



# COMHAIRLE NAN EILEAN SIAR

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Minute of Meeting held via Microsoft Teams on  
Wednesday 3 February 2021 at 5.00pm.

### PRESENT

Mr Norman A MacDonald (Convener)	
Mr Roddie Mackay (Leader)	
Mr Calum Macmillan	Mr Finlay Stewart
Mr Iain A MacNeil	Mr Keith Dodson
Mr Donald Manford	Mr Rae Mackenzie
Mr Paul Steele	Mr Angus McCormack
Mr Roddy Mackay	Mr Charlie Nicolson
Mr Iain M Macleod	Mr Iain M Macaulay
Mr Uisdean Robertson	Mr Neil Mackay
Mr Paul Finnegan	Mr Gordon Murray
Mr Grant Fulton	Mr Donald Crichton
Mr John Mitchell	Mr Calum Maclean
Mr Ranald Fraser	Mr John Mackay
Mr Angus Morrison	Mr John N Macleod
Mr Norman MacDonald	Mr Kenneth Macleod
Mr Alasdair Macleod	Mr Kenny John Macleod

### APOLOGIES

Mr John A Maciver

### OFFICERS IN ATTENDANCE

Mr Malcolm Burr	Mrs Susan Rabe
Mr Robert Emmott	Mrs Mairi Maciver
Mr Derek Mackay	Ms Anne Napier
Mr William MacDonald	Mr Nigel Scott
Mr Calum Iain Maciver	Mr Colin George Morrison
Mr Joe Maphee	Mrs Marina Macaulay
Mr Allan MacDonald	
Mr David Gibson	
Mrs Morag Ferguson	

Tribute: Mr Alick  
Matheson

The Convener, on behalf of the Comhairle, paid tribute to Alick Angus Matheson, an employee in the Comhairle's Multimedia Unit, who had sadly passed away on 30 January 2021.

The Convener stated that Alick started working in the Multimedia Unit of the Comhairle in 2004. He was a hardworking, diligent member of the team who not only undertook work for the Education Department but the Comhairle as a whole. A talented artist and photographer, he took great pride in his work and his legacy will endure in the many projects he was part of. His award-winning project "Òrain na Cloinne Bige" will be enjoyed by the younger generations for many years to come. He was a skilled graphic designer and great all-round member of the team. His experience, expertise and friendship will be sorely missed by his colleagues in the Unit and Comhairle.

During the recent lockdowns he worked tirelessly to ensure educational materials and videos were available for school pupils learning at home and for the benefit of the whole community in the Western Isles.

The Convener, on behalf of the Comhairle, extended sympathies to his parents Bella Mary and Roderick Matheson, Back, at this sad time.

Tribute: Mr DK  
Macleod

On behalf of the Comhairle, the Convener paid tribute to Mr D K Macleod, who had passed away on Sunday 31 January 2021. The Convener stated that DK had taught Geography at Lews Castle College/School before joining the Council's Education Department. Following his time as Director of Further Education, he returned to Lews Castle in 1985. As Depute Principal at the College he managed the building of the premises in both Benbecula and Barra and was instrumental in the location of the first video conferencing learning units in rural areas. He was also heavily involved in the project management of the new Stornoway Campus. This was a period that saw a large increase in the curriculum offer at the College and the number of staff and students there. He retired in 2004.

On behalf of the Comhairle, the Convener extended sympathies to Mr Macleod's family at this sad time.

Tribute: Mr  
Kenneth Mackay,  
MBE

On behalf of the Comhairle, the Convener paid tribute to Mr Kenneth Mackay, who was recently awarded an MBE in the New Year's Honours, for services to the community of Rhenigidale in Harris.

The Convener, on behalf of the Comhairle, congratulated Mr Mackay on this richly deserved award.

Tribute: Mr  
Kenneth  
Macdonald, MBE

On behalf of the Comhairle, the Convener paid tribute to Mr Kenneth Macdonald, who was recently awarded an MBE in the New Year's Honours, for voluntary service to dentistry and dental training abroad.

The Convener, on behalf of the Comhairle, thanked Mr Macdonald for his dedicated voluntary service to dental provision and congratulated him on this award.

Tribute: Mr Fergie  
Macdonald, MBE

On behalf of the Comhairle, the Convener paid tribute to Mr Fergie Macdonald, who was awarded an MBE in the New Year's Honours list, for services to Scottish Traditional Music.

The Convener, on behalf of the Comhairle, congratulated Mr Macdonald on this award.

Prayer

The Meeting was preceded in prayer by Mr Donald Crichton.

## MINUTES

Minute of Meeting of Comhairle nan Eilean Siar of:  
(a) 9 December 2020  
(b) 26 January 2021

1 The Minutes of Meetings of 9 December 2020 and 26 January 2021 were approved.

Declaration of Interest

2 Mr Donald Crichton, Mr Charlie Nicolson and Mr Calum Maclean declared an interest in item 4, as Members of The Stornoway Trust, and left the meeting during consideration of the matter.

Mr Roddie Mackay declared an in interest in item 4, as his son was an employee of a firm connected with the Application, and left the meeting during consideration of the mater.

## QUESTIONS

Written Questions to the Convener and Chairmen of Committees 3

Cllr John N Macleod submitted the following written question:

Question:

Does the Convener share mine and the concerns of other members of the sparse representation at a political level at Comhairle Nan Eilean Siar to the Scottish Parliaments cross party group on crofting during this term?

The Convener responded as follows:

Representation at Officer level has continued to be fairly regular throughout this parliamentary session however attendance in person was scaled back over the last two years due to the cuts in travel budgets.

Other representation on Scottish Government crofting related bodies has taken place with the Chair of Sustainable Development Committee participating in the Crofting Stakeholder Group and officers participating in the Crofting Bill Group. Both those groups are currently in abeyance but are likely to be resurrected in the new parliamentary session, if there is a commitment to continue with proposed crofting reform legislation. Due to Brexit there was no time to complete legislation in the current Parliamentary session and the Bill Team in Scottish Government was dis-banded for the time being.

The Chief Executive attended the last meeting of the Cross Party Group on 26 January 2021 to contribute to the discussion on the issue of Croft assets in relation to financial assessment for care charges.

The following written questions were submitted by Councillor Calum Maclean:

Question:

When 8 Members request a Special Meeting why is it the case that this written request, worded as a Motion, is then termed as an "Amendment" for this Special Meeting?

The Convener responded, as follows:

When a request for a special meeting is submitted the relevant officer will produce a Report in respect of the subject matter of the request. Standing Order 39 provides that the recommendations contained in a Report shall be taken as the motion, provided that these recommendations are moved and seconded.

Question:

When this Amendment and signed by the requisite number of Members is submitted a Special Meeting has to be called within 14 days. Why is this written "Amendment" not distributed to ALL Members so that these Members can have sight of the wording before and during debate?

The Convener responded, as follows:

Amendments are circulated following agreement with the proposer and seconder. Members may also circulate their amendment directly.

Question:

Who is responsible for determining that the "Amendment" wording is competent?

The Convener responded, as follows:

This is detailed in Standing Order 13. The Chair will decide on all matters of order, points of order, competence and relevance arising at Comhairle, committee or sub-committee meetings. The Chair's decision is final on all matters. The Chair takes advice from the Chief Executive and the Governance and Elections Manager.

Question:

When the competency of the "Amendment" is challenged, is notice given to ALL those who signed the request for the Special Meeting?

The Convener responded, as follows:

The competency of an amendment is always for the Chair to determine and their decision is final. Members are asked to discuss amendments with officers in advance so that matters of competency can be addressed.

Question:

How much notice prior to the meeting, is provided when the competency of the wording is challenged?

The Convener responded, as follows:

The final ruling in respect of competency is given by the Chair at the meeting. The Chair's decision is final. Members are asked to discuss amendments with officers in advance so that matters of competency can be addressed.

Question:

After an Amendment is deemed incompetent is there sufficient notice given to enable the agreement of a competent revised wording for the Amendment?

The Convener responded, as follows:

The final ruling in respect of competency is given by the Chair at the meeting. The Chair's decision is final. Members are asked to discuss amendments with officers in advance so that matters of competency can be addressed.

As a general point, the Convener indicated that the above questions related to governance matters and are covered in the Standing Orders. He stated that it was incumbent on Elected Members to familiarise themselves with the Standing Orders as they regulated how the Comhairle's decision-making structure operated. The Convener further stated that clarification on specific aspects of the Standing Orders could be sought from the Democratic Services Team.

## PLANNING APPLICATIONS

Section 36 4  
Application:  
Stornoway Wind  
Farm

The Head of Economic and Development submitted a Report which sought to determine the Comhairle's view as '*principal consultee*' in respect of an application for consent under Section 36 of the 1989 Electricity Act, following consultation on an Environmental Impact Assessment (EIA) Report, submitted in April 2019 to the Scottish Ministers regarding plans for Stornoway Wind Farm. The application also sought deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

The application submitted to Scottish Ministers, on behalf of Lewis Wind Power Limited (LWP), comprised up to thirty-five wind turbines with a proposed installed capacity of 196MW, plus associated infrastructure. The application was supported by an Environmental Impact Assessment (EIA) Report, as amended by Additional Information, which was used to assist consultees in formulating their responses and by Scottish Ministers to inform the determination of the application.

The Report summarised the comments received on the application, provided an assessment of the likely effects of the proposal in relation to a number of issues, having regard to the EIA Report (as amended) and the consultation responses received, and offered a conclusion and recommended view to be submitted to Scottish Ministers.

**It was agreed that:**

- (a) **the views as set out at paragraph 14.2 of the Report be submitted to Scottish Ministers;**

- (b) the Head of Economic Development and Planning be authorised to further engage with the Scottish Government Energy Consents Unit, the Developer and Statutory Consultees regarding issues raised and, where appropriate, any draft planning conditions/obligations;
- (c) the Head of Economic Development and Planning be authorised to agree a set of planning conditions with the Scottish Government should Ministers be minded to approve the application;
- (d) the Chief Executive be authorised to complete a Planning Obligation with Lewis Wind Power and other relevant land interests; and
- (e) the Comhairle inform Scottish Ministers that there is no public interest in holding a Public Local Inquiry for the Stornoway Wind Farm application.

#### APPOINTMENTS

Appointment to 5  
Vacancies

The Chief Executive submitted a Report which sought to appoint Members to vacancies on Hebridean Housing Partnership, Northton Heritage Trust, Hebrides Ferry Users Group (Barra, the Uists, Lewis and Harris), Western Isles Integration Joint Board and Western Isles Licensing Board following the resignation of Cllr Paul Finnegan.

In relation to the vacancy on Hebridean Housing Partnership, the following members were duly proposed and seconded:

Mr Grant Fulton  
Mr John N Macleod

The Comhairle proceeded to vote by roll call, the result of which was as follows:

Mr Grant Fulton	8
Mr John N Macleod	21

**It was therefore agreed that Mr John N Macleod be appointed as the Comhairle's representative on Hebridean Housing Partnership.**

**It was agreed to appoint the following Members to the vacancies, as follows:**

**Northton Heritage Trust – Mr Grant Fulton  
Hebrides Ferry Users Group – Mr Grant Fulton  
Western Isles Licensing Board – Mr Calum Macmillan; and  
In relation to the vacancy on the Western Isles Integration Joint Board (substitute Member) it was agreed not to appoint to the vacancy at this time and that this matter be considered further at the next meeting of the Comhairle.**

#### COMMITTEES

Committee 6  
Decision Reports

**The Committee Decision Reports were approved, unless indicated below:**

- (a) Communities and Housing Committee: 26 January 2021

Mr Iain A Macneil declared an interest in the following item, as he was a carer, and remained in the meeting during consideration of the matter.

(b) Education, Sport and Children’s Services Committee – 26 January 2021

Mr Paul Steele, seconded by Mr Paul Finnegan, moved approval of the Education, Sports and Children’s Services Committee Decision Report of 26 January 2021

Mr Gordon Murray, seconded by Mr Rae Mackenzie, moved the following amendment in respect of item 4 of the Education, Sports and Children’s Services Committee Decision Report of 26 January 2021:

“that the Comhairle refer the Respite Policy back to Education, Sport and Children’s Services Committee to allow consideration of the eligibility criteria, the inclusion of an appeals mechanism and other amendments suggested by Elected Members.”

The Comhairle then proceeded to debate the motion against the amendment.

The vote was taken by roll call as follows:

MOTION	AMENDMENT
Mr Norman A MacDonald	Mr Calum Macmillan
Mr Roddie Mackay	Mr Grant Fulton
Mr Paul Steele	Mr John Mitchell
Mr Roddy Mackay	Mr Ranald Fraser
Mr Iain M Macleod	Mr Rae Mackenzie
Mr Uisdean Robertson	Mr Iain M Macaulay
Mr Paul Finnegan	Mr Neil Mackay
Mr Angus Morrison	Mr Gordon Murray
Mr Norman MacDonald	Mr Calum Maclean
Mr Alasdair Macleod	Mr John N Macleod
Mr Finlay Stewart	Mr Kenneth Macleod
Mr Keith Dodson	
Mr Charlie Nicolson	
Mr Donald Crichton	
Mr John Mackay	
Mr Kenny John Macleod	

The Motion, having received the majority of the votes cast, became the finding of the meeting.

(c) Transportation and Infrastructure Committee – 27 January 2021

(d) Sustainable Development Committee – 27 January 2021

(e) Audit and Scrutiny Committee – 2 February 2021

(f) Policy and Resources Committee – 3 February 2021

Mr Gordon Murray raised as a point of order that the Decision Reports had not been ruled as matters of urgency and had not been circulated to Members with three clear days notice.

The Convener indicated that the Chief Executive would respond to Mr Murray and all Members in respect of the point of order.