

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, 27 JUNE 2024

Present: Councillor Dougie Philand (Chair)

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

Attending: Pippa Milne, Chief Executive
Douglas Hendry, Executive Director
Kirsty Flanagan, Executive Director
David Logan, Head of Legal and Regulatory Support
Fergus Murray, Head of Development and Economic Growth
Matt Mulderrig, Development Policy and Housing Manager
Shona Barton, Governance Manager

Prior to the commencement of Business, the Provost, on behalf of the Council, paid tribute to Councillor Robin Currie who had passed away suddenly on 9 May 2024, followed by the Leader of the Liberal Democrats, Councillor Ross Moreland.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Maurice Corry, Daniel Hampsey and Ian James MacQuire.

In terms of Standing Order 3.2.2, the Provost ruled and the Council agreed that the Business dealt with at item 12 of this Minute be dealt with as a matter of urgency by reason of the requirement to appoint to the post of Chief Officer of the Health and Social Care Partnership on a permanent basis as soon as possible.

2. DECLARATIONS OF INTEREST

Councillor Mark Irvine declared a non-financial interest in item 10 of the agenda (ACHA Stock Restructure Proposals) as he was member of the ACHA Board which was not a Council Appointment. He advised that he would leave the room during the consideration of this item of business.

Councillor Jan Brown advised in relation to item 10 of the agenda (ACHA Stock Restructure Proposals) that she had been appointed to the ACHA Board by the Council. Having taken note of the Standards Commission Guidance in relation to declarations (issued on 7 December 2021), with specific reference to section 5.4(c), she did not consider that she had a relevant connection and as such would remain in the meeting.

Councillor William Sinclair advised in relation to item 10 of the agenda (ACHA Stock Restructure Proposals) that he had been appointed to the ACHA Board by the Council. Having taken note of the Standards Commission Guidance in relation to declarations (issued on 7 December 2021), with specific reference to section 5.4(c), he did not consider that he had a relevant connection and as such would remain in the meeting.

3. MINUTES

The Minutes of the meeting of Argyll and Bute Council held on 25 April 2024 were approved as a correct record.

4. MINUTES OF COMMITTEES

(a) Policy and Resources Committee held on 9 May 2024

The Minutes of the meeting of the Policy and Resources Committee held on 9 May 2024 were noted.

Arising from item 4 of these Minutes (Budget Outlook), the Council agreed to endorse the minor changes to the fees and charges.

Arising from item 5 of these Minutes (Customer Service Strategy 2024-27), the Council agreed to approve the revised Customer Service Strategy, Charter and Action Plan, and associated EQSEIA.

(b) Community Services Committee held on 6 June 2024

The Minutes of the meeting of the Community Services Committee held on 6 June 2024 were noted.

(c) Environment, Development and Infrastructure Committee held on 20 June 2024

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 20 June 2024 were noted.

Arising from item 13 of these Minutes (Roads and Infrastructure Service Review), the Council agreed to approve that officers move onto Stages 2, 3 and 4 of the Review and approve up to £150,000 of funding from the Strathclyde Pension Fund Gain Earmarking set aside for Spend-to-Save or Transformation which would be used to bring in external support.

5. LEADER'S REPORT

The Council gave consideration to a report providing an update on the activities of the Council Leader, Councillor Jim Lynch, for the period 5 April to 12 June 2024.

Decision

The Council noted –

1. the content of the 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, and that some reports provided by external organisations such as COSLA could be restricted.

(Reference: Report by Leader of the Council dated 12 June 2024, submitted)

6. POLITICAL MANAGEMENT ARRANGEMENTS

The Council gave consideration to a report setting out vacancies within the Council and with external organisations following the passing of Councillor Robin Currie. The report also provided the updated Political Composition of the Council.

Decision

The Council –

1. agreed the following appointments:
 - a) Joint Depute Leader – Cllr Ross Moreland
 - b) Vice Chair, Environment, Development, and Infrastructure Committee – Cllr Ross Moreland
 - c) Policy and Resources Committee - Cllr Luna Martin
 - d) Environment, Development, and Infrastructure Committee - Cllr Jan Brown
 - e) Employee Joint Consultative Committee - Cllr Math Campbell-Sturgess
 - f) COSLA Community Wellbeing Board – Cllr Ross Moreland
 - g) COSLA Scottish Joint Council for Local Government Employees - Cllr William Sinclair
 - h) A83 Taskforce - Cllr William Sinclair
 - i) Argyll and Bute Renewables Alliance – Cllr Jim Lynch;
2. noted that Cllr Jan Brown was standing down from the Community Services Committee with immediate effect, leaving a vacancy on that Committee;
3. Agreed that the remaining appointments, listed below, be considered at an appropriate opportunity following the conclusion of the Ward 2, Kintyre, and the Islands By-Election:
 - a) West Highland Housing Association Board (one vacancy for a councillor from either the Oban, Lorn and Isles or Mid Argyll, Kintyre and the Islands areas) Argyll Islands Sounding Board (Vice Chair, one vacancy)
 - b) Clyde, Kintyre, and the Islands Ferry Stakeholders Group
 - c) Ionad Chalaim Chille Ìle (ICCI) – The Gaelic Centre, Islay
 - d) SOILLSE – National Network for Gaelic Research Consultative Committee

e) Community Services Committee (one vacancy); and

4. noted the updated Political Composition of the Council.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 22 May 2024, submitted; and Motion by Councillor Jim Lynch, seconded by Councillor Ross Moreland, tabled)

7. YEAR END REPORTING PACK

(a) 2023/24 Unaudited Annual Accounts

The Council gave consideration to a report providing an overview of the unaudited annual accounts for 2023-24 and a summary of significant movements from 2022-23 and which invited members to approve the unaudited annual accounts for 2023-24 for issue.

Decision

The Council approved the unaudited annual accounts for the year ended 31 March 2024 for issue.

(Reference: Report by Section 95 Officer dated 27 June 2024, submitted)

(b) Revenue Budget Monitoring for the Year 2023/24

The Council gave consideration to a report advising of the revenue budget position of the Council as at the end of the financial year 2023-24. The report also summarised the movement in the General Fund balance.

Decision

The Council –

1. noted the revenue budget monitoring position as at the end of financial year 2023-24;
2. noted the unallocated balance within the General Fund as at 31 March 2024, after taking into account the contingency, amounted to £2.259m;
3. approved the revenue virements over £0.200m between January and March 2024.

(Reference: Report by Section 95 Officer dated 4 June 2024, submitted)

(c) Earmarked Reserves - 2023/24 Year End

The Council gave consideration to a report providing information on progress with balances already earmarked at the end of 2023-24 that qualify for automatic carry over or had been previously agreed. The report also presented proposals to earmark two new areas of unspent budget which invited approval.

Decision

The Council –

1. reviewed and approved the revised Policy on Year End Flexibility included as Appendix 1 to the submitted report;
2. approved the two new unspent budget earmarked reserve proposals totalling £3.2m as supported by submitted business cases and noted that there were a further 23 unspent budget earmarkings amounting to £41.174m that had been previously approved, as outlined in Appendices 2.1 and 2.2 of the submitted report;
3. noted the new balances of £10.558m at the end of 2023-24 that qualified for automatic carry-forward as outlined in Appendix 3 of the submitted report;
4. noted the previously approved earmarked reserves of £52.510m and the justification for continuing to earmark these as outlined in Appendix 4 to the submitted report;
5. noted that £0.140m of no longer required earmarked balances would be released back into the General Fund;
6. noted that £2.212m of no longer required earmarked balances had been redirected to the Capital Budget as per the Council decision on 22 February 2024; and
7. noted that £3.389m relating to Social Work reserves were recognised on the Balance Sheet and was outwith the scope of the report.

(Reference: Report by Section 95 Officer dated 4 June 2024, submitted)

(d) Capital Budget Monitoring Report - 31 March 2024

The Council gave consideration to a report providing an update on the position of the capital budget as at 31 March 2024. The report also provided information on the financial position in respect of the capital plan and the performance in terms of delivery of capital plan projects.

Decision

The Council –

1. noted the content of the submitted report and the financial summaries as detailed at Appendix 6; and
2. approved the proposed changes to the capital plan as detailed at Appendix 2.

(Reference: Report by Section 95 Officer dated 13 June 2024, submitted)

(e) Annual Treasury Report 2023/24

The Council gave consideration to a report outlining the Council's Treasury Management position for 2023-24.

Decision

The Council approved the Annual Treasury Report for 2023-24.

(Reference: Report by Section 95 Officer dated 5 June 2024, submitted)

(f) Strategic Housing Fund Annual Report 2023/24

The Council gave consideration to a report providing an annual update on the Strategic Housing Fund income and expenditure position for 2023-24, the current balance on the Strategic Housing Fund as at 31 March 2024 and all future commitments against this balance.

Decision

The Council noted –

1. the report on income and expenditure for 2023-24 and the balance on the Strategic Housing Fund as at 31 March 2024; and
2. the estimated future income for the Strategic Housing Fund for 2024-25.

(Reference: Report by Section 95 Officer dated 27 June 2024, submitted)

8. BUDGET APPROACH

The Council gave consideration to a report inviting agreement on a proposed approach to the budget setting process for 2025-26 which included the formation of a Budget Working Group and outlining a high level budget timetable.

Decision

The Council agreed –

1. the approach to the 2025-26 budget as outlined within the submitted report; and
2. the creation of a Budget Working Group comprising six Members from the Administration (Councillors Jim Lynch, Ross Moreland, Audrey Forrest, Dougie Philand, Kieron Green and Luna Martin), three non-Administration Members (Councillors Gary Mulvaney, Yvonne McNeilly and Peter Wallace) and two Trade Union representatives.

(Reference: Report by Section 95 Officer dated 10 June 2024, submitted)

9. DRAFT ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN 2: ACTION PROGRAMME

The Council gave consideration to a report presenting the proposed Argyll and Bute Local Development Plan 2 (LDP2) Action Programme which outlined how the planning authority proposed to implement LDP2.

Decision

The Council –

1. noted the content of the submitted report and the proposed Local Development Plan 2 Action Programme contained at Appendix 1; and
2. agreed to adopt and publish the Local Development Plan 2 Action Programme.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated May 2024, submitted)

Having declared an interest in the following item of Business, Councillor Mark Irvine left the meeting at this point.

10. ACHA STOCK RESTRUCTURE PROPOSALS

The Council gave consideration to a report outlining a proposal by Argyll Community Housing Association (ACHA) to demolish and redevelop, or dispose of, a number of properties in Campbeltown and Dunoon which had been identified as no longer suitable to retain within its housing stock due to age, disrepair and ongoing maintenance costs.

Decision

The Council –

1. approved ACHA's proposals to remove 44 units from the affordable rented stock at Dalintober, Campbeltown by means of demolition by a formal amendment to the Transfer Agreement noting that funding was in place to build 24 new build properties on the site;
2. approved ACHA's request to sell a further 7 properties in Campbeltown on the open market subject to the consent of the Scottish Ministers being obtained prior to any sale, and satisfactory financial justification being received by the Council;
3. approved ACHA's request to sell 4 properties in the Dunoon area on the open market subject to the consent of the Scottish Ministers being obtained prior to any sale, and satisfactory financial justification being received by the Council;
4. delegated to the Council's Executive Director with responsibility for Development and Economic Growth, in consultation with the Executive Director with responsibility for Legal and Regulatory Support, the Leader of the Council, the Depute Leader, the Leader of the largest Opposition Group and the Policy Lead for Finance and Commercial Services for approval of the necessary financial justifications;
5. retrospectively approved the demolition of 34 units at Eton Avenue, Dunoon noting that new build housing had been delivered on the site through the SHIP to meet the specific needs of families in the Dunoon area;
6. noted ACHA's sale of 15 properties across Argyll and Bute in line with the stock rationalisation approval granted by the Council in February 2018;

7. supported ACHA's request to the Scottish Government to exclude any disposals undertaken as part of these proposals from the tripartite Disposal Clawback Agreement;
8. agreed to advise ACHA that the proposed demolitions would require to be the subject of separate approvals from the Council as the Planning and Building Control Authority noting that ACHA would also be reminded that they would remain responsible for the maintenance of the areas of land detailed in the submitted report;
9. agreed to advise ACHA that any future proposals to dispose of any of the land freed up by the demolitions would be subject to approval from Argyll and Bute Council; and
10. agreed to advise ACHA that any property or dwelling sold on the open market must be sold with title burdens securing in perpetuity principal occupation either through owner occupation or private rented tenancy.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated June 2024, submitted)

Councillor Mark Irvine re-joined the meeting at this point.

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 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

11. ROTHESAY PAVILION UPDATE REPORT

The Council gave consideration to a report providing an update on the Rothesay Pavilion Tender Report for the works to complete Stages 2 and 3; and the contributions of other funders.

Decision

The Council agreed the recommendations contained within the submitted report.

(Reference: Report by Executive Director with responsibility for Commercial Services; and Executive Director with responsibility for Development and Economic Growth and Financial Services and the Council's Section 95 Officer dated 19 June 2024, submitted)

12. APPOINTMENTS PANEL ARGYLL AND BUTE HEALTH AND SOCIAL CARE PARTNERSHIP CHIEF OFFICER

The Council gave consideration to a report inviting approval to agree nominations to the panels for Chief Officer and Heads of Service as agreed for the previous recruitment processes in November 2021, and amend the Constitution accordingly.

Decision

The Council –

1. noted the requirement to appoint to the Chief Officer of the HSCP on a permanent basis;
2. agreed to adopt, as a permanent arrangement, the panels for Chief Officer and Heads of Service as agreed for the previous recruitment processes in November 2021 and amend the Constitution accordingly; and
3. agreed that the nomination of substitute members to the panels be delegated to the Chief Executive and the Executive Director with Responsibility for Legal and Regulatory Support in consultation with the Council Leader and amend the Constitution accordingly as a permanent arrangement.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated June 2024, tabled)