

MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS on THURSDAY, 23 NOVEMBER 2023

Present: Councillor Maurice Corry (Chair)

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

Attending: Pippa Milne, Chief Executive
Douglas Hendry, Executive Director
Kirsty Flanagan, Executive Director
Fiona Davies, Chief Officer, Health and Social Care Partnership
David Logan, Head of Legal and Regulatory Support
Fergus Murray, Head of Development and Economic Growth
Anne Blue, Head of Financial Services
Shona Barton, Governance Manager
Matt Mulderrig, Development Policy and Housing Manager
Fergus Walker, Revenues and Benefits Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Julie McKenzie, Gary Mulvaney and Iain Shonny Paterson.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The Minute of the meeting of Argyll and Bute Council, held on 28 September 2023 was approved as a correct record.

4. MINUTES OF COMMITTEES

(a) Policy and Resources Committee held on 12 October 2023

The Minute of the meeting of the Policy and Resources Committee, held on 12 October 2023 was noted.

Arising from item 4 of this Minute (Financial Reports Monitoring Pack – 31 August 2023) the Council approved the revenue virements over £0.200m during July and August.

Arising from item 5 of this Minute (Budget Outlook 2024-25 to 2028-29) the Council agreed that the budget for winter maintenance was right sized by utilising £0.326m of the £1.4m contingency that was set aside for inflationary increases as part of the 2023-24 budget setting process.

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 8 September to 10 November 2023. The report also included notes on activities relating to the Leader's Policy Lead portfolio of Strategic Development.

The Leader noted the recent announcement by the Chancellor of the Exchequer in his Autumn Statement that there would be £80 million of Levelling Up Funding allocated to 4 Local Authority Areas in Scotland. He further advised that confirmation has now been received that Argyll and Bute will be one of the areas to benefit from this funding allocation.

Decision

The Council –

1. noted the content of the report; and
2. noted 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 may be restricted.

(Reference: Report by Leader of the Council, dated 10 November 2023, submitted)

6. POLICY LEADS REPORT

The Council gave consideration to a report providing an update on key areas of activity for each Policy Lead Councillor for the period 28 September to 10 November 2023. The report aimed to provide updates from all Policy Leads to ensure that all members were informed, up to date and able to engage with current issues.

Decision

The Council agreed to note the content of the report.

(Reference: Report by Policy Lead Councillors dated 10 November 2023, submitted)

7. WARD 1 SOUTH KINTYRE BY-ELECTION RESULT

The Council gave consideration to a report advising of the results of the Ward 1 – South Kintyre By-election held on 2 November 2023.

Decision

The Council noted the election of Jennifer Mary Kelly as Councillor in Ward 1 – South Kintyre at the by-election held on 2 November 2023.

(Reference: Report by Returning Officer dated 3 November 2023, submitted)

8. POLITICAL MANAGEMENT ARRANGEMENTS

The Council gave consideration to a report which outlined a number of vacancies on committees and other organisations and included an update on the Political Composition of the Council following the By-election in Ward 1, South Kintyre, which took place on 2 November 2023.

The Executive Director with responsibility for Legal and Regulatory Support noted that the Political Composition of the Council included at Appendix 1 should reflect that Councillor Dougie Philand was now the only member of Argyll First and as such the reference to him being Leader of that Group should be removed.

Motion

The Council:

1. Appoints Councillor Graham Hardie to the vacant position on the Environment, Development and Infrastructure Committee.
2. Appoints Councillor William Sinclair as one of the council's representatives on the A83 Taskforce.
3. Agrees that Councillor Fiona Howard will replace Councillor Ian MacQuire on the Argyll and Bute Harbour Board.
4. Notes that Councillor Jennifer Kelly will become a Trustee for the Campbeltown Common Good Fund and the Kintyre Education Trust.
5. Notes the updated Political Composition of the Council.

Moved by Councillor Robin Currie, seconded by Councillor Yvonne McNeilly.

Amendment

The Council:

1. Appoints Councillor Jennifer Kelly to the vacant position on the Environment, Development and Infrastructure Committee.

2. Appoints Councillor John Armour as one of the council's representatives on the A83 Taskforce.
3. Agrees that Cllr Fiona Howard will replace Councillor Ian MacQuire on the Argyll and Bute Harbour Board.
4. Notes that Councillor Jennifer Kelly will become a Trustee for the Campbeltown Common Good Fund and the Kintyre Education Trust.
5. Notes the updated Political Composition of the Council.

Moved by Councillor Jim Lynch, seconded by Councillor John Armour.

As the meeting was being held on a hybrid basis, the vote required to be taken by calling the Roll and Members voted as follows –

Motion

Councillor Garret Corner
 Councillor Maurice Corry
 Councillor Robin Currie
 Councillor Kieron Green
 Councillor Amanda Hampsey
 Councillor Daniel Hampsey
 Councillor Graham Hardie
 Councillor Andrew Kain
 Councillor Paul Donald Kennedy
 Councillor Liz McCabe
 Councillor Yvonne McNeilly
 Councillor Ross Moreland
 Councillor Gemma Penfold
 Councillor Alastair Redman
 Councillor William Sinclair
 Councillor Andrew Vennard
 Councillor Peter Wallace

Amendment

Councillor John Armour
 Councillor Gordon Blair
 Councillor Jan Brown
 Councillor Math Campbell-Sturgess
 Councillor Audrey Forrest
 Councillor Fiona Howard
 Councillor Willie Hume
 Councillor Mark Irvine
 Councillor Jennifer Kelly
 Councillor Reeni Kennedy-Boyle
 Councillor Jim Lynch
 Councillor Luna Martin
 Councillor Ian MacQuire
 Councillor Dougie McFadzean
 Councillor Dougie Philand

No Vote

Councillor Tommy McPherson

Decision

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

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, dated 6 November 2023, submitted)

9. DRAFT PROGRAMME OF MEETINGS 2024-25

The Council's Standing Orders for meetings require the Council to approve a Programme of Meetings for the Council and its Committees every year. The Council gave consideration to a draft programme of meetings for the year 2024-25 based on the current committee cycle.

Decision

The Council approved the draft Programme of Meetings for the year 2024-25.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 15 November 2023, submitted)

10. REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2023/24

Having noted that the Representation of the People Act 1983 and the Electoral Registration and Administration Act 2013 requires Argyll and Bute Council to undertake a review, between the dates of 2 October 2023 and 28 January 2025, of polling districts and polling places within the Argyll and Bute area for the purposes of the UK Parliamentary, Scottish Government and Local Government elections, the Council gave consideration to a report which provided information on the work carried out to date in this regard.

Decision

The Council –

1. noted that polling districts and polling places will continue to be reviewed on an on-going basis by the Returning Officer to whom authority has already been delegated to make alterations in response to changing circumstances;
2. noted that under the provisions of the Electoral Registration and Administration Act 2013 a further formal review of polling districts and polling places will require to be carried out by the end of January 2030 and on a 5 yearly basis thereafter;
3. approved the Scheme of Polling Districts and Polling Places detailed in appendix 1 of the report; and
4. noted the representations received during the consultation period, as detailed in appendix 2 of the report, together with the Returning Officer comments thereon.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, dated November 2023, submitted)

11. POLICY FOR EMPTY PROPERTY RELIEF FOR NON-DOMESTIC RATES

Consideration was given to a report which provided an update on progress being made with regard to a new Empty Property Relief Policy on Non-Domestic Rates. It was noted that the purpose of this is to incentivise the owners of empty business premises in Argyll and Bute to do all that they can to bring the property back into use.

Decision

The Council –

1. approved Option A, Empty Property Relief provisions as outlined in paragraph 3.19 of the report;
2. agreed the creation of an Empty Property Officer post for a period of 2 years as outlined in paragraph 3.21 of the report; and
3. agreed that the remaining Empty Property Relief funding is used towards a Business Grant Scheme with officers to bring forward the detail to the Environment, Development and Infrastructure Committee meeting in March 2024 for approval.

(Reference: Report by Executive Director with responsibility for Financial Services, dated 25 October 2023, submitted)

12. CHARGING OF DOUBLE COUNCIL TAX ON SECOND HOMES

The Council gave consideration to a report which outlined the Scottish Government consultation on Council Tax charges for Second Homes and Long-Term Empty properties, which ran from 17 April to 11 July 2023. The report provided information on the review of the consultation results and the proposed changes for consideration by Leaders and Ministers.

Decision

The Council –

1. agreed to implement the double charge, 100% Council Tax premium on second homes from 1 April 2024 should the legislation granting those powers be passed; and
2. agreed that £0.020m of one-off costs are funded from existing earmarkings within the Service that are no longer required and recurring costs of £0.098m for staffing and system maintenance associated with the implementation of this charge be funded from the additional income recovered in excess of the £4m already built into the Budget Outlook.

(Reference: Report by Executive Director with responsibility for Financial Services, dated 25 October 2023, submitted)

13. ROYAL NATIONAL MOD - OBAN FUNDING REQUEST

Having noted that the Royal National Mod (RNM) will take place from 11 – 19 October 2024 in Oban and the significant economic impact expected for Oban as a result, the Council gave consideration to a report which outlined the requests for additional funding from both Live Argyll and An Comunn Gaidhealach (An Commun).

Decision

The Council –

1. agreed a financial resource of up to £25,000 to Live Argyll to provide staffing for the use of the Corran Halls for the duration of the RNM to be funded from the unallocated general fund; and

2. agreed the additional funding request of up to a maximum of £20,000 to An Commun to be funded from the unallocated general fund.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated October 2023, submitted)

14. STRATEGIC HOUSING INVESTMENT PLAN (SHIP) 2024/25 TO 2028/29

Consideration was given to a report which provided details of the annual Strategic Housing Investment Plan (SHIP) covering the period 2024/25 – 2028/29 and summarised the proposals for the revised SHIP, in line with statutory requirements and the latest guidance.

Decision

The Council approved the Strategic Housing Improvement Plan for 2024/25 – 2028/29, and noted that this will be submitted to the Scottish Government as the Council's approved Strategic Housing Improvement Plan document.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated November 2023, submitted)

15. NOTICE OF MOTION UNDER STANDING ORDER 13

The Council gave consideration to the following Notice of Motion under Standing Order 13 that had been submitted by Councillor Audrey Forrest, and seconded by Councillor Dougie McFadzean –

The UNCRC is an international treaty made up of 54 articles that aims to articulate the 'civil, political, economic, social and cultural rights that all children everywhere are entitled to', as well as the steps that governments must take to secure these rights.

The UK ratified the UNCRC in 1991, and legislation has been enacted by the Scottish Parliament which will see these rights enshrined in Scots Law.

The Council, as a body, who has responsibilities for children and young people should act consistently with the UNCRC, and as a forward thinking body, reaffirms its aspiration and responsibility to continue to try to 'Get It Right For Every Child' in all aspects of its business. It acknowledges that it is not only in Education that Children's Rights are important but that all parts of the Council business can impact on our children and young people and that they should be considered in all decision making processes.

Therefore, Council agrees to add 'The Rights of The Child' as a field to be completed to the Implications section at the end of all Council and Committee reports.

Decision

The Council agreed the terms of the Motion.

(Reference: Notice of Motion under Standing Order 13 by Councillor Audrey Forrest, seconded by Councillor Dougie McFadzean, submitted)

16. NOTICE OF MOTION UNDER STANDING ORDER 13

The Council gave consideration to the following Notice of Motion under Standing Order 13 that had been submitted by Councillor Jim Lynch, and seconded by Councillor Robin Currie –

It is almost a decade since Scotland's last appearance in golf's prestigious Ryder Cup tournament. This year, though, a young golfer from Oban gave the traditional home of golf an opportunity to be part of it and to celebrate again as he played his part in Team's Europe's Ryder Cup victory.

Robert MacIntyre is undoubtedly one of golf's most amazing young talents on an international level and is certainly one of the finest players that Scotland has seen in many years. At the age of 27, his list of sporting achievements is considerable and inspirational. Despite his amazing success, his commitment and attachment to his home town of Oban remains as strong and enthusiastic as it was when he first started his golf career at Glencruitten Golf Club, where he is still a member.

He is a tremendous ambassador for Scotland and for Oban in particular, and the town is especially – and rightly - proud of its famous sporting son.

In recognition of his sporting success, and his commitment to his local community of Oban, Council is asked to consider awarding the Freedom of Argyll and Bute to Robert MacIntyre and, if so minded, to request that the Executive Director with responsibility for Legal and Regulatory Support makes the necessary arrangements in this regard.

Decision

The Council agreed the terms of the Motion.

(Reference: Notice of Motion under Standing Order 13 by Councillor Jim Lynch, seconded by Councillor Robin Currie, submitted)

17. NOTICE OF MOTION UNDER STANDING ORDER 13

The Council gave consideration to the following Notice of Motion under Standing Order 13 that had been submitted by Councillor Gordon Blair, and seconded by Councillor Mark Irvine.

Motion

Argyll and Bute Council, already home to refugees from across the world, calls on the UK Government to fully support a cease fire in Gaza and support the immediate establishment of a humanitarian corridor for the displaced and the distribution of essential supplies of food and life-saving medication.

The people of Argyll and Bute will continue to support refugees in our communities in a caring, peaceful, just and fair society.

Amendment

Argyll and Bute Council are dismayed to see the situation in the Middle East and call on the International Community to continue to engage in constructive dialogue to reach a solution to this fast moving situation as quickly as possible.

Argyll and Bute Council continue to support refugees in our communities through the Refugee Resettlement Programme and welcome the multi-agency partnership approach to integration support across the authority to ensure they are enabled to fully participate in community life.

Moved by Councillor Andrew Kain, seconded by Councillor Yvonne McNeilly.

As the meeting was being held on a hybrid basis, the vote required to be taken by calling the Roll and Members voted as follows –

Motion

Councillor John Armour
Councillor Gordon Blair
Councillor Jan Brown
Councillor Math Campbell-Sturgess
Councillor Audrey Forrest
Councillor Fiona Howard
Councillor Willie Hume
Councillor Mark Irvine
Councillor Jennifer Kelly
Councillor Reeni Kennedy-Boyle
Councillor Jim Lynch
Councillor Luna Martin
Councillor Ian MacQuire
Councillor Dougie McFadzean
Councillor Dougie Philand

Amendment

Councillor Garret Corner
Councillor Maurice Corry
Councillor Robin Currie
Councillor Kieron Green
Councillor Amanda Hampsey
Councillor Daniel Hampsey
Councillor Graham Hardie
Councillor Andrew Kain
Councillor Paul Donald Kennedy
Councillor Liz McCabe
Councillor Yvonne McNeilly
Councillor Ross Moreland
Councillor Gemma Penfold
Councillor Alastair Redman
Councillor William Sinclair
Councillor Andrew Vennard
Councillor Peter Wallace

No Vote

Councillor Tommy McPherson

Decision

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

(Reference: Notice of Motion under Standing Order 13 by Councillor Gordon Blair, seconded by Councillor Mark Irvine, 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 Paragraph 1 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

18. COUNCIL CONSIDERATION OF ABSENCE

The Council gave consideration to a report seeking approval of an ongoing absence from Council business of an elected member for a period up to 29 June 2024.

Decision

The Council approved the absence from Council business of an elected member until 29 June 2024, or until their return to business, whichever is the earlier.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory support dated 6 October 2023, submitted)