

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBERS,  
KILMORY, LOCHGILPHEAD  
on THURSDAY, 18 AUGUST 2016**

**Present:**

Councillor Len Scoullar (Chair)

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

**Attending:**

Cleland Sneddon, Chief Executive  
Douglas Hendry, Executive Director of Customer Services  
Fergus Murray, Head of Economic and Development  
Charles Reppke, Head of Governance and Law  
Kirsty Flanagan, Head of Strategic Finance

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Breslin and 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-

Following the decision of the IJB to close the Dementia Day Centre at Thomson Court Rothesay without any consultation whatsoever the Bute and Cowal Area Committee of 2/8/16 sent a unanimous recommendation to the IJB for its meeting on 4/8/16 but this was disregarded. The decision has caused extreme anxiety on the isle of Bute as the Day Centre looked after people with complex needs who would have to be cared for in Care Homes on the mainland as there are only the few residential places on the island in Thomson Court itself. Not only will this create severe problems for the families themselves but it could lead to a de-skilling of the workforce.

This Council calls on the IJB to reverse its decision.

Moved by Councillor Isobel Strong, seconded by Councillor Robert E Macintyre

The Provost ruled that he considered this item to be urgent by reason that the decision was active and that matters have moved on. The Council agreed to consider the motion and this is dealt with at item 11 of this Minute.

### **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 council is asked, as a matter of urgency, to consider the current critical position of Argyll Training Ltd.

At this time a number of staff have taken voluntary redundancy and all 16 remaining staff have taken salary reductions and are subject to 90 days' notices of redundancy, and the company's offices in Campbeltown and Rothesay have been closed.

The issues currently being faced by Argyll Training Ltd have arisen predominantly due to a number of funding cuts, in particular a 42% reduction (70 places) in the Employability Fund for 2016/17 for Argyll and Bute, and the cessation of DWP programmes (ie Mandatory Work Activity and Community Work Placement contracts) with no extension of provision until Welfare to Work activity is devolved to Scotland as from 1st April 2017.

It is of key concern that, if Argyll Training ceases to trade, then Argyll and Bute will in effect be left with little or no Employability Fund provision. This will have a significant impact on the support that can be offered to our vulnerable young people in terms of providing them with the necessary skills and qualifications to aid them into employment, including the opportunity to become a Modern Apprentice.

The loss of quality training jobs, and the key role they play in rural employability will have a huge impact on Argyll and Bute's economy which continues to be affected by depopulation.

To date the Council has been actively lobbying the UK and Scottish Governments on the devolution of Welfare to Work Programmes to Scotland as of 1st April 2017. In particular, a focus has been given to the provision of employability services in rural/remote and island areas. However, previous lobbying activity has not been successful in reversing the funding decision.

The council therefore agrees to instruct the Chief Executive to write to the Scottish Government, seeking assistance and support for Argyll Training Ltd in developing realistic options for the continuation of this proven and valuable service.

Moved by Councillor Roddy McCuish, seconded by Councillor Julie McKenzie.

The Provost ruled that he considered this item to be urgent by reason that the 90 day notice had already been served to staff and the date of the next Council Meeting would be after that cut off. The Council agreed to consider the motion and this is dealt with at item 12 of this Minute.

### **4. 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 recent Adult Services paper submitted to the Bute and Cowal Area Committee on 2nd August 2017 indicated that the Cowal Locality Planning Group has " identified its priorities for the next year and a draft action plan is being developed, informed by the demographic profile, and known projected demands and trends and with the involvement from a wide

range of stakeholders. A draft Locality Plan will be produced by October 2016 and reported to the IJB”.

The subsequent decision to cease 24 hour care for residents at Struan Lodge as a result of the proposals for the “hub” not including residential care for existing residents in a Quality Care Publically owned facility will create major upset and disappointment to the residents and their families. The continued criticism in relation to the lack of consultation and discussion before decisions are made is a major concern for this Council and the IJB. Despite the paper including the statement “ No decisions will be made until there has been time for discussion and assessment of the needs of the current residents of Struan Lodge” confirms the process, so far, is flawed.

The Area Committee of 2nd August 2016 sent a unanimous recommendation to the IJB for its consideration at its meeting on 4th August 2016 but it was disregarded.

The Council calls on the IJB to reverse its decision.

Moved by Councillor Gordon Blair, seconded by Councillor Anne Horn.

The Provost ruled that he considered this item to be urgent by reason that the decision was active and that matter had moved on. The Council agreed to consider the motion and this is dealt with at item 13 of this Minute.

#### **5. 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 council notes that COSLA, unions and Local Authorities are currently lobbying in relation to the Scottish Government’s recent announcement of a governance review which will review and examine the system changes required to empower schools. It is anticipated that decisions around funding distribution in principal could be made imminently by the Scottish Government. As the legal responsibility for delivery of education sits with Education authorities the Scottish government will extend these responsibilities to individual schools by way of an Education Bill.

The council agrees to ask the Acting Executive Director of Community Services to write to the Cabinet Secretary asking that the distribution formula adequately reflects the costs associated with the delivery of education in a dispersed rural authority; and further asks that the Scottish Government affirms it will be open to Head Teachers to consider using elements of this funding to provide enhanced literacy or library activities to meet their school’s overall curriculum.

Moved by Councillor Mary-Jean Devon, seconded by Councillor Rory Colville.

The Provost ruled that he considered this item to be urgent by reason that local authorities and COSLA were lobbying currently on this matter. The Council agreed to consider the motion and this is dealt with at item 14 of this Minute.

#### **6. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

#### **7. UPDATE TO CAPITAL PLAN 2016-17 TO 2019-20**

The Council considered a report which detailed the revisions proposed to the capital plan approved in February 2016 for the period 2016-20 together with a recommendation from the Policy and Resources Committee.

## **Motion**

The Council:

- 1) Agrees the recommendations outlined in the report prepared by officers at 3.1, 3.2 and 3.3 as follows:

*3.1 To approve the revised capital plan as set out in Appendix 2.*

*3.2 To approve the following additions to the plan:*

- *An increase to the Helensburgh Waterfront project of £1.022m to allow for the reinstatement of the splash pool and play area and enhance the scope of the café as well as raising the level of the car park in light of flooding assessment.*
- *An increase to the Queen's Hall project of £1.951m to allow the tender for the building works to be accepted.*

*3.3 To note that the balance of available resources is now £1.812m.*

2) Agrees that the balance of £1.812m is earmarked as contingency against the implementation and development of the Capital Programme.

Moved by Councillor Dick Walsh, seconded by Councillor Ellen Morton.

## **Amendment**

Notes the £5m of funds allocated to the Helensburgh Waterfront Project in the March UK budget statement.

Agrees to create a £5m Maritime Change Support Fund to alleviate the additional pressures on services, infrastructure, education and housing in the Helensburgh and Lomond area from the enlargement of Faslane to accommodate the UK submarine fleet over coming years.

Agrees the increase to the Helensburgh Waterfront project outlined in the paper of £1.022m be earmarked in the Maritime Change Support Fund.

Agrees the increase to the Queens Hall project of £1.951m be funded from unallocated reserves.

Agrees the proposed revised Capital Plan with these modifications.

Agrees the use of free reserves to fund any shortfall in the revised Capital Plan as now proposed and resulting from the above and that any future and as yet un-costed projects be taken forward in the normal manner as part of the financial budgeting process.

Moved by Councillor James Robb, seconded by Councillor Anne Horn.

## **Decision**

On a show of hands vote, the amendment received 6 votes and the motion received 23 votes and the Council resolved accordingly.

(Ref: Report by Head of Strategic Finance dated 18 August 2016, submitted and recommendation by the Policy and Resources Committee)

## **8. DUNOON - GOUROCK FERRY SERVICE**

The Council considered a recommendation by the Bute and Cowal Area Committee with regard to the Dunoon / Gourock Ferry Service. The Council also considered a motion by Councillor Ellen Morton seconded by Councillor Robert G MacIntyre.

### **Decision**

Piers and harbours are of significant economic importance in Argyll and Bute. The council wants to do all that it can to encourage and support ferry services and operations so that vital transport links are maintained with and for local communities. With substantial costs related to the successful and efficient operation of harbours, it is important to achieve an appropriate balance in terms of covering those costs. The council therefore agrees:

1. To note the decisions of the Environment, Development and Infrastructure Committee and the Harbour Board.
2. That in future pier/harbour dues should be set as a minimum at a level which will cover operating and staffing costs; inspection, maintenance and whole life asset management costs; any prudential borrowing costs required to fund shoreside infrastructure associated with the future ferry services.
3. Agrees to consider the possibility of developing a case to secure Grant Aided Expenditure (GAE) on the basis of the expenditure required to retain/maintain categories of harbours where income is insufficient to cover expenditure.
4. When developing proposals for harbour fees and charges, the board will have regard to the individual business model/financial position of harbours where there is significant ferry transport activity.
5. The cost recovery approach referred to above at points 2 and 4 should be promoted by officers as part of their early discussions with bidders as part of the current Transport Scotland tender for the Gourock-Dunoon ferry service, and that the same principles apply to the carryings for either a passenger/vehicle service or for a passenger-only service.
6. Further consideration is also given as part of this current tendering exercise to the following, should any potential ferry operator approach the council:
  - The leasing of the transport harbour to interested ferry operators
  - Entering into some form of user agreement for a specified period
  - Consideration of sale of the transport harbour at Dunoon to an interested operator
7. That Argyll and Bute Council represents to Transport Scotland and to Scottish Ministers to intervene with CMAL to ensure that the principles for harbour charges being promoted for Dunoon should also be progressed for the harbour facility at Gourock.
8. Members note that consultation workshops due to take place in September will consider options based on the principles set out above.

9. Members note that the outcome of the review will be reported to the Argyll and Bute Harbour Board and to the Policy and Resources Committee/Council as appropriate.

(Ref: Recommendation by the Bute and Cowal Area Committee of 2 August 2016, submitted)

## **9. POLICY LEAD - HEALTH & SOCIAL CARE INTEGRATION**

The Council considered a report which sought clarification and confirmation with respect to the Policy Lead Role for Health and Social Care Integration and to agree the appointments to outside bodies associated with the role and that the Policy Lead Role for Health and Social Care Integration will be updated accordingly.

### **Motion**

The Council:

- 1) Notes the appointment, at its last meeting on 30<sup>th</sup> June 2016, of Councillor Kieron Green to the role of Policy Lead for Health and Social Integration and confirms his appointment to the Integrated Joint Board (IJB) and the remit of Chair of the Integrated Joint Board (or Vice Chair as per the IJB Standing Orders) effective from 1<sup>st</sup> September 2016, in this role;
- 2) Agrees the appointment of the Policy Lead for Health and Social Care Integration to:
  - COSLA Health and Wellbeing Group
  - NHS Highland Health and Wellbeing Partnership
- 3) Notes that the remit of the Policy Lead role profile for Health and Social Care Integration will be updated accordingly.

Moved by Councillor Dick Walsh, seconded by Councillor Ellen Morton.

### **Amendment**

The Council agrees to:-

1. Appoint Councillor Douglas Philand to the Integrated Joint Board of the Health and Social Care Partnership in place of Councillor Kieron Green and;
2. To nominate Councillor Douglas Philand to the Chair of the Integrated Joint Board.

In recognition of his experience and ability to represent the Council, and fulfil its commitment to “lead” the IJB at this most important time in the work of the Board.

Moved by Councillor Anne Horn, seconded by Councillor John Armour.

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

### **Motion**

Councillor Colville

### **Amendment**

Councillor Armour

Councillor Corry  
Councillor Currie  
Councillor Devon  
Councillor Green  
Councillor Kinniburgh  
Councillor McAlpine  
Councillor McCuish  
Councillor MacDougall  
Councillor N MacIntyre  
Councillor R G MacInytre  
Councillor MacMillan  
Councillor McNaughton  
Councillor A Morton  
Councillor E Morton  
Councillor Mulvaney  
Councillor Robertson  
Councillor Scoullar  
Councillor Walsh

Councillor Blair  
Councillor Dance  
Councillor Freeman  
Councillor Horn  
Councillor R E Macintyre  
Councillor McKenzie  
Councillor MacLean  
Councillor Marshall  
Councillor Philand  
Councillor Robb  
Councillor Strong  
Councillor Taylor  
Councillor Trail

### **Decision**

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

(Ref: Report by the Executive Director of Customer Services dated 29 July 2016, submitted)

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

Councillor Kieron Green, seconded by Councillor Rory Colville had given notice of the following motion:-

#### **Motion**

In recent weeks there has been a reported rise in racism, xenophobia and hate crimes across the United Kingdom.

Argyll and Bute Council is proud that communities in our area are tolerant and inclusive to people from all racial and religious backgrounds.

We, as elected Members of Argyll and Bute Council:

- Condemn racism, xenophobia and hate crimes;
- Will do what we can to support anyone who falls victim to hate crimes;
- Urge members of the public to report any incidents that occur;
- Will continue to work with all our partners, including Police Scotland, to ensure that those responsible are not able or allowed to continue with divisive behaviour

Moved by Councillor Kieron Green, seconded by Councillor Rory Colville.

#### **Amendment**

That no action be taken.

Moved by Councillor Gary Mulvaney, seconded by Councillor James Robb.

### **Decision**

On a show of hands vote, the amendment received 16 votes and the motion received 14 votes and the Council resolved accordingly.

(Ref: Notice of Motion by Councillor Green, seconded by Councillor Colville, submitted)

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

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

### **Motion**

Following the decision of the IJB to close the Dementia Day Centre at Thomson Court Rothesay without any consultation whatsoever the Bute and Cowal Area Committee of 2/8/16 sent a unanimous recommendation to the IJB for its meeting on 4/8/16 but this was disregarded. The decision has caused extreme anxiety on the isle of Bute as the Day Centre looked after people with complex needs who would have to be cared for in Care Homes on the mainland as there are only the few residential places on the island in Thomson Court itself. Not only will this create severe problems for the families themselves but it could lead to a de-skilling of the workforce.

This Council calls on the IJB to reverse its decision.

Moved by Councillor Isobel Strong, seconded by Councillor Robert E Macintyre

### **Amendment**

The Council:

- 1) Notes the concerns raised and representations being made by communities across Argyll and Bute about the redesign of health and social care services;
- 2) Notes the difficult decisions that the Integrated Joint Board, like all public bodies, faced within its Quality and Financial Plan;
- 3) Notes that following legislation introduced by the Scottish Government the delivery of and responsibility for decisions on health and social care services within Argyll and Bute has been delegated to the Argyll and Bute Health and Social Care Partnership;
- 4) Instructs the council's Chief Executive to meet with the Scottish Government, the Chief Executive of NHS Highland, the Chief Officer of the Integrated Joint Board, and any other relevant officers of these organisations to explore and consider the development of arrangements to address any shortfall in resources required to deliver the Argyll and Bute Health and Social Care Partnership Strategic Plan.

Moved by Councillor Maurice Corry, seconded by Councillor Kieron Green.

The mover of the Motion requested the alteration of the motion to adopt part of the amendment and after taking advice the Provost ruled that this would not be competent.

### **Decision**

On a show of hands vote, the amendment received 19 votes and the motion received 14 votes and the Council resolved accordingly.

(Ref: Notice of Motion by Councillor Strong, seconded by Councillor Macintyre, tabled)

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

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

### **Motion**

The council is asked, as a matter of urgency, to consider the current critical position of Argyll Training Ltd.

At this time a number of staff have taken voluntary redundancy and all 16 remaining staff have taken salary reductions and are subject to 90 days' notices of redundancy, and the company's offices in Campbeltown and Rothesay have been closed.

The issues currently being faced by Argyll Training Ltd have arisen predominantly due to a number of funding cuts, in particular a 42% reduction (70 places) in the Employability Fund for 2016/17 for Argyll and Bute, and the cessation of DWP programmes (ie Mandatory Work Activity and Community Work Placement contracts) with no extension of provision until Welfare to Work activity is devolved to Scotland as from 1st April 2017.

It is of key concern that, if Argyll Training ceases to trade, then Argyll and Bute will in effect be left with little or no Employability Fund provision. This will have a significant impact on the support that can be offered to our vulnerable young people in terms of providing them with the necessary skills and qualifications to aid them into employment, including the opportunity to become a Modern Apprentice.

The loss of quality training jobs, and the key role they play in rural employability will have a huge impact on Argyll and Bute's economy which continues to be affected by depopulation.

To date the Council has been actively lobbying the UK and Scottish Governments on the devolution of Welfare to Work Programmes to Scotland as of 1st April 2017. In particular, a focus has been given to the provision of employability services in rural/remote and island areas. However, previous lobbying activity has not been successful in reversing the funding decision.

The council therefore agrees to instruct the Chief Executive to write to the Scottish Government, seeking assistance and support for Argyll Training Ltd in developing realistic options for the continuation of this proven and valuable service.

Moved by Councillor Roddy McCuish, seconded by Councillor Julie McKenzie.

### **Decision**

The Council resolved in terms of the motion.

(Ref: Notice of Motion by Councillor McCuish, seconded by Councillor McKenzie, tabled)

Councillors Bruce Marshall and John McAlpine left the meeting at this point.

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

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

#### **Motion**

The recent Adult Services paper submitted to the Bute and Cowal Area Committee on 2nd August 2017 indicated that the Cowal Locality Planning Group has "identified its priorities for the next year and a draft action plan is being developed, informed by the demographic profile, and known projected demands and trends and with the involvement from a wide range of stakeholders. A draft Locality Plan will be produced by October 2016 and reported to the IJB".

The subsequent decision to cease 24 hour care for residents at Struan Lodge as a result of the proposals for the "hub" not including residential care for existing residents in a Quality Care Publically owned facility will create major upset and disappointment to the residents and their families. The continued criticism in relation to the lack of consultation and discussion before decisions are made is a major concern for this Council and the IJB. Despite the paper including the statement "No decisions will be made until there has been time for discussion and assessment of the needs of the current residents of Struan Lodge" confirms the process, so far, is flawed.

The Area Committee of 2nd August 2016 sent a unanimous recommendation to the IJB for its consideration at its meeting on 4th August 2016 but it was disregarded.

The Council calls on the IJB to reverse its decision.

Moved by Councillor Gordon Blair, seconded by Councillor Anne Horn.

With the agreement of the mover and seconder, it was unanimously agreed that the previous amendment with regard to the IJB be the decision, in respect of this item also.

#### **Decision**

The Council:

- 1) Notes the concerns raised and representations being made by communities across Argyll and Bute about the redesign of health and social care services;
- 2) Notes the difficult decisions that the Integrated Joint Board, like all public bodies, faced within its Quality and Financial Plan;
- 3) Notes that following legislation introduced by the Scottish Government the delivery of and responsibility for decisions on health and social care services within Argyll and Bute has been delegated to the Argyll and Bute Health and Social Care Partnership;
- 4) Instructs the council's Chief Executive to meet with the Scottish Government, the Chief Executive of NHS Highland, the Chief Officer of the Integrated Joint Board, and any other relevant officers of these organisations to explore and

consider the development of arrangements to address any shortfall in resources required to deliver the Argyll and Bute Health and Social Care Partnership Strategic Plan.

(Ref: Notice of Motion by Councillor Blair, seconded by Councillor Horn, tabled)

Councillor Robert E Macintyre left the meeting at this point.

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

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

##### **Motion**

The council notes that COSLA, unions and Local Authorities are currently lobbying in relation to the Scottish Government's recent announcement of a governance review which will review and examine the system changes required to empower schools. It is anticipated that decisions around funding distribution in principal could be made imminently by the Scottish Government. As the legal responsibility for delivery of education sits with Education authorities the Scottish government will extend these responsibilities to individual schools by way of an Education Bill.

The council agrees to ask the Acting Executive Director of Community Services to write to the Cabinet Secretary asking that the distribution formula adequately reflects the costs associated with the delivery of education in a dispersed rural authority; and further asks that the Scottish Government affirms it will be open to Head Teachers to consider using elements of this funding to provide enhanced literacy or library activities to meet their school's overall curriculum.

Moved by Councillor Mary-Jean Devon, seconded by Councillor Rory Colville.

##### **Decision**

The Council resolved in terms of the motion.

(Ref: Notice of Motion by Councillor Devon, seconded by Councillor Colville, tabled)

The Provost advised that the Council should resolve, if required, 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 Paragraphs 8&9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

#### **15. QUEENS HALL TENDER UPDATE**

The Council considered a report which provided Members with an update following evaluation of the three submitted tenders for the Queens Hall Refurbishment together with the recommendation of the Policy and Resources Committee.

##### **Decision**

The Council agreed the recommendations contained within the submitted report.

(Ref: Report by the Executive Director of Development and Infrastructure Services dated 18 August 2016, submitted and Recommendation by the Policy and Resources Committee, tabled)