

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,  
KILMORY, LOCHGILPHEAD  
on THURSDAY, 26 JANUARY 2017**

**Present:** Councillor Len Scoullar (Chair)

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

**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

**1. NOTICE OF MOTION UNDER STANDING ORDER 14**

The Head of Governance and Law advised that in terms of Standing Order 14 the following Notice of Motion by Councillor Armour, seconded by Councillor Kelly had been received for consideration as a matter of urgency at this meeting:-

**Preamble**

At a meeting in Glasgow on 19<sup>th</sup> December 2016 attended by Christina West and Lorraine Paterson from the Health and Social care partnership and members of the Crossreach board it was agreed that both Crossreach and HSCP would take a proposal to their respective boards to fund the losses at Auchinlee care home for a 3 month period (estimated to be £105,000) and that Crossreach would provide £45,000 of the total cost with HSCP providing the remaining £60,000. This would allow Auchinlee Care Home to remain open until an investigation of all alternative provision in the area has been completed.

Additional time for the home to remain open would allow full consultation and communication with the community support groups, carers and families. This would provide the opportunity for the proposed Care Summit to take place when the issues for Care of Older People can be discussed fully with all concerns addressed. If after

full consultation the proposal is progressed transition for residents could be carried out in a dignified, appropriate and compassionate manner.

The unique geography of the Kintyre Peninsula has additional complications for alternative appropriate care for older people and the prospect of the majority of Auchinlee Residents being moved out with Argyll and Bute is causing anxiety and distress with families and carers. Travel to areas out with Argyll and Bute is tiring, difficult and costly particularly if visitors require to use public transport and could result in the separation of families and loved ones.

At a meeting of the Integrated Joint Board of the Health and Social Care Partnership on Wednesday 25<sup>th</sup> January 2017 it was agreed not to fund the £60,000 proposed at the meeting on 19<sup>th</sup> December.

### **Motion**

Council is urged to engage with the Integrated Joint Board of the Health and Social Care Partnership to work in conjunction with Crossreach and to explore the possibility of funding the £60,000 required to keep Auchinlee Care Home open for 3 months as there is no identified short, medium or long term solution to provide care in Kintyre and Mid Argyll, this can allow everyone involved time to explore every option available.

The Provost ruled that he considered this item to be urgent by reason of the need to take an urgent decision on the matter. The Council agreed to consider the Motion and this is dealt with at item 17 of this Minute.

## **2. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated by Councillors RE Macintyre, Mulvaney and Robb.

## **3. DECLARATIONS OF INTERESTS**

There were no declarations of interest intimated.

## **4. MINUTES**

### **(a) Argyll and Bute Council held on 24 November 2016**

The Minute of the Meeting of Argyll and Bute Council held on 24 November 2016 was approved as a correct record.

Councillor Trail asked that it be recorded that he left the meeting prior to item 24.

### **(b) Special Argyll and Bute Council held on 7 December 2016**

The Minutes of the Special Meeting of Argyll and Bute Council held on 7 December 2016 was approved as a correct record.

## **5. MINUTES OF COMMITTEES**

### **(a) Community Services Committee held on 8 December 2016**

The Minutes of the Community Services Committee held on 8 December 2016 were noted.

Arising from item 11 (Argyll and Bute Local Housing Strategy (LHS) 2016/17 – 2020/21, the Council approved the Local Housing Strategy for submission to the Scottish Ministers.

**(b) Policy and Resources Committee held on 15 December 2016**

The Minutes of the Policy and Resources Committee held on 15 December 2016 were noted.

Arising from item 6 (Integration Joint Board – Funding Request, the Council agreed to:-

- a) Approve that an additional £0.110m of funding in respect of the Living Wage is added to the IJB's 2016-17 recurring baseline budget allocation and note that the 2016-17 allocation would be funded from the General Fund Balance;
- b) Note that the IJB agreed a Quality and Financial Plan for 2016-17 and this included savings options in respect of Struan Lodge and Thomson Court;
- c) Note that if a forecast overspend situation arises within Council departments, the Council department in the first instance would be expected to find alternative savings within their department to fund any overspend and requests that the IJB prepares a financial recovery plan setting out how it proposes to address any forecast overspend;
- d) Not approve an additional payment of £0.185m and to request that the IJB looks for alternative savings and report back to the Council later in the financial year as required within the Scheme of Integration.
- e) Instruct the Head of Strategic Finance to obtain a copy of the recovery plan and assess the current forecast overspend against the recovery plan in order to quantify the risk that the Council may require to make an additional payment to the IJB at the financial year end.

**6. DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2016**

The Council received an informative presentation on the Director of Public Health's Annual Report 2016 by Elaine Garman, Public Health Specialist. The Annual Report focused on the impact of loneliness and isolation on the health of the people living in Argyll and Bute. Members were given the opportunity to ask questions and then the Provost formally thanked Elaine Garman for her presentation to the Council, and thanked Alison McGrory, Health Improvement Principal, for her attendance.

**7. LEADER'S REPORT**

A report providing the Council with an update on the activities undertaken by the Leader of the Council from 7 November 2016 to 13 January 2017 was considered. The report also provided updates in respect of the Leader's role as Policy Lead Councillor for Finance, IT, HR and Governance.

**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.

(Ref: Report by Leader of the Council dated 16 January 2017, submitted)

## **8. POLICY LEAD COUNCILLORS REPORTS**

### **(a) PPSL, Planning Services, Historic and Sustainable Development**

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for PPSL, Planning Services, Historic and Sustainable Development since 18 June 2016.

#### **Decision**

The Council noted the terms of the report.

(Ref: Report by Policy Lead Councillor for PPSL, Planning Services, Historic and Sustainable Development dated 18 January 2017, submitted)

### **(b) Island Affairs**

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for Island Affairs since June 2016.

#### **Decision**

The Council noted the terms of the report.

(Ref: Report by Policy Lead Councillor for Island Affairs dated 16 January 2017, submitted)

## **9. POLITICAL MANAGEMENT ARRANGEMENTS**

### **(a) Minute of Short Life Working Group on Political Management Arrangements held on 15 November 2016**

The Council considered the Minute of the Short Life Working Group on Political Management Arrangements.

#### **Decision**

The Minute of the Short Life Working Group on the Political Management Arrangements were noted.

(Ref: Minute of SLWG of 15 November 2016, submitted)

(b) **Minute of Short Life Working Group on Political Management Arrangements held on 12 December 2016**

The Council considered the Minute of the Short Life Working Group on Political Management Arrangements.

**Decision**

The Minute of the Short Life Working Group on the Political Management Arrangements were noted.

(Ref: Minute of SLWG of 12 December 2016, submitted)

**10. THIRD SECTOR ASSET TRANSFER, CAR PARK AND PUBLIC CONVENIENCES, CARRADALE HARBOUR**

The Council considered a recommendation by the Mid Argyll, Kintyre and the Islands Area Committee with regard to the car park and public conveniences at Carradale harbour.

**Decision**

The Council agreed that the car park, area of foreshore and public conveniences at Carradale harbour are leased to Network Carradale Limited on the basis of a 25 year lease at a rental of £100 per annum.

(Ref: Recommendation by the MAKI area committee of 7 December 2016, submitted)

**11. THIRD SECTOR ASSET TRANSFER - BALEMARTINE PLAYING FIELD**

The Council considered a recommendation by the Oban, Lorn and the Isles Area Committee with regard to the Balemartine playing field.

**Decision**

The Council agreed that the Balemartine schoolhouse playing field is leased to the Balemartine Residents Association on the basis on a 21 year lease at a rental of £1 per annum.

(Ref: Recommendation by the OLI area committee of 9 December 2016, submitted)

**12. THIRD SECTOR ASSET TRANSFER - FORMER PUBLIC TOILETS - DERVAIG**

The Council considered a recommendation by the Oban, Lorn and the Isles Area Committee with regard to the former public toilets and surrounding ground at Dervaig, Isle of Mull.

**Decision**

The Council agreed that the former Derviag public toilets and adjacent land is sold to the North West Mull Community Woodland Co Ltd for the sum of £100.

Further agreed to delegate to the Executive Director of Customer Services authority to agree the terms and the conditions of the sale to the Third Sector, to protect the Council's interests.

(Ref: Recommendation by the OLI area committee of 9 December 2016, submitted)

**13. PROPOSED VARIATION OF PATH AGREEMENTS TO FACILITATE TRANSFER OF THE DALRIADA TRUST TO THE BLARBUIE FOREST ENTERPRISE**

The Council considered a recommendation by the Planning, Protective Services and Licensing Committee with regard to a proposed variation of path agreements to facilitate transfer of the Dalriada Trust to the Blarbuie Forest Enterprise.

**Decision**

The Council agreed that Councillor Donald MacMillan be appointed to the Board of Blarbuie Woodland Enterprise.

(Ref: Recommendation by the PPSL committee of 14 December 2016, submitted)

**14. TACKLING DOG FOULING**

The Council considered a report which provided an update following a report to Council in September 2015 where the council agreed to explore the possibility of a programme of name and shaming individuals who are fined for dog fouling. The Council also noted the sad passing of the former Dog Warden for Argyll and Bute, Peter McLuckie.

**Decision**

The Council noted:-

- The legal advice in relation to naming and shaming, and
- The ongoing work to help reduce dog fouling

(Ref: Report by the Executive Director of Development and Infrastructure Services dated December 2016, submitted)

**15. NOTICE OF MOTION UNDER STANDING ORDER 13**

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

**Motion**

That Argyll and Bute agree to ban the use of sky lanterns and helium balloon release from Council owned land and property in an effort to make the countryside safer for grazing livestock, prevent harm to wildlife at sea and on land and to protect the environment.

The Council is asked to delegate to the Director of Development and Infrastructure the authority to put in place arrangements to support this principle.

Moved by Councillor Marshall, seconded by Councillor Strong.

## **Decision**

The Council unanimously supported the terms of the Motion.

(Ref: Notice of Motion by Councillor Marshall, seconded by Councillor Strong, submitted)

### **16. NOTICE OF MOTION UNDER STANDING ORDER 13**

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

#### **Preamble bullet points:**

- Auto-immune anti-NMDA Receptor Encephalitis, or NMDA, is a disease which is often misdiagnosed as a mental health issue because it presents in the same way as other conditions such as bipolar or schizophrenia.
- The reason it is misdiagnosed is because NMDA is not being taught within the UK medical curriculum – which means that healthcare professionals are failing to recognise it.
- If left untreated, or not treated correctly, NMDA can lead to behavioural changes, confusion, cerebellar symptoms, reduced consciousness and death.
- Incorrectly diagnosing NMDA as a mental health condition means that, as well as going without the correct treatment, sufferers are often sectioned under the Mental Health Act and admitted to mental health institutions/secure care.
- As well as causing unnecessary distress to sufferers and their families, this adds needless pressure to mental health care services as well as budgets.
- All of this is unnecessary because NMDA, when recognised and correctly diagnosed, is easily treated using standard inexpensive medications which are readily available through the NHS – and, with appropriate treatment, the disease is generally reversible with a good prognosis.
- There are people living in Argyll and Bute who are suffering through misdiagnosis of NMDA and therefore are not receiving the appropriate treatment they need in order to recover and live a full life. Because this is affecting people in our communities, through this motion I hope that Argyll and Bute Council can contribute to raising awareness of NMDA and I am asking the council to do the following:

#### **Motion**

People with NMDA need and deserve to have their condition diagnosed correctly so they get the right treatment and have every chance of making a good recovery. In order for this to happen, the General Medical Council should include NMDA in its UK Medical Curriculum for health care professionals. Therefore, Argyll and Bute Council agrees to:

- Write to the appropriate Scottish and UK Government Ministers responsible for health issues seeking their support in calling for Auto-immune anti-NMDA Receptor Encephalitis (NMDA) to be added to the UK Medical Curriculum as soon as possible;
- Write to the UK General Medical Council requesting that it includes NMDA, its diagnosis and its treatment in the UK Medical Curriculum as soon as possible.

Moved by Councillor Devon, seconded by Councillor Horn.

### **Decision**

The Council unanimously supported the terms of the Motion.

(Ref: Notice of Motion by Councillor Devon, seconded by Councillor Horn, submitted)

## **17. NOTICE OF MOTION UNDER STANDING ORDER 14**

The following Notice of Motion had been submitted under Standing Order 14 as a matter of urgency:-

### **Preamble**

At a meeting in Glasgow on 19<sup>th</sup> December 2016 attended by Christina West and Lorraine Paterson from the Health and Social care partnership and members of the Crossreach board it was agreed that both Crossreach and HSCP would take a proposal to their respective boards to fund the losses at Auchinlee care home for a 3 month period (estimated to be £105,000) and that Crossreach would provide £45,000 of the total cost with HSCP providing the remaining £60,000. This would allow Auchinlee Care Home to remain open until an investigation of all alternative provision in the area has been completed.

Additional time for the home to remain open would allow full consultation and communication with the community support groups, carers and families. This would provide the opportunity for the proposed Care Summit to take place when the issues for Care of Older People can be discussed fully with all concerns addressed. If after full consultation the proposal is progressed transition for residents could be carried out in a dignified, appropriate and compassionate manner.

The unique geography of the Kintyre Peninsula has additional complications for alternative appropriate care for older people and the prospect of the majority of Auchinlee Residents being moved out with Argyll and Bute is causing anxiety and distress with families and carers. Travel to areas out with Argyll and Bute is tiring, difficult and costly particularly if visitors require to use public transport and could result in the separation of families and loved ones.

At a meeting of the Integrated Joint Board of the Health and Social Care Partnership on Wednesday 25<sup>th</sup> January 2017 it was agreed not to fund the £60,000 proposed at the meeting on 19<sup>th</sup> December.

### **Motion**

Council is urged to engage with the Integrated Joint Board of the Health and Social Care Partnership to work in conjunction with Crossreach and to explore the possibility of funding the £60,000 required to keep Auchinlee Care Home open for 3 months as there is no identified short, medium or long term solution to provide care in Kintyre and Mid Argyll, this can allow everyone involved time to explore every option available.



Moved by Councillor Armour, seconded by Councillor Kelly.

### **Amendment**

The Council:

- Notes with extreme concern the uncertainties with the provision of future elderly care services and support at Auchinlee Care Home, Campbeltown;
- Notes with concern the lack of clarity around the arrangements for the future sustainability of this care provision in Campbeltown;
- Notes that the Health and Social Care Partnership Integrated Joint Board, at its meeting on Wednesday 25<sup>th</sup> January 2017, did not agree to provide requested funding that would assist with a three-month temporary arrangement that would delay any proposed action by Crossreach;
- Calls, therefore, on both Crossreach and the Church of Scotland to take no action at this time that would promote the closure of this much-needed local facility;
- Requests that Crossreach, the Church of Scotland, the Health and Social Care Partnership and the Scottish Government begin immediate discussions with a view to sustaining this important service in Campbeltown, for the long term, for all residents of Campbeltown and Kintyre who need this level of support and care;
- Notes that the council is willing to participate in, and to facilitate if need be, those future discussions to assist with progress.

Moved by Councillor Green, seconded by Councillor Colville.

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

<b>Motion</b>	<b>Amendment</b>	<b>No Vote</b>
Councillor Armour	Councillor Colville	Councillor Devon
Councillor Blair	Councillor Corry	
Councillor Breslin	Councillor Currie	
Councillor Dance	Councillor Green	
Councillor Freeman	Councillor Kinniburgh	
Councillor Horn	Councillor McCuish	
Councillor Kelly	Councillor MacDougall	
Councillor McKenzie	Councillor N MacIntyre	
Councillor Marshall	Councillor RG MacIntyre	
Councillor Philand	Councillor MacMillan	
Councillor Strong	Councillor McNaughton	
Councillor Taylor	Councillor McQueen	
Councillor Trail	Councillor A Morton	
	Councillor E Morton	
	Councillor Robertson	
	Councillor Scoullar	
	Councillor Walsh	

### **Decision**

The Amendment received 17 votes and the Motion received 13 votes and the Council resolved accordingly.