

**MINUTES of MEETING of EXECUTIVE held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 23 SEPTEMBER 2010**

Present: Councillor Dick Walsh (Chair)

Councillor Robin Currie	Councillor Ellen Morton
Councillor Vivien Dance	Councillor Gary Mulvaney
Councillor George Freeman	Councillor Elaine Robertson
Councillor Alison Hay	Councillor Len Scoullar
Councillor Donald Macdonald	Councillor John Semple
Councillor Donald McIntosh	Councillor Isobel Strong
Councillor Duncan MacIntyre	William Dalby
Councillor Donald MacMillan	Alison Palmer

Also Present: Councillor Anne Horn Councillor Bruce Marshall
Councillor Alister MacAlister Councillor Andrew Nisbet
Councillor Alex McNaughton Councillor Al Reay

Attending: Sally Loudon, Chief Executive
Douglas Hendry, Executive Director – Customer Services
Cleland Sneddon, Executive Director – Community Services
Sandy Mactaggart, Executive Director – Development and Infrastructure Services
Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Robert Pollock, Head of Economic Development and Strategic Transportation
Jane Fowler, Head of Improvement and Strategic HR
Bruce West, Head of Strategic Finance
Mark Steward, Marine and Coastal Services Manager
Moya Ingram, Strategic Transportation Manager
David Clements, Performance Manager
Arlene Cullum, Funding Officer

The Leader advised of Jane Brown's resignation as a teacher representative on the Executive as she was taking early retirement from the Council. He expressed his thanks and appreciation for her long and established service as an employee within the Education Service and for the support she had given to the Executive and the previous Strategic Policy Committee and Education Committee since 1997. It was noted that she had also been a member of the Education Joint Negotiating Committee since 2002.

The Leader ruled, and the Executive agreed, to consider a report regarding the proposed acquisition of land in Helensburgh as a matter of urgency by reason of the need to take immediate action on the matter. This report is dealt with at item 28 of this Minute.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillor Robert Macintyre, Maureen Arthur and David McEwan.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

(a) EMPLOYEE JOINT CONSULTATIVE COMMITTEE 27 JANUARY 2010

The Minutes of the Employee Joint Consultative Committee of 27 January 2010 were noted.

(b) EXECUTIVE 12 AUGUST 2010

The Minutes of the Executive of 12 August 2010 were approved as a correct record.

4. LEADER'S REPORT

The Leader of the Council submitted a report which highlighted issues which he had recently been involved with including:-

His attendance at the COSLA Leaders' meeting on 27 August 2010; his attendance at the Employee Joint Consultative Committee on 3 September 2010; his attendance at a meeting with Highland Council to discuss a Shinty/Hurling Forward Strategy on 6 September 2010; and his attendance at the COSLA Resources and Capacity Executive on 8 September 2010.

The Leader also provided updates on Council Tax and Non Domestic Rates collection figures to 31 August 2010 and provided updates on Revenues and Benefits, Exchequer Services, Commissioning, Customer Services and IT.

Decision

Noted the contents of the report for the period 1 August – 10 September 2010.

(Reference: Report by Leader of the Council, submitted)

5. EDUCATION AND LIFELONG LEARNING

The Spokesperson for Education and Lifelong Learning, Councillor Isobel Strong, submitted a report which highlighted various issues she had been involved with including:-

The School Review process and the Service Reviews currently being undertaken within Education; her attendance at an event to raise awareness of the problems wheelchair users face on a day to day basis; her attendance at the Children's Summit in Edinburgh on 23 June 2010; her attendance at a Board meeting on Argyll College; her attendance at a meeting with Cabinet Secretary for Education, Michael Russell MSP on 23 August 2010; the launch of "Bookbug" at Lochgilphead library on 27 August 2010; and her attendance at the presentation of Professional Development Awards to 10 classroom assistants and 18 support for learning staff.

Councillor Strong also read out her response to a question Councillor McAlpine raised at the Council meeting on 19 August 2010 under standing order 19 regarding the provision of free school meals.

Decision

Noted the contents of the report.

(Reference: Report by Spokesperson for Education and Lifelong Learning dated September 2010, submitted)

6. SCHOOL HOLIDAY ARRANGEMENTS: 2011/2012

The Executive was 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 for 2011/2012. The framework had been prepared taking account of the arrangements outlined by other authorities.

Decision

The Executive agreed that:-

1. The proposals for school holiday arrangements in session 2011/12 be accepted;
2. The incorporation of in-service days and additional holidays agreed by the Executive Director be intimated to Area Committees; and
3. The final patterns of school holidays and in-service days be circulated widely thereafter to all interested parties.

(Reference: Report by Executive Director – Community Services dated August 2010, submitted)

7. PROPOSED CHANGE TO THE CATCHMENT AREA OF TARBERT ACADEMY SECONDARY DEPARTMENT TO INCLUDE THE ISLAND OF GIGHA - RESPONSE TO THE CONSULTATION

A report detailing the outcome of the public consultation on the Council's proposed change to the catchment area of Tarbert Academy Secondary department to include the Island of Gigha was considered.

Decision

Approved the change to the catchment area of Tarbert Academy Secondary department to include the Island of Gigha and noted that travel vouchers will be made available to parents from Monday 27 September 2010.

(Reference: Report by Executive Director – Community Services, submitted)

8. PERFORMANCE MANAGEMENT: FQ 1 2010/2011

The Council and Departmental scorecards and reports were presented to the

Executive using the Council's performance management system, Pyramid, and focussed on performance during the period April to June 2010, including a review of successes, key challenges and an outline of improvement actions for the coming period.

Decision

1. Noted the report and scorecards for the period April – June 2010;
2. Noted that as appropriate, reports will be presented to future Area Committees regarding the outcome of HMle inspections of schools and that these will also be reported to the Executive on a quarterly basis;
3. Noted that Performance Indicators for HMle inspections of schools will be added to Area Committee Scorecards;
4. Noted that, once complete, a Business Plan on Argyll Air Services will be presented to the Executive;
5. Noted that the Executive Director – Development Services will provide a update on Argyll Air Services to Mid Argyll, Kintyre and the Islands and Oban, Lorn and the Isles Area Committee Business Days;
6. Noted that the Executive Director – Development Services will arrange to give a presentation to Mid Argyll, Kintyre and the Islands Area Committee Business Day on how street lighting faults are recorded and measured;
7. Noted that Rothesay had won the Scotland in Bloom award and now qualified for next year's Great Britain in Bloom competition and recorded their appreciation to all staff involved in this;
8. Noted that the process of reporting Performance Development Reviews and Sickness Absence was currently being reviewed; and
9. Noted that during this transition year Performance Management Seminars will be held for Members to enable them to feed into the process of determining the most appropriate information to be included on the Council and Departmental Scorecards based on outcomes identified within the revised Corporate Plan and Service Plans.

(Reference: Reports and scorecards by Chief Executive and Executive Directors for the period April – June 2010, submitted)

William Dalby left the meeting during discussion of the foregoing item.

9. ARGYLL AND BUTE SINGLE OUTCOME AGREEMENT ANNUAL REPORT

The Council as the lead agency for Community Planning has a duty to coordinate and report on the Single Outcome Agreement (SOA). The Scottish Government has issued guidance that the annual report for 2009/10 should be submitted by 30 September 2010.

A report presenting the progress being made by partners on delivery of the SOA

and developments being made in partnership working to facilitate a more partner based approach to service delivery was considered.

Decision

1. Agreed the proposed format for the Single Outcome Agreement report;
2. Agreed to pursue a budgeted SOA with partners for future years;
3. Agreed that the SOA Annual Report 2009/10 be forwarded to the Scottish Government for approval once all outstanding information has been received from partners and noted that a copy of the finalised Report will be circulated to Members; and
4. Agreed that there was a need to streamline and simplify the governance arrangements for delivering Community Planning and engaging with communities and noted that work on this was currently being undertaken.

(Reference: Report by Chief Executive and SOA Annual Report 2009/10, submitted)

10. SOCIAL SERVICES

The Spokesperson for Social Services, Councillor Donald McIntosh, submitted a report which highlighted issues he had recently been involved with including:-

His attendance at the Health Protection Agency Group in Glasgow on 4 June 2010; his attendance at the North Strathclyde Community Justice Authority meeting in Paisley on 11 June 2010; his attendance at the local Neighbourhood Network meeting in Oban on 30 June 2010; his attendance at a meeting with Mike Russell MSP, Cabinet Secretary for Education on 23 August 2010; his attendance at a meeting with Nicola Sturgeon MSP, Cabinet Secretary for Health and Wellbeing on 23 July 2010; his attendance at the COSLA Health and Wellbeing Executive Group in Edinburgh on 2 September 2010; his attendance at the Argyll and Bute, East and West Dunbartonshire Criminal Justice Partnership meeting on 9 September 2010; his attendance and the NHS Highland Annual Event held in Inverness; and his visits to a number of facilities to engage with staff and service users in Campbeltown, Helensburgh, Mull and Tiree.

Decision

Noted the contents of the report.

(Reference: Report by Spokesperson for Social Services dated September 2010, submitted)

11. CORPORATE PARENTING/CHILDREN'S CHAMPION

A report updating the Executive in relation to key issues regarding Corporate Parenting and the role of the Children's Champion was considered.

Decision

1. Noted the contents of the report and the appointment of Councillor Devon as the Children's Champion for Argyll and Bute;
2. Endorsed the values and principles contained within the overview report of Corporate Parenting; and
3. Agreed to a further report being submitted in relation to the Improvement Service Corporate Parenting briefing for elected Members.

(Reference: Report by Executive Director – Community Services, submitted)

12. THIRD SECTOR

The Spokesperson for the Third Sector, Councillor John Semple, submitted a report which highlighted issues he had recently been involved with including:-

The Demonstration Project (Harnessing the Potential of the Third Sector); a Social Enterprise Team established by Argyll and Bute Council; Funding Roadshows taking place on 29 September in Campbeltown, 6 October in Dunoon, 7 October in Oban and 13 October in Helensburgh; the HISEZ Conference promoting Social Enterprise; Service Reviews; his attendance at a tour of the Hear We Are woodchip production at Cairndow with Stewart Stevenson MSP, Minister for Transport and Climate Change; his attendance at a presentation given to Fergus Ewing MSP on drug addiction; Neighbourhood Networks; his visit to the first phase of a regeneration scheme completed by Argyll Community Housing Association in Campbeltown; his attendance at the Argyll Voluntary Action Awards; the Scottish Government Social Enterprise Awards; the Third Sector Partnership; his meeting with Ardrishaig Development Trust regarding the development of the waterfront at Ardrishaig; the Carers Network Conference 2010; his attendance at the Development Trust Association Scotland Conference; his attendance at a public meeting held to inform the South Kintyre Community of the plans for Machrihanish Airbase Community Company to proceed to a ballot to buy the Base; and Local Area Committee Planning Group (LACPG) Community Events.

The Depute Spokesperson for the Third Sector, Councillor Alex McNaughton, also submitted a report on his recent visit to Wales to attend a 'hosts' gathering held by Carnegie UK on 7 and 8 July 2010.

Decision

Noted the contents of the reports.

(Reference: Reports by the Spokesperson and Depute Spokesperson for the Third Sector, submitted)

13. HARNESSING THE POTENTIAL OF THE THIRD SECTOR TO HELP ACHIEVE COUNCIL OBJECTIVES (THE DEMONSTRATION PROJECT)

The Demonstration Project was established in June 2008 to help the Council to work more effectively with the Third Sector and to respond to the changed expectations between the Council and the Third Sector, with particular emphasis

on Social Enterprise. As a result of in-depth consultation with the Third Sector and other key stakeholders in the Community Planning Partnership, recommendations on improving how the Council works with the Third Sector were drawn up. The results of the consultations and the detailed recommendations are contained within the Demonstration Project report which was before the Executive for consideration.

Decision

Approved the Demonstration Project report attached to the Executive Director's report.

(Reference: Report by Executive Director – Development and Infrastructure Services and Demonstration Project report, submitted)

14. ECONOMY POLICY AND PERFORMANCE GROUP

An update report on the work of the Economy Policy and Performance Group was considered.

Decision

Noted the current work programme for the Economy Policy and Performance Group and that a further report on progress will be brought to the Executive in six months time.

(Reference: Report by Chair of the Economy Policy and Performance Group dated 2 September 2010, submitted)

15. ISLANDS AND EUROPEAN AFFAIRS

The Spokesperson for Islands and European Affairs, Councillor Len Scoullar, submitted a report which detailed the contents of three documents produced by the CPMR and advised on his attendance at the second Annual KIMO UK conference held in Inverness on 18 June 2010.

Decision

Noted the contents of the report.

(Reference: Report by Spokesperson for Islands and European Affairs, submitted)

The Leader ruled, and the Executive agreed, to adjourn the meeting at 1.00 pm for lunch and reconvene at 1.30 pm.

Alison Palmer did not return to the meeting.

16. COMMERCIAL INSHORE FISHING

A report developed in response to a proposed Motion by Councillor Marshall seeking a one mile exclusion of mobile gear fishing (trawling and dredging) in Argyll and Bute coastal waters was considered. The report sets out the

proposed process for considering the implications of this Motion in more detail, a summary of some of the complexities surrounding these implications, and potential opportunities for influencing fisheries policy and management.

Decision

1. Noted the contents of the report, in particular the proposals for a seminar for Members to be held on 28 October 2010 that will focus on commercial fishing and marine renewable energy, under the framework of marine planning;
2. Agreed to invite representatives from interested parties as appropriate to the Seminar; and
3. Noted that Members unable to attend could submit questions in advance to the Marine and Coastal Development Manager who would make arrangements for these to be addressed at the Seminar.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

Councillor Marshall left the meeting.

* **17. ADOPTION OF SOUND OF MULL MARINE SPATIAL PLAN AS NON STATUTORY SUPPLEMENTARY PLANNING GUIDANCE**

A report presenting the proposed final Sound of Mull Marine Spatial Plan which has been reviewed and amended after public consultation was before the Executive for consideration.

Decision

Agreed to recommend to the Council that the proposed Final Sound of Mull Marine Spatial Plan be adopted as non-statutory supplementary planning guidance.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

18. FERRY FARES

A report requesting Members to consider changing the current charging system for commercial vehicles using Council ferries was considered. The charges remain in line with those approved as part of the budget for 2010/11.

Decision

1. Agreed to the proposed changes to the system adopted for charging vehicles that use Council ferries as detailed at paragraph 4.1 of the Executive Director's report; and
2. Agreed that a report on the remit and workload of the Roads and Transportation Working Group should be brought to the next Executive

meeting in order to formalise its working arrangements.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 2 September 2010, submitted)

19. SCOTTISH FERRIES REVIEW CONSULTATION BY SCOTTISH GOVERNMENT

A report detailing the proposed response to the Scottish Government's consultation paper on the Scottish Ferries Review was considered.

Decision

1. Agreed the draft response to the Scottish Ferries Review consultation attached to the Executive Director's report subject to the following amendment:-

At the end of the first paragraph in the response to question 12 reference should be made to the Council's previous decision that a 40% discount on ferries should be given to islanders; and

2. Agreed that the Leader of the Council would write to the Scottish Government deploring the fact that the RET pilot has been extended for a further year and asking that consideration be given to at least including Colonsay in the pilot if RET can not be rolled out to all islands.

(Councillor Mulvaney, having moved an amendment which failed to find a seconder required his dissent, in respect of the response to question 4 of the consultation, to be recorded.)

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

Councillor Horn and Councillor Reay left the meeting during discussion of the foregoing item.

20. RESOURCING A HIGH QUALITY PLANNING SYSTEM - RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION PAPER

A report detailing the proposed response to the Scottish Government's consultation paper titled "Resourcing a High Quality Planning System" was considered.

Decision

1. Noted the contents of the report; and
2. Endorsed the feedback to the 25 specific questions as detailed in the Executive Director's report for submission to the Scottish Government, subject to the following amendment:-

The first paragraph in the response to question 2 should read "Argyll and Bute would be in favour of the introduction of pre-application charging but

only for major and national applications”.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

Councillor Hay left the meeting.

21. DRAFT LOCH ETIVE INTEGRATED COASTAL ZONE MANAGEMENT PLAN - APPROVAL FOR PUBLIC CONSULTATION

A report presenting the first draft of the Loch Etive Integrated Coastal Zone Management (ICZM) Plan, which requires approval by the Executive before moving to the next stage of formal public consultation was considered. The Plan for Loch Etive has been developed in collaboration with local stakeholders and regulators, is non-statutory and provides guidance for local authority planners, regulators and stakeholders on the future use and development of the marine waters and surrounding coast of Loch Etive.

Decision

Noted the contents of the draft Loch Etive ICZM Plan and approved this document to go to formal public consultation for a six week period starting from 8 October 2010.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

Councillor MacMillan left the meeting.

22. CONSULTATION ON DRAFT UK MARINE POLICY STATEMENT

Defra are currently consulting on a draft UK Marine Policy Statement with a deadline for comments on 13 October 2010. The Marine Policy Statement will be the overarching policy framework for the UK marine area and will be the first part of new systems of marine planning being introduced around the UK. A report detailing the proposed response to the consultation and providing an update on the UK Administration’s proposals for a policy framework to deliver marine planning in UK waters was considered.

Decision

1. Noted the contents of the report; and
2. Agreed to this report forming the basis of the Council’s formal response to the consultation on a Draft UK Marine Policy Statement, which will be forwarded to Defra and the Scottish Government.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

Councillor Strong left the meeting.

23. CONSULTATION ON THE DRAFT PLAN FOR OFFSHORE WIND ENERGY IN SCOTTISH TERRITORIAL WATERS AND ASSOCIATED STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT (SEA)

Marine Scotland is currently consulting on the Draft Plan for Offshore Wind Energy in Scottish Territorial Waters and associated Strategic Environmental Assessment (SEA), which formed an integral part of the preparation of the Plan. A report highlighting the key issues relative to the Plan and associated SEA and providing general comments and proposed response to the consultation was considered.

Decision

1. Noted the contents of the report;
2. Agreed to this report forming the basis of the Council's formal response to Marine Scotland on the consultation on the Draft Plan for Offshore Wind Energy in Scottish Territorial Waters subject to examples of the economic activity along the west coast of Kintyre being added to the response to question 4 to strengthen the argument that this site should not be included in the Draft Plan as a possible short term option; and
3. Noted that it is proposed to hold a renewables seminar on 28 October 2010 prior to the marine and fisheries seminar.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

24. 21ST CENTURY WELFARE

A report advising of a consultation issued by the Department for Work and Pensions was considered. The consultation, which closes on 1 October 2010, takes many of the proposals set out in the Centre for Social Justice report entitled "Dynamic Benefits" and sets these out as a root and branch review of the whole benefits system.

Decision

Agreed that the draft response to the Consultation prepared by the Head of Customer and Support Services should be circulated to all Members for discussion with their Group Leaders by Monday 27 September 2010 and that Group Leaders should feed their Group's comments back to the Leader of the Council by Wednesday 29 September 2010 to enable the finalised response to be submitted to the Scottish Government on time.

(Reference: Report by Executive Director – Customer Services dated 13 September 2010, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 4 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 9; 9; 9; and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

25. SALE OF LAND AT TIGNABRUAICH

The Executive considered a recommendation from the Bute and Cowal Area Committee to sell a strip of ground at Tighnabraich to Kilfinan Community Forest Company.

Decision

Agreed to instruct the Head of Governance and Law to conclude the sale of a strip of land to Kilfinan Community Forest Company for the purpose of constructing a footpath from Acharossan Forest to School Road, Tighnabraich as detailed in the Executive Director's report.

(Reference: Extract from Minutes of Bute and Cowal Area Committee 3 August 2010 and Report by Executive Director – Customer Services dated 7 July 2010, submitted)

26. PROPOSED LEASE ASSIGNATION, 32 UNION STREET, DUNOON

The Executive considered a recommendation from the Bute and Cowal Area Committee on the proposed lease assignation of 32 Union Street, Dunoon to the Argyll and Sutherland Highlanders Regimental Association.

Decision

Agreed to the assignation of the Dunoon Combined Services Trust's lease of ground at Union Street, Dunoon to the Argyll and Sutherland Highlanders Regimental Association.

(Reference: Extract from Minutes of Bute and Cowal Area Committee 3 August 2010 and Report by Executive Director – Customer Services dated 16 July 2010)

27. APPIN COMMUNITY SPORTS AND LEISURE ASSOCIATION

The Executive considered a recommendation from the Oban, Lorn and the Isles Area Committee regarding a proposal to develop an all weather sports court at ground adjacent to the Strath of Appin Primary School.

Decision

Agreed to support the proposal by Appin Community Sports and Leisure Association to develop an all weather sports court on ground adjacent to Strath of Appin Primary School and instructed the Executive Director – Customer Services to negotiate and conclude suitable terms and conditions with the Association.

(Reference: Extract from Minutes of Oban, Lorn and the Isles Area Committee of 11 August 2010 and Report by Executive Director – Customer Services dated 11 August 2010, submitted)

28. HELENSBURGH - PROPOSED AQUISITION OF PROPERTY

The Executive considered a proposal to seek to purchase an area of land on Helensburgh waterfront.

Decision

Agreed to the recommendations detailed in the Executive Director's report.

(Councillor Dance, having moved an amendment which failed to find a seconder required her dissent from the decision to be recorded.)

(Reference: Report by Executive Director – Development Services dated 23 September 2010, tabled)