MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 27 OCTOBER 2004

Present: Convener William Petrie (Chair)

Councillor Robin Banks  Councillor Donald McIntosh
Councillor Brian Chennell  Councillor Alastair McKinlay
Councillor Rory Colville  Councillor Gordon McKinven
Councillor Douglas Currie  Councillor Bruce Marshall
Councillor Robin Currie  Councillor Ellen Morton
Councillor John Findlay  Councillor Gary Mulvaney
Councillor George Freeman  Councillor Al Reay
Councillor Alison Hay  Councillor Bruce Robertson
Councillor Daniel Kelly  Councillor Elaine Robertson
Councillor Donald Kelly  Councillor Len Scouller
Councillor Allan Macaskill  Councillor Moyra Stewart
Councillor Alistair MacDougall  Councillor Isobel Strong
Councillor Sidney MacDougall  Councillor John Tacchi
Councillor Duncan McIntyre  Councillor Eric Thompson
Councillor Robert Macintyre  Councillor Dick Walsh
Councillor Donald MacMillan

Attending: James McLellan, Chief Executive
Nigel Stewart, Director of Corporate Services
George Harper, Director of Development Services
Andy Law, Director of Operational Services

Apologies: Councillor Ian Gillies  Councillor John McAlpine
Councillor Ronald Kinloch  Councillor James McQueen

The Convener conveyed the Council's congratulations to Janice Hastings and Lesley Hogan of Community Services in respect of the Housing and Council Tax Benefit Team's success in achieving a Certificate of Commendation for performance and standard of service in the Scottish Village Awards, run by the institute of Revenue, Rating and Valuation.

1. DECLARATIONS OF INTEREST

Councillors Petrie and Reay each declared a financial interest in relation to Council Tax on Second Homes which is dealt with at item 9 of this minute because they owned other property that may be used as second homes. Both Councillors left the room and took no part in the discussion on the item and the Vice-Convener, Councillor MacMillan took the chair for that item.

2. MINUTES

The Council approved the minutes of the Council meeting of 15 September 2004 as a correct record.

3. MINUTES OF COMMITTEES

The Council considered the following minutes. They approved the recommendations of those Committees subject to what is shown below:-
(a) Employee Joint Consultative Committee 20 August 2004
(b) Helensburgh & Lomond Area Committee 7 September 2004
(c) Bute & Cowal Area Committee 7 September 2004
(d) Mid Argyll, Kintyre & Islay Area Committee 8 September 2004
(e) Oban, Lorn & the Isles Area Committee 8 September 2004
(f) Strategic Policy Committee (Education) 9 September 2004
(g) Strategic Policy Committee 9 September 2004
(h) Public Service and Licensing Committee 15 September 2004
(i) Special Committee on Education NPDO 16 September 2004
(j) Housing Stock Transfer Steering Group 20 September 2004
(k) Appeals Committee 23 September 2004
(l) Helensburgh & Lomond Area Committee 5 October 2004

Arising from item 9 (b) (Network Rail – Telecommunications Mast at Craigendoran Station – Consultation) the Council agreed to request COSLA to review and consider requesting the Scottish Executive to examine the latitude enjoyed by public utility companies and mobile communications companies under permitted development rights with regard to the erecting of mobile communication masts.

(m) Bute & Cowal Area Committee 5 October 2004
(n) Mid Argyll, Kintyre & Islay Area Committee 6 October 2004
(o) Strategic Policy Committee 7 October 2004 and amended page tabled

Arising from item 9 (Review of the Scheme of Community Councils) the recommendations of the Strategic Policy Committee were considered as part of the business dealt with at item 8 of these minutes.

Arising from item 12 (Mid Argyll, Kintyre & Islay Area Strategy) that consideration of the Area Strategy for Mid Argyll, Kintyre & Islay be considered along with all the Area Strategies as part of the Budget and Capital Programme process.

(p) Public Service and Licensing Committee 7 October 2004

4. POLICY DEVELOPMENT GROUP ON THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004

The minute of the Policy Development Group on the Local Government (Scotland) Act 2004 of 4 October 2004 was considered and it was noted that a seminar for all Councillors would be held on 4 November 2004 and that the PDG would be meeting representatives of the Local Government Boundary Commission in the context of the Stage 1 consultation with local authorities.
5. **POLICY FOR DEALING WITH UNAUTHORISED CAMPING BY GYPSIES AND TRAVELLING PEOPLE**

The Council considered a recommendation by the Helensburgh & Lomond Area Committee with regard to establishing a policy for dealing with unauthorised camping by gypsies and travelling people within Argyll and Bute.

**Decision**

Agreed that the Director of Community Services be instructed to bring forward, in consultation with other relevant Services, a report to a future Strategic Policy Committee to enable the Committee to consider an updated policy.

(Ref: Recommendation by Helensburgh & Lomond Area Committee of 7 September 2004, submitted)

6. **DUNOON BURGH HALL PROJECT**

The Council considered a recommendation by the Bute and Cowal Area Committee with regard to undertaking a study into the capacity and usage of community and village halls.

**Decision**

Agreed to instruct the Director of Community Services to undertake a study into the capacity and usage of community and village halls to assist the prioritisation of need in the application of Council funding and report back to the Strategic Policy Committee.

(Ref: Recommendation by Bute and Cowal Area Committee of 7 September 2004, submitted)

7. **DUNOON FAIRTRADE TOWN**

The Council considered a recommendation by the Bute and Cowal Area Committee with regard to the establishment of Fairtrade Town status for Dunoon.

**Motion**

1. That Argyll and Bute Council resolves to support the aims and objectives of the Fairtrade Foundation.

2. That Fairtrade coffee and tea should be available as an alternative choice in Kilmory canteen, and in offices and at Council meetings throughout the Argyll and Bute Council Area.

Moved by Councillor Marshall, seconded by Councillor D MacIntyre

**Amendment**

1. That Argyll and Bute Council resolves to support the aims and objectives of the Fairtrade Foundation.

2. Welcomes the designation of Dunoon as a Fairtrade Town.

3. Agrees to serve Fairtrade coffee and tea as a choice in the Kilmory canteen and in offices and at Council meetings in the Bute and Cowal area.
Moved by Councillor Chennell, seconded by Councillor Walsh.

**Decision**

The Motion was carried by 17 votes to 10 and the Council resolved accordingly.

(Ref: Recommendation by Bute and Cowal Area Committee of 7 September 2004, submitted)

### 8. REVIEW OF SCHEME OF COMMUNITY COUNCILS IN ARGYLL AND BUTE

The draft revised scheme for the establishment of Community Councils in Argyll and Bute, as recommended by the Strategic Policy Committee was submitted for approval.

**Decision**

1. That the revised Scheme be approved and implemented in April 2005.

2. Noted the financial implications for the 2005/06 revenue budget in connection with the running of Community Council Elections in 2005 and that this be considered as part of the 2005/06 budget process.

(Ref: Recommendation by Strategic Policy Committee of 7 October 2004, submitted)

### 9. COUNCIL TAX ON SECOND HOMES

Councillor MacMillan took the Chair for this item of business.

The Minister for Finance and Public Services had announced on 5 August 2004 that local authorities would have discretion to reduce or retain the council tax discount on second homes and long term empty homes to between 10% and 50%. Draft regulations were published on 3 September 2004 and were subject to a short technical consultation which closed on 8 October 2004. It was expected that the final regulations would be published in the near future and will largely mirror the provisions in the draft.

**Decision**

1. That the discount for certain unoccupied dwellings be reduced to 10% where the Council is permitted by statute to reduce this from the prescribed level of 50% and that this reduction be applied throughout the whole of Argyll and Bute.

2. That recommendation 2.2 be continued to the Council Meeting on 24 November 2004.

(Ref: Report by Head of ICT and Financial Services dated 19 October 2004, submitted)

### 10. CARRADALE HARBOUR

The Council, at its meeting on 4 August 2004 agreed to continue consideration of this item to enable the newly formed Carradale Harbour Users Group to provide a view on the 3 options contained in the original report to Committee. The Council considered the views of the group to include Carradale Harbour and Pier into the Capital Programme.

**Decision**

1. Noted the view expressed by Carradale Harbour Users Group that a sum of £450,000 be included in the Capital Programme for Carradale Harbour.
2. That the relevant officials be instructed to liaise closely with the Carradale Harbour Users Group and Lakeland Marine to optimise the management of the harbour and to ensure the maximum economic benefit to Carradale.

3. Agreed to consider the inclusion of £450,000 for investment at Carradale Harbour during 2006/2007 as part of the revision of the Capital Programme during the forthcoming budgetary process.

(Ref: Report by Director of Development Services dated 16 October 2004, submitted and additional pages, tabled)


The approved programme for meetings for the Council and Committees runs until the end of April 2005. A programme of meetings for May 2005 to April 2006 was submitted for consideration.

Decision

Approved the programme of meetings as detailed by the Director of Corporate Services with the change to the Council meeting scheduled for 19 October 2005 to 12 October 2005.

(Ref: Programme of meetings by the Director of Corporate Services, submitted)

12. COUNCIL POLICY ON FLAG FLYING

The Council considered a report with regard to the policy on flying flags on Council flagpoles.

Motion

That the Council maintains the principles of the current policy and the adjustments as detailed at paragraph 4.1 of the report by the Director of Corporate Services.

Moved by Councillor Macaskill, seconded by Councillor Banks.

Amendment

That the Council resolves in terms of the motion and agrees to fly the Saltire on Area Committee meeting days.

Moved by Councillor Tacchi, seconded by Councillor Strong

Decision

The Motion was carried by a substantial majority and the Council resolved accordingly.

(Ref: Report by Director of Corporate Services dated 19 October 2004, submitted)

13. NPDO - NOTICE OF MOTION UNDER STANDING ORDER 13

Notice of the following Motion had been given by Councillor Morton, seconded by Councillor Tacchi.

“That Hermitage Primary School and Campbeltown Grammar School be placed on the reserve list of schools approved by the Council on 15 July 2004 on the basis of new stand alone schools on the respective existing sites; their inclusion in the project to be
subject to further consideration by the Council when the affordability and other issues in relation to the finalisation of the project contract become clear.”

The Convener ruled that the motion could not competently be considered at this meeting by virtue of the terms of Standing Order 16.

On the motion of Councillor Morton, seconded by Councillor Tacchi, the Council resolved to suspend Standing Order 16.1 and proceeded to consider the motion of which notice had been given.

**Decision**

The Council resolved in terms of the Motion.