

MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held ON A HYBRID BASIS BY MICROSOFT TEAMS AND IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on THURSDAY, 29 SEPTEMBER 2022

Present:

Councillor Maurice Corry (Provost)

Councillor John Armour	Councillor Jim Lynch
Councillor Gordon Blair	Councillor Tommy MacPherson
Councillor Jan Brown	Councillor Ian MacQuire
Councillor Math Campbell-Sturgess	Councillor Luna Martin
Councillor Garret Corner	Councillor Liz McCabe
Councillor Robin Currie	Councillor Dougie McFadzean
Councillor Kieron Green	Councillor Julie McKenzie
Councillor Amanda Hampsey	Councillor Yvonne McNeilly
Councillor Daniel Hampsey	Councillor Ross Moreland
Councillor Graham Hardie	Councillor Gary Mulvaney
Councillor Fiona Howard	Councillor Iain Paterson
Councillor Mark Irvine	Councillor Gemma Penfold
Councillor Andrew Kain	Councillor Douglas Philand
Councillor Donald Kelly	Councillor William Sinclair
Councillor Paul Donald Kennedy	Councillor Andrew Vennard
Councillor Reeni Kennedy-Boyle	Councillor Peter Wallace

Attending:

Pippa Milne, Chief Executive
Douglas Hendry, Executive Director
Kirsty Flanagan, Executive Director
Fiona Davies, Chief Officer, HSCP
Fergus Murray, Head of Development and Economic Growth
Jane Fowler, Head of Customer Support Services
Ross McLaughlin, Head of Commercial Services
David Gibson, Head of Children and Families and Justice
Stuart McLean, Committee Manager
Morag Brown, Business Improvement Manager
Alan Morrison, Regulatory Services and Building Standards Manager
James Gow, Head of Finance and Transformation, HSCP

Prior to commencement of Business the Provost acknowledged the passing of Councillor John McAlpine during the summer. The Provost advised that the Council had been saddened to hear of the passing of John, who had served the area of Kintyre and the Islands over a number of years, and wanted the best for Argyll and Bute. He advised that the Council would miss him and remember him fondly for his commitment to the area and the Council. On behalf of the Council he expressed his heartfelt condolences to his family. He asked that the Council be upstanding for a moment of remembrance.

The Provost acknowledged the death of Her Majesty the Queen on Thursday 8 September 2022 at Balmoral in Scotland and asked that the Council:-

1. note with sadness the passing of Her Majesty Queen Elizabeth II on 8th September 2022;

2. acknowledge Her Late Majesty's lifelong commitment and dedication to service of Her country, particularly during her seventy-year reign from 1952 to 2022;
3. express gratitude for Her Late Majesty's numerous official and informal trips to Argyll and Bute during Her reign, including visits to Campbeltown, Dunoon, Gigha, Helensburgh, Islay, Jura, Mull, Oban and Rothesay; and
4. note that the Provost had sent a letter of condolence to His Majesty King Charles III, expressing sympathy at the passing of Her Late Majesty and extending very best wishes to the King as He commenced His reign.

The Provost asked the Council be upstanding and pause for a moment of reflection.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest and Willie Hume.

2. DECLARATIONS OF INTEREST

Councillor Jim Lynch declared a non-financial interest in item 21 of the agenda (BID4Oban – Approval of Ballot Submission and Business Plan – Third Ballot) by virtue of his Council appointment as a delegate on the BID Board. He advised that he would remain in the meeting during consideration of this item.

Councillor Kennedy-Boyle declared a non-financial interest in item 14 of the agenda (Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28) by virtue of her role as general manager of Fyne Futures which was a subsidiary of Fyne Homes. She advised that she would remain in the meeting during consideration of this item.

Councillor Peter Wallace declared a non-financial interest in item 14 of the agenda (Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28) by virtue of his Council appointment to the Board of Fyne Homes. He advised that he would remain in the meeting during consideration of this item.

Councillor Andrew Vennard declared a non-financial interest in item 14 of the agenda (Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28) by virtue of his Council appointment to the Board of ACHA. He advised that he would remain in the meeting during consideration of this item.

Councillor Jan Brown declared a non-financial interest in item 14 of the agenda (Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28) by virtue of her Council appointment to the Board of ACHA. She advised that she would remain in the meeting during consideration of this item.

Councillor Liz McCabe declared a non-financial interest in item 14 of the agenda (Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28) by virtue of her Council appointment to the Board of Fyne Homes. She advised that she would remain in the meeting during consideration of this item.

3. MINUTES

The Minutes of the meeting of Argyll and Bute Council held on 30 June 2022 were approved as a correct record.

4. MINUTES OF COMMITTEES

(a) **Policy and Resources Committee of 11 August 2022**

The Minutes of the meeting of the Policy and Resources Committee held on 11 August 2022 were noted.

(b) **Special Policy and Resources Committee of 11 August 2022**

The Minutes of the meeting of the Special Policy and Resources Committee held on 11 August 2022 were noted.

(c) **Community Services Committee of 25 August 2022**

The Minutes of the meeting of the Community Services Committee held on 25 August 2022 were noted.

(d) **Environment, Development and Infrastructure Committee of 1 September 2022**

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 1 September 2022 were noted.

5. LEADER'S REPORT

The Council gave consideration to a report providing an update on the activities of the Council Leader, Councillor Robin Currie, for the period 18 June to 15 September 2022. The report also included an update in respect of the Leader's Policy Lead portfolio of Economy and Rural Growth.

Decision

The Council noted –

1. the content of the submitted report; and
2. that any reports, briefings or copy correspondence referred to in the report could be requested as appropriate through the Leadership Support Manager, noting that some confidential reports provided by external organisations such as COSLA could be restricted.

(Reference: Report by Leader of the Council dated 15 September 2022, submitted)

Councillor Tommy MacPherson joined the meeting at this point.

6. POLICY LEADS REPORT

The Council gave consideration to a report providing an update on key areas of activity for each Policy Lead Councillor. This was the first Policy Leads report of the new Council since the Policy Leads were appointed on 18 May 2022 and sought to ensure that all members were informed, up-to-date and able to engage with current issues.

Decision

The Council noted the content of the submitted report.

(Reference: Report by Policy Lead Councillors dated 21 September 2022, submitted)

7. POLITICAL MANAGEMENT ARRANGEMENTS

The Council gave consideration to a report outlining a number of vacancies both within the Council and on external organisations following the sad passing of Councillor John McAlpine. The report also noted a request to make an appointment to the Kommuners International Kiljorganisation (KIMO) and the requirement to make a new nomination for appointment to the Loch Lomond and the Trossachs National Park Authority Board.

Decision

The Council -

1. appointed Councillor William Sinclair as one of the Council's representatives on the Live Argyll Board;
2. appointed Councillor William Sinclair as the Council's representative to the West of Scotland European Forum;
3. appointed Councillor Luna Martin to KIMO (Kommuners International Kiljorganisation);
4. nominated Councillor Maurice Corry as one of the Council's representatives to the Loch Lomond and the Trossachs National Park Authority Board, noting that final appointments to this body would be confirmed by Scottish Ministers; and
5. agreed to consider all remaining appointments at the next appropriate meeting of the Council following the Ward 2 by-election.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 4 August 2022 and Notice of Motion by Councillor Robin Currie, seconded by Councillor Gary Mulvaney dated 29 September 2022, tabled)

8. COUNCIL CONSTITUTION REVIEW

The Council gave consideration to a report presenting the annual review of the Council Constitution for agreement.

Decision

The Council agreed the adjustments to the Constitution as set out in Appendix 1 to the submitted report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 1 September 2022, submitted)

9. FREEDOM OF ARGYLL AND BUTE

The Council gave consideration to a report proposing the award of the Freedom of Argyll and Bute to Donald MacMillan BEM in recognition of his many years' service to the community, through his role as Councillor and also his service to other organisations.

Decision

The Council –

1. agreed to award the Freedom of Argyll and Bute to Donald MacMillan, BEM in recognition of his many years of service to Argyll and Bute as a local councillor and to other organisations serving the community;
2. requested the Executive Director with responsibility for Legal and Regulatory Support to make the necessary arrangements.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 3 August 2022, submitted)

10. UKRANIAN REFUGEE RESETTLEMENT IN ARGYLL AND BUTE

The Council gave consideration to a report providing an update on the challenges regarding the Ukrainian sponsorship scheme and the national review that was underway and led by the Scottish Government and COSLA. The report also provided an update on how the sponsorship scheme were operating within Argyll and Bute and the support provided locally to Ukrainian Displaced Persons.

Decision

The Council –

1. noted the national position as set out in section 4 of the submitted report;
2. agreed that the Council should, through COSLA and other representative bodies, and on an individual basis, if and when appropriate, make representations for improvements to the Ukrainian sponsorship schemes; and
3. noted the current position in relation to Argyll and Bute as set out in section 5 of the submitted report.

(Reference: Report by Executive Director with responsibility for Refugee Resettlement dated 8 September 2022, submitted)

11. PILOT FOR REGISTRARS CONDUCTING FUNERAL SERVICES IN KINTYRE AREA 2022 - FEES AND CHARGES

The Council gave consideration to a report that sought agreement to establish a six month pilot scheme to undertake funeral services in the Kintyre area with local undertakers.

Decision

The Council approved –

1. registrars in Kintyre to establish a six month pilot scheme to perform funeral services in co-operation with local undertakers, with an interim report to come forward to Council after three months to inform the budget process for 2023/24; and
2. the pilot fees and charges as set out within the report at section 4.3 of the submitted report.

(Reference: Report by Executive Director with responsibility for Customer Support Services dated September 2022, submitted)

Councillor Donald Kelly left the meeting during consideration of the following item of Business.

12. COST OF LIVING AND FUEL COST CRISIS BRIEFING

The Council gave consideration to a report presenting a briefing on the Argyll and Bute specific issues of the cost of living and fuel crisis which showed that 70% of households were at risk of fuel poverty or extreme fuel poverty. The briefing highlighted the unprecedented increases in the cost of living, particularly the fuel costs faced by people who live in our remote, rural and island communities.

Decision

The Council agreed –

1. the briefing attached to the submitted report for use in conveying the additional impact that the cost of living/fuel cost crisis has on Argyll and Bute's communities and households;
2. the four key asks of Government to alleviate the particular impacts of the cost of living/fuel cost crisis faced by our communities; and
3. in recognition of the impact the crisis was having on the communities of Argyll and Bute, to request that the Chief Executive liaise with the main Group Leaders, to explore options for establishing a Short Life Working Group with any subsequent terms of reference and membership to be agreed at a future meeting of the Council.

(Reference: Report by Executive Director with responsibility for Customer Support Services dated September 2022, submitted)

13. ARGYLL AND BUTE COUNCIL'S SHORT TERM LET LICENSING SCHEME

The Council gave consideration to a report which sought approval of the arrangements for the Council's Short-term Let Licensing Scheme.

Decision

The Council –

1. noted the considerable work undertaken to develop the new licensing regime in a challenging timescale, and without any additional funding or resourcing provided by the Scottish Government;

2. welcomed the high level of responses to the public consultation, and recognised that many of the issues raised had been incorporated into the final licensing regime;
3. approved the Short-term Let Licensing Regime, Licensing Policy, additional conditions and fee and charges as set out in sections 5.4 and 5.6 of the submitted report;
4. noted the initial focus on “new hosts” initially until additional staff resources are in place; and
5. agreed to amend the Council’s Scheme of Delegation to delegate responsibility for the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 to the Executive Director with responsibility for Regulatory Services, to enable the Council’s Environmental Health Service to authorise officers to deliver the Short-term Let licensing regime.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 September 2022, submitted)

The Provost ruled and the Council agreed to break for lunch between 13.10 and 13.30 which was during consideration of the following item of business.

Councillors Tommy MacPherson and Gemma Penfold left the meeting at this point.

14. STRATEGIC HOUSING INVESTMENT PLAN (SHIP) 2023/24 - 2027/28

The Council gave consideration to a report which sought approval of the revised Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28 for submission to the Scottish Government in October 2022. The Strategic Housing Investment Plan (SHIP) sets out strategic investment priorities for affordable housing over a five year period to achieve the outcomes set out in the Local Housing Strategy.

Decision

The Council approved the Strategic Housing Investment Plan (SHIP) proposals summarised in the officers report for submission to the Scottish Government in October 2022.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated September 2022, submitted)

15. HOUSING ANNUAL ASSURANCE STATEMENT 2022

The Council gave consideration to a report presenting the Housing Annual Assurance Statement for 2022.

Decision

The Council approved the Annual Assurance Statement 2022 contained at Appendix 1 to the submitted report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 29 September 2022, submitted)

16. HELENSBURGH WATERFRONT DEVELOPMENT - CAR PARKING

The Council gave consideration to a report proposing an amendment to the car parking charging arrangements at the Helensburgh Waterfront car park.

Decision

The Council agreed –

1. that the Helensburgh Waterfront car park be amended to provide free parking for the first 2 hours and charged thereafter; and
2. that officers progress a Traffic Regulation Order (TRO) covering the new car park with the flexibility to enable free parking for the first 2 hours, with any representations received during the TRO process being reported back to the Helensburgh and Lomond Area Committee.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated 24 August 2022, submitted)

17. CHILD POVERTY PLAN ANNUAL REVIEW 2021-22

The Child Poverty Plan Annual Review 2021-22 was before the Council for consideration. The review filled the obligation from the Child Poverty (Scotland) Act 2017 for local authorities and health boards to deliver jointly an annual review of their Child Poverty Action Plan.

Decision

The Council noted the work undertaken and the potential impact faced by the cost of living increase.

(Reference: Report by Chief Officer, Health and Social Care partnership dated 30 August 2022, submitted)

18. EXECUTIVE ACTIONS - NATIONAL POWERBOAT CHAMPIONSHIPS, DUNOON

A report highlighting the use of emergency powers by the Executive Director with responsibility for Development and Infrastructure Services to facilitate the use of the Coal Pier Car Park in Dunoon from 9 to 11 September 2022 for the National Powerboat Championships, was before the Council for noting.

Decision

The Council noted the decision made by the Executive Director regarding the fees and charges in relation to the event and having due regard to the Council's Constitution in terms of the use of emergency powers.

(Reference: Report by Executive Director with responsibility for Development and Infrastructure dated August 2022, submitted)

19. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion under Standing Order 13 was before the Council for consideration –

Motion

Over the past four - at least - Council terms, there is one issue which results consistently in unanimity across the Council Chamber.

That issue is the need for urgent action at the A83 Rest and Be Thankful, Argyll and Bute's lifeline in every single aspect of life in this region.

Over the past decade and more, this Council has, in recognition of the absolutely vital importance of the situation, called for action and engaged with government at all levels to press the urgent and utterly vital need for a permanent solution to be identified and, crucially, put in place, as quickly as possible.

In each new Council term, that approach has been reiterated and backed up by action of various forms, including numerous motions to Council and Committee, extensive ministerial correspondence from Council Leaders and colleagues, including joint cross-party approaches, and countless discussions at both political and official level.

It is also worthy of recall that our colleagues in the Argyll First group submitted a 10,000-signature petition to the Scottish Government's Public Petitions Committee - a petition which, in 2012, was unanimously supported by that Committee and, subsequently, endorsed by the Council in that term. That petition is, of course, still very much alive and is due to be considered again by that Committee in the near future. Also worthy of note is the petition signed by over 400 Argyll and Bute businesses - more evidence of the urgency and the impact of this situation on the local economy.

All of this has resulted in progress - including the trunking of the A83 between Kennacraig and Campbeltown. The key action though remains; and we remain united in our call, as a new Council, for urgent action.

I ask colleagues today, in this new Council term, to join together once again and reaffirm this Council's position once more. Let this be the Council term where we see a very significant leap forward towards the permanent solution that our communities desperately need to see in use; where we see ground broken on the 'new Rest and Be Thankful'.

Argyll and Bute Council:

- Welcomes the progress made towards that goal with the Scottish Government's announcement of its £25m investment in design and development work for the route through Glen Croe;
- Reaffirms and reiterates our previous calls for planning, construction and opening of the replacement route within the life of the this Scottish Parliament, as a strategic priority for Argyll and Bute;
- Resolves to continue our engagement with national government at all possible opportunities to press home the case for urgent action without delay, including through participation in the A83 Taskforce alongside continued dialogue with ministers; noting the Leader's update on his most recent engagement with the

Transport Minister and that this will continue as often as required; and the Council's recent presentation from the RABT Campaign Group.

Proposed by: Cllr Robin Currie, Leader of the Council

Seconded by: Cllr Jim Lynch, Leader of the SNP Group

Decision

The Council agreed the terms of the Motion.

(Reference: Notice of Motion by Councillor Robin Currie, seconded by Councillor Jim Lynch, submitted)

The Provost advised that in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, appendices B and D relating to the following item of business would require the exclusion of the press and public should any Member wish to discuss the content of those appendices on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

During consideration of the item of business the Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public to discuss the content of appendices B and D on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 8 and 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Robin Currie left the meeting during the consideration of this item of business.

20. LEARNING ESTATE INVESTMENT PROGRAMME (LEIP) - POTENTIAL BID FOR NEW MULL CAMPUS

The Council gave consideration to a report providing an update on the progress of a bid to the Learning Estate Investment Programme (LEIP) Phase 3 and which sought financial and political commitment to proceed with a submission of a bid in October. The report also provided an update on engagement that had recently taken place with education staff, stakeholders and communities that would assist the bid and inform the next stage of the application process should the Council progress to the next stage following backing from the Scottish Government.

Decision

The Council –

1. noted that the Scottish Government had confirmed the timescales for the next round of the Learning Estate Investment Programme (LEIP) i.e. invited submissions by 31st October 2022.
2. noted a business case and application was being prepared for a submission to the LEIP process for a new Campus on Mull in line with the adopted Learning Estate Strategy;

3. noted that pre-engagement activity had been ongoing with the Mull community about the potential LEIP bid between August and 9th September with over 200 representations or feedback received. Further statutory consultation would take place if a bid was made and successfully progressed to the next stage;
4. noted the financial position and affordability of a LEIP bid as set out in Appendix B to the submitted report which was exempt from publication due to the commercially sensitive and competitive bid nature of financial forecast information contained; and
5. agreed to proceed with the submission of a LEIP bid by 31st October based on the entirety of the submitted report, priorities specified in the Learning Estate Strategy, financial context and advice from the Section 95 officer contained within Appendix B to the submitted report, pre-engagement feedback contained within Appendix C to the submitted report, and on the basis that if the bid was successful, financial provision as estimated in Appendix B to the submitted report, would require to be made from 2023/4 onwards.

(Reference: Report by Executive Director with responsibility for Commercial Services and Education dated 29 September 2022, submitted)

The Council resolved to move back into public session for the following item of business.

The Provost advised that in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, appendices 1 and 9 relating to the following item of business would require the exclusion of the press and public should any Member wish to discuss the content of those appendices on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

21. BID4OBAN - APPROVAL OF BALLOT SUBMISSION AND BUSINESS PROPOSAL - THIRD BALLOT

The Council gave consideration to a report that sought approval of the Oban Business Improvement District (BID) ballot submission and the Business Proposal, Term Three, in support of the ballot.

Decision

The Council –

1. approved the ballot request, approved the Oban BID Business Proposal and agreed to instruct the Returning Officer to conduct a ballot over 42 days in 2022 from Thursday 27th October to Thursday 8th December ('the ballot day');
2. authorised the Executive Director with the responsibility for Development and Economic Growth to cast the votes on behalf of the Council in favour of the BID;
3. agreed that the Council would charge £7,956 (including VAT) per annum, to BID4Oban for administering the levy charge to businesses in Oban, with charges thereafter increased annually. The first increase would apply on 31st October 2023 and annually thereafter for the subsequent term of the BID;

4. agreed that, if BID4Oban were successful in the ballot, the Council would pay an estimated £6,120 per annum in levy contributions for Council properties in Oban;
5. noted that if the BID group were successful in the ballot, two representatives from the Council would be requested to sit on the BID4Oban Board, one Elected Member and one Officer.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated September 2022, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

22. PROPOSED ACQUISITION OF KINTYRE CARE CENTRE, CAMPBELTOWN

The Council gave consideration a report requesting that the Council take title to Kintyre Care Centre, Campbeltown to enable the HSCP to deliver nursing care services within it.

Decision

The Council agreed the recommendations contained within the submitted report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 6 September 2022, submitted)