

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 28 NOVEMBER 2013**

Present:

Provost Len Scoullar (Chair)

Councillor Blair	Councillor D MacIntyre
Councillor Breslin	Councillor R G MacIntyre
Councillor Colville	Councillor MacMillan
Councillor Corry	Councillor McNaughton
Councillor Currie	Councillor McQueen
Councillor Dance	Councillor Marshall
Councillor Devon	Councillor A Morton
Councillor Freeman	Councillor E Morton
Councillor Glen-Lee	Councillor Mulvaney
Councillor Hall	Councillor Philand
Councillor Horn	Councillor Robb
Councillor Kelly	Councillor Robertson
Councillor McAlpine	Councillor Semple
Councillor McCuish	Councillor Isobel Strong
Councillor MacDougall	Councillor Taylor
Alison Palmer	Councillor Trail
William Marshall	Councillor Walsh

Attending:

Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Jane Fowler, Head of Improvement and HR
Bruce West, Head of Strategic Finance
Charles Reppke, Head of Governance and Law
Jim Smith, Head of Facility Services
Mark Steward, Marine and Coastal Development Manager
Dr Margaret Somerville, NHS Highland

Prior to the meeting commencement, Councillor Dance informed Members that the Development and Infrastructure Service had received two awards from Community Energy Scotland for excellence in Biomass and Hydro Power which she presented to the Provost.

The Provost ruled, and the Council agreed, that the item as dealt with at item 8 of this Minute be dealt with as a matter of urgency due to the need to send a response today to the Parliamentary Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Kinniburgh, MacDonald, R E Macintyre, William Crossan (Church rep) and David McEwan (Church rep).

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The Minutes of the Argyll and Bute Council of 31 October 2013 were approved as a correct record.

4. NHS HIGHLAND - ANNUAL ARGYLL AND BUTE PUBLIC HEALTH REPORT

The Council heard a presentation by Dr Margaret Somerville of NHS Highland on the Annual Argyll and Bute Public Health Report which was tabled for Members. Members asked questions which were answered by Dr Somerville and the Provost thanked her for her informative presentation.

5. LEADER'S REPORT

The Council considered a report by the Leader which outlined the key activities undertaken within the role of Council Leader in taking forward shared strategic priorities since 25 October 2013.

Decision

1. Noted the contents of the report.
2. Elected Members were also asked to note that while the report provided a high level overview, that further details of meeting agendas and supporting documentation, eg COSLA, can be made available as appropriate through the Leadership Support Officer. Specific details on key priorities will continue to be reported through the Council and Committee reporting processes.

(Ref: Report by the Leader of the Council dated 28 November 2013, submitted)

6. MEMBER APPOINTMENTS - UPDATE

The Council considered a report which advised of further developments arising from the formation of a new Council administration as noted at the September Council meeting.

Decision

The Council agreed the undernoted appointments and noted that a further report dealing with outstanding appointments will be brought forward in due course.

Agreed that the current Council representatives on the EJCC be removed with immediate effect and that the following members be appointed to represent the Council, namely:

Councillor Dick Walsh
Councillor Ellen Morton
Councillor Duncan MacIntyre
Councillor Donald Kelly
Councillor Robin Currie
Councillor Vivien Dance
Councillor Aileen Morton
Councillor Mary Jean Devon
Councillor Dougie Philand
Councillor Len Scoullar.

In respect of the two vacancies on the Planning Protective Services and Licensing Committee, that the following appointment be made with immediate effect to the regulatory cohort and the Planning Protective Services and Licensing Committee, namely Councillor Roddy McCuish, and that in respect of the appointment of Councillor McCuish that he also be appointed with immediate effect to the Argyll and Bute Licensing Board. In respect of the second vacancy on the Planning Protective Services and Licensing Committee, further consultation with colleagues will be undertaken prior to a decision being made on this appointment at a future date.

In respect of the appointments to COSLA executive groups that the current appointments cease with immediate effect and that the undernoted members be appointed with immediate effect namely:

- COSLA Leaders – Cllr Dick Walsh
- Community Well-being Executive Group - Cllr Robin Currie
- Resources and Capacity Executive Group - Cllr Dick Walsh
- Health and Well-being Executive Group - Cllr Dougie Philand
- Education, Children and Young People Executive Group – Cllr Aileen Morton
- Development, Economy and Sustainability Executive Group – Cllr Duncan MacIntyre
- Strategic Human Resource Management Executive Group – Cllr Donald Kelly

(Ref: Report by Leader of the Council dated 28 November 2013, tabled)

7. ACCOUNTS COMMISSION STATUTORY REPORT

The Council considered a report which advised of the Accounts Commissions Findings on the Controller of Audit's Statutory Report on the Council and advised on the statutory requirements in relation to the Council's consideration of the Commission's Findings and to agree the development of an action plan in relation to these Findings.

Motion

The Council:-

1. Accept the Statutory Report prepared by the Controller of Audit for the Accounts Commission.
2. Accept the Accounts Commission's Findings.
3. Agree that a Seminar be arranged and for an action plan to be developed by the Council for submission to the Accounts Commission within the three month's time scale.
4. Agree that the action plan be approved by the Council prior to submission to the Accounts Commission.

Moved by Councillor Walsh, seconded by Councillor E Morton.

Amendment

The Council:-

1. Noted the Statutory Report prepared by the Controller of Audit for the Accounts Commission.

2. Recognised the Accounts Commission's Findings.
3. Agree that a Seminar and a Special Council Meeting be arranged to develop a more in-depth action plan for submission to the Accounts Commission within the three month's time scale.
4. Agree that the action plan be approved by the Council prior to submission to the Accounts Commission.

Moved by Councillor Robb, seconded by Councillor Breslin.

Decision

The Motion was carried by a substantial majority and became the finding of the Council.

(Ref: Report by the Chief Executive dated 20 November 2013, submitted)

The Provost adjourned the Meeting at 1.15pm and re-convened at 1.55pm.

8. PARLIAMENTARY COMMISSION REPORT ON SCHOOL CLOSURES

The Council received a request from the Parliamentary Committee for Education and Culture to provide a written submission on the topic of school closures in the list of the report of the Commission for Rural Education and the recent communications from the Scottish Government regarding the legislative amendments to the Schools (Consultation) (Scotland) Act 2010.

Decision

The Council:-

1. agreed the content of the written submission as attached as Appendix 1, with the amendments discussed at the meeting, be submitted to the Parliamentary Committee for Education and Culture immediately following the Council Meeting.
2. note the Council's Executive Director of Community Services has been invited to attend the Parliamentary Committee meeting on Tuesday 3 December 2013 to provide oral evidence

(Ref: Report by Executive Director of Community Services dated 20 November 2013, tabled)

9. CLEAN UP SCOTLAND CAMPAIGN

The Council considered a report which advised Members of the "Clean Up Scotland" Campaign and made recommendations regarding the Council's involvement in it.

Decision

1. The Council agreed in principle to the Council's involvement in elements of the campaign appropriate to Argyll and Bute.
2. The Council authorised the acting Executive Director of Development and Infrastructure to take forward discussions with Keep Scotland Beautiful.

(Ref: Report by Executive Director of Customer Services dated 20 November 2013,

submitted)

10. AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

The Council considered a report which advised that the external auditors, Audit Scotland, had completed their audit of the Council's accounts for the year to 31 March 2013. The audited accounts incorporating the audit certificate for 2011-12 were also submitted and the audit certificate contained no qualifications.

Decision

The Council noted the audited accounts and the terms of the audit certificate.

(Ref: Report by Head of Strategic Finance dated 20 November 2013, submitted)

11. SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT ARRANGEMENTS - REPORT

The Council considered a report which updated on the progress made by the Short Life Working Group (SLWG) on Political Management Arrangements.

Decision

Noted the interim report from the SLWG and that a further report will be submitted to the December meeting of the Council.

(Ref: Report by Executive Director of Customer Services dated 20 November 2013, submitted)

12. INLAND WATER SAFETY - LOCHWATCH LOCH AWE INITIATIVE

The Council considered a recommendation by the Oban, Lorn and the Isles Area Committee which asked the Council to back the call from Loch Watch Loch Awe to the Scottish Government to set up a Scotland wide inland water safety forum.

Decision

The Council agreed to back the call from Loch Watch Loch Awe to the Scottish Government to set up a Scotland wide inland water safety forum.

(Ref: Extract from Oban, Lorn and the Isles Area Committee of 9 October 2013 and report to that Committee dated 9 October 2013, submitted)

13. UPDATE AND BUSINESS CASE FOR THE TRUNKING OF THE A83 SOUTH OF KENNACRAIG

The Council considered a report which dealt with the Business Case which considered the case for trunking the A83 between Campbeltown and Kennacraig and made recommendations for approval.

Decision

The Council agreed to pursue the trunking of the A83 between Campbeltown and Kennacraig and to delegate authority to the acting Executive Director of Development

and Infrastructure to commence detailed discussions with Transport Scotland regarding the transition.

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 28 November 2013, submitted)

14. EXTERNAL AUDITORS ANNUAL REPORT FOR YEAR ENDED 31 MARCH 2013

The Council considered a report which introduced the external auditors annual audit report for 2012-13.

Decision

The Council noted the audit annual report for 2012-13.

(Ref: Report by Head of Strategic Finance dated 20 November 2013, submitted)

15. REVENUE BUDGET MONITORING REPORT - SEPTEMBER 2013-14 - CORPORATE OVERVIEW

The Council considered a report which summarised the revenue budget position of the Council as at 30 September 2013 with the overall outturn variance at the end of the financial year forecast to be overspend of £225k based on the September budget monitoring exercise.

Decision

The Council noted the terms of the report.

(Ref: Report by the Head of Strategic Finance dated 28 November 2013, submitted)

16. CAPITAL MONITORING REPORT - SEPTEMBER

The Council considered a report which summarised the position for all departments on the Capital Plan as at 30 September 2013. The report provided information on the financial position in respect of the capital plan and also the performance in terms of delivery of capital plan projects.

Decision

The Council noted the capital plan monitoring report.

(Ref: Report by Head of Strategic Finance dated 28 November 2013, submitted)

17. TREASURY MANAGEMENT REPORT - SEPTEMBER

A report summarising the monitoring of the Council's overall borrowing position, borrowing activity, investment activity, economic forecast and prudential indicators as at 30 September 2013 was considered.

Decision

The Council noted the treasury management monitoring report.

(Ref: Report by Head of Strategic Finance dated 29 October 2013, submitted)

18. BUDGET OUTLOOK REPORT AS AT 30 SEPTEMBER 2013

The Council considered the second quarterly revenue budget outlook report as it reflected projections as at the end of September and also included the most up to date funding assumptions as report to Council on 31 October 2013.

Decision

The Council noted the revenue budget outlook report.

(Ref: Report by Head of Strategic Finance dated 20 November 2013, submitted)

19. BUDGET STRATEGY REPORT 2014-15

The Council considered a report which set out some key issues to consider in agreeing the budget strategy for 2014-15 taking account of the commitments in the SOA, challenging financial outlook and the current stability offered by the proposed flat cash financial settlement it is proposed to set a savings target for 2014-15 and 2015-16 of 1%.

Motion

The Council approved the budget strategy as set out in paragraphs 3.5 and 3.6 of the submitted report.

Moved by Councillor Walsh, seconded by Councillor Mulvaney.

Amendment

Remove bullet points 4 and 5 at Section 3.5 and insert "That officers are instructed to develop savings proposals and bring back to the Council Meeting in January".

Moved by Councillor Robb, seconded by Councillor Trail.

Decision

On a show of hands vote, the Motion was carried by 21 votes to 9 and the Council resolved accordingly.

(Ref: Report by Head of Strategic Finance dated 4 November 2013, submitted)

20. BUDGET 2014/15 COMMUNICATION AND CONSULTATION

The Council considered a report which proposed to hold a communication and consultation exercise this year that will mark the beginning of a longer term conversation with our citizens on the budget for 2014/15 and on the planning of future Council service delivery.

Decision

1. Agreed that the Council will hold a communication and consultation exercise asking for people's comments on what matters to them about Council service delivery.

2. Agreed that the Council will take the opportunity to ask people how they would like to receive information in future from the Council on news, engagement events and other Council matters.

(Ref: Report by the Head of Improvement and HR dated 18 November 2013, submitted)

21. ANTI BULLYING POLICY

The Council considered a report which outlined the Anti-Bullying Policy Framework for educational establishments in Argyll and Bute.

Decision

1. The Council endorsed the Anti-Bullying Policy Framework and approved it for implementation in Argyll and Bute's educational establishments.
2. That an assessment of the effectiveness of each establishment's implementation of the policy be reported to the Performance Review and Scrutiny Committee.

(Ref: Report by Executive Director of Community Services dated 30 October 2013, submitted)

22. SCHOOL HOLIDAY ARRANGEMENTS 2015- 2016

The Council considered a report which advised that the major school holiday arrangements for Argyll and Bute for session 2015-2016 required to be set by Council. Members were asked to agree a framework for the main school holiday periods in Argyll and Bute into which other related dates – in-service days and local holidays will be incorporated.

Decision

The Council agreed that:-

1. the proposals for school holiday arrangements in session 2015-2016 be accepted.
2. the incorporation of in-service and additional holidays agreed by the Executive Director be intimated to Area Committees.
3. the final patterns of school holidays and in-service days be circulated widely thereafter to all interested parties.

(Ref: Report by Executive Director of Community Services dated 24 September 2013, submitted)

23. INSPECTION OF CHILDREN'S SERVICES IN ARGYLL AND BUTE COMMUNITY PLANNING PARTNERSHIP IMPROVEMENT PLAN

The Council considered a report which provided a brief update in relation to the Community Planning Improvement Action Plan for the Joint Inspection of Children's Service in Argyll and Bute.

Decision

The Council noted the contents of the Improvement Plan and the new submission date for the improvement plan to the Care Inspectorate was 11 November 2013.

(Ref: Report by Executive Director of Community Services dated 28 November 2013, submitted)

Councillors McCuish and Glen-Lee left the meeting at this point. William Marshall and Alison Palmer, Teacher reps, left the meeting at this point.

24. DUNOON AREA PRIMARY AND PRE 5 PROVISION

The Council considered a report which updated Members on the results of the agreed process for appraising the feasibility of the previously agreed shortlist of options for the Dunoon Area Primary and Pre 5 to take to public consultation.

Motion

The Council:-

1. Noted the results of the appraisal process for the two previously agreed shortlisted options – Option 6 and Option 7.
2. Noted the addition of a possible further option to accommodate Kirn Primary, St Muns' Primary and Clyde Cottage in a new build shared campus on the site of the existing St Muns' PS, Dunoon Library, part of the Dolphin Hall grounds and the Rose Garden; with Dunoon PS being progressed as a refurbishment. All schools to meet Grade A condition, with Dunoon PS achieving only Grade B for suitability.
3. Takes note of the views expressed at the Bute and Cowal Business Day and agrees to consult on Options 7 and 9 as detailed within the report.

Moved by Councillor Walsh, seconded by Councillor A Morton.

Amendment

The 2 previously agreed options of 6 and 7 should be put out for public consultation rather than the options recommended in the paper. The consultation documentation needs to make it clear that a new funding application may be required for option 6 and that even if this is the preferred option from the public consultation, it may not be possible to deliver this if funding was refused or was below that projected. The current position of Historic Scotland should be made public as part of the consultation process. In parallel with the public consultation, efforts to persuade Historic Scotland to change its mind should be redoubled to ensure they agree to a façade retention for Dunoon Primary School.

Moved by Councillor Breslin, seconded by Councillor Blair.

Decision

On a show of hands vote, the Motion was carried by 19 votes to 9 and became the finding of the Council.

(Ref: Report by Executive Director of Community Services dated 12 November 2013, submitted)

The Provost adjourned the meeting at 4.35pm and re-convened at 4.45pm.

Councillors Currie and Robb left the meeting at this point.

25. CASTLE TOWARD - APPLICATION FOR COMMUNITY BUYOUT

The Council considered a report which provided an update on the progress made by the South Cowal Community Development Company in relation to a potential buyout of the Council's property at Castle Toward in terms of the Land Reform (Scotland) Act 2003 and the support provided by Council officers to the Company to prepare their application.

Decision

The Council:-

1. noted the progress made by the South Cowal Development Company with support from Council officers in preparing their application for a community buyout of Castle Toward in terms of the Land Reform (Scotland) Act 2003.
2. noted the anticipated submission of the application prior to 30 November 2013.
3. confirmed the instruction to the Executive Director of Community Services to progress with the marketing of the property if the application for a community buyout is not lodged with the Scottish Government by 30 November 2013.

(Ref: Report by Executive Director of Community Services dated 12 November 2013, tabled)

26. SCOTTISH GOVERNMENT CONSULTATION - DRAFT NATIONAL MARINE PLAN FOR SCOTLAND

The Scottish Government is consulting on a draft National Marine Plan for Scotland which aims to provide a single overarching framework for all activity which takes place in Scottish marine waters. The Plan sets out Scottish Ministers' objectives for marine environment and national policies for sustainable development. The report which provided a draft consultation response was considered by the Council.

Decision

Noted the content of the report and approved Appendices 1 and 2 as the Council's formal response to the Scottish Government consultation on a National Marine Plan for Scotland.

(Ref: Report by the Acting Executive Director of Development and Infrastructure dated 28 November 2013, submitted)

Councillor Marshall left the meeting at this point.

27. SCOTTISH GOVERNMENT CONSULTATION - UPDATE ON THE SCOTTISH NETWORK OF MARINE PROTECTED AREAS

The Council considered a report which provided the background to current Scottish Government consultation on possible nature conservation Marine Protected Areas (MPA) and detailed the key issues that have formed the proposed Council response.

Decision

Noted the content of the report including feedback from Area Committee Business Days and approved Annex 2 of the report as the Council's formal response to the Scottish Government consultation on Scottish nature conservation Marine Protected Areas.

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 28 November 2013, submitted and tabled page for Question 11)

28. SCOTTISH GOVERNMENT CONSULTATION - ON THE DRAFT SECTORAL MARINE PLANS FOR OFFSHORE WIND, WAVE AND TIDAL ENERGY IN SCOTTISH WATERS

The Council considered a report which advised that Marine Scotland was currently consulting on the Planning Scotland's Seas consultation which was launched on 25 July 2013. The draft Sectoral Marine Plans considers the potential for off shore wind energy, wave and tidal development within Scottish Waters. The Plans represent Scottish Ministers' proposed spatial policy at the national and regional level for the development of commercial scale off shore renewable energy in Scottish Waters.

Decision

Noted the report and agreed the draft consultation response on behalf of the Council as enclosed at Appendix 1 to the report. Also agreed that a Seminar be arranged for elected members with Marine Scotland to attend.

(Ref: Report by Acting Executive Director of Development and Infrastructure dated 28 November 2013, submitted)

29. NOTICE OF MOTION UNDER STANDING ORDER 13

Motion

The John Muir Festival is a key Homecoming Scotland event running from 17-26 April 2014 which celebrates the John Muir Way a new coast to coast path from Helensburgh to John Muir's birthplace in Dunbar. This is a national and international event that offers great business and legacy opportunities for Argyll and Bute.

The Council agrees:-

- To provide up to £25,000 to support applications for funding for community events associated with the John Muir Festival.
- Allocations of funding will be approved by the Helensburgh and Lomond Area Committee using the relevant parts of the existing process for area grants.
- To earmark £25,000 of reserves in the General Fund for this purpose.

Moved by Councillor Trail, seconded by Councillor Taylor.

Amendment

Council notes the following:-

- The closing date for the EventScotland funded Homecoming events programme 2014 passed a considerable time ago.
- The advice from the national team organising Homecoming events was to plan

early to take account of the long lead in times required to enable event organisers to secure full funding packages and to allow inclusion in national marketing promotions and avoid duplication of event dates.

- UZ Arts are responsible for approving any event taking place in the Festival as they want to be sure it fits in with John Muir/the overall aim of the Festival.
- As of this week no Helensburgh and Lomond Group has approached UZ Arts with a Homecoming proposal.
- UZ Arts plan to publish the approved programme on Feb 1st.
- The advice from SNH and UZ Arts is that the Festival is Arts focused.
- Advice is also that UZ Arts is looking to showcase local work if possible rather than just bringing something in.
- SNH still has funding available of up to £1k for smaller events with a straightforward application form – aimed at supporting community groups to get involved. An advice note on applying for this money is being prepared by SNH.
- For the Festival, groups can also apply for Community Action Grants (up to £20k).
- Neither the funding nor the grants require match funding to access.
- Any application relating to the Festival would need to be for an event that had been approved by UZ Arts to ensure it fits in with John Muir and the overall aim of the Festival.
- The Budget put forward by Councillor Robb as Council Leader in February 2013 contained no proposal to fund what he now describes in the Helensburgh Advertiser as the “biggest single tourism opportunity for Helensburgh for years”.
- There is a minimum of £1000 and a maximum of £3000 available in the Helensburgh and Lomond Area Committee Grants Allocation, due to non-take up of earlier awards.

In light of the above information, the Council agrees:-

- That it is regrettable that Councillor Robb’s Budget in February this year did not make appropriate allocation to allow Helensburgh to take advantage of this outstanding tourism opportunity.
- That it is inappropriate and financially unwise to raid the reserves just weeks before the 2014 Budget at a time of significant cost pressures.
- That the Leader, Depute Leader and Policy Lead for Tourism, along with appropriate officers, will offer advice and assistance to any Helensburgh group which comes forward with a suitable proposal and wishes to make a bid for either the SNH funding or the Community Action Grants and will also encourage any bid which meets the Council funding criteria for the balance of the Area Committee Grant Funding.

Moved by Councillor E Morton, seconded by Councillor Dance.

Decision

Councillor Trail with the acceptance of his seconder, withdrew the Motion and the Amendment became the finding of the meeting.

Councillors Horn, McAlpine, McQueen, McNaughton and Semple left the meeting at this point.

30. FASLANE PEACE CAMP

The Council considered a report which set out the position in relation to the occupation of Council owned land known as and forming the Faslane Peace Camp.

Decision

The Council noted the position.

(Ref: Report by Executive Director of Customer Services dated 6 November 2013, submitted)

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 Paragraphs 12 and 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

31. FASLANE PEACE CAMP

The Council considered a report which advised that a number of complaints had been received by Planning and Regulatory Services regarding an unauthorised structure, which is currently in the course of construction at Faslane Peace Camp. The report set out the options available to the Council to deal with the issue.

Decision

The Council agreed to the recommendations as detailed in the tabled motion. The motion is exempt from release under 50 (c)(1)(a) of the 73 Act.

(Ref: Report by Executive Director of Development and Infrastructure dated 6 November 2013, submitted and Motion by Councillor Freeman, tabled)