



COMHAIRLE NAN EILEAN SIAR

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Minute of Meeting held in the Council Chamber,
Council Offices, Stornoway on Wednesday 4
December 2024 at 2.00pm

PRESENT

Mr Kenneth Macleod (Convener)	Mr John N Macleod
Mr Paul Steele (Leader)	Mr Donald Macsween
Mr Duncan MacInnes MBE (Depute Leader)	Mr Donald F Crichton
Mr Kenneth J Maclean	Mr Calum Maclean
Mr Iain A MacNeil	Mr Iain M Macaulay
Mr Iain M Macleod	Mr Malcolm K Macdonald
Ms Susan Thomson	Mr Gordon Murray
Mr Mustapha Hocine	Mr Rae Mackenzie
Mr Uisdean Robertson	Mr Angus McCormack
Mr Paul Finnegan	Dr Frances Murray
Mr Kenneth M Macleod	Mr George Murray
Mr Robert Mackenzie	Mr Norrie Macdonald
Mr Angus Morrison	Mr Finlay M Stewart
Mr Norman Macdonald	

APOLOGIES

Mr Ranald Fraser
Mr John A Maciver

OFFICERS IN ATTENDANCE

Mr Tim Langley	Mrs Anne Murray
Mr Derek Mackay	Ms Anne Napier
Mr Norman Macdonald	Mrs Helen Macdonald
Mr Donald A Macleod	Mr Calum Mackenzie
Mr Sandy Gomez	Mr James Mackinnon
Mrs Morag Ferguson	Mrs Marina Macaulay

Prayer

The Meeting was preceded in prayer by Mr Duncan MacInnes MBE.

Tribute: Alex
Salmond

The Convener, on behalf of the Comhairle, paid tribute to Alex Salmond, First Minister of Scotland between 2007 and 2014, former Leader of the Scottish National Party and Leader of the Alba Party, who passed away on 12 October 2024, age 68.

The Convener, on behalf of the Comhairle, extended deepest sympathies to Mr Salmond's wife, Moira, and the extended family and all those who knew Mr Salmond.

Tribute: Nigel Scott

The Convener, on behalf of the Comhairle, paid tribute to Nigel Scott, Senior Policy Advisor and Communications Officer for many years, who passed away on 15 November 2024, following a short illness. Nigel had worked for the Comhairle since 1995 and was a great support to both officers and members over these years and was a huge asset to the Comhairle, especially in challenging times.

The Convener, on behalf of the Comhairle, extended sincere sympathies to Mr Scott's wife, children and brother.

- Tribute: Donnie Macleod
The Convener, on behalf of the Comhairle, paid tribute to former Councillor, Donnie Leody Macleod, who passed away on 23 November 2024, age 95. Mr Macleod served as a Member for the Laxdale Ward, serving in the first ever Comhairle, between 1974 – 1978.
- The Convener, on behalf of the Comhairle, extended sincere sympathies to Mr MacLeod’s family and friends.
- Tribute: Ken Macaulay
The Convener, on behalf of the Comhairle, paid tribute to former rugby player, Ken Macaulay, from Great Bernera, who passed away on 27 October 2024, age 66. Ken had a long career, starting in his school days and then playing for Morley RUFC, Gala Rugby, Heriots and North Berwick and he also made an appearance for the Scotland Rugby Team in 1980.
- The Convener, on behalf of the Comhairle, extended sincere sympathies to Mr Macaulay’s family and friends.
- Tribute: Betty McAtear
The Convener, on behalf of the Comhairle, paid tribute to Mrs Betty McAtear from Barra on her retirement after 26 years of service as Deputy Lieutenant, the last seven of which she served as Vice-Lord Lieutenant.
- The Convener, on behalf of the Comhairle, extended best wishes to Mrs McAtear.
- Tribute: Annie Macsween
The Convener, on behalf of the Comhairle, paid tribute to Mrs Annie MacSween, MBE, from Ness who had retired after 13 years of service as Deputy Lieutenant.
- The Convener, on behalf of the Comhairle, extended best wishes to Mrs Macsween.
- Tribute: Stornoway Search and Rescue Crew
The Convener, on behalf of the Comhairle, extended congratulations to Stornoway’s Bristow’s Helicopter’s Search and Rescue Crew who had been awarded the Brave@Heart Award from the Scottish Government, which recognised the Team’s professionalism and bravery in responding to a complex and difficult rescue, which had seen them save the lives of two severely injured fishermen. The Convener also congratulated Mr Norman Macleod, Winch Paramedic, who was the winner of the St Andrew’s Award for his role in the rescue and congratulated Mr Macleod on this Award.
- Tribute: Highlands and Islands Thistle Awards 2024
The Convener, on behalf of the Comhairle, congratulated all those involved in the Eilean Dorcha Festival which had won the Outstanding Cultural Event at the Highlands and Islands Thistle Awards 2024.
- Tribute: Scottish Youth Film Festival
The Convener, on behalf of the Comhairle, congratulated Sgoil Lionacleit, who were winners of the Best Film Award in the 13-18 age group Documentary Category at the recent Scottish Youth Film Festival (SYFF) Awards.
- Tribute: Caroline Trezise (nee Peteranna)
The Convener, on behalf of the Comhairle, congratulated Caroline Trezise (nee Peteranna) from South Uist who had been recognised with a prestigious national UK award, the Gary Logue Colorectal Cancer Nurse Award for her work in developing the new all-Wales colorectal peritoneal metastases service over the past years.
- Tribute: Royal National Mod
The Convener, on behalf of the Comhairle, congratulated all the competitors including a large number of Schools taking part in the choral competitions as well as the individual competition. The Convener paid particular tribute to Seumas Macrae and Aimee Macleod, from The Nicolson Institute, who had both won first place in the Solo Singing Open Competition for 16-18 year olds
- Tribute: North Uist Distillery
The Convener, on behalf of the Comhairle, congratulated North Uist Distillery, who had been named Scottish Gin Distillery of the Year at the Scottish Gin Awards for the third year running. The North Uist Distillery had also received numerous other awards at the Highlands and Islands Food and Drink Awards.

Tribute: Highlands & Islands Food and Drink Awards

The Convener, on behalf of the Comhairle, congratulated Harris based restaurant, Flavour, which had won Restaurant of the Year 2024 at the Highlands and Islands Food and Drink Awards, North Uist Distillery who were awarded Best Drink Award for its Downpour Dry Scottish, Lochmaddy Bay Prawns 2Go and Cuan, Lochmaddy, who were both highly commended in the Best Street Food category.

Tribute: Scottish Whisky Awards

The Convener, on behalf of the Comhairle, congratulated the Isle of Harris Distillery, which had won the Scottish Whisky Distillery of the Year Award for 2024 at the recent Scottish Whisky Awards. The Distillery had also received awards for Newcomer of the Year and Product Launch for their single malt, The Hearach.

Tribute: Mr David Macleod

The Convener referred to Mr David Macleod, Head of Municipal Services, who had retired on Wednesday 27th November 2024 after working for the Comhairle since November 1984 when he started as a School Laboratory Technician. David held posts of Recycling Officer and Senior Recycling and Community Officer before becoming Head of Municipal Services in April 2014.

The Convener, on behalf of the Comhairle, wished Mr Macleod all the best for his retirement.

Tribute: Mrs Belle Anne Scott

The Convener referred to Belle Anne Scott, Members' Support Officer, who was retiring in January 2025. Belle Anne had worked for the Comhairle since 1998 and had held the post of Members' Support Officer since 2011.

The Convener, on behalf of the Comhairle, wished Mrs Scott all the best for her retirement.

The Convener ruled item 11 as urgent to allow the matter to be considered before the next meeting of the Comhairle.

MINUTES

Minute of Meeting of 2 October 2024 1 The Minute of Meeting of 2 October 2024 was **approved**.

Minute of Meeting of Community Safety Board of 20 November 2024 2 The Minute of Meeting of the Community Safety Board of 20 November 2024 was **approved**.

Minute of Meeting of Social Work and Social Care Board of 25 November 2024 3 The Minute of Meeting of the Social Work and Social Care Board of 25 November 2024 was **approved**.

Declaration of Interest 4 Mr Donald Crichton and Mr Calum Maclean declared an interest in Item 6, as Members of The Stornoway Trust and left the meeting during consideration of the item.

Mr Angus McCormack declared an interest in item 7, as Honorary President of Point and Sandwick Power, and left the meeting during consideration of the item.

QUESTIONS

Written Questions to the Convener and Chairmen of Committees 5 The following written question, to the Convener, was submitted by Mr John N Macleod:

Would the Convener agree that the Comhairle should allow at least one free night per week for school lets for local children?

The Convener responded as follows:

The Comhairle already provide at least one free community let night per week for school buildings, so I assume you are referring to School pitches. Pitch lets are determined by the adopted policy of the Comhairle which is consistently applied. Should the Comhairle wish to change that policy it would require to be considered as part of the 2025-26 budget setting process to identify equivalent savings and equality impact assessments may be required in terms of providing different arrangements for different types of groups.

The following written question, to the Convener, was submitted by Mr Gordon Murray.

At the full council meeting held on 2nd October 2024, in responding to a question, the chief executive indicated that convenors had always been content to rule reports from service committees and the policy and resources committee associated with the budget setting process as urgent items.

Whilst convenor, you did rule that reports from committees giving recommendations at its meeting on 22nd February 2023 and 20th February 2024 were urgent, if you look at the minutes of the council meetings on 22nd February 2022 , 23rd February 2021, 27th February 2020, 20th February 2019, you will see that the reports from committees concerning the budget for the relevant committees were not ruled as urgent by the then convenor.

My question is a simple one, the council has not met the requirements of the council's standing order 7 part 10 which states:

"If three clear days' notice is not given for an item, it may be considered at the meeting, if the Chair of the meeting rules that there are special reasons why it is a matter of urgency. The Chair must give those reasons. This item must be made known at the start of the meeting, before the minutes of the previous meeting are approved"

Nor met the requirements in Section 50(b) of the Local Government Scotland Act (as amended),

And as its failed to comply with the law at the meetings I referred to earlier, can the council's decision on the budget for the relevant financial years be lawful?

The Convener responded as follows:

The time to raise matters of process and procedure are at the meeting itself or, at the latest, at the time its Minute or Decision Report is presented to Council for approval as to accuracy.

The point of the requirement for three clear days' notice, unless there are exceptional circumstances, is to give Elected Members and members of the public notice of what is to be considered at Council meetings. The following points are relevant:

- notice that the Comhairle will consider the Decision Reports from Services Committees and Policy and Resources Committee is on the agenda for the Full Council, for which there is at least three clear days' notice;
- it is clear that the Decision Reports record the decisions/ recommendations of these Committees;
- Decision Reports are available to the public at the same time as they are made available to elected members;
- the agenda and the Reports on which these decisions are based have been available for at least three clear days.

Cllr Gordon Murray asked the following supplementary question, to the Convener.

What steps are you going to take to address the situation taking into account the Chief Executive's own advice on 2nd October 2024 that items had to be ruled as urgent?

The Convener indicated that he would respond to Cllr Murray with an answer to his supplementary question following the meeting.

PLANNING

23/00380 – Land at Eishken, Lochs, Isle of Lewis – Application under Section 36 of the Electricity Act 1989

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The Chief Executive submitted a Report in respect of a planning application for consent under Section 36 of the 1989 Electricity Act, following consultation on an Environmental Impact Assessment Report, submitted on 22 August 2023 to Scottish Ministers, regarding plans for Uisenis Wind Farm. The application also sought deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

It was agreed that:

- (1) the views as set out at Section 15 of the Report be submitted to the Scottish Ministers;
- (2) the Chief Executive 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/legal obligations;
- (3) the Chief Executive be authorised to agree a set of planning conditions with the Scottish Government should Ministers be minded to approve the application;
- (4) the Chief Executive be authorised to complete a Section 75 planning obligation with Uisenis Power Limited and other relevant land interests; and
- (5) the Chief Executive be authorised to complete a legal obligation under the Local Government (Scotland) Act 1973 with Uisenis Power Limited and other relevant interests.

24/00155/PPDM – Battery Point Energy Storage Park, Newton Street, Stornoway, Isle of Lewis

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The Chief Executive submitted a Report in respect of a planning application for the installation of a 25MW 'Grid connected' Battery Energy Storage (BESS) facility, consisting of six banks of battery units, inverters, transformers and a substation; and an associated welfare unit and storage container. The Report stated that the application was classed as a 'Major development' under the Town and County Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (the Hierarchy Regulations) and could not therefore be determined under delegation in accordance with the Scheme of Delegation and had been referred to the Planning Applications Board for a decision. The Minute of the Meeting of the Planning Applications Board was appended to the Report.

Cllr George Murray, seconded by Cllr Iain M Macaulay, move that the application be approved subject to the conditions set out in Appendix 1 to the Report.

Cllr Rae Mackenzie, seconded by Cllr Gordon Murray, moved the following amendment:

That the application be refused on the basis of potential Health and Safety implications of the proposed BESS facility on nearby housing, the HM Coastguard Station and the causeway to a number of marine, industrial and processing uses on Goat Island.

As the Regulatory Framework for BESS is still developing and as the overall regulatory picture remains unclear, the legitimate public concern over the

potential fire risks arising from the location and siting of this development is a material planning consideration of such weight that the application should be refused.

The Comhairle then proceeded to vote on the matter.

The vote was taken by roll call as follows:

MOTION

Mr Kenneth M Macleod
Mr Paul Steele
Mr Duncan MacInnes MBE
Mr Kenneth J Maclean
Mr Iain A MacNeil
Mr Iain M Macleod
Ms Susan Thomson
Mr Uisdean Robertson
Mr Paul Finnegan
Mr Kenneth M Macleod
Mr Robert Mackenzie
Mr Angus Morrison
Mr Norman Macdonald
Mr Donald F Crichton
Mr Iain M Macaulay
Mr Malcolm K Macdonald
Mr George Murray
Mr Norrie Macdonald

AMENDMENT

Mr Calum Maclean
Mr Gordon Murray
Mr Rae Macenzie
Dr Frances Murray

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

COMMITTEES

Committee
Decision Reports

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The following Committee Decision Reports were approved:

- (a) Education, Sport and Children’s Services Committee – 26 November 2024
- (b) Sustainable Development Committee – 26 November 2024
- (c) Transportation and Infrastructure Committee – 27 November 2024
- (d) Policy and Resources Committee – 27 November 2024
- (e) Audit and Scrutiny Committee – 28 November 2024

NOTICE OF MOTION

Submitted by Cllr
Frances Murray,
seconded by Cllr
Susan Thomson

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The following Notice of Motion was submitted by Dr Frances Murray, seconded by Cllr Susan Thomson:

That the Comhairle believes the UK Government should fully reimburse the over £500m added costs of employer National Insurance contributions to the public and third sectors in Scotland as a result of the UK Autumn Statement, and that this should include full funding for Comhairle nan Eilean Siar and every Scottish local authority; and recognises that if the Chancellor does not fully reimburse these costs this will have a detrimental impact on the services the people of Scotland rely on, including here in Comhairle nan Eilean Siar.

The Comhairle approved the Notice of Motion.

Submitted by Cllr 10
Gordon Murray,
seconded by Cllr
Calum Maclean

The following Notice of Motion was submitted by Cllr Gordon Murray, seconded by Cllr Calum Maclean:

That the council having taken full account of the petition signed by approximately 2,000 people regarding the opening of Tesco's store in Stornoway on the Lord's Day and also having taken into account the views of the Stornoway Community Council on the Lord's Day opening of the Tesco store as well as recognising the strength of feeling expressed at the well-attended meeting in the Stornoway Town Hall on the 8th November on the question of the opening of Tesco on the Lord's Day, fully endorses and supports the views set out in the petition, the decision of the Stornoway Community council and the unanimous opposition to Tesco opening at the public meeting held in the town hall and recognises the division in the community caused by the decision by Tesco to open on the Lord's Day.

The following Amendment to the Notice of Motion was submitted by Cllr Kenneth M Macleod, seconded by Cllr Duncan MacInnes MBE:

The Comhairle:

- (1) notes with regret the decision taken by the management of Tesco to open its premises in Stornoway on Sundays and notes the strong feeling of many in the Lewis and Harris community against that decision;
- (2) notes that Tesco engaged in no consultation on the proposal other than with its own employees;
- (3) notes with regret the division which follows unrequested changes of this nature; and
- (4) calls on Tesco to reconsider its decision.

Cllr Gordon Murray and Cllr Calum Maclean indicated that they were happy to accept the Amendment to the Notice of Motion, which became the finding of the meeting.

URGENT ITEM

Outturn Report 11
2023/24

With reference to item 11 of the Minute of Meeting of the Policy and Resources Committee of 14 June 2023 the Chief Financial Officer submitted a Report which detailed the Comhairle's revenue outturn for 2023/24 and sought approval for the departmental carry forwards. A summary of the outturn, which showed an indicative unaudited deficit of £3.7m was provided in the Appendix A to the Report. The proposed departmental carry forwards were detailed in Appendix C to the Report.

It was agreed that:

- (1) the financial performance for the year ended 31 March 2024 be noted;**
- (2) the carry forward of budgets as detailed in Appendix C to the Report be approved;**
- (3) the specific carry forward for the Chief Executive's Departments as detailed in Appendix C to the Report be approved;**
- (4) the specific carry forward for Education, Skills and Children's Services as detailed in Appendix C to the Report be approved;**
- (5) the Education, Skills and Children's Services carry forward as detailed in paragraph 7.19 of the Report be approved;**

- (6) the Economic Community Regeneration (former Depute Chief Executive) specific carry forward as detailed in Appendix C to the Report be approved; and**
- (7) the Strategic Finance specific carry forward as detailed in paragraph 7.38 of the Report be approved.**