

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on WEDNESDAY, 6 APRIL 2005**

Present: Convener William Petrie (Convener)

Councillor Robin Banks	Councillor Donald MacMillan
Councillor Brian Chennell	Councillor John McAlpine
Councillor Rory Colville	Councillor Donald McIntosh
Councillor Robin Currie	Councillor Alastair McKinlay
Councillor John Findlay	Councillor Gordon McKinven
Councillor George Freeman	Councillor James McQueen
Councillor Ian Gillies	Councillor Bruce Marshall
Councillor Alison Hay	Councillor Gary Mulvaney
Councillor Daniel Kelly	Councillor Al Reay
Councillor Donald Kelly	Councillor Bruce Robertson
Councillor Ronald Kinloch	Councillor Len Scoullar
Councillor Alistair MacDougall	Councillor Moyra Stewart
Councillor Sidney MacDougall	Councillor Isobel Strong
Councillor Duncan MacIntyre	Councillor John Tacchi
Councillor Robert Macintyre	Councillor Dick Walsh

Attending: James McLellan, Chief Executive
Nigel Stewart, Director of Corporate Services
George Harper, Director of Development Services
Andrew Law, Director of Operational Services
Angus Gilmour, Head of Planning
John MacNicol, Chief Asset Manager
Bill Geddes, Statutory Plans Manager
Fergus Murray, Development Policy Manager
Graham Whitefield, Corporate Data Standards Custodian

Apologies: Councillor Douglas Currie Councillor Elaine Robertson
Councillor Allan Macaskill Councillor Eric Thompson
Councillor Ellen Morton

The Convener intimated the recent death of Councillor Eric Thompson's wife. It was agreed that a letter would be sent to Councillor Thompson expressing sincere condolences on behalf of the Council.

The Convener gave an update on the progress of Councillor Douglas Currie's wife recovery following a recent illness. He wished her well and advised that the Chief Executive would write on behalf of the Council.

The Convener announced that Bill Geddes, Statutory Plans Manager, was retiring after 30 years of service with the Council. He thanked Bill for his loyal service and wished him and his family good health and happiness on his retirement. He then presented Bill with a commemorative gift to mark the occasion.

1. NOTICE OF MOTION

The Director of Corporate Services advised that the following Notice of Motion, by Councillor Len Scoullar, seconded by Councillor Isobel Strong, had been received:-

"That this Council deplores the recent erroneous publicity attached to his Royal Highness Prince Charles, Duke of Rothesay and his wife-to-be Camilla Parker Bowles.

That this Council reaffirms its support to His Royal Highness, Duke of Rothesay and to confirm that he and his wife will be made most welcome should they decide to visit the Council area and that we would go further and extend to them an invitation at a date suitable, to visit the Isle of Bute”.

The Convener ruled that the Motion be taken as a matter of urgency by reason of the need to correct the recent negative press reports. The Council unanimously agreed to suspend Standing Order 14 and the motion is dealt with at item 16 of these Minutes.

2. DECLARATION OF INTEREST

Councillor Gary Mulvaney declared a pecuniary interest in relation to the report on Argyll and Bute Local Plan which is dealt with at item 7 of this Minute due to conflicting business interests. He left the room and took no part in the discussion on this item.

3. MINUTES

- (a) The Council approved the Minutes of the Council Meeting of 31 January 2005 as a correct record.
- (b) The Council approved the Minutes of the Council Meeting of 10 February 2005 as a correct record.
- (c) The Council approved the Minutes of the Council Meeting of 17 March 2005 as a correct record.

4. MINUTES OF COMMITTEES

The Committee considered the following Minutes. They approved the recommendations of those Committees subject to what is shown below:-

- (a) Oban, Lorn & The Isles Area Committee 13 January 2005
- (b) Standards Committee 27 January 2005

Arising from Item 2 (**Council's Ethical Framework**) it was noted that there would be a report to the next Council Meeting regarding the Council Constitution which would include the Ethical Framework. Accordingly, it was agreed to note the recommendation of the Standards Committee and agree that this be considered along with the Council Constitution at the next Council Meeting.

Arising from Item 4 (**Training For Councillors**) it was agreed to delegate to the Director of Corporate Services, in consultation with the Chair of the Standards Committee, the Leader and the Convener, identification of two appropriate half day slots for the training session to take place on. The Director also reiterated the Standards Committee recommendation that Members be encouraged to attend one or the other of the sessions which the Council endorsed.

- (c) Strategic Policy Committee (Education) 31 January 2005
- (d) Bute & Cowal Area Committee 1 February 2005
- (e) Helensburgh & Lomond Area Committee 1 February 2005

Arising from Item 6(a) (**Leisure Development Grants – Helensburgh Blossom Festival**) the Council agreed that the fees should not be waived.

- (f) Oban, Lorn & The Isles Area Committee 2 February 2005
- (g) Mid Argyll, Kintyre & Islay Area Committee 2 February 2005

- (h) Mid Argyll, Kintyre & Islay Area Committee 16 February 2005
- (i) Public Service & Licensing Committee 17 February 2005
- (j) Public Service & Licensing Committee 24 February 2005
- (k) Bute & Cowal Area Committee 1 March 2005
- (l) Helensburgh & Lomond Area Committee 1 March 2005

Arising from Item 4(a) (**Delegated Decisions by the Director of Development Services**) the Council heard from the Director of Corporate Services as to the up to date position noting that an officer had now been appointed.

- (m) Oban, Lorn & The Isles Area Committee 2 March 2005

It was noted that there had been amendments to the Minute which had been approved at the Area Committee meeting that had taken place yesterday.

- (n) Mid Argyll, Kintyre & Islay Area Committee 2 March 2005
- (o) Audit Committee 4 March 2005
- (p) Housing Stock Transfer Ad Hoc Committee 14 March 2005
- (q) Appeals Committee 14 March 2005
- (r) Appeals Committee 14 March 2005
- (s) Policy Development Group on the Local Governance (Scotland) Act 2004 14 March 2005
- (t) Special Committee on the Education NPDO 15 March 2005
- (u) Strategic Policy Committee (Education) 17 March 2005
- (v) Strategic Policy Committee 17 March 2005

5. ASSET MANAGEMENT STRATEGY

The Council received a presentation by the Chief Asset Manager. Following the presentation, Members were invited to raised questions and endorse the Strategy before them.

Decision

To endorse the Asset Management Strategy.

(Ref: Draft Asset Management Strategy dated March 2005, submitted)

6. ANTI-SOCIAL BEHAVIOUR STRATEGY

The Council has a duty under the Anti Social Behaviour Etc (Scotland) Act 2004 to prepare a Strategy and submit this to the Scottish Executive for approval. A draft copy of the Strategy had been forwarded to the Scottish Executive by their deadline of 31 March 2005 on the strict understanding that this document was subject to the Council's approval on 6 April 2005.

Decision

To endorse the Anti Social Behaviour Strategy subject to the incorporation of the information received by the Head of Democratic Services and Governance from the Scottish Children's Reporter Agency.

(Ref: Report by Head of Democratic Services & Governance dated 17 March 2005, submitted).

7. ARGYLL AND BUTE LOCAL PLAN

The Argyll and Bute Final Draft Local Plan, which would replace eight adopted Local

Plans covering most of Argyll and Bute, was before the Council for endorsement.

Decision

1. To approve the Argyll and Bute Local Plan – Final Draft Plan to be placed on deposit and advertised in local newspapers (covering all 4 administrative areas) with a period of 9 weeks (commencing in May 2005) set aside for comments and formal objections.
2. To authorise the Head of Planning to make minor editorial alterations to the Plan.
3.
 - (i) That copies of the Final Draft Local Plan and Statement of Publicity and Consultation, together with standardised forms for lodging objections to the Final Draft Plan, be made available for inspection at:
 - The four main Area Council Offices in Dunoon, Helensburgh, Lochgilphead and Oban.
 - Other Area Offices and premises sufficient to cover each of the four Planning Areas.
 - The Public Libraries in Argyll and Bute.
 - (ii) The Plan's text and Proposal Map documents being placed on the Council's website and made available in paper and CD versions.
 - (iii) That all organisations and individuals previously commenting on the consultative draft Argyll and Bute Local Plan be notified of the publication and deposit of the Final Draft Local Plan and timescale for lodging any objections to the Plan.
 - (iv) That a series of "open days" be organised in each of the four administrative areas to allow local people to meet Policy Planning Officers, to ask questions on the Final Draft Local Plan and where appropriate seek further clarification and make representations.
4.
 - (i) That following the consultation period a further report be prepared by the Head of Planning on objections received in due course to the Final Draft Argyll and Bute Local Plan to a future meeting of the Strategic Policy Committee; and
 - (ii) That preliminary arrangements for the holding of a Public Local Inquiry (PLI) be made in the event of objections being submitted and not subsequently withdrawn; and
 - (iii) To note that further reports on managing progress on the Local Plan would be brought forward for consideration by the Strategic Policy Committee at the appropriate time, including the detailed arrangements and potential costs for holding a Public Local Inquiry if required.

(Ref: Report by Director of Development Services dated 6 April 2004, submitted).

Councillor Mulvaney had declared an interest in the foregoing item of business, left the room during discussion of the item, and accordingly took no part in the discussion.

8. HELENSBURGH TOWN CENTRE AND WATERFRONT ACTION PLAN

Helensburgh and Lomond Area Committee had, at their meeting on 1 April 2005, agreed to recommend that funding of £30,000 from the Central Revenue Budget be allocated to the project to enable match funding to be released from Scottish Enterprise

Dunbartonshire to appoint a Development Officer/Consultant to progress the business case and delivery vehicle needed to take forward the key elements of the Town Centre and Waterfront Action Plan.

Decision

1. To endorse the need to appoint a Development Officer/Consultant to progress the business case and delivery vehicle needed to take forward the key elements of the Helensburgh Town Centre and Waterfront Action Plan.
2. To agree to the request from the Helensburgh & Lomond Area Committee to allocate £30,000 match funding for the above appointment.
3. That “business and community”, as opposed to just “community”, be the third leg referred to at Paragraph 3.3 on page 168 of the agenda pack.

(Ref: Report by Director of Development Services dated 6 April 2005, submitted).

9. OBAN ACTION PLAN

The Council was invited to consider allocating £32,500 match funding for a major consultancy exercise for the production of a Draft Strategy and Action Plan to take forward the expansion and development of Oban envisaged in the approved Structure Plan and the Finalised Argyll and Bute Local Plan.

Decision

1. To recognise the need for a major consultancy to take forward the Oban Action Plan and to agree to provide £32,500 as match funding for this exercise.
2. That this matter now be remitted to the Steering Group to progress.

(Ref: Report by Director of Development Services dated 6 April 2005, submitted).

10. REVIEW OF ELECTORAL ARRANGEMENTS: ARGYLL AND BUTE

The Policy Development Group had considered the Local Government Boundary Commission's initial proposals for eleven multi-member wards within the Argyll and Bute Council Area. A report containing their recommendations had been submitted for endorsement by the Council and the Director of Corporate Services advised of a proposed slight adjustment to the proposal for Helensburgh and Lomond.

Motion

That the Council endorses the recommendations of the Policy Development Group as contained at Appendix C subject to:-

The response being amended to include Craigendoran within proposed ward 5 giving an electorate of 5640 (-5.5% below parity) and thus giving ward 6 an electorate of 7820 (-1.6% below parity); and

Ward 2 (as proposed by the Council) being named Kintyre and the Islands.

Moved by Councillor Dick Walsh, seconded by Councillor Gary Mulvaney

Amendment

That the Boundary Commission be requested to reconsider and accept the Council's

decision in respect of Oban, Lorn and the Isles on 21st December 2004.

i.e 2 wards

1. Oban and South Lorn
2. North Lorn, Awe and the Isles

as detailed in that submission

Moved by Councillor Duncan MacIntyre, seconded by Councillor Ian Gillies

Decision

The Motion was carried by 22 votes to 7 and the Council resolved accordingly.

(Councillor Rory Colville, having moved an amendment which failed to find a seconder required his dissent from the foregoing decision to be recorded)

(Ref: Report by Policy Development Group on the Local Government (Scotland) Act 2004 dated 6 April 2005, submitted).

11. INQUIRY INTO BOUNDARIES, VOTING AND REPRESENTATION IN SCOTLAND

The Arbuthnott Commission had prepared a Consultation Paper regarding the possible impact of boundary differences and multiple voting systems on voter participation, relationships with MPs and MSPs and the service provided to constituents by their elected representatives. This Consultation Paper had been considered by the Policy Development Group who had made a recommendation that the Council should not respond to this.

Decision

That the Council does not submit a corporate response to the Consultation on the basis that it would not be possible to recommend a single response for the Council. Accordingly, it be left to individual Councillors of Political Groups to submit views to the Commission, if they wish.

(Ref: Report by Policy Development Group on the Local Governance (Scotland) Act 2004 dated 18 March 2005, submitted).

12. LOCAL GOVERNMENT ELECTIONS (SCOTLAND) BILL

The Policy Development Group on the Local Governance (Scotland) Act 2004 made recommendation that the proposed draft response be endorsed by the Council.

Motion

That no action be taken.

Moved by Councillor Robin Currie, seconded by Councillor Rory Colville

Amendment

To adopt the draft response attached at Appendix 1 of the submitted report for submission to Mr Mundell, MSP, and the Minister for Finance and Local Government.

Moved by Councillor Dick Walsh, seconded by Councillor Len Scoullar

Decision

The Motion was carried by 26 votes to 4 and the Council resolved accordingly.

(Ref: Report by Policy Development Group on the Local Governance (Scotland) Act 2004 dated 18 March 2005, submitted)

13. CHILDREN'S PANEL ADVISORY COMMITTEE: COUNCIL APPOINTMENT

It was reported that one of the Council's appointees term of office had expired on 31 December 2004 and had therefore created a vacancy which required to be filled.

Decision

To remit to the Director of Corporate Services in consultation with the Convener and Vice-Convener of the Council to appoint a suitably experienced representative after appropriate public advertisement.

(Ref: Report by Director of Corporate Services dated 16 March 2005, submitted)

14. NADAIR TRUST

It was reported that Councillor John Findlay's current term of office on the Trust will expire on 25 April 2005 although he would be eligible for re-election to the Board of Trustees at this time.

Decision

That Councillor John Findlay continue to represent the Council on the Board of Trustees.

(Ref: Report by Director of Corporate Services dated 4 March 2005, submitted).

15. PROPOSED AREA TOURISM PARTNERSHIP

The Area Tourist Boards were abolished on 1 April 2005 and replaced by an integrated single National Tourism Organisation. The Council had been requested to appoint two Councillors to serve on the proposed Area Tourism Partnership.

Nominations

That the Convener and Councillor Al Reay be appointed as the Council's representatives.

Moved by Councillor Alison Hay, seconded by Councillor John Tacchi

That in the interests of continuity, the Convener and Councillor Bruce Marshall represent the Council on the Partnership.

Moved by Councillor Freeman, seconded by Councillor Ronald Kinloch.

As there were no further nominations, it was unanimously agreed that Convener Petrie should fill one of the vacancies and a vote was taken between Councillors Reay and Marshall.

Decision

Councillor Marshall's nomination received 18 votes and Councillor Reay's nomination

received 9 Votes. The Council therefore appointed Councillor Marshall.

(Ref: Report by Director of Corporate Services dated 10 March 2005, submitted)

16. HIS ROYAL HIGHNESS, DUKE OF ROTHESAY: URGENT MOTION

The Council considered the following motion made by Councillor Len Scoullar, seconded by Councillor Isobel Strong:

“That this Council deplores the recent erroneous publicity attached to his Royal Highness Prince Charles, Duke of Rothesay and his wife-to-be Camilla Parker Bowles.

That this Council reaffirms its support to His Royal Highness, Duke of Rothesay and to confirm that he and his wife will be made most welcome should they decide to visit the Council area and that we would go further and extend to them an invitation at a date suitable, to visit the Isle of Bute.”

Decision

To agree unanimously the terms of the Motion.

(Ref: Notice of Motion by Councillor Len Scoullar, seconded by Councillor Isobel Strong, tabled)