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29 September 2011

## NOTICE OF MEETING

A meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 6 OCTOBER 2011** at **11:30 AM**, which you are requested to attend.

[Note: There will be a presentation by the Chief Constable, Stephen House of Strathclyde Police prior to the start of the Council Meeting.]

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**  
Argyll and Bute Council 18 August 2011 (Pages 1 - 8)
4. **LUSS BYE LAW - CONSUMPTION OF ALCOHOL IN PUBLIC PLACES**  
Report by Executive Director of Customer Services (Pages 9 - 12)
5. **SCHOOL ESTATE REVIEW CONSULTATION REPORT: ST KIERANS PRIMARY SCHOOL TO CASTLEHILL PRIMARY SCHOOL**  
Recommendation by the Executive of 6 October 2011 and Report by Executive Director of Community Services (previously circulated to Executive)
6. **SCHOOL ESTATE REVIEW CONSULTATION REPORT: ARDCHONNEL PRIMARY SCHOOL TO DALMALLY PRIMARY SCHOOL AND KILMARTIN PRIMARY SCHOOL**  
Recommendation by Executive of 6 October 2011 and Report by Executive Director of Community Services (previously circulated to Executive)
7. **JOINT HEADSHIP INITIATIVE PILOT - CARRADALE AND DRUMLEMBLE PRIMARY SCHOOLS**  
Recommendation by the Executive of 6 October 2011 and Report by Executive Director of Community Services (previously circulated to Executive)

**8. PARKLANDS SCHOOL, HELENSBURGH**

Recommendation by the Executive of 6 October 2011 and Report by Executive Director of Community Services (previously circulated to Executive)

**9. ANNUAL REPORT BY THE AUDIT COMMITTEE 2010-2011**

Recommendation by the Audit Committee of 18 September 2011 and Report by the Chair of the Audit Committee (previously circulated to Audit Committee) (Pages 13 - 14)

**10. CORPORATE GOVERNANCE IMPROVEMENT PLAN**

Recommendation by the Executive of 29 September 2011 (to follow) and Report by Executive Director of Customer Services (previously circulated to Executive)

**11. ELECTIONS TO THE CROFTING COMMISSION: CONSULTATION PAPER ON DRAFT REGULATIONS**

Recommendation by the Executive of 29 September 2011 and Report by Executive Director of Customer Services (previously circulated to Executive)

**12. FURTHER CONSULTATION ON THE FUTURE OF POLICING**

Report by Executive Director of Customer Services (to follow)

**13. NOTICE OF MOTION UNDER STANDING ORDER 13**

Proposed by Councillor John Semple, Seconded by Councillor Donald Kelly.

“Following the decision of the Council, as part of the 2011/12 budget to withdraw funding for the Campbeltown Ring n Ride service concern has been expressed by a wide range of users of the service that no alternative public transport will be available. The Leader of the Council gave assurances that alternatives would be made available and that users would be kept well informed. The service will be withdrawn on the 28<sup>th</sup> November and as yet no wide ranging consultation with service users has taken place and no alternative’s identified to members.

The Council instructs the Chief Executive to:-

1. Investigate why wide-ranging consultation with service users did not take place and report back to the next Council Meeting.
2. To engage with communities affected by the withdrawal of the ring n ride service to identify individuals affected.
3. instruct officers to implement whatever plans are necessary to meet the commitment made by the Leader of the Council for alternatives to be available.”

**14. NOTICE OF MOTION UNDER STANDING ORDER 13**

Proposed by Councillor John Semple, Seconded by Councillor Donald Kelly.

“Following the decision of the Council, as part of the 2011/12 budget to withdraw Steward and Cleaning Services to Community Education Centres, concern has been expressed in some communities that their community centre will no longer be viable and may have to close as a result.

The Council instructs the Chief Executive to:-

1. Instruct appropriate staff to undertake a full appraisal of the viability of the affected community centres.
2. Identify clearly how the projected savings can be achieved for each centre and what the impact will be on service users for each centre if they close.
3. instruct staff to assist community centres develop a viable operating model which meets the needs of the users and wider community.
4. makes available resources to assist community centres implement an action plan which will deliver both long term savings and a viable future affected Community Education Centres.”

## **COUNCIL**

### **ALL MEMBERS**

Contact: Sandra McGlynn Tel: 01546 604401

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**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD  
on THURSDAY, 18 AUGUST 2011**

**Present:**

Provost William Petrie (Chair)

Councillor Chalmers	Councillor McNaughton
Councillor Colville	Councillor McQueen
Councillor Dance	Councillor Marshall
Councillor Freeman	Councillor Morton
Councillor Hay	Councillor Mulvaney
Councillor Horn	Councillor Nisbet
Councillor Daniel Kelly	Councillor Philand
Councillor Donald Kelly	Councillor Reay
Councillor Kinniburgh	Councillor Robb
Councillor McCuish	Councillor Robertson
Councillor Macdonald	Councillor Scoullar
Councillor D MacIntyre	Councillor Semple
Councillor R Macintyre	Councillor Simon
Councillor Mackay	Councillor Strong
Councillor MacMillan	Councillor Walsh

**Attending:**

Sally Loudon, Chief Executive  
 Douglas Hendry, Executive Director of Customer Services  
 Cleland Sneddon, Executive Director of Community Services  
 Sandy Mactaggart, Executive Director of Development and Infrastructure  
 Bruce West, Head of Strategic Finance  
 Jane Fowler, Head of Improvement and HR  
 Robert Pollock, Head of Economic Development and Infrastructure  
 Jim Robb, Head of Adult Care

The Provost referred to the sad passing of Councillor Donald Macdonald who died suddenly while on holiday on North Uist, Members observed a minute's silence in tribute to his life and work as a Councillor.

The Council heard a presentation by Rory Mair, Chief Executive and Councillor Pat Watters, President of COSLA.

The Council also heard a presentation and a short DVD by Tony Begley of Mary's Meals, a local based charity.

The Provost ruled, and the Council agreed to adjourn the meeting at 1.00pm and reconvene at 1.45pm. Councillors Chalmers, Kinniburgh, McCuish, R Macintyre, Mulvaney and Simon left the meeting at 1.00pm.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated by Councillors Currie, Devon, MacAlister, McAlpine and McIntosh.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. MINUTES**

(a) Special Argyll and Bute Council 14 June 2011

The Council approved the Minutes of the Special Council Meeting of 14 June 2011 as a correct record.

(b) Argyll and Bute Council 23 June 2011

The Council approved the Minutes of the Council Meeting of 23 June 2011 as a correct record.

**4. COMPOSITION OF THE COUNCIL**

The Council considered a report which advised that Councillor Mary Jean Devon had tendered her resignation from the Alliance of Independent Councillors and written notification was received by the Executive Director of Customer Services to advise that she would now be a member of the SNP Group.

**Decision**

The terms of the report were noted.

(Ref: Report by Executive Director of Customer Services dated 5 July 2011, submitted)

**5. SCSWIS SOCIAL WORK INSPECTION REPORT**

The Social Work Service had recently undergone an inspection of its services by Social Care and Social Work Improvement Scotland (SCSWIS). The Council considered a report which outlined the key findings of this process and heard a presentation by Rosie Lawrence the link inspector from Improvement Scotland.

**Decision**

1. Noted the findings of the report that the social work service within Argyll and Bute "was making progress on a well planned improvement journey".
2. Noted the areas for further action and that an action plan to address these is being drawn up in conjunction with the link inspector.

(Ref: Report by Executive Director of Community Services dated 18 August 2011, submitted)

**6. ALTERNATIVE WAYS OF WORKING POLICY**

The Executive, at its meeting on 11 August 2011 considered the alternative ways of working policy and recommended to the Council to adopt the Policy.

**Decision**

The Council approved the alternative ways of working policy.

(Ref: Report by Head of Improvement and HR dated 11 August 2011, submitted)

## **7. BUSINESS IMPROVEMENT DISTRICT SCOTLAND - POLICY FRAMEWORK**

The Executive, at its meeting on 11 August 2011 considered the policy framework for Business Improvement District Scotland (BIDS) and recommended that the Council adopt the Policy.

### **Decision**

The Council adopted the Policy Framework for BIDS.

(Ref: Report by Head of Economic Development and Infrastructure dated 18 July 2011, submitted)

## **8. NOTICE OF MOTION UNDER STANDING ORDER 13**

Councillor Semple, seconded by Councillor Horn had given notice of the following motion:-

Since 2007 Argyll & Bute Council has spent £6.5M on travel expenses for officers and elected members. Last year officers claimed £1.4M in travelling expenses and members claimed £117K between the years 2009/10 and 2010/11 the cost of travel, in spite of the economic position of the council, did not reduce by any significant means, in fact it increased for members.

On Wednesday the 8<sup>th</sup> of June, the MAKI area committee took place on Islay, 4 officers and 7 councillors spent 6 hours of their time travelling for a 3 hour meeting. The only member of the public to attend questioned why it was there at all and why he could not video conference into the meeting.

Colleagues it is clear that we are not conducting the work appropriately for the technological age we live in. I propose that the following steps are taken:-

In order to, reduce the cost of delivering council services; to reduce the impact on the environment caused by travel; to increase community involvement in Local Government; and to increase the efficiency of officers and councillors, the Council instructs the Chief Executive –

1. To establish, within 12 months, an extended, modern and effective video conferencing system which enables the public to view and, where appropriate, take part in all public council and committee meetings from remote locations, except where press and public are excluded.
2. To develop a protocol limiting the extent to which officers and councillors use travel as a means of attending meetings and promoting video conferencing.
3. To monitor progress towards appropriate actions and targets on the establishment of this proposal and report on these to each scheduled Full Council Meeting.

Moved by Councillor Semple, seconded by Councillor Horn.

### **Amendment**

The Council acknowledges the drive of the Council to keep expenditure on travel and subsistence as low as practicably possible and supports its intention to reduce this further through its proposal to continue with the expansion and development of our video, webcasting and web conference technology facilities that will encourage greater public participation and use by members and officers.

That the Council acknowledges the current and proposed investment in the Council's web conferencing developments that will provide for officers, through the Lync software, to informally communicate with each other and the provision of 360 degree web cameras that will allow this facility to be used by a group of people in a small office to see everyone in the room thereby reducing the need to travel with additional expense. Further to recognise our intention to extend this facility to members within the calendar year with training being arranged on an area basis.

That the Council agrees to request that the Chief Executive investigates the provision of web casting equipment and the costs of this provision by the Council with a report back to the Council that will provide for a fixed solution that will operate from the Council Chamber providing additional services for our citizens to observe meetings including surveys, polls associated with meeting items with the proceedings held being recorded.

That the Council agrees to the Budget Working Group reviewing the members approved list of duties with a view to a reduction in the current entitlements in recognition of the improvements in the available IT technology and requests that the Chief Executive puts in place arrangements for the monitoring of this technology to advise the Council on its utilisation by both officers and members.

Moved by Councillor Walsh, seconded by Councillor Morton.

The Provost ruled, and the Council agreed to adjourn at 3.30pm for 5 minutes to consider the Amendment.

### **Decision**

The mover of the Motion with the agreement of his seconder withdrew the Motion and the Amendment became the decision of the Council.

## **9. NOTICE OF MOTION UNDER STANDING ORDER 13**

Councillor Freeman, seconded by Councillor Philand had given notice of the following motion:-

Scotrail currently provides an annual Highland Railcard which entitles the holders to 50% off the cost of local rail travel. Scotrail highlights that the benefits of a Highland Railcard, which currently cost £8 per year, are:

- A saving of 50% each time the card holder buys one of the following tickets:
  - Anytime Single or Return
  - Anytime Day Single or Return
  - Off-Peak Return
  - Off-Peak Day Return ticket
- The card holder can easily save more than the cost of the card on one trip alone
- The card holder can take up to two children with them for a flat fare of £2 return each when they make a journey using the card.



The Highland Railcard is available to anyone age 16 years or over and permanently living within certain specified postcode areas. Within Argyll & Bute Council area, the Highland Railcard is available to anyone age 16 years and over and permanently living in the areas of Oban, Campbeltown, Tarbert, Lochgilphead, Bute, Dunoon, Ardlui, Tarbet, Luss and Arrochar.

The only area within Argyll & Bute where the Highland Railcard is not available to residents is that part of the Helensburgh & Lomond area covered by post code G84 and the Cardross area which is part of the G82 post code area. Ardlui, Tarbet, Arrochar and Luss within the Helensburgh & Lomond area are included within the scheme but are part of the G83 post code area. The only railway stations on the West Highland Line and/or within Argyll & Bute that are not included within the scheme are Garelochhead, Helensburgh Upper, Helensburgh Central and Cardross.

Outwith Argyll & Bute Council area and the highland area, the card is also available to anyone age 16 years and over and living in Alexandria, Balloch, Bonhill, Jamestown and Renton all of which fall within the West Dunbartonshire Council area.

Many Argyll & Bute residents consider that it is an anomaly that all of the Argyll & Bute/Helensburgh & Lomond area is not included within the Highland Railcard Scheme, especially when most of the railway stations within the Helensburgh & Lomond area are on the West Highland Line and that the Scheme extends into a number of urban communities within West Dunbartonshire.

Argyll & Bute Council therefore agrees that:

- a. Given the information that is available from Scotrail on the Highland Railcard Scheme, the current area covered by the Scheme should be extended to include all post code areas within the Argyll & Bute Council boundary area.
- b. The Leader of the Council should write to both the Managing Director of Scotrail and Alex Neil MSP – Cabinet Secretary for Infrastructure and Capital Investment to highlight this anomaly, and to request that the area covered by the Highland Railcard Scheme be extended so as to include all of the Argyll & Bute Council area.
- c. The Leader of the Council should write to both Jackie Baillie and Michael Russell being the two constituency MSPs for Argyll & Bute seeking their support for the Highland Railcard Scheme to be extended to cover all postcode areas within Argyll & Bute Council area.

Moved by Councillor Freeman, seconded by Councillor Philand.

### **Amendment 1**

1. The Council:-
  - (a) notes the inaccuracy of the information in the Motion in that Renton is not (as claimed) included in the current scheme
  - (b) notes the omission of important relevant detail in the Motion eg that residents of Balloch & Alexandria can access half price trips to Glasgow only if they drive to Arrochar and use the infrequent West Highland line: they are not, as implied in the motion, able to use this concession on the half hourly electric service to Glasgow from Balloch
  - (c) notes that the scheme has been operating with no apparent difficulty since 1988/9 and that its purpose is to facilitate travel to Glasgow and to Inverness from remote rural areas with very limited public transport
  - (d) notes that any changes to the scheme may have implications for

existing subsidies on the electric service from Helensburgh to Glasgow, on the Kilcreggan to Gourock Ferry and on subsidised services to our remote and island communities

2. In light of these considerations the Council:
  - (a) agrees to refer the matter of the Highland Rail Card operation to the business days of all 4 Area Committees to allow them to explore the details of its operation in their own area before bringing these responses to the Executive Committee to ensure that any Council response to the operator of the scheme covers the whole Council Area.
  - (b) requests the appropriate officers from Transportation and Infrastructure to prepare detailed reports for each area, showing the details of routes covered by the subsidy, usage, cost etc.
  - (c) requests officers to explore the implications of any changes to the current scheme for our remote and island communities and to include this assessment in their report to the Area Committees.
  - (d) requests officers to get details of publicity and promotion from the operator of the Highland Railcard Scheme given that there appears to be very limited knowledge of its operation or even of its existence in some areas.

Moved by Councillor D MacIntyre, seconded by Councillor Reay.

### **Amendment 2**

The Council:

- (a) agrees to refer the matter of the Highland Rail Card operation to the business days of all 4 Area Committees to allow them to explore the details of its operation before bringing these responses to the Council.
- (b) requests the appropriate officers from Transportation and Infrastructure to prepare detailed reports for each area, showing the details of routes covered by the subsidy, usage, cost etc.
- (c) requests officers to explore the implications of any changes to the current scheme for our remote and island communities and to include this assessment in their report to the Area Committees.
- (d) requests officers to get details of publicity and promotion from the operator of the Highland Railcard Scheme given that there appears to be very limited knowledge of its operation or even of its existence in some areas.

Moved by Councillor Robb, seconded by Councillor Semple.

### **Decision**

On a show of hands vote, there were three for Amendment 2, seventeen for Amendment 1 and 4 for the Motion and therefore Amendment 1 became the decision of the Council.

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the 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 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**10. THE OLD COURTHOUSE, BOLGAM STREET, CAMPBELTOWN**

The Mid Argyll, Kintyre and the Islands Area Committee, at its meeting on 3 August 2011 considered a report on the purchase of The Old Courthouse, Bolgam Street, Campbeltown and recommended that the Council make a Compulsory Purchase Order.

**Decision**

Agreed to the recommendations contained within the report.

(Ref: Report by Executive Directors of Customer Services and Development and Infrastructure Services dated 18 August 2011, submitted)

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**ARGYLL AND BUTE COUNCIL****COUNCIL MEETING****CUSTOMER SERVICES****6 October 2011**

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**LUSS BYELAW REVIEW - CONSUMPTION OF ALCOHOL IN PUBLIC PLACES**

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**1. SUMMARY**

- 1.1 This report advises the Council of a proposal to amend the Luss byelaw prohibiting consumption of alcohol in designated public places.
- 1.2 The description and nature of the offence within public drinking byelaws can vary in accordance with models endorsed by the Scottish Government.
- 1.3 Specifically, all of the byelaws within Argyll and Bute council area, with the exception of the Luss byelaw, state it is an offence to drink alcohol from a container or be in possession of an open container where it is reasonable to infer that a person intended to drink from it. The Luss byelaw refers solely to consumption of alcohol from a container and not also to possession of alcohol with the intention to drink it.
- 1.4 It has been reported that the wording of the Luss byelaw prevents full and effective enforcement of the drinking byelaw and compromises action by the police to tackle alcohol related anti social behaviour.
- 1.5 It is proposed that the Luss byelaw is amended to also provide for an offence being committed if a person is in possession of an open container from which intention to drink from it can be reasonably inferred.

**2. RECOMMENDATION**

- 2.1 The Council agrees to proceed with the steps detailed below (3.4) to align the offence description within the Luss byelaw with that of the other byelaws in Argyll and Bute.

**3. DETAILS**

- 3.1 The Argyll and Bute principal byelaws, prohibiting consumption of alcohol in designated public places, were

established in 1998 and then amended in April 2009 following a review of the principal byelaws.

Prior to the 2009 amendment the Argyll and Bute principal byelaws, in keeping with the majority of byelaws across Scotland, provided that any person:

“who consumes alcoholic liquor in a designated place shall be guilty of an offence.”

- 3.2 The amendment to the principal byelaws included a change to the description of the offence as follows:

“...any person who consumes alcoholic liquor in a designated place or is found to be in possession of an open container of alcoholic liquor in a designated place in circumstances whereby it is reasonable to infer that the person intended to drink from it whilst in a designated place shall be guilty of an offence and liable to summary conviction to a fine not exceeding level two on the standard scale.”

This model was selected following consultation and is in accordance with Scottish Government guidance contained within Circular JD/8/2009, **Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places.**

Its purpose is to overcome difficulties in proving that an accused had been drinking alcohol if they had not been seen explicitly drinking from the container of alcohol.

- 3.3 The 2009 amendment was specific to the principal group of byelaws and the Luss byelaw (established in 2006), therefore, fell outside of consideration.

Currently the description of the offence within the 2006 Luss byelaw is the earlier wording and does not provide for an offence also being committed if a person is in possession of an open container and where it can be reasonably inferred they intended to drink from it.

- 3.4 To align the Luss byelaw with the previously amended principal byelaws the Council is required to undertake the following:

- I. Consult with the Police and, thereafter, the Procurator Fiscal to ensure they are content with the amendment proposal and that it is sufficiently precise for the purpose of prosecution.

- II. Advise the Scottish Government of the intention to amend the byelaw and submit a draft copy.
- III. Advertise the intention to apply for confirmation of the byelaw amendment as required by the Local Government (Scotland) Act 1973 Act (advertise in press, allow one month for objection).
- IV. After a minimum of one month from the date of expiry of the advertisement the Council makes the byelaw and submits to the Scottish Government for confirmation by Scottish Ministers.
- V. Fix the date on which the byelaw comes into operation (S202, Local Government (Scotland) Act 1973) which is normally one month after the byelaw has been confirmed.

**4. IMPLICATIONS**

4.1 Policy	None
Financial	None
Personnel	Governance and Law coordination of the process and production of amended byelaw
Equal Opportunities	None

For further information contact:

Charles Reppke

Head of Governance and Law

8 September 2011

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ARGYLL AND BUTE COUNCIL

COUNCIL  
6 OCTOBER 2011

CUSTOMER SERVICES

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EXTRACT OF MINUTE OF AUDIT COMMITTEE 16 SEPTEMBER 2011

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**6. ANNUAL REPORT BY AUDIT COMMITTEE 2010 - 2011**

A report summarising the work of the Audit Committee during 2010 – 2011 and outlining its view of the Council's internal control framework, risk management and governance arrangements was considered.

**Decision**

Noted and approved the contents of the Audit Committee's Annual Report for 2010 - 2011 for submission to the Council.

(Reference: Report by Chief Internal Auditor dated 24 August 2011, submitted)

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