

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on THURSDAY, 21 JANUARY 2016**

Present: Councillor Len Scoullar (Chair)

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

Attending: Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Pippa Milne, Executive Director of Development and Infrastructure Services
Charles Reppke, Head of Governance and Law
Kirsty Flanagan, Head of Strategic Finance
Angus Gilmour, Head of Planning and Regulatory Services
Fergus Murray, Head of Economic Development and Strategic Transportation
Elaine Garmin, Public Health Specialist, NHS Highland
Craig McNally, Senior Health Improvement Specialist, NHS Highland

Councillor Donald Kelly presented the Council with a Petition containing over 2000 signatures from South Kintyre constituents in respect of proposed cuts to Campbeltown Nursery as part of the Service Choices programme. The Provost accepted the Petition and confirmed that this would be passed to the appropriate department.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Iain Angus MacDonald, Robert E MacIntyre, Iain Stewart MacLean, Donald MacMillan and James Robb.

2. DECLARATIONS OF INTERESTS

Councillor Aileen Morton advised that in respect of item 20 of the agenda (Scotcourt House, 45 West Princes Street and 31 James Street, Helensburgh), she had declared a non-financial interest on this item at the Helensburgh and Lomond Area Committee on 23 November 2016 by reason that she was on the Board of Argyll College. She advised that as she was no longer a member of the Board she would

be claiming the dispensation contained at section 5.16 of the Standard Commission's Guidance and Dispensations Note dated December 2010 to allow her to speak and vote on this item.

3. MINUTES

The Minutes of the Meeting of Argyll and Bute Council held on 26 November 2015 were approved as a correct record.

4. MINUTES OF COMMITTEES

(a) Community Services Committee - 10 December 2015

The Minutes of the meeting of the Community Services Committee held on 10 December 2015 were noted.

(b) Policy and Resources Committee - 17 December 2015

The Minutes of the Meeting of the Policy and Resources Committee held on 17 December 2015 were noted. Arising under item 7 (Street Lighting Innovative Energy Saving Update Report), the Council agreed the recommendation from the Policy and Resources Committee as detailed in the Minute of 17 December 2015.

(c) Environment, Development and Infrastructure Committee held on 14 January 2016

The Minutes of the Environment, Development and Infrastructure Committee held on 14 January 2016 were noted. Arising from item 6 (A82/A83 Transport Scotland Update) the Council noted that this request would be considered under item 18 of the Agenda (Notice of Motion Under Standing Order 13).

5. LEADER'S REPORT

The Council considered a report outlining the key activities of the Leader of the Council from 21 November 2015 to 15 January 2016. The report also provided Policy Lead updates in relation to Finance, HR, IT and Governance and Law.

Decision

The Council –

1. Noted the report by the Leader of the Council.
2. Noted that the full Leader's Report Pack would be available in the Leader's Office.
3. Unanimously recorded their thanks and appreciation to Duncan MacIntyre and commended him for his many years of contribution to the Council in a variety of roles.
4. Noted the comments made by Group Leaders; Councillor Donald Kelly, Councillor Sandy Taylor and Councillor Michael Breslin; endorsing recognition of

Duncan MacIntyre's contribution to the Council, and to the people of Argyll and Bute.

5. Agreed that the Provost write to Duncan MacIntyre informing him that his contribution to the Council had been formally acknowledged at the Council meeting and passing on the comments made by Group Leaders.

(Reference: Report by Leader of the Council dated 21 January 2016, submitted)

6. POLICY LEAD REPORTS

- (a) **Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism)**

The Council considered a report by the Policy Lead for Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism) which outlined activities undertaken within her role between 1 June 2015 and 31 December 2015.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead for Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism) dated 1 January 2016, submitted)

- (b) **Education and Lifelong Learning**

The Council considered a report by the Policy Lead for Education and Life Long Learning which outlined the activities undertaken within his role between May and December 2015.

Decision

The Council noted the content of the report.

(Reference: Report by Policy Lead for Education and Life Long Learning dated 7 January 2016, submitted)

7. NHS HIGHLAND DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2015

The Council received an informative presentation on the Director of Public Health's Annual Report 2015 by Elaine Garmin, Public Health Specialist. The Annual Report for 2015 focused on the effects of alcohol on health. Members were given the opportunity to ask questions and then the Provost formally thanked Elaine Garmin for her presentation to the Council, and thanked Craig McNally, Senior Health Improvement Specialist, for his attendance.

8. AUDIT SCOTLAND/ACCOUNTS COMMISSION- STATUTORY REPORT/FINDINGS

The Council considered a report advising of the Accounts Commission Findings on the Controller of Audit's Statutory Report on the Council and which also advised on the statutory requirements in relation to the Council's consideration of the Commission's findings. The report sought agreement on the development of an improvement plan in relation to these findings.

Decision

The Council -

1. Welcomed the findings, particularly in relation to the progress that the Council has made; the improvements in political and managerial leadership, decision making and scrutiny with a consequent reduction in risk.
2. Welcomed the recommendations to consolidate progress and build on this to ensure a sustainable future particularly at a time of significant financial challenge.
3. Agreed to accept the recommendations and the development of an improvement plan to take forward the Statutory Report and Accounts Commission findings.

(Reference: Report by Chief Executive dated 13 January 2016 and Statutory Report by the Controller of Audit and Accounts Commission Findings, submitted)

9. REVIEW OF CHARITABLE TRUSTS HELD BY ARGYLL & BUTE COUNCIL

The Council considered a report recommending that in order that the fund of the registered charity, the Norman Stewart Institute, could be used more effectively and that the trust could achieve its objective, that the Council agree to reorganising the charity by transferring all the funds held to the registered charity, For Bute.

Decision

The Council agreed the proposal to apply to OSCR to reorganise the Charitable Trust, the Norman Stewart Institute (Scottish Charity Number SCO019601) by transferring all funds held to For Bute (Scottish Charity Number SC044153); subject to the proposed recipient charity agreeing to the proposal where required.

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

10. POLITICAL MANAGEMENT ARRANGEMENTS

The Council considered a report inviting them to make appointments to vacancies which arose on Council Committees and Outside Bodies/Organisations following the resignation of Councillor Duncan MacIntyre in November 2015.

The report also advised of the resignation of Councillor Mary Jean Devon from her role as Policy Lead for Health and Social Care Integration.

Motion

The Council:

- a) Notes with regret the resignation of Duncan Macintyre from his role as a Councillor and acknowledges his service to the people of Argyll and Bute;
- b) Notes with regret that Councillor Mary-Jean Devon has stepped down from the role of Policy Lead for Health and Social Care Integration, with thanks for her commitment and hard work;
- c) Notes the following changes to Policy Lead and Depute appointments:
 - o Councillor Maurice Corry as Policy Lead for Health and Social Care Integration
 - o Councillor Mary-Jean Devon as sole Depute Policy Lead for Children and Families and Children's Champion
 - o Councillor Elaine Robertson as sole Depute Policy Lead for Adult Care
- d) Appoints Councillor David Kinniburgh to the position of Depute Provost, in place of Councillor Douglas Philand, with immediate effect;
- e) Agrees the following appointments to outside bodies:
 - o Councillor Gary Mulvaney to the Convention of Scottish Local Authorities as one of the council's three representatives
 - o Councillor Maurice Corry to the COSLA Health and Wellbeing Executive Group
 - o Councillor Elaine Robertson to the Argyll Ferry User Group
 - o Councillor Alistair MacDougall to the Short Life Working Group – Argyll Islands Task Force
 - o Councillor Maurice Corry to the NHS Highland Health and Wellbeing Partnership (in place of Councillor Douglas Philand)
- f) Agrees that the current council representation on the Argyll and Bute Health and Social Care Integrated Joint Board should remain in place until 31st March 2016 when, upon the start of a new board term, Councillor Maurice Corry shall replace Councillor Douglas Philand, with all other representatives unchanged (Councillors Devon, Robertson and Horn), with the council giving 28 days' notice of the changes in membership as required;
- g) Makes the following appointments to the council's strategic committees:
 - o Councillor Maurice Corry to Policy and Resources in place of Councillor Douglas Philand
 - o Councillor John McAlpine to Environment, Development and Infrastructure
 - o Councillor Maurice Corry to Community Services in place of Councillor Iain Angus Macdonald
 - o Councillor Roddy McCuish to Community Services in place of Councillor Donald Kelly
- h) Agrees that all other appointments to statutory and outside bodies remain in place;
- i) Notes that all appointments take effect immediately, with the exception of changes to the Integrated Joint Board membership as outlined above.

Moved Councillor Dick Walsh, seconded Councillor Ellen Morton

Amendment

The Council:

- a) Notes with regret the resignation of Duncan Macintyre from his role as a Councillor and acknowledges his service to the people of Argyll and Bute;

- b) Notes with regret that Councillor Mary-Jean Devon has stepped down from the role of Policy Lead for Health and Social Care Integration, with thanks for her commitment and hard work;
 - c) Notes the following changes to Policy Lead and Depute appointments:
 - o Councillor Mary-Jean Devon as sole Depute Policy Lead for Children and Families and Children’s Champion
 - o Councillor Elaine Robertson as sole Depute Policy Lead for Adult Care
 - d) Agrees the following appointments to outside bodies:
 - o Leader of the largest Opposition Group to the Convention of Scottish Local Authorities as one of the council’s three representatives
 - o Councillor Maurice Corry to the COSLA Health and Wellbeing Executive Group
 - o Councillor Michal Breslin to the Argyll Ferry User Group
 - o Councillor Alistair MacDougall to the Short Life Working Group – Argyll Islands Task Force
 - o Councillor Maurice Corry to the NHS Highland Health and Wellbeing Partnership (in place of Councillor Douglas Philand)
 - e) Makes the following appointments to the council’s strategic committees:
 - o Councillor Maurice Corry to Policy and Resources in place of Councillor Douglas Philand
 - o Councillor John McAlpine to Environment, Development and Infrastructure
 - o Councillor Roddy McCuish to Community Services in place of Councillor Donald Kelly
 - f) Agrees that all other appointments to statutory and outside bodies remain in place;
 - g) Notes that all appointments take effect immediately.
- Moved Councillor Sandy Taylor, seconded Councillor Donald Kelly.

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

Motion

Councillor Rory Colville
 Councillor Maurice Corry
 Councillor Robin Currie
 Councillor Mary-Jean Devon
 Councillor George Freeman
 Councillor David Kinniburgh
 Councillor Roddy McCuish
 Councillor Alistair MacDougall
 Councillor Robert G MacIntyre
 Councillor Alex McNaughton
 Councillor Jimmy 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 Anne Horn
 Councillor Donald Kelly
 Councillor John McAlpine
 Councillor Neil MacIntyre
 Councillor Bruce Marshall
 Councillor Douglas Philand
 Councillor Isobel Strong
 Councillor Sandy Taylor
 Councillor Richard Trail

Decision

Following a roll call vote the Motion was carried by 17 votes to 13 and the Council resolved accordingly.

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

11. INDEPENDENT REPRESENTATIVES: AUDIT COMMITTEE

A report advising that the term of office for the current Chair of the Audit Committee was due to expire on 31 March 2016 and for the Vice Chair on 20 April 2016 was considered. The report sought authorisation from the Council to extend the term of office for the current Chair and Vice Chair of the Audit Committee until 31 October 2017.

Decision

The Council agreed to extend the terms of office of the current Chair and Vice Chair of the Audit Committee to 31 October 2017.

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

12. REVIEW OF SCOTTISH STRATEGIC POLICE PRIORITIES

The Council considered a report summarising proposals contained within a Scottish Government Discussion Paper on Scottish Strategic Police Priorities which sought views from stakeholders, including Councils, by 12 February 2016. The report also presented a draft response for the Council to consider in its submission.

Decision

The Council approved the draft response and delegated the final response to the Head of Governance and Law in consultation with the Provost, with any final thoughts from Members being submitted by 5.00pm on Friday 22 January 2016, for submission to the Scottish Government.

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

The Council adjourned for lunch at 1.35pm and reconvened at 2.00pm. Councillor Mary Jean Devon left the meeting at this point.

13. LOCAL DEVELOPMENT PLAN: CONSOLIDATED SUPPLEMENTARY GUIDANCE SUBMISSION TO THE SCOTTISH EXECUTIVE

The Council considered a report advising of a further stage of the development plan process, which is the proposed submission to the Scottish Government of the Consolidated Supplementary Guidance (CSG) to support the Local Development Plan.

Councillor Robert G MacIntyre was not present during consideration of this item.

Decision

The Council –

1. Noted the content of the report.
2. Approved the recommendations of the Planning, Protective Services and Licensing Committee held on 19 August 2015 “to recommend to Council that the proposed supplementary guidance [3 new elements] be submitted to Scottish Ministers and thereafter adopted as a statutory part of the Development Plan, subject to satisfactory completion of the Scottish Ministers’ evaluation”.
3. Approved the proposed Consolidated Supplementary Guidance as amended.
4. Agreed that the proposed Consolidated Supplementary Guidance be submitted to the Scottish Ministers and thereafter adopted as a statutory part of the Development Plan, subject to no recommendation for changes by Scottish Ministers.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 8 January 2016, submitted)

Councillor Robert G MacIntyre rejoined the meeting.

14. DEVELOPMENT PLAN SCHEME: LOCAL DEVELOPMENT PLAN 2

The Council considered a report advising of the Development Plan Scheme which set out the timetable and consultation process for the Local Development Plan 2 and which was required to be prepared annually.

Decision

The Council –

1. Noted the content of the report.
2. Approved the proposed governance arrangements.
3. Approved the Development Plan Scheme, attached at Appendix 1 to the report by the Executive Director, for publication and submission to Scottish Ministers.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 8 January 2016, submitted)

15. ARGYLL AND BUTE COUNCIL HISTORIC ENVIRONMENT STRATEGY

The Council considered a report presenting the results of the public consultation on the Council approved Argyll and Bute Council Historic Environment Strategy.

Decision

The Council –

1. Noted the content of the report.
2. Agreed the proposed changes to the Strategy in Appendix A to the report by the Executive Director.
3. Adopted the amended document as the Argyll and Bute Council Historic Environment Strategy.

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

16. THE HERMITAGE PARK - HERITAGE LOTTERY FUND OFFER OF AWARD

The Council considered a report advising that the Hermitage Park Project had been awarded a Heritage Lottery Find Grant that would release £2,831,000 of funding and support for a Council investment of £280,000.

Decision

The Council –

1. Agreed to the Heritage Lottery Fund Terms of Grant and delegated authority to the Chief Executive to intimate agreement to the terms to Heritage Lottery Fund.
2. Accepted the principle of underwriting the current shortfall of £268,409, if required, to enable the project to progress to the next stage which would be to secure the permission to start from the Heritage Lottery Fund and to then begin the delivery of the capital project in line with the project plan and associated time line.
3. Agreed that the mechanism to finance any shortfall would be dealt with as part of the 2016/17 budget process.

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

17. COUNCIL BIRD CONTROL POLICY

The Council considered a recommendation from the Planning, Protective Services and Licensing Committee of 18 November 2015 in relation to options for the Council to adopt a Policy in respect of the control of bird nuisance within Argyll and Bute.

Motion

That the Council agree the recommendation from the Planning, Protective Services and Licensing Committee of 18 November 2015, that option 1, as detailed in the report by the Executive Director, be adopted as the Council's Bird Control Policy. This advisory service will also point people to a range of suitably qualified local contractors to assist.

Moved Councillor Ellen Morton, seconded Councillor Gary Mulvaney.

Amendment

The Council agree to provide both an Advisory and a limited enhanced service in respect of bird control. The advisory service would be free of charge and would inform members of the public on how best to protect and proof their property against bird infestation; a limited enhanced service will provide pest control exclusively in regard to the common gull and feral pigeon. It is proposed that an appropriate charge be levied in this regard to cover the full cost of delivering this service.

Moved Councillor Donald Kelly, seconded Councillor Douglas Philand.

Decision

On a show of hands vote the Motion was carried by 18 votes to 8 and the Council resolved accordingly.

(Reference: Recommendation from Planning, Protective Services and Licensing Committee of 18 November 2015 and report by Executive Director – Development and Infrastructure Services dated 30 October 2015, submitted)

18. NOTICE OF MOTION UNDER STANDING ORDER 13

A Notice of Motion Under Standing Order 13 had been submitted by Councillors Ellen Morton and Maurice Corry, however the proposer of the Motion, Councillor Ellen Morton, advised that she had been made aware of concerns that the submitted Motion may project a negative message to the public. She requested a short adjournment to discuss an alternative with the Group Leaders and to attempt to agree a unanimous Council decision on this. The Provost granted her request and the Council adjourned for five minutes.

Decision

The Council agreed that representation be made to the Scottish Government confirming that the Council:

- Reaffirms that Argyll and Bute is a great place to live, work, visit and do business, making the most of investment and infrastructure to develop its economy full of opportunities;
- Acknowledges the work that has been carried out to provide the catch netting along parts of the A83 and alternative route along the Old Military Road.
- However, the Council consider this to be a temporary solution and not a permanent solution.
- Notes the considerable investment that has been made on the A83/Rest and Be Thankful in recent years
- Notes that the steel arrestment netting has been effective in preventing much material from reaching the road, but not all
- Continues to have concerns regarding the reliability and safety of the current route even with the investment that has been made to date.
- Continues to have concerns regarding the impact of the closures of the A83 to the economy of the local area.

- Seeks a permanent solution to be progressed as a matter of urgency working in partnership with the Scottish Government, and a timescale provided for any permanent solution.
- Notes that a communications strategy is in place, and requests that this ensure that clear, key messages are communicated to the public at the earliest opportunity that Argyll and Bute is open for business and advertises the alternative routes to be used, including ferry routes.
- Agrees to write to the Parliamentary Petitions Committee to express the above concerns.

(Reference: Notice of Motion Under Standing Order 13, submitted; and alternative Motion, tabled)

The Provost advised that in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, the appendices relating to the following item of business would require him to exclude the press and public should any Member wish to discuss the content of those appendices on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

19. CARBON MANAGEMENT: PROVISIONAL FULL BUSINESS CASE: WIND TURBINE AT GLENGORM LANDFILL SITE

The Council considered a report outlining the work undertaken in relation to wind and which sought approval for a single wind turbine at Glengorm Landfill Site on Mull.

Decision

The Council -

1. Noted the annual carbon savings were expected to be in the region of 92.4 tonnes per annum.
2. Noted that the Provisional Full Business Case estimated that additional prudential borrowing capital funding of circa £404,680 would be required for the wind turbine at Glengorm Landfill Site to proceed to the implementation/delivery stage and that this would be funded through the annual savings.
3. Noted that the Provisional Full Business Case estimated a payback period of 12 years for the additional borrowing to complete the installation of the wind turbine, assuming completion by September 2016.
4. Agreed that based on the Provisional Full Business Case (impact, affordability, deliverability and risk) for the wind turbine, delegated authority be afforded to the Executive Director of Customer Services to accept tenders on behalf of the Council for the installation of the wind turbine at Glengorm Landfill Site in consultation with the Leader, Deputy Leader and Leader of the main Opposition. The Executive Director would only have the delegated authority to approve the tenders subject to the final Full Business Case presenting a payback period of less than the working life of the turbine. The final Full Business Case would be

informed by the tender documents as well as onsite wind monitoring which is currently underway.

5. Noted that should the turbine be commissioned post September 2016 the payback period would be increased to circa 19 years but that the commissioning date could not be confirmed until part way through the project when costs would have been incurred.
6. Agreed that the preparatory works listed in Appendix 1 be commenced immediately in order to meet the September 2016 deadline for commissioning of the turbine.
7. Noted that an update paper would be presented to Policy and Resources Committee in May 2016 to confirm the progress made with installation.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 8 January 2016, 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 item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

20. SCOTCOURT HOUSE, 45 WEST PRINCES STREET & 31 JAMES STREET, HELENSBURGH

The Council considered a recommendation from a Special Meeting of the Helensburgh and Lomond Area Committee held on 23 November 2015 in respect of the sale of Scotcourt House at 45 West Princes Street and 31 James Street, Helensburgh.

Motion

That the Council agree the terms of the recommendation by the Helensburgh and Lomond Area Committee of 23 November 2015.

Moved Councillor Gary Mulvaney, seconded Councillor David Kinniburgh.

Amendment

That the Council agree the detail as contained at paragraph 1.2 (iii) of the report by the Executive Director on page 607 of the agenda pack of papers.

Moved Councillor Ellen Morton, seconded Councillor Richard Trail.

Decision

On a show of hands vote the Amendment was carried by 18 votes to 10 and the Council resolved accordingly.

(Reference: Report by Executive Director – Customer Services dated 24 November 2015, submitted)