60%

No data on Tiree High School as less than 5 pupils

Proposed by Councillor James Robb
 Seconded by Councillor Sandy Taylor

Amendment

The Council:

1. Notes that the Education Service Plan as reported to and agreed by Council on 21st April 2016 included a core set of performance measures reflecting the current changes in Education Policy, the delivery of the new Education Act ambitions and expectations and includes measures arising from the National Improvement Framework;
2. Notes that Council and Education Services remains aspirational in securing the best possible outcomes for all individual pupils, at a level appropriate to the individuals needs and achievements;
3. Notes that the setting of appropriate and ambitious performance targets remains an operational matter for the Council's Education Service in consultation with Head Teachers, with targets discussed and explained with Parent Councils reflecting both the school pupil cohort and schools context;

4. Notes that the performance of individual schools is discussed across a range of policy setting. These include:
 - a) The presentation of an initial summary and follow up report on SQA Examination outcomes for all 10 secondary schools at the relevant Community Services Committee Meeting(s).
 - b) Following the publication of the examination results in August of each year Local Elected Members are routinely invited to a formal SQA Examination presentation by the Secondary Head Teacher.
 - c) A comprehensive report from each of the 10 Secondary Schools is provided for information and discussion at the relevant local Area Committee Meeting, and;
 - d) Examination results for each of the 10 Secondary Schools are routinely published in the school hand book (which is annually updated).
5. Agrees to continue to progress the current performance management arrangements for the council's Education Service.

Proposed Councillor Rory Colville, seconded Councillor Donnie MacMillan

Councillor Bruce Marshall left the meeting during consideration of this item.

Decision

Following a show of hands vote, the Amendment was carried by 19 votes to 10 and the Council resolved accordingly.

(Reference: Notice of Motion by Councillor James Robb, seconded by Councillor Sandy Taylor, submitted; and amendment by Councillor Rory Colville, seconded by Councillor Donald Macmillan, tabled)

24. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

The Council notes the updated guidance from Education Scotland on the Progression from Broad General Education (BGE) to the Senior Phase.

The Council supports the flexibility available to Head Teachers under the Curriculum for Excellence but believes as a general policy position that all pupils in Argyll and Bute have the right to equal opportunity in the number of subjects leading to qualifications available in all our secondary schools.

The Council agrees in all our secondary schools:

Pupils should be able to study up to 8 subjects leading to qualification in S4.
Pupils should be able to study up to 6 subjects leading to qualification in S5.
Pupils should be able to study up to 5 subjects leading to qualification in S6.

One and two year courses to qualification should be available in subjects in starting S4 and S5.

In two year Higher course there should be the option to take a National 5 qualification in the first year.

That the above does not preclude more subjects being taken in exceptional cases if agreed between the Head Teacher, parents/guardians and pupils and is part of this general policy position.

The Council instructs the Acting Director of Community Services to bring forward a report on implementing the policies proposed above to the next Council meeting.

Proposed Councillor Isobel Strong
Seconded Councillor James Robb

Amendment

The Council :

- 1) Notes the Scottish Government has published its delivery plan for Education in Scotland – “Delivering Excellence and Equity in Scottish Education”. The Plan includes a number of very significant commitments that will impact upon the local authorities’ current responsibility to deliver Education to our communities;
- 2) Considers, in light of the above, the motion premature and instructs Education Services to consider all aspects of the plan and bring forward reports to the Community Services Committee and Council as appropriate.

Moved Councillor Rory Colville, seconded Councillor Donald MacMillan

Decision

Following a show of hands vote the amendment was carried by 18 votes to 13 and the Council resolved accordingly.

(Reference: Notice of Motion by Councillor Isobel Strong, seconded by Councillor James Robb, submitted; amendment by Councillor Rory Colville, seconded by Councillor Donald MacMillan, tabled)

25. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

This motion seeks to revisit a decision taken by the Council within the past six months to nominate Councillor Corry as the Chair of the Integration Joint Board.

The appointment of Councillor Corry to the Scottish Parliament is a significant change of circumstances which the Provost is asked to take into account as he considers whether there has been a development which has a bearing on that earlier

decision and which, were he to agree, would allow this motion to be revisited by the Council.

Motion

The Council recognises and applauds the success of our colleague, Councillor Maurice Corry on his election to the Scottish Parliament, and wishes him all success in his future role as a parliamentarian where he can continue to promote the best interests of Scotland and of Argyll and Bute.

Whilst Cllr. Corry can rightfully continue to serve the Council and his constituents in the North Lomond ward, this gives rise to a consequential concern as to his ability to effectively deliver on all 'fronts' including most specifically, his ability to lead the Argyll and Bute Health and Social Care Integration Joint Board.

Whilst it is the explicit responsibility of the Chair of a Joint Integration Board to be actively involved in the leadership of the integration process and work, and specifically

- to take the lead in building links, at Board level, with partner organisations and stakeholders;
- ensure that all Board members are sufficiently informed and supported and understand their corporate roles and responsibilities;
- ensure that the Board carries out its essential functions efficiently and effectively, including oversight of performance management, and
- develop an effective working relationship with the Health and Social Care Partnership's Chief Officer, and the respective Chief Executives of Argyll and Bute Council and NHS Highland

.... it is contended that Councillor Corry cannot give his best to this important role as Chair of the Integrated Joint Board whilst at the same time working within the Parliament addressing parliamentary party responsibilities, working for the Council and his respective constituencies.

This motion calls on the Council:

- i. to invite Councillor Corry to stand down from his role as Chair of the Joint Integration Board, and in that event
- ii. to nominate another elected member of the Council to the role of Chair of Integrated Joint Board for the remainder of the period during which the Council is required to provide the Chair of the Board.

Proposer: Cllr. Sandy Taylor
Seconder: Cllr. Richard Trail

Decision

Following the decision with regards to the Integration Joint Board taken under item 13 of this Minute (Political Management Arrangements); the mover of the Motion, with agreement of the seconder, withdrew the Motion.

(Reference: Notice of Motion by Councillor Sandy Taylor, seconded by Councillor Richard Trail, submitted)

26. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

The Council recently acknowledged the decision of Cllr. Iain Stewart MacLean to stand down from the Argyll and Bute Council SNP Group.

In consequence of this decision, the Council is asked to appoint in his stead Cllr. Richard Trail, as a representative of the SNP Group on the Policy and Resources Committee.

Proposer: Cllr. Sandy Taylor
Seconder: Cllr. W. Gordon Blair

Decision

Following the decision to make no changes to the composition of the Policy and Resources Committee taken under item 13 of this Minute (Political Management Arrangements); the mover of the Motion, with agreement of the seconder, withdrew the Motion.

(Reference: Notice of Motion by Councillor Sandy Taylor, seconded by Councillor Gordon Blair, submitted)

27. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

Argyll & Bute Council congratulates Cllr Maurice Corry for being elected from the list as an MSP to represent those living in the West Scotland Region.

As Cllr Corry will normally be required to attend the Scottish Parliament in Edinburgh on Tuesdays, Wednesdays and Thursdays, this will mean that he will not be available to attend Council meetings, Helensburgh Lomond Area Committee meetings, Policy & Resource Committee meetings and meetings of the Community Services Committee to represent constituents living within the Lomond North Ward.

There are also concerns that, as Cllr Corry is a Senior Councillor and was appointed as the Policy Lead for Health and Social Care Integration and Chair of NHS Highland Health and Wellbeing Partnership, at a time when the major changes within health and social care will require a great deal of commitment and oversight, Cllr Corry will find it extremely difficult to fully commit the time required to these positions.

There are additional concerns that Cllr Corry will find it difficult to commit the time required to dealing with the heavy work load relating to constituents ' concerns etc. and that the other two ward councillors will be required to take on this additional work load.

In view of all of the above, this motion asks Cllr Corry to reconsider the position he has taken on not resigning his council seat. The motion believes that the interests of all Cllr Corry's constituents, both as an MSP and a councillor, are best served by devoting his time to his work as an MSP.

Moved Councillor Michael Breslin
Seconded Councillor Vivien Dance

Amendment

The Council:

Agrees the first paragraph of the motion, namely that the council congratulates Councillor Maurice Corry for being elected from the list as an MSP to represent those living in the West Scotland Region;

Takes no action in respect of the remaining four paragraphs of the motion.

Moved Councillor Ellen Morton, seconded Councillor Dick Walsh.

Decision

Following a show of hands vote, the Amendment was carried by 20 votes to 3 and the Council resolved accordingly.

(Reference: Notice of Motion by Councillor Michael Breslin, seconded by Councillor Bruce Marshall, submitted; Amendment by Councillor Ellen Morton, seconded by Councillor Dick Walsh, tabled)

28. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion Under Standing Order 13 was before the Council for consideration -

CalMac's decision to provide a second vessel serving the busy Isle of Mull ferry routes has brought significant benefits.

The improved connectivity to the mainland is a major boost for local people – bringing them easier access to their medical appointments, greater recreational opportunities for young people and families and many more benefits. Businesses on the island are reporting increases of 200 to 250 per cent after just a few weeks of the enhanced ferry service provision.

Tourists have even more access to this beautiful island and the increase in visitor numbers both supports and creates jobs for Mull.

With all of this in mind, the council is asked to write to Caledonian MacBrayne in the following terms:

- Welcoming its decision to deploy an extra vessel on the Mull-Craignure service, highlighting the significant benefits this brings for the Mull community and the wider Argyll and Bute economy as a consequence;

- Urging the company to continue the provision of a second vessel on the Mull-Craignure route on a permanent basis, given that there is a demonstrable need for this level of service provision.

Proposer: Councillor Mary Jean Devon
Seconder: Councillor Alistair MacDougall

Decision

The Council unanimously agreed the terms of the Motion.

(Reference: Notice of Motion by Councillor Mary Jean Devon, seconded by Councillor Alistair MacDougall, submitted)

29. NOTICE OF MOTION UNDER STANDING ORDER 14

The Following Notice of Motion had been submitted Under Standing Order 14 as a matter of urgency –

The Brexit vote a week ago was the biggest political decision taken by the UK in many years and not the generally expected result. There is urgency to address the volatility created by that decision and the Provost is requested to accept this motion so that Argyll and Bute Council can add its weight to efforts of the Scottish Parliament to secure the best possible outcome for our country.

So if the Provost is of the opinion this is a matter of urgency under Standing Order 14.1:

The Council:

Supports the motion in the name of the First Minister (reproduced below) that was passed by the Scottish Parliament on Tuesday 28th June 2016 without any votes against:

“Implications of the EU Referendum for Scotland That the Parliament welcomes the overwhelming vote of the people of Scotland to remain in the European Union; affirms to citizens of other EU countries living here that they remain welcome and that their contribution is valued; mandates the Scottish Government to have discussions with the UK Government, other devolved administrations, the EU institutions and member states to explore options for protecting Scotland’s relationship with the EU, Scotland’s place in the single market and the social, employment and economic benefits that come from that, and instructs the Scottish Government to report back regularly to parliamentarians, to the European and External Relations Committee and the Parliament on the progress of those discussions and to seek Parliament’s approval of the outcome of that process.”

Moved Councillor James Robb, seconded Councillor Sandy Taylor.

Amendment

The Council:

1. Notes the outcome of the EU referendum held on June 23rd 2016 and the uncertainty that creates at the moment for every level of government within the European Union.

2. Notes that COSLA is currently engaged in taking steps to ensure that local government in Scotland can play an active and positive part in this process.
3. Re-affirms that Argyll and Bute is a great place to live, work and invest and that the Council's current top priority is to bring more jobs and more people into Argyll and Bute.
4. Welcomes any steps taken by Scottish or UK government to support us in this ambition.
5. Agrees to engage with COSLA to ensure local priorities are considered as part of the negotiations now being undertaken by politicians at Scottish, UK and European level.

Moved Councillor Dick Walsh, seconded Councillor Ellen Morton.

Decision

Following a show of hands vote the Amendment was carried by 20 votes to 10 and the Council resolved accordingly.

(Reference: Notice of Motion by Councillor James Robb, seconded by Councillor Sandy Taylor, tabled; amendment by Councillor Dick Walsh, seconded by Councillor Ellen Morton, tabled)

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 2 items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 8 and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

E1 30. FORMER HERMITAGE ACADEMY SITE - HELENSBURGH AMATEUR ATHLETIC CLUB

The Council considered a report advising them of the action that was taken in accordance with the provisions of paragraph 3.2.5 of the Council's Constitution to conclude an agreement with the Helensburgh Amateur Athletic Club (HAAC) for the partial renunciation of their lease of an area of the site of the former Hermitage Academy.

Decision

The Council noted the content of the report.

(Reference: Report by Executive Director – Customer Services dated 26 May 2016, submitted)

E1 31. FORMER SHOP - 3 MONTAGUE STREET, GUILDFORD SQUARE, ROTHESAY

The Council considered a recommendation from Bute and Cowal Area Committee held on 7 June 2016 in regard to offers and expressions of interest in respect of shop premises at 3 Montague Street, Guildford Square, Rothesay.

Decision

The Council agreed the recommendation to accept the offer as detailed at 4.3(b) of the report by the Executive Director – Customer Services.

(Reference: Recommendation from Bute and Cowal Area Committee held on 7 June 2016, submitted and; report by Executive Director – Customer Services dated 12 May 2016, submitted)