

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on THURSDAY, 29 SEPTEMBER 2016**

Present: Councillor Len Scoullar (Chair)

Councillor John Armour	Councillor Roderick McCuish
Councillor Gordon Blair	Councillor Julie McKenzie
Councillor Michael Breslin	Councillor Alex McNaughton
Councillor Rory Colville	Councillor James McQueen
Councillor Robin Currie	Councillor Bruce Marshall
Councillor Vivien Dance	Councillor Aileen Morton
Councillor Mary-Jean Devon	Councillor Ellen Morton
Councillor George Freeman	Councillor Gary Mulvaney
Councillor Kieron Green	Councillor Douglas Philand
Councillor Anne Horn	Councillor Elaine Robertson
Councillor 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 Donald MacMillan	Councillor Dick Walsh
Councillor John McAlpine	

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

The Provost advised that he had previously written a letter to the Prime Minister of Italy expressing the Councils deepest sympathy following the devastating earthquake. He informed the Council that he had received a reply from Consul General of Italy thanking the Council for their letter.

Councillor Isobel Strong had received a petition from residents over the closure of Thompson Court Dementia Centre in Rothesay which she handed to the Provost, who indicated he would pass this to the Chair of the Integrated Joint Board.

The Provost congratulated two Modern Apprentices, Steven Simpson and Chris Cupples who had been nominated in the Scottish Training Federation (STF) Apprentice of the Year 2016 Awards. The Awards were held on 27 September and Steven was announced as the overall Modern Apprentice winner. The Provost presented the Apprentices with commemorative Quaich's.

There was a very informative presentation by Captain Thomas Blair, MOD on the major community engagement tour 7SCOTS on the West Coast during the month of September. The Provost, on behalf of the Council, thanked the Captain for his presentation.

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 Robb, seconded by Councillor Taylor had been received for consideration as a matter of urgency at this meeting:-

“It was noted at the Policy and Resources Committee that the Council may be facing a funding gap of up to £10.5m in 2017-18 but no consideration was given to a strategy to balance the budget that year. The Council agrees that an accelerated process based on Service Choices Process be taken forward to produce the required savings options. The Chief Executive is instructed to prepare Savings Options to balance the 2017-18 budget to be presented at the earliest possible Council meeting, taking note of the desire to hold a public consultation on the Savings Options and the scheduled Budget meeting on the 9th February 2017.”

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Corry, Kelly and Kinniburgh.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest intimated.

4. MINUTES

(a) Argyll and Bute Council held on 30 June 2016

The Minutes of the Meeting of Argyll and Bute Council held on 30 June 2016 were approved as a correct record.

(b) Special Argyll and Bute Council held on 18 August 2016

The Minutes of the Special Meeting of Argyll and Bute Council held on 18 August 2016 were approved as a correct record.

5. MINUTES OF COMMITTEES

(a) Environment, Development and Infrastructure Committee held on 11 August 2016

The Minutes of the Meeting of the Environment, Development and Infrastructure Committee held on 11 August 2016 were noted.

(b) Policy and Resources Committee held on 18 August 2016

The Minutes of the Meeting of the Policy and Resources Committee held on 18 August 2016 were noted.

Arising from item 12, Revision of the Corporate Health and Safety Policy, the

Council approved the revised Health and Safety Policy.

Arising from item 13, Reducing Stress in the Workplace Policy, the Council approved the updated Reducing Stress in the Workplace Policy.

Arising from item 14, People Strategy 2016-2020, The Council approved the People Strategy 2016-2020.

(c) Community Services Committee held on 8 September 2016

The Minutes of the Meeting of the Community Services Committee held on 8 September 2016 were noted. Arising from item 14, Strategic Housing Investment Plan 2017/18 – 2021/22, the Council agreed the proposals summarised in the report form the basis of the submission to the Scottish Government in November 2016. The Council also congratulated the SHIP team who had won the overall award at the Excellence Awards held yesterday.

6. LEADER'S REPORT

A report providing the Council with an update on the activities undertaken by the Leader of the Council from 21 June 2016 to 15 September 2016 was considered. The report also provided updates in respect of the Leaders role as Policy Lead Councillor for Finance, IT, HR and Governance and Law.

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 15 September 2016, submitted)

7. POLICY LEAD COUNCILLORS REPORTS

(a) Report by Policy Lead for Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism)

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism) since 1 January 2016.

Decision

The Council noted the content of the report.

(Ref: Report by Policy Lead Councillor for Sustainable Economic Growth (Economic Development, European Affairs, Renewables and Strategic Tourism) dated 19 September 2016, submitted)

(b) **Report by Policy Lead for Education and Lifelong Learning**

The Council considered a report providing an update on the main focus of the Policy Lead Councillor for Education and Lifelong Learning from January to August 2016.

Decision

The Council noted the content of the report.

(Ref: Report by Policy Lead Councillor for Education and Lifelong Learning dated September 2016, submitted)

8. AUDIT SCOTLAND/ACCOUNTS COMMISSION - IMPROVEMENT PLAN

The Council considered a report which provided members with an update on the improvement plan that has been developed to take forward the Accounts Commission findings on the Controller of Audit Scotland's further Statutory Report on the Council.

Motion

The Council:-

- Notes the very challenging timetable in which the Council had to set its budget for 2016/17, with the need for clarity and advice from the Scottish Government on ongoing changes to the local government finance settlement and the consequential potential impact on the people of Argyll and Bute;
- Confirms the extensive consultation that was carried out by the Council on the Service Choices savings options for 2016/17 with communities across Argyll and Bute and the subsequent 'you said, we did' consultation feedback detail;
- Notes the significant impact and consequences for the Council's budget and savings options consultation following the eventual announcement of the final financial settlement;
- Notes the need for the Council's Administration, in recognition of the views being expressed by communities following the consultation and with the significant adverse changes to available finances at that time, to identify further savings to offset and remove some of the significant service cuts that our communities were representing on;
- Notes the advice to the Scottish Parliament by the First Minister Nicola Sturgeon where she acknowledges Argyll and Bute Council as an example of a council "doing all possible to keep the impact to a minimum";
- Agrees that when considering this very difficult and developing situation, the Audit Scotland Review of the Budget Setting Process 2016/17 and its conclusions do not sufficiently reflect the council's actions and activities, and further that these conclusions understate the ever-changing and challenging circumstances faced by the Council at that time;

- Welcomes the findings which recognise the progress that the Council has made, the improvements in political and managerial leadership, decision making and scrutiny with a consequent reduction in risk;
- Welcomes the recommendation to consolidate progress and build on this to ensure a sustainable future for the Council in particular at this time of significant financial challenge;
- Acknowledges the findings of the follow-up audit and the six key areas identified with advice on where the Council needs to continue to improve;
- Agrees to progress the updated improvement plan as set down in appendix 1 of the report;
- In light of the above, notes that the Chief Executive will provide update reports on the council's progress on the Audit Scotland-Accounts Commission Improvement Plan in due course, and agrees that these updates should include progress in relation to the Budget Process Review, as soon as practical following the 2017/18 budget setting process.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Amendment

Note that the progress that has been made to date against each of the improvement actions.

It was noted at the Policy and Resources Committee that the Council may be facing a funding gap of up to £10.5m in 2017-18 but no consideration was given to a strategy to balance the budget that year. The Council agrees that an accelerated process based on Service Choices Process be taken forward to produce the required savings options. The Chief Executive is instructed to prepare Savings Options to balance the 2017-18 budget to be presented at the earliest possible Council meeting, taking note of the desire to hold a public consultation on the Savings Options and the scheduled Budget meeting on the 9th February 2017.

The Council agrees that any changes to achievable financial or budgeting forecasts approved by officers (Audit Scotland Report paragraph 16) will be shared with all councillors as soon as possible.

Moved by Councillor Robb, seconded by Councillor Taylor.

The Provost adjourned the meeting at 11.35am and reconvened at 11.45am.

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

Motion

Councillor Colville
Councillor Currie
Councillor Devon
Councillor Green
Councillor McAlpine
Councillor McCuish
Councillor MacDougall

Amendment

Councillor Armour
Councillor Blair
Councillor Breslin
Councillor Dance
Councillor Freeman
Councillor Horn
Councillor N MacIntyre

Councillor R G MacIntyre
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor A Morton
Councillor E Morton
Councillor Mulvaney
Councillor Robertson
Councillor Scoullar
Councillor Walsh

Councillor R E Macintyre
Councillor McKenzie
Councillor Marshall
Councillor Philand
Councillor Robb
Councillor Strong
Councillor Taylor
Councillor Trail

Decision

The Motion was carried by 17 votes to 15 and the Council resolved accordingly.

(Ref: Report by the Executive Director of Customer Services dated 8 August 2016, submitted)

9. CHARLES AND BARBARA TYRE TRUST - APPOINTMENT OF GOVERNORS

The Council considered a report which advised that the Charles and Barbara Tyre Trust have written to the Council seeking agreement for the appointment of a Governor to the Board of the Charles and Barbara Tyre Trust.

Motion

That no appointment be made to the Charles and Barbara Tyre Trust.

Moved by Councillor Strong, seconded by Councillor Dance.

Amendment 1

Agree the recommendation contained within the report and to investigate the legality of the Council having to make appointments to the Trust and to report back to a future Council Meeting.

Moved by Councillor Colville, seconded by Councillor E Morton.

Amendment 2

Agree the recommendation contained within the report.

Moved by Councillor Robb, seconded by Councillor N MacIntyre.

A vote was taken on all the proposals with each Member having one vote. The Motion received 13 votes, Amendment 1 received 14 votes and Amendment 2 received 3 votes. None of the proposals received an overall majority so the proposal with the fewest proposals was dropped and a second vote was taken between the two remaining proposals. Amendment 1 received 17 votes and the Motion received 13 Votes.

Decision

The Council resolved in terms of Amendment 1.

Agree the recommendation contained within the report and to investigate the legality of the Council having to make appointments to the Trust and to report back to a future Council Meeting.

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

10. APPOINTMENT OF PERSONS INTERESTED IN THE PROMOTION OF RELIGIOUS EDUCATION

The Council considered a report which advised that Rev William Crossan and Father David Connor had both resigned from the Community Services Committee as Religious Representatives. The Council has now received nominations from both the Church of Scotland and the Roman Catholic Church to take up two of these positions following the resignations.

Decision

The Council agreed to:-

1. Confirm the appointment of Mr William Stewart Shaw (as nominated by the Church of Scotland) and Mrs Margaret Anderson (as nominated by the Roman Catholic Church) as members of the Community Services Committee.
2. Provide financial support to enable the religious representatives on the Community Services Committee to attend the annual training conference.

(Ref: Report by the Executive Director of Customer Services dated 22 September 2016, submitted)

11. THE ELECTION OF A TEACHER REPRESENTATIVE TO THE COMMUNITY SERVICES COMMITTEE

The Council considered a report which advised that Billy Marshall had retired as a Teacher Representative on the Community Services Committee and that nominations were sought from teachers serving within the Council and one member of staff had sought membership of the Committee. Due to there being no other nominations it was proposed that Willie Hamilton be elected to be the teacher representative to the Community Services Committee.

Decision

The Council noted the outcome of the process and agreed that Willie Hamilton, Teacher Dunoon Grammar School be the Teacher Representative for the period of the present Council.

(Ref: Report by the Executive Director of Customer Services dated 8 September 2016, submitted)

(a) **Report by Executive Director of Customer Services**

The Council considered a report which provided members with an update on the delegation given to the Executive Director of Customer Services, in consultation with the Council Leader, Depute Leader, and Leaders of all Opposition Groups, to fill the vacancies on the Audit Committee and Performance and Review Scrutiny Committee. It also addresses the vacancies on the Regulatory Cohort/Planning, Protective Services and Licensing Committee and the Argyll and Bute Licensing Board which was deferred to September and a subsequent vacancy on the PRS Committee.

Motion

The Council:

- Confirms the appointment of Councillor Bruce Marshall as a member of the Performance Review and Scrutiny Committee;
- Appoints Councillors Roddy McCuish and Elaine Robertson to fill the vacancies on the Audit Committee;
- Notes that in terms of the remaining vacancies on the Performance Review and Scrutiny Committee, the Regulatory Cohort/PPSL and Licensing Board the Administration will notify the Executive Director of Customer Services at a future date on the filling of this vacancies;
- Notes the resignation of Councillor Robert E MacIntyre from the Council's Administration and therefore removes Councillor Robert E Macintyre from the position of Chair of the Bute and Cowal Area Committee, appoints Councillor Alex McNaughton as Chair in his place, and appoints Councillor Len Scoullar as Vice-Chair of the same committee;
- Appoints Cllr Kieron Green to the Community Services Committee in place of Cllr Robert E Macintyre following his resignation from the Administration.

Moved by Councillor E Morton, seconded by Councillor Walsh.

Amendment

The Council:

- Confirms the appointment of Councillor Bruce Marshall as a member of the Performance Review and Scrutiny Committee;
- Appoints Councillors Roddy McCuish and Elaine Robertson to fill the vacancies on the Audit Committee;
- Notes that in terms of the remaining vacancies on the Performance Review and Scrutiny Committee, the Regulatory Cohort/PPSL and

Licensing Board the Administration will notify the Executive Director of Customer Services at a future date on the filling of this vacancies;

- Appoints Cllr Kieron Green to the Community Services Committee in place of Cllr Robert E Macintyre following his resignation from the Administration.

Moved by Councillor Strong, seconded by Councillor Armour.

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

Motion

Councillor Colville
Councillor Currie
Councillor Devon
Councillor Green
Councillor McAlpine
Councillor McCuish
Councillor MacDouall
Councillor N MacIntyre
Councillor R G MacIntyre
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor A Morton
Councillor E Morton
Councillor Mulvaney
Councillor Robertson
Councillor Scoullar
Councillor Walsh

Amendment

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

Decision

The Motion was carried by 18 votes to 14 and the Council resolved accordingly.

(Ref: Report by Executive Director of Customer Services dated 15 September 2016, submitted)

(b) Minute of the Short Life Working Group on Political Management Arrangements 22 September 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 was approved.

(Ref: Minute of SLWG of 22 September 2016, submitted)

13. FREEDOM OF ARGYLL AND BUTE

The Council considered a report which provided background information on Gordon Reid from Helensburgh who had achieved significant success in tennis at an international level over the past 2 years. The Council was invited to consider the request of the Helensburgh and Lomond Area Committee to award the Freedom of Argyll and Bute to Gordon Reid.

Decision

The Council:

- Supports the proposal to confer the Freedom of Argyll and Bute on Gordon Reid;
- Instructs the Executive Director of Customer Services, in consultation with the Provost, to make arrangements for a special meeting of the Council for the formal admission ceremony;
- Notes that this will be the only item on the agenda for that special meeting of the Council, which will take place at a date, time and venue to be determined as soon as possible.

(Ref: Report by Executive Director of Customer Services dated 21 September 2016, submitted)

The Provost adjourned the Meeting at 1.50pm and re-convened at 2.20pm.

14. BARCLAY REVIEW OF BUSINESS RATES

The Council considered a report which sought approval to the submission of a draft response to the Scottish Government with regard to the consultation on the Barclay Review of Business Rates.

Motion

Agree to the recommendation contained within the report and it be delegated to the Executive Director of Customer Services to provide additional wording in respect of the comments on TIF's to consider alternative options for funding major projects.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Amendment

Agree to the recommendation contained within the report but with the deletion of the word "remove" and replace with the word "reviewed" in the last paragraph to the response and it be delegated to the Executive Director of Customer Services to provide additional wording in respect of the comments on TIF's to consider alternative options for funding major projects.

Moved by Councillor Robb, seconded by Councillor Taylor.

Decision

On a show of hands vote, the Amendment received 11 votes and the Motion received 17 votes and the Council resolved accordingly.

(Ref: Report by the Executive Director of Customer Services dated 8 September 2016, submitted)

15. CONSULTATION ON A CHILD POVERTY BILL FOR SCOTLAND

The Council considered a report which sought approval to the submission of a draft response to the Scottish Government with regard to the consultation on the Child Poverty Bill for Scotland.

Decision

The Council agreed to the submission of the draft response outlined at Appendix 1 from Argyll and Bute Council to the Scottish Government.

(Ref: Report by the Executive Director of Customer Services dated 8 September 2016, submitted)

16. FIFTH STATUTORY BOUNDARY COMMISSION REVIEW

The Council considered a report which advised members of the decision of Scottish Ministers in respect of the proposed changes to Councillor numbers and Ward boundaries.

Decision

The Council noted:-

1. The decision of Scottish Ministers to retain the status quo for Councillor numbers and the Ward Boundaries.
2. That the Leader has written to the Minister for Parliamentary Business to record the appreciation of the Council and the people of Argyll and Bute, for responding positively to the concerns raised.

(Ref: Report by the Executive Director of Customer Services dated 16 September 2016, submitted)

17. ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE 2

The Council considered a recommendation by the Planning, Protective Services and Licensing Committee of 22 June 2016 with regard to the Argyll and Bute Local Development Plan Supplementary Guidance 2.

Decision

The Council agreed that the proposed Supplementary Guidance 2 be submitted to Scottish Ministers, and thereafter, subject to no major modifications, that Supplementary Guidance 2 be adopted as a statutory part of the Development Plan.

(Ref: Recommendation by the Planning, Protective Services and Licensing Committee of 22 June 2016, submitted)

18. DUNOON CONSERVATION AREA APPRAISAL AND BOUNDARY EXTENSION

The Council considered a recommendation by the Planning, Protective Services and Licensing Committee of 17 August 2016 with regard to the Dunoon Conservation Area Appraisal and Boundary Extension.

Decision

The Council agreed the adoption of the variation of the Conservation Area Boundary and the Dunoon Conservation Area Appraisal and Management Strategy as a Technical Note to be used to inform planning decisions.

(Ref: Recommendation by the Planning, Protective Services and Licensing Committee of 17 August 2016, submitted)

19. HIE: ARGYLL AND BUTE TRANSPORT CONNECTIVITY AND ECONOMY RESEARCH STUDY

The Council considered a report which presented the findings of the Argyll and Bute Transport Connectivity and Economy Study undertaken by Elosgen, commission by Highlands and Islands Enterprise (HIE) in April 2015 to undertake the research. The purpose of the study was to identify perceived problems and opportunities in relation to transport connectivity with Argyll and Bute, and between the area and the major transport and employment hub of Glasgow and the central belt.

Motion

The Council:

- Notes that transport infrastructure limitations have long been identified as holding back the economic development of Argyll and Bute, with this report from HIE validating views previously put forward by communities and businesses right across the area. The Rural Regeneration Framework developed by the Council has already identified that infrastructure investment is a key area of development required if the Single Outcome Agreement (“Argyll and Bute’s Economic Success is Built on a Growing Population”) is to be progressed effectively.
- Recognises the need to consider connectivity as a whole and requests that the Executive Director of Development and Infrastructure writes to Highlands and Islands Enterprise to ask whether the work HIE is also charged with

delivering in terms of digital connectivity could be further aligned with this transportation study to ensure maximum effect

- Agrees that while it is welcome to see the infrastructure challenges facing this area identified and reported on by an independent organisation, this report does not identify any deliverable solution for any community. Previous reports have identified, for example, the need for work to be carried out on the A82 and A83 but years on there is still no plan or timescale to deliver all of the improvements required, despite the Council's consistent position that a permanent solution is needed for the Rest and Be Thankful.
- Considering the transformational scale of investment required the Council recognises the need to work with national governments and other key partners in delivering road (including fixed links), rail, air and ferry improvements. The Council welcomes the interest the Scottish Government Minister for Transport and the Islands has shown in Argyll and Bute's infrastructure and requests that the Leader of the Council writes to Humza Yousaf asking for his support in establishing a working group charged with identifying transport infrastructure improvements that will mitigate the issues identified in the report and support economic growth. In addition to the council the group should involve organisations such as HiTrans, Transport Scotland and CalMac.

Moved by Councillor A Morton, seconded by Councillor McCuish.

Amendment

Instruct the Executive Director of Development and Infrastructure Services to bring to the next meeting of the Council a paper based on the HIE report that prioritises the projects listed in terms of economic growth and deliverability.

To note that Members may contribute to this by submitting comments to the Executive Director.

Moved by Councillor Robb, seconded by Councillor Blair.

Decision

On a show of hands vote the Amendment received 8 votes and the Motion received 20 votes and the Council resolved accordingly.

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

20. INITIAL ANALYSIS OF IMPLICATIONS OF EU EXIT ON ARGYLL AND BUTE, AND THE COUNCIL'S RESPONSE TO EVIDENCE BY THE EUROPEAN AND ETERNAL RELATIONS COMMITTEE ON SCOTLAND'S RELATIONSHIP WITH THE EU

The Council considered a report which provided an overview of the known or likely impacts of the outcome of the European Union Referendum on European funding programmes accessed by the Council and within the wider region. The report also

provided members with the response submitted by officers to the Scottish Parliament's European and External Relations Committee's Call for Evidence on Scotland's Relationship with the EU, whilst providing an opportunity for Members to propose additions to the response.

Motion

1. Noted the contents of the report.
2. Noted the submission of officer's response to the relevant issues in the Scottish Parliament European and External Relations Committee Call for Evidence to meet the deadline.
3. Members to propose any additions to the submitted response which can be submitted to the Committee Clerk as a late response.
4. The Council agrees to ask the Prime Minister to guarantee replacement funding equivalent to that currently available through EU schemes is made available.

Moved by Councillor Robb, seconded by Councillor Taylor.

Amendment

1. Noted the contents of the report.
2. Noted the submission of officer's response to the relevant issues in the Scottish Parliament European and External Relations Committee Call for Evidence to meet the deadline.
3. Members to propose any additions to the submitted response which can be submitted to the Committee Clerk as a late response.
4. To write to the Committee to highlight the impact that the EU exit may have on NHS and Care Staff recruitment.

Moved by Councillor A Morton, seconded by Councillor McCuish.

Decision

On a show of hands vote the Amendment received 18 votes and the Motion received 10 votes and the Council resolved accordingly.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 7 September 2016, submitted)

21. ANNUAL REPORT BY THE CHIEF SOCIAL WORK OFFICER 2015/16

The Council considered a report which summarised the Chief Social Work Officer Annual Report covering the period from 1 April 2015 to 31 March 2016. It outlined 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.

Decision

The Council noted the contents of the Chief Social Work Officer Annual Report before submission to the Scottish Government by 31 September 2016.

The Council noted that the new statutory guidance on the role of the Chief Social Work Officer is currently being published by the Scottish Government and arrangements have been made for a members seminar in December.

(Ref: Report by Chief Social Work Officer dated 15 August 2016, submitted)

Councillors Dance and RE Macintyre left the meeting at this point.

22. EDUCATION AND VISION STRATEGY

The Council considered a report which presented the revised Education Vision and Strategy. The Strategy presents an opportunity for Education Services to effectively respond to the changing National and local policy contexts to ensure the future delivery of an Education Service which supports our children, young people and communities to achieve the best possible outcomes.

Decision

The Council:-

1. Noted the preparation of the revised Education Vision and Strategy.
2. Noted the consultation processes undertaken by Education Services as an integral part of the preparation procedures of the Education Vision and Strategy.
3. Approved the Education Vision and Strategy.

(Ref: Report by the Acting Executive Director of Community Services dated 19 September 2016, submitted)

Councillor Marshall left the meeting at this point.

23. NOTICE OF MOTION UNDER STANDING ORDER 13

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

Motion

It was a matter of due process that the Audit Committee would first examine the issues raised by the Audit Scotland Review of the 2016-17 Budget Setting Process. This matter hasn't been included in the Council agenda for today. The Audit Committee meeting fell within the required notice period for a motion to Council so

the Provost is requested to accept this motion as a matter of urgency so the Council can urgently address the issues of potential reputational damage to the Council. So if the Provost is of the opinion this is a matter of urgency under Standing Order 14.1:

The Council:

- Agrees the Audit Scotland Review of the 2016-17 Budget Setting Process raises serious concerns that require urgent consideration by all elected members and notes that this is not currently on this Council agenda as happened with previous reports.
- Notes the relevant decision of the Audit Committee - "The Audit Committee agreed the recommendations contained within Audit Scotland's report having received a clear management response that the 3 elements will be acted on with regard given to timescales and deadlines."
- Endorses the decisions of the Audit Committee but additionally agrees that any changes to achievable financial or budgeting forecasts approved by officers (Audit Scotland Report paragraph 16) will be shared with all councillors as soon as possible.
- Agrees that the Chief Executive bring an update to the next Council meeting of progress on addressing the issues raised by Audit Scotland.

Moved by Councillor Robb, seconded by Councillor Taylor

Decision

This item had already been dealt with earlier in the Meeting under item 7 of the Agenda.

(Ref: Notice of Motion by Councillor Robb, seconded by Councillor Taylor, submitted)

24. NOTICE OF MOTION UNDER STANDING ORDER 13

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

Motion

The Council notes that as a condition to receive the £5m awarded to the Council from Libor Funds the Council has agreed favourable admission terms to the replacement Helensburgh Leisure facility for serving personnel and their families.

The Council agrees that those favourable admission terms to the future Helensburgh facility, relative to the Council's published prices for similar facilities, be extended to all residents of Helensburgh and Lomond and if required this be subject to agreement with the Treasury.

The Council notes the intent in the Chancellors statement in March 2016 "and in response to the powerful case made to me by Ruth Davidson we're providing new community facilities for local people in Helensburgh and the Royal Navy personnel nearby at Faslane, paid for by LIBOR funds.

The Council notes that there may be a positive or negative effect to Council income from this pricing structure and that will be considered as part of the relevant budget process for future years.

Moved by Councillor Robb, seconded by Councillor Freeman.

Amendment

The Council:

- Notes that the terms and conditions attached to the £5m awarded to the Council from LIBOR Funds towards the costs of the new Helensburgh Waterfront swimming and leisure Project include a request from the UK Government for favourable admission terms for service personnel and their families while serving at the Faslane Naval Base;
- Notes that, as the opening of this new facility is some four years away and the likely revenue costs to run the future facility are not fully known at this time, careful consideration will be given to any future charging or discounting models, bearing in mind the LIBOR terms and conditions and the need to balance income and maximise throughput and volume.

Moved by Councillor E Morton, seconded by Councillor Mulvaney.

Councillor Mary Jean-Devon left the meeting at this point.

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

Motion

Councillor Armour
Councillor Blair
Councillor Breslin
Councillor Freeman
Councillor Horn
Councillor McKenzie
Councillor Philand
Councillor Robb
Councillor Strong
Councillor Taylor
Councillor Trail

Amendment

Councillor Colville
Councillor Currie
Councillor Green
Councillor McAlpine
Councillor McCuish
Councillor MacDougall
Councillor N MacIntyre
Councillor R G MacIntyre
Councillor MacMillan
Councillor McNaughton
Councillor McQueen
Councillor A Morton
Councillor E Morton
Councillor Mulvaney
Councillor Robertson
Councillor Scoullar
Councillor Walsh

Decision

The Amendment was carried by 17 votes to 11 and the Council resolved accordingly.

(Ref: Notice of Motion by Councillor Robb, seconded by Councillor Freeman, submitted)

25. NOTICE OF MOTION UNDER STANDING ORDER 13

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

Preamble

In February 2011 a significant decision was reached by the Special Committee for Older Person's Services, chaired by the current council leader Cllr Dick Walsh and with two other current councillors on the committee, Cllrs Rory Colville and Robin Currie. The decision reached that day was a pivotal one because it set the policy for the future privatisation of council delivered care services. The decisions on 3 February 2011 were:

- 1. Agreed that homecare and day care services, within the Older Peoples' part of Adult Services be put to a tender process to externalise to multiple providers;*
- 2. Agreed that care home services within the Older Peoples' part of Adult Services be put to a tender process to externalise to multiple providers and that Adult Services give further consideration to withdrawing from direct provision of the service and produce a detailed implementation plan to the Project Board in that regard; and*
- 3. Noted that timescales have been altered to pick up the direction of travel.*

These in principle decisions led to the privatisation of a number of care at home services during 2013. In June 2016, the Integrated Joint Board for Health & Social Care agreed to close Struan Lodge and the dementia service at Thomson Court, without any consultation. Despite a motion at the August meeting of the Bute & Cowal Area Committee, the IJB intends to proceed to implement its June decisions.

Motion

This council agrees that there is an argument for safeguarding continued public sector care provision so that there is a mix of public and private care for the elderly, with the intention of ensuring the highest quality of care overall. If agreed, this motion is to be submitted to the chair and chief officer of the IJB at the earliest opportunity.

Moved by Councillor Breslin, seconded by Councillor Freeman.

Amendment

The Council:

- Does not accept the views expressed in the preamble to the motion and specifically rejects the assertion that the decision taken in February 2011 by the Special Committee for Older Person's Services was pivotal to policy setting for the future direction of Council-delivered care services;

- Notes the fact that there were no fewer than 11 meetings of this committee going through 2011, 2012, and 2013 where the future direction of the service was considered, with firm views being developed, during April and June 2013;
- Notes from Council records that service direction, despite the inconsistent activities during 2012/13 of the mover of the motion, concluded on the retention of a public/private sector mix of services for elderly care and care home services;
- Notes the decision taken at the meeting held on 18th August 2016 and set down in pages 34 to 37 of the Council papers;
- Recognises and shares community views about the importance of retaining and developing quality public sector service provisions;
- Calls on the Scottish Government to work with the Argyll and Bute Health and Social Care Partnership and to provide the necessary support with finances that will assist with the future promotion of redesigned quality elderly care services for all areas of Argyll and Bute that are inclusive, work in a holistic way, safeguard both the public and private sector care home and home care service providers and ensure that there is a suitable mix of public and private care for the elderly, all working alongside the NHS, SAS, Hospice and GP service arrangements with the aim of developing and delivering on an improved model of elderly care services for all in Argyll and Bute.

Moved by Councillor Green, seconded by Councillor Robertson.

Decision

On a show of hands vote the Amendment received 16 votes and the Motion received 11 votes and the Council resolved accordingly.

(Ref: Notice of Motion by Councillor Breslin, seconded by Councillor Freeman, submitted)

Councillors Philand and Robb left the meeting at this point

The Provost advised that the Council should resolve 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.

26. 3G PITCHES AND PROPOSALS FOR REPAIR AND REFURBISHMENT

The Council considered a report which provided details of the current position relating to proposals to improve the physical condition for a number of 3 G pitches across the Council area.

Motion

The Council:

- Endorses the report to council;
- Approves the list of works (detailed in Appendix 1) for tender issue;

- Instructs that no contract award is to be made prior to the Council receiving advice following the investigations currently being conducted by Internal Audit, with further consideration being given to the future management and maintenance of the facilities.

Moved by Councillor Currie, seconded by Councillor E Morton.

Amendment

The Council:

- Endorses the report to council;
- Approves the list of works (detailed in Appendix 1) for tender issue;
- Instructs that no contract award is to be made prior to the Council receiving advice following the investigations currently being conducted by Internal Audit, with further consideration being given to the future management and maintenance of the facilities.
- That the work to be carried out at the Dunoon 5 a side cages is based on the quotation from Allsports dated 10 March 2016, previously provided to the council. To allow for greater flexibility of use, ie 5--side, seven-a side and training etc, the installation of a curtain arrangement to replace the existing wooden barriers between pitches is required and the cost of new goals can be omitted. This will leave the gross costs in the Allsports quotation approximately the same.
- The tender for this facility should be specified accordingly.

Moved by Councillor Breslin, seconded by Councillor Blair.

Decision

On a show of hands vote the Amendment received 9 votes and the Motion received 16 votes and the Council resolved accordingly.

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