

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on THURSDAY, 24 SEPTEMBER 2015**

Present: Councillor 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 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 Anne Horn	Councillor Douglas Philand
Councillor Donald Kelly	Councillor Elaine Robertson
Councillor David Kinniburgh	Councillor James Robb
Councillor Roderick McCuish	Councillor Isobel Strong
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Duncan MacIntyre	Councillor Richard Trail
Councillor Neil MacIntyre	Councillor Dick Walsh

Attending: Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Charles Reppke, Head of Governance and Law
Fergus Murray, Head of Facility Services
Louise Long, Head of Children and Families
Allen Stevenson, Health and Social Care
Steve Barratt, Interim Head of Strategic Finance

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

“On 15 September 2015 we learned that the serious complaint lodged by Alan Stewart and others over the way the community buyout was handled is to be handled by officers internally as a stage 2 complaint. This is despite the complaints naming 3 senior officers and despite the complainants asking that it be handled externally. The complaints procedure states that it aims to be:

- **User-focused:** it puts the complainant at the heart of the process
- **Accessible:** it is clearly communicated, easily understood and available to all
- **Simple and timely:** it has as few steps as necessary within an agreed and transparent timeframe
- **Thorough, proportionate and consistent:** it should provide quality of clear quality standards
- **Objective, impartial and fair:** it should be objective, evidence-based and driven by the facts and established circumstances, not assumptions, and this should be clearly demonstrated

To ensure that the complaint meets its own aims as stated above, especially putting the complainant at the heart of the process, we believe it must be handled on an external basis and the motion moves accordingly.”

The Provost ruled that the motion was not urgent and would thereafter stand to be considered at the next ordinary Council Meeting unless it is disposed of in some other way before then.

The Provost advised that the Governance and Law Section had recently achieved the Customer Excellence Service Award. Governance and Law is the first Service to achieve success in what is a difficult and rigorous process. This is an externally credited award which has tough assessment criteria and the Provost congratulated the Service on their achievement. The Head of Governance and Law advised that he was delighted with the award and paid tribute to his team for all the hard work involved in achieving the award.

The Provost on behalf of the Council conveyed to Dick and Tina best wishes for the future from the staff and his colleagues on the occasion of their forthcoming marriage.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated by Councillors J McAlpine and I MacDonald.

2. DECLARATIONS OF INTERESTS

Councillors Trail, McCuish, MacMillan, Taylor and Marshall each declared a non-financial interest in item 7 (Argyll Community Housing Association Board) of the Agenda due to the fact that they were Members on the Board.

3. MINUTES

The Minutes of the Meeting of Argyll and Bute Council held on 25 June 2015 were approved as a correct record.

4. MINUTES OF COMMITTEES

(a) Environment, Development and Infrastructure Committee - 13 August 2015

The Minutes of the Environment, Development and Infrastructure Committee of 13 August 2015 were noted.

(b) Policy and Resources Committee - 20 August 2015

The Minutes of the Policy and Resources Committee of 20 August 2015 were noted.

(c) Community Services Committee - 10 September 2015

The Minutes of the Community Services Committee of 10 September 2015 were noted.

Arising from item 11; the Council approved the Sport and Leisure Framework

to replace the existing sport and physical activity strategy.

5. LEADER'S REPORT

The Council considered a report by the Leader of the Council which outlined the key activities undertaken within his role between 8 June 2015 and 11 September 2015. The report also provided Policy Lead updates in relation to Finance, IT, HR and Governance and Law.

Decision

1. Noted the content of the report and in particular to the recent appointment of Kirsty Flanagan to the post of Head of Strategic Finance who formally takes up her post on 1 October 2015.
2. Noted that the full Leader's Report Pack is available in the Leader's Office. This includes COSLA papers and briefings as referenced in the report. Any COSLA items heard in public session can be provided to members electronically; the papers for items taken in private session can be reviewed in the Leader's Office.

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

6. POLICY LEAD COUNCILLORS REPORTS

(a) Policy Lead Update on Health and Social Care Integration

The Council considered a Policy Lead report covering Health and Social Care Integration for the period from 24 September 2014 to 25 September 2015.

Decision

1. Noted the progress in Health and Social Care Integration.
2. Commend the high quality work of the Children and Families Service, in particular their achievement of a COSLA Gold Award.
3. Noted the significant changes in legislation which place statutory duties on the Council to deliver on self-directed support, corporate parenting responsibilities, kinship orders, continuing care for looked-after children and introduction of high risk offenders to MAPPA processes.

(Ref: Report by Policy Lead on Health and Social Care Integration dated September 2015, submitted)

(b) Policy Lead Update on Strategic Housing, Gaelic, Community and Culture

The Council considered a Policy Lead report covering Strategic Housing, Gaelic, Community and Culture for the period from 1 January to 31 August 2015.

Decision

The Council noted the contents of the report.

(Ref: Report by Policy Lead on Strategic Housing, Gaelic, Community and Culture dated September 2015, submitted)

(c) **Policy Lead Update on Transportation (Strategic Local, Ferries, Piers, Harbours and Airports)**

The Council considered a Policy Lead report covering Transportation (Strategic Local, Ferries, Piers, Harbours and Airports) for the period up to 24 September 2015.

Decision

The Council noted the contents of the report and that a number of detailed issues raised would be reported back to the Environment, Development and Infrastructure Committee.

(Ref: Report by Policy Lead on Transportation (Strategic Local, Ferries, Piers, Harbours and Airports) dated September 2015, submitted)

7. ARGYLL COMMUNITY HOUSING ASSOCIATION BOARD

The Council has been asked by Argyll Community Housing Association to comment on a proposal to reduce the Council representation on the Board from 5 to 3.

Decision

The Council agreed to recommend to ACHA to reduce Council representation on the Board from 5 Members to 3 and to nominate Councillors R McCuish, D MacMillan and R Trail to serve on the Board from the commencement of any new arrangements.

(Ref: Report by Executive Director of Customer Services dated 8 April 2015, submitted)

8. PERFORMANCE REVIEW AND SCRUTINY COMMITTEE - APPOINTMENT OF VICE-CHAIR

The Council considered a recommendation from the Performance Review and Scrutiny Committee to amend the constitution and to create a position of Vice – Chair for the Committee.

Motion

To agree to amend the constitution and to nominate Councillor Taylor to be the Vice-Chair of the PRS Committee.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Amendment

The position should be openly advertised and a suitable independent person be appointed to this position. The costs can be mitigated by replacing one Member on the Committee with the new appointee.

Moved by Councillor Breslin, seconded by Councillor Dance.

Decision

On a show of hands vote the Motion was carried by 28 votes to 3 and became the finding of the meeting.

(Ref: Report by Executive Director of Customer Services dated 3 September 2015, submitted)

9. VACANCIES ON STRATEGIC COMMITTEES

The Council considered a report which provided an update about vacancies on strategic committees.

Decision

1. Noted the appointment of Councillor Bruce Marshall to the Environment, Development and Infrastructure (EDI) Committee.
2. Noted that a vacancy remains on the Regulatory Cohort with consequential vacancies on the Planning, Protective Services and Licensing Committee and the Argyll and Bute Licensing Board.

(Ref: Report by Executive Director of Customer Services dated 16 September 2015, submitted)

10. PRIVATE ITEMS FOR COMMITTEE

The Council considered a report which provided information on the numbers of reports which are submitted to Council and its Committees and gave details on the numbers of reports which are considered under the exclusion of the public (exempt items).

Decision

The Council noted the contents of the report.

(Ref: Report by Executive Director of Customer Services dated 31 July 2015, submitted)

11. WW1 COMMEMORATIVE EVENT 2018

The Council considered a report which provided further details in respect of the proposed national World War One Commemoration event in Islay.

Decision

1. The Council:

2. Noted the proposed initial meeting on Islay in September to consider the possible format for the event. Further noted that the National Commemoration Panel will be in attendance.
3. Agreed that the Council be represented by Councillor Maurice Corry, Policy Lead Robin Currie and Provost Len Scoullar.
4. Noted that the existing World War I Steering Committee, chaired by the Lord Lieutenant, Patrick Stewart, will lead on the organisation of the event and will establish an Events Sub-Committee to include the Ward Members and other appropriate local representatives to take forward and develop the event.
5. Noted that there could be very significant interest in the event that could include the President of the United States or a very senior representative, a senior member of the Royal Family, as well as current and former politicians from both Scotland and the UK.
6. Noted that the event would be centered around a service of remembrance at the cemeteries on the Mull of Oa but that experience elsewhere suggests that developing a programme over a day and a half to include a community concert and parade could be appropriate.
7. Recognised the logistics of getting people onto Islay in large numbers could be challenging and would need engagement with external partners to maximise the economic benefits that could be gained from a national or international focus on the island.
8. Recognised in principle that the Council will need to identify funding circa £25k to support the event and that this will be identified from within existing budgets in Customer Services and that assistance should also be sought from the Scottish Government to develop the best possible commemoration.

(Ref: Report by Executive Director of Customer Services dated 2 September 2015, submitted)

12. DOG FOULING

The Council are being asked to consider a recommendation by the Mid-Argyll, Kintyre and the Islands Area Committee to adopt initiatives being undertaken by other Councils in relation to the dog fouling issue.

Decision

The Council agreed to explore the possibility of a programme of naming and shaming individuals who are fined for dog fouling, and agreed to instruct the Executive Director of Development and Infrastructure to investigate the matter and report back.

(Ref: Report by Executive Director of Customer Services and Extract by Mid-Argyll, Kintyre and the Islands Area Committee dated 2 September 2015, submitted)

13. PROVISION OF P1 - P3 FREE SCHOOL MEALS - UPDATE

The Council considered a report which provided information on the revenue and capital cost implications of expanding the catering service to provide free school meals to P1 to P3 from January 2015.

Decision

The Council noted:

- (1) The uptake levels of free school meals for P1-P3 pupils during the period January – June 2015.
- (2) The updated actual 2014/15 revenue costs and 2015/16 estimated revenue costs to Council, compared with the revenue allocation already confirmed by the Scottish Government.
- (3) The updated actual 2014/15 capital costs and 2015/16 estimated capital costs to the Council, compared with the capital funding allocation confirmed by the Scottish Government on 25 November 2014.
- (4) The approach being taken to evaluate the implementation of this policy.

(Ref: Joint Report by Executive Directors of Customer and Community Services dated 11 September 2015, submitted)

14. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2014/15

The 2014/15 Chief Social Work Officer Report provided an overview of social work activity undertaken across Argyll and Bute during the year. It outlines the statutory functions of the social work services, demonstrating the levels of activities and how the services are working to improve outcomes for the most vulnerable. The report further detailed the priorities and the challenges for the social work service.

Decision

The Council noted the contents of the Chief Social Work Officer Annual Report before submission to the Scottish Government by 30 September 2015.

(Ref: Report by Executive Director of Community Services dated 2 September 2015, submitted)

15. SYRIAN REFUGEE CRISIS

The Council considered a report which advised that Argyll and Bute Council, its community planning partners and local communities had indicated a willingness to support the resettlement of the Syrian refugees whose plight has dominated the media over the past few weeks. The Council has indicated to the Scottish Government and CoSLA that the partnership will offer housing and support to 20 refugees families in the first instance with the possibility of more in the future.

Motion

That the council amends the decision to offer housing and support to 20 families. There are significant numbers of empty homes owned by Registered Social Landlords in Argyll & Bute. There are also empty properties owned by the MOD although we recognise and endorse the need for secure tenancies. These empty properties amount to something in the region of 300 to 400 units. Given the population decline in parts of A&B this motion proposes that we offer to take as many refugee families as we have empty homes for, working with the RSLs and the

MOD as appropriate and taking into account the views of relevant communities and the refugees.

Moved by Councillor Breslin, seconded by Councillor Marshall.

Amendment

To accept the recommendation in the report and to endorse the decision to set up a Refugee Resettlement Group and through this to progress our work to resettle families initially with 20 families but also to progress our desire to accommodate greater numbers in the future.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Decision

On a show of hands vote the Amendment was carried by 28 votes to 3 and became the finding of the meeting.

(Ref: Report by Chief Executive dated 16 September 2015, submitted)

The Provost adjourned the meeting at 1.30pm and reconvened at 2.00pm.

Councillor D Philand left the meeting at this point.

16. AUDIT COMMITTEE ANNUAL REPORT 2014/15

The Council considered a report which provided an overview of the Audit Committee's activity during the financial year 2014/15.

Decision

The Council agreed to continue consideration of the Annual Report to the November Council Meeting.

(Ref: Report by Audit Committee dated September 2015, submitted)

17. NOTICE OF MOTION UNDER STANDING ORDER 13

Councillor Marshall, seconded by Councillor Breslin had given notice of the following Motion:-

Motion

The current consultation on ward changes within Argyll & Bute proposes, among other changes, the disappearance of the Cowal ward and the extension of an island ward, Bute, into mainland Cowal. The proposals as they stand make no sense to local communities and there is genuine anger and bewilderment in Cowal in particular. This motion urges the Scottish Boundary Commission to recognise the unique place of Bute and Cowal, to use its powers to recognise special geographic circumstances and to preserve the status quo in both Bute and Cowal. This might best be done by creating a new category of voter/councillor ratio which lies somewhere between the current one and that used for the Western Isles.

Moved by Councillor Marshall, seconded by Councillor Breslin.

Amendment

That the Council notes the terms of the motion lodged under Standing Order 13 at agenda item 17 on the Council agenda and the supplied advice regarding the concerns being expressed by the people in Cowal.

The Council further notes the concerns and anxieties being expressed from a number of communities within Argyll and Bute with regard to the likely impact on them from the Local Government Boundary Commission (LGBC) proposals.

That the Council restates its formal objection and strong opposition to the LGBC proposals for the Argyll and Bute area on the basis that the Council is not assured that their proposals will best serve the communities of Argyll and Bute as they do not adequately address natural community links, representation in the Islands, or the rurality and sparsity issues faced by our area.

The Council calls on the LGBC to conclude that for the Argyll and Bute Electoral arrangements that the status quo in terms of member numbers and ward boundaries can and should be maintained.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Councillors Freeman and McNaughton left the Meeting at this point.

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

Motion

Councillor Mike Breslin
Councillor Vivien Dance
Councillor Bruce Marshall

Amendment

Councillor John Armour
Councillor Gordon Blair
Councillor Rory Colville
Councillor Maurice Corry
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor George Freeman
Councillor Anne Horn
Councillor Donald Kelly
Councillor David Kinniburgh
Councillor Roddy McCuish
Councillor Alistair MacDougall
Councillor Duncan MacIntyre
Councillor Neil MacIntyre
Councillor Robert E Macintyre
Councillor Robert G MacIntyre
Councillor Donald MacMillan
Councillor Jimmy McQueen
Councillor Aileen Morton
Councillor Ellen Morton
Councillor Gary Mulvaney
Councillor James Robb

Councillor Elaine Robertson
Councillor Len Scoullar
Councillor Isobel Strong
Councillor Sandy Taylor
Councillor Richard Trail
Councillor Dick Walsh

Decision

The Amendment was carried by 28 votes to 3 and became the finding of the Council.

(Ref: Notice of Motion under Standing Order 13, submitted)

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 3 items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 8&9, 13 and 8&9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

E1 18. BOAT HOUSE, PORT APPIN (Pages 13 - 14)

The Council considered a recommendation from the Oban, Lorn and the Isles Area Committee regarding the proposed lease of the Port Appin Boathouse.

Decision

The Council approved the recommendation of the Oban, Lorn and the Isles Area Committee as augmented by the details provided by Councillor Elaine Robertson.

(Ref: Report by Executive Director of Customer Services dated 9 June 2015, submitted)

E2 19. THE OLD COURTHOUSE, BOLGAM STREET, CAMPBELTOWN

The Committee considered a recommendation from the Mid Argyll, Kintyre and the Islands Area Committee regarding the compulsory purchase order of the Old Courthouse, Bolgam Street, Campbeltown.

Decision

The Council approved the recommendation of the Mid Argyll, Kintyre and the Islands Area Committee.

(Ref: Report by Executive Director of Customer Services, Extract by Mid Argyll, Kintyre and the Islands Area Committee and Report by Executive Director of Development and Infrastructure Services, submitted)

E3 20. WEST KIRK, ROTHESAY

The Council considered a recommendation from the Bute and Cowal Area Committee regarding West Kirk, Rothesay.

Decision

The Council noted the update by the Head of Governance and Law and approved the recommendations in the report to take forward the aims of the Area Committee, to explore the options and report back to the Policy and Resources Committee.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 8 September 2015, submitted)